

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rehwinkel Vasilinda offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 39 and 40, insert:

5 Section 1. (1) The Legislature finds that there is a need  
6 for a funding mechanism to support and finance a comprehensive  
7 energy policy, especially as it relates to sustainable and  
8 renewable energy, energy conservation, and energy efficiencies.  
9 With such a stable funding mechanism, this state will realize  
10 important long-term goals, including:

11 (a) Increased independence from foreign oil;

12 (b) Ensuring an adequate and reliable energy supply;

13 (c) The promotion of economic growth and new investment in  
14 the creation of high-paying jobs;

15 (d) The mitigation of adverse environmental impacts and  
16 the promotion of stewardship of the environment;

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17 (e) Leading the nation in energy conservation and energy  
18 efficiencies through needed support for implementing and  
19 marketing the products of renewable energy research and  
20 innovation; and

21 (f) Contributing to a sustainable and renewable energy  
22 policy for the state.

23 (2) As used in this section, the term:

24 (a) "Direct-support organization" means an organization  
25 that is:

26 1. A Florida corporation, not for profit, incorporated  
27 under chapter 617, Florida Statutes, and approved by the  
28 Department of State;

29 2. Organized and operated exclusively to obtain funds; to  
30 request and receive grants, gifts, and bequests of moneys; to  
31 acquire, receive, hold, invest, and administer in its own name  
32 securities, funds, or property; and to make expenditures to  
33 support the achievement of the goals stated under subsection (1)  
34 and to increase public awareness of and support for the  
35 Sustainable and Renewable Energy Trust Fund; and

36 3. Determined by the office to be operating in a manner  
37 consistent with the goals stated under subsection (1).

38 (b) "Electric utility" means any municipal electric  
39 utility, investor-owned electric utility, or rural electric  
40 cooperative that owns, maintains, or operates an electric  
41 generation, transmission, or distribution system within the  
42 state.

43 (c) "Energy conservation" and "energy efficiencies" mean  
44 any activity that facilitates and promotes the use of cost-

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45 effective energy conservation, energy-demand management, and  
46 renewable energy technologies.

47 (d) "Office" means the Florida Energy Office.

48 (e) "Renewable energy" means solar photovoltaic energy,  
49 solar thermal energy, geothermal energy, ocean thermal energy,  
50 wave or tidal energy, wind, fuel cells, landfill gas, hydrogen  
51 production and hydrogen conversion technologies, low-emission  
52 advanced biomass conversion technologies, alternative fuels used  
53 for electricity generation, including ethanol, biodiesel, or  
54 other fuel produced in this state and derived from agricultural  
55 produce, algae, food waste, or waste vegetable oil, usable  
56 electricity from combined heat and power systems that have waste  
57 heat recovery systems, thermal storage systems, and other energy  
58 resources and emerging technologies that have significant  
59 potential for commercialization and that do not involve the  
60 combustion of coal, petroleum or petroleum products, or nuclear  
61 fission.

62 (3) Beginning January 1, 2011, each electric utility shall  
63 collect from each residential, commercial, and industrial  
64 electric utility customer a monthly charge of 25 cents as a  
65 systems benefits charge. The electric utilities shall deposit  
66 the collected funds into the Sustainable and Renewable Energy  
67 Policy Trust Fund.

68 (4) (a) The Florida Energy Office shall establish a direct-  
69 support organization to provide assistance, funding, and support  
70 for the office in carrying out its mission. This section governs  
71 the creation, use, powers, and duties of the direct-support  
72 organization.

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73       (b) The direct-support organization shall be governed by a  
74 board of directors. The board of directors shall consist of nine  
75 members, as follows:

76       1. The chair of the Florida Public Service Commission, or  
77 his or her designee.

78       2. The Secretary of Environmental Protection, or his or  
79 her designee.

80       3. Two members appointed by the Governor, both of whom are  
81 residential electric utility customers and one of whom has  
82 experience relating to low-income housing concerns.

83       4. Two members appointed by the President of the Senate,  
84 both of whom are members of the Senate and one of whom is a  
85 member of the minority party.

86       5. Two members appointed by the Speaker of the House of  
87 Representatives, both of whom are members of the House of  
88 Representatives and one of whom is a member of the minority  
89 party.

90       6. One member appointed by the Chief Financial Officer who  
91 has experience related to renewable energy business or  
92 commercial investments.

93       (c) The term of office of the board members shall be 3  
94 years, except those members of the Senate and the House of  
95 Representatives, who shall serve 2-year terms concurrent with  
96 the 2-year elected terms of House members. The terms of the  
97 initial appointees, except those members of the Senate and the  
98 House of Representatives, shall be for 1 year, 2 years, or 3  
99 years in order to achieve staggered terms. A member may be  
100 reappointed when his or her term expires. The head of the office

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101 or his or her designee shall serve as an ex officio member of  
102 the board of directors.

103 (d) Members must be residents of this state. A majority of  
104 the members must be actively involved with sustainable and  
105 renewable energy systems and highly knowledgeable about the  
106 office, its research, and its mission. A member may be removed  
107 by the Governor, the President of the Senate, the Speaker of the  
108 House of Representatives, or the Chief Financial Officer for  
109 cause and with the approval of a majority of the members of the  
110 board of directors. A vacancy shall be filled in the same manner  
111 as the initial appointment.

112 (e) The direct-support organization shall operate under a  
113 written contract with the office. The written contract must  
114 provide for:

115 1. Certification by the office that the direct-support  
116 organization is complying with the terms of the contract and is  
117 doing so consistent with the goals and purposes of the  
118 department and in the best interests of the state. This  
119 certification must be made annually and reported in the official  
120 minutes of a meeting of the direct-support organization.

121 2. The reversion of moneys and property held by the  
122 direct-support organization:

123 a. To the office, if the direct-support organization is no  
124 longer approved to operate for the office or if the direct  
125 support organization ceases to exist; or

126 b. To the state, if the office ceases to exist.

127 3. The disclosure of the material provisions of the  
128 contract and the distinction between the office and the direct-  
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129 support organization to donors of gifts, contributions, or  
130 bequests, including such disclosure on all promotional and  
131 fundraising publications.

132 (f)1. The office may permit the use of its property,  
133 facilities, and personal services by the direct-support  
134 organization, subject to this section.

135 2. The office may prescribe by contract any condition with  
136 which the direct-support organization must comply in order to  
137 use property, facilities, or personal services of the office.

138 3. The office may not permit the use of its property,  
139 facilities, or personal services by any direct-support  
140 organization organized under this section which does not provide  
141 equal employment opportunities to all persons regardless of  
142 race, color, national origin, gender, age, or religion.

143 (g) Any transaction or agreement between the direct-  
144 support organization created by this section and another direct-  
145 support organization or other entity must be approved by the  
146 Governor.

147 (h) All moneys received by the direct-support organization  
148 from federal and state grants, private contributions, and the  
149 Sustainable and Renewable Energy Policy Trust Fund shall be  
150 deposited into an account of the direct-support organization.  
151 The direct-support organization shall use the collected charges  
152 to support funding for sustainable and renewable energy  
153 projects, including, but not limited to, grants to provide  
154 funding in the following order of priority:

155 1. Any backlog of approved rebate applications for the  
156 Solar Energy Systems Incentive Program.

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157        2. The implementation of innovation to market projects,  
158 with specific attention directed toward the number of in-state  
159 jobs created.

160        3. Energy conservation and energy efficiency projects,  
161 with specific attention directed to projects for low-income  
162 housing, including rental units, rental homes, condominiums, and  
163 single-family homes.

164        (i)1. The fiscal year of the direct-support organization  
165 shall begin on July 1 of each year and end on June 30 of the  
166 following year.

167        2. The direct-support organization shall submit to the  
168 office its federal Internal Revenue Service Application for  
169 Recognition of Exemption form and its federal Internal Revenue  
170 Service Return of Organization Exempt from Income Tax form.

171        (j) The direct-support organization shall provide for an  
172 annual financial audit in accordance with s. 215.981, Florida  
173 Statutes.

174        Section 2. Subsection (3) of section 366.91, Florida  
175 Statutes, is amended to read:

176        366.91 Renewable energy.—

177        (3) On or before January 1, 2006, each public utility must  
178 continuously offer a purchase contract to producers of renewable  
179 energy. The commission shall establish requirements relating to  
180 the purchase of capacity and energy by public utilities from  
181 renewable energy producers and may adopt rules to administer  
182 this section. The contract shall contain payment provisions for  
183 energy and capacity which are based upon the utility's  
184 equivalent cost-recovery rate for projects constructed pursuant

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185 | to s. 366.92(4) full avoided costs, as defined in s. 366.051;  
186 | however, capacity payments are not required if, due to the  
187 | operational characteristics of the renewable energy generator or  
188 | the anticipated peak and off-peak availability and capacity  
189 | factor of the utility's avoided unit, the producer is unlikely  
190 | to provide any capacity value to the utility or the electric  
191 | grid during the contract term. Each contract must provide a  
192 | contract term of at least 10 years. Prudent and reasonable costs  
193 | associated with a renewable energy contract shall be recovered  
194 | from the ratepayers of the contracting utility, without  
195 | differentiation among customer classes, through the appropriate  
196 | cost-recovery clause mechanism administered by the commission.

197 | Section 3. Subsection (1) and paragraph (b) of subsection  
198 | (2) of section 377.806, Florida Statutes, are amended to read:

199 | 377.806 Solar Energy System Incentives Program.—

200 | (1) PURPOSE.—The Solar Energy System Incentives Program is  
201 | established within the commission to provide financial  
202 | incentives for the purchase and installation of solar energy  
203 | systems. Any resident of the state who purchases and installs a  
204 | new solar energy system of 2 kilowatts or larger for a solar  
205 | photovoltaic system, a solar energy system that provides at  
206 | least 50 percent of a building's hot water consumption for a  
207 | solar thermal system, or a solar thermal pool heater, from July  
208 | 1, 2006, through June 30, 2015 ~~2010~~, is eligible for a rebate on  
209 | a portion of the purchase price of that solar energy system.

210 | (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.—

211 | (b) Rebate amounts.—The rebate amount shall be set at  
212 | \$2.50 ~~\$4~~ per watt for the first year, \$2 per watt for the second

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213 and third years, and \$1.50 per watt for each subsequent year,  
214 based on the total wattage rating of the system. The maximum  
215 allowable rebate per solar photovoltaic system installation  
216 shall be as follows:

- 217 1. Twenty thousand dollars for a residence.  
218 2. One hundred thousand dollars for a place of business, a  
219 publicly owned or operated facility, or a facility owned or  
220 operated by a private, not-for-profit organization, including  
221 condominiums or apartment buildings.

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226 **T I T L E A M E N D M E N T**

227 Remove lines 2-3 and insert:

228 An act relating to energy; providing legislative findings;  
229 providing definitions; requiring each electric utility in the  
230 state to collect from each residential, commercial, and  
231 industrial customer a designated monthly systems charge;  
232 requiring the electric utilities to deposit collected funds into  
233 the Sustainable and Renewable Energy Policy Trust Fund; creating  
234 a direct-support organization for the Florida Energy Office;  
235 providing for a board of directors of the direct-support  
236 organization; providing for appointment of members and terms of  
237 office; requiring a contract between the office and the direct-  
238 support organization; providing for the use of the deposited  
239 funds; requiring an annual audit; amending s. 366.91, F.S.;  
240 requiring that a purchase contract offered to producers of  
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241 renewable energy contain payment provisions for energy and  
242 capacity based upon a public utility's equivalent cost-recovery  
243 rate for certain clean energy projects rather than the utility's  
244 full avoided costs; amending s. 377.806, F.S.; revising the  
245 expiration date for the Solar Energy System Incentives Program;  
246 extending the period of time for which residents of the state  
247 are eligible to receive rebates for specified solar energy  
248 systems; revising the rebate amount for eligible solar energy  
249 systems; providing a schedule for rebate amounts based on the  
250 total wattage of the system; creating s. 163.08, F.S.; providing  
251 legislative