

1 A bill to be entitled
2 An act relating to economic incentives for energy
3 initiatives; amending s. 377.601, F.S.; revising
4 legislative intent relating to the state's energy policy;
5 amending s. 377.703, F.S.; conforming cross-references;
6 creating s. 366.90, F.S.; providing legislative intent
7 relating to renewable energy production of electricity;
8 amending s. 366.91, F.S.; deleting legislative intent
9 provisions to conform to changes made by the act; revising
10 the definition of the terms "biomass"; amending s. 366.92,
11 F.S.; establishing the Agriculture and Clean Energy
12 Economic Development Pilot Project; providing that certain
13 electric energy be considered renewable energy under the
14 pilot project; amending s. 366.92, F.S.; deleting the
15 legislative intent provisions; deleting and revising
16 definitions; deleting provisions for the renewable
17 portfolio standard and renewable energy credits; providing
18 a mechanism for providers to recover costs to produce or
19 purchase specified amounts of renewable energy through the
20 environmental cost-recovery clause under certain
21 conditions; requiring providers to include specified
22 information related to renewable energy development in a
23 certain report; authorizing a developer of solar energy
24 generation to locate a solar energy generation facility on
25 the premises of a host consumer under certain
26 circumstances; requiring the commission to adopt rules and
27 submit reports to the Legislature; amending s. 403.44,
28 F.S.; revising legislative intent for the Florida Climate

29 | Protection Act; prohibiting the Department of
30 | Environmental Protection from adopting a cap-and-trade
31 | regulatory program or otherwise regulating carbon
32 | emissions in the state; amending s. 366.8255, F.S.;
33 | conforming a provision to changes made by the act;
34 | amending s. 403.503, F.S.; revising the definition of
35 | "electrical power plant" for purposes of the Florida
36 | Electrical Power Plant Siting Act; amending ss. 288.9602
37 | and 288.9603, F.S.; revising legislative findings and
38 | declarations and definitions for purposes of the Florida
39 | Development Finance Corporation Act; amending s. 288.9604,
40 | F.S.; revising requirements for the establishment and
41 | organization of the Florida Development Finance
42 | Corporation; amending s. 288.9605, F.S.; revising the
43 | powers of the corporation; amending s. 288.9606, F.S.;
44 | revising requirements for the corporation's issuance of
45 | revenue bonds; amending s. 288.9607, F.S.; limiting the
46 | corporation's approval of guaranties for debt service for
47 | bonds or other indebtedness for any one capital project;
48 | deleting provisions for the corporation's investment of
49 | certain funds in the State Transportation Trust Fund;
50 | authorizing guarantees to be used in conjunction with
51 | federal guaranty programs; amending s. 288.9608, F.S.;
52 | creating the Energy, Technology, and Economic Development
53 | Guaranty Fund; providing for the deposit and use of
54 | certain moneys in the fund; deleting requirements for the
55 | corporation's debt service reserve account and Revenue
56 | Bond Guaranty Reserve Account; amending ss. 288.9609,

57 288.9610, 206.46, 215.47, 339.08, and 339.135, F.S.;

58 conforming provisions to changes made by the act;

59 providing for severability; providing an effective date.

60

61 Be It Enacted by the Legislature of the State of Florida:

62

63 Section 1. Section 377.601, Florida Statutes, is amended

64 to read:

65 377.601 Legislative intent.—

66 (1) The purpose of the state's energy policy is to ensure

67 an adequate and reliable supply of energy for the state in a

68 manner that promotes the health and welfare of the public,

69 promotes sustainable economic growth, and minimizes and

70 mitigates any adverse impacts. The Legislature intends that

71 governance of the state's energy policy be efficiently directed

72 toward achieving this purpose. ~~The Legislature finds that the~~

73 ~~state's energy security can be increased by lessening dependence~~

74 ~~on foreign oil; that the impacts of global climate change can be~~

75 ~~reduced through the reduction of greenhouse gas emissions; and~~

76 ~~that the implementation of alternative energy technologies can~~

77 ~~be a source of new jobs and employment opportunities for many~~

78 ~~Floridians. The Legislature further finds that the state is~~

79 ~~positioned at the front line against potential impacts of global~~

80 ~~climate change. Human and economic costs of these impacts can be~~

81 ~~averted by global actions and, where necessary, adapted to by a~~

82 ~~concerted effort to make Florida's communities more resilient~~

83 ~~and less vulnerable to these impacts. In focusing the~~

84 ~~government's policy and efforts to benefit and protect our~~

85 ~~state, its citizens, and its resources, the Legislature believes~~
 86 ~~that a single government entity with a specific focus on energy~~
 87 ~~and climate change is both desirable and advantageous. Further,~~
 88 ~~the Legislature finds that energy infrastructure provides the~~
 89 ~~foundation for secure and reliable access to the energy supplies~~
 90 ~~and services on which Florida depends. Therefore, there is~~
 91 ~~significant value to Florida consumers that comes from~~
 92 ~~investment in Florida's energy infrastructure that increases~~
 93 ~~system reliability, enhances energy independence and~~
 94 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
 95 ~~gas emissions.~~

96 (2) In furtherance of this purpose, the state's energy
 97 policy shall be implemented through effective, efficient, and
 98 reliable governance and shall be guided by the following goals
 99 in order of their priority:

- 100 (a) Ensuring an affordable energy supply.
- 101 (b) Ensuring adequate supply and capacity.
- 102 (c) Ensuring a secure and reliable energy supply.
- 103 (d) Minimizing energy cost volatility.
- 104 (e) Minimizing the negative impacts of energy production
 105 on the state's environment, social fabric, and the public health
 106 and welfare.

107 (f) Maximizing economic synergies for the state associated
 108 with its energy policy.

109 (g) Reducing the net export of energy expenditures.

110 (3) It is further the policy of the state of Florida to:

- 111 (a) Develop and promote the effective use of energy in the
- 112 state, discourage all forms of energy waste, and recognize and

113 address the potential of global climate change wherever
114 possible.

115 (b) Play a leading role in developing and instituting
116 energy management programs aimed at promoting energy
117 conservation, energy security, and the reduction of greenhouse
118 gas emissions.

119 (c) Include energy considerations in all state, regional,
120 and local planning.

121 (d) Utilize and manage effectively energy resources used
122 within state agencies.

123 (e) Encourage local governments to include energy
124 considerations in all planning and to support their work in
125 promoting energy management programs.

126 (f) Include the full participation of citizens in the
127 development and implementation of energy programs.

128 (g) Consider in its decisions the energy needs of each
129 economic sector, including residential, industrial, commercial,
130 agricultural, and governmental uses, and reduce those needs
131 whenever possible.

132 (h) Promote energy education and the public dissemination
133 of information on energy and its environmental, economic, and
134 social impact.

135 (i) Encourage the research, development, demonstration,
136 and application of alternative energy resources, particularly
137 renewable energy resources.

138 (j) Consider, in its decisionmaking, the social, economic,
139 and environmental impacts of energy-related activities,
140 including the whole-life-cycle impacts of any potential energy

141 use choices, so that detrimental effects of these activities are
 142 understood and minimized.

143 (k) Develop and maintain energy emergency preparedness
 144 plans to minimize the effects of an energy shortage within
 145 Florida.

146 Section 2. Subsection (1) and paragraph (f) of subsection
 147 (2) of section 377.703, Florida Statutes, is amended to read:

148 377.703 Additional functions of the Florida Energy and
 149 Climate Commission.—

150 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
 151 demand questions have become a major area of concern to the
 152 state which must be dealt with by effective and well-coordinated
 153 state action, it is the intent of the Legislature to promote the
 154 efficient, effective, and economical management of energy
 155 problems, centralize energy coordination responsibilities,
 156 pinpoint responsibility for conducting energy programs, and
 157 ensure the accountability of state agencies for the
 158 implementation of s. 377.601~~(2)~~, the state energy policy. It is
 159 the specific intent of the Legislature that nothing in this act
 160 shall in any way change the powers, duties, and responsibilities
 161 assigned by the Florida Electrical Power Plant Siting Act, part
 162 II of chapter 403, or the powers, duties, and responsibilities
 163 of the Florida Public Service Commission.

164 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The
 165 commission shall perform the following functions consistent with
 166 the development of a state energy policy:

167 (f) The commission shall submit an annual report to the
 168 Governor and the Legislature reflecting its activities and

169 making recommendations of policies for improvement of the
 170 state's response to energy supply and demand and its effect on
 171 the health, safety, and welfare of the people of Florida. The
 172 report shall include a report from the Florida Public Service
 173 Commission on electricity and natural gas and information on
 174 energy conservation programs conducted and underway in the past
 175 year and shall include recommendations for energy conservation
 176 programs for the state, including, but not limited to, the
 177 following factors:

178 1. Formulation of specific recommendations for improvement
 179 in the efficiency of energy utilization in governmental,
 180 residential, commercial, industrial, and transportation sectors.

181 2. Collection and dissemination of information relating to
 182 energy conservation.

183 3. Development and conduct of educational and training
 184 programs relating to energy conservation.

185 4. An analysis of the ways in which state agencies are
 186 seeking to implement s. 377.601~~(2)~~, the state energy policy, and
 187 recommendations for better fulfilling this policy.

188 Section 3. Section 366.90, Florida Statutes, is created to
 189 read:

190 366.90 Renewable energy for electricity production.—In
 191 furtherance of the energy policy goals established in s.
 192 377.601, the Legislature finds that it is in the public interest
 193 to promote the development of renewable energy resources in the
 194 state, for purposes of electricity production, through the
 195 mechanisms established in ss. 366.91 and 366.92. The Legislature
 196 further finds that renewable energy resources have the potential

197 to help diversify fuel types to alleviate the state's growing
 198 dependence on natural gas and other fossil fuels for the
 199 production of electricity, minimize the volatility of fuel
 200 costs, encourage investment within the state, improve
 201 environmental conditions, and make the state a leader in new and
 202 innovative technologies.

203 Section 4. Subsection (1) and paragraph (a) of subsection
 204 (2) of section 366.91, Florida Statutes, are amended, and
 205 subsections (2) through (8) of that section are renumbered as
 206 subsections (1) through (7), respectively, to read:

207 366.91 Renewable energy.—

208 ~~(1) The Legislature finds that it is in the public~~
 209 ~~interest to promote the development of renewable energy~~
 210 ~~resources in this state. Renewable energy resources have the~~
 211 ~~potential to help diversify fuel types to meet Florida's growing~~
 212 ~~dependency on natural gas for electric production, minimize the~~
 213 ~~volatility of fuel costs, encourage investment within the state,~~
 214 ~~improve environmental conditions, and make Florida a leader in~~
 215 ~~new and innovative technologies.~~

216 (1)(2) As used in this section, the term:

217 (a) "Biomass" means a power source that is comprised of,
 218 but not limited to, combustible residues or gases from forest
 219 products manufacturing, waste, byproducts, or products from
 220 agricultural and orchard crops, waste or coproducts from
 221 livestock and poultry operations, waste or byproducts from food
 222 processing, recycling byproducts, urban wood waste, municipal
 223 solid waste, municipal liquid waste treatment operations, and
 224 landfill gas.

225 Section 5. Section 366.92, Florida Statutes, is amended to
 226 read:

227 366.92 Florida renewable energy policy.—

228 ~~(1) It is the intent of the Legislature to promote the~~
 229 ~~development of renewable energy; protect the economic viability~~
 230 ~~of Florida's existing renewable energy facilities; diversify the~~
 231 ~~types of fuel used to generate electricity in Florida; lessen~~
 232 ~~Florida's dependence on natural gas and fuel oil for the~~
 233 ~~production of electricity; minimize the volatility of fuel~~
 234 ~~costs; encourage investment within the state; improve~~
 235 ~~environmental conditions; and, at the same time, minimize the~~
 236 ~~costs of power supply to electric utilities and their customers.~~

237 (1)(2) As used in this section, the term:

238 ~~(a) "Florida renewable energy resources" means renewable~~
 239 ~~energy, as defined in s. 377.803, that is produced in Florida.~~

240 ~~(a)(b)~~ "Provider" means a "utility" as defined in s.
 241 366.8255(1) (a) .

242 ~~(b)(c)~~ "Renewable energy" means renewable energy as
 243 defined in s. 366.91(2) (d) that is produced in the state.

244 ~~(d) "Renewable energy credit" or "REC" means a product~~
 245 ~~that represents the unbundled, separable, renewable attribute of~~
 246 ~~renewable energy produced in Florida and is equivalent to 1~~
 247 ~~megawatt-hour of electricity generated by a source of renewable~~
 248 ~~energy located in Florida.~~

249 ~~(e) "Renewable portfolio standard" or "RPS" means the~~
 250 ~~minimum percentage of total annual retail electricity sales by a~~
 251 ~~provider to consumers in Florida that shall be supplied by~~
 252 ~~renewable energy produced in Florida.~~

253 ~~(3) The commission shall adopt rules for a renewable~~
254 ~~portfolio standard requiring each provider to supply renewable~~
255 ~~energy to its customers directly, by procuring, or through~~
256 ~~renewable energy credits. In developing the RPS rule, the~~
257 ~~commission shall consult the Department of Environmental~~
258 ~~Protection and the Florida Energy and Climate Commission. The~~
259 ~~rule shall not be implemented until ratified by the Legislature.~~
260 ~~The commission shall present a draft rule for legislative~~
261 ~~consideration by February 1, 2009.~~

262 ~~(a) In developing the rule, the commission shall evaluate~~
263 ~~the current and forecasted levelized cost in cents per kilowatt~~
264 ~~hour through 2020 and current and forecasted installed capacity~~
265 ~~in kilowatts for each renewable energy generation method through~~
266 ~~2020.~~

267 ~~(b) The commission's rule:~~

268 ~~1. Shall include methods of managing the cost of~~
269 ~~compliance with the renewable portfolio standard, whether~~
270 ~~through direct supply or procurement of renewable power or~~
271 ~~through the purchase of renewable energy credits. The commission~~
272 ~~shall have rulemaking authority for providing annual cost~~
273 ~~recovery and incentive-based adjustments to authorized rates of~~
274 ~~return on common equity to providers to incentivize renewable~~
275 ~~energy. Notwithstanding s. 366.91(3) and (4), upon the~~
276 ~~ratification of the rules developed pursuant to this subsection,~~
277 ~~the commission may approve projects and power sales agreements~~
278 ~~with renewable power producers and the sale of renewable energy~~
279 ~~credits needed to comply with the renewable portfolio standard.~~
280 ~~In the event of any conflict, this subparagraph shall supersede~~

281 ~~s. 366.91(3) and (4). However, nothing in this section shall~~
 282 ~~alter the obligation of each public utility to continuously~~
 283 ~~offer a purchase contract to producers of renewable energy.~~

284 ~~2. Shall provide for appropriate compliance measures and~~
 285 ~~the conditions under which noncompliance shall be excused due to~~
 286 ~~a determination by the commission that the supply of renewable~~
 287 ~~energy or renewable energy credits was not adequate to satisfy~~
 288 ~~the demand for such energy or that the cost of securing~~
 289 ~~renewable energy or renewable energy credits was cost~~
 290 ~~prohibitive.~~

291 ~~3. May provide added weight to energy provided by wind and~~
 292 ~~solar photovoltaic over other forms of renewable energy, whether~~
 293 ~~directly supplied or procured or indirectly obtained through the~~
 294 ~~purchase of renewable energy credits.~~

295 ~~4. Shall determine an appropriate period of time for which~~
 296 ~~renewable energy credits may be used for purposes of compliance~~
 297 ~~with the renewable portfolio standard.~~

298 ~~5. Shall provide for monitoring of compliance with and~~
 299 ~~enforcement of the requirements of this section.~~

300 ~~6. Shall ensure that energy credited toward compliance~~
 301 ~~with the requirements of this section is not credited toward any~~
 302 ~~other purpose.~~

303 ~~7. Shall include procedures to track and account for~~
 304 ~~renewable energy credits, including ownership of renewable~~
 305 ~~energy credits that are derived from a customer-owned renewable~~
 306 ~~energy facility as a result of any action by a customer of an~~
 307 ~~electric power supplier that is independent of a program~~
 308 ~~sponsored by the electric power supplier.~~

309 ~~8. Shall provide for the conditions and options for the~~
310 ~~repeal or alteration of the rule in the event that new~~
311 ~~provisions of federal law supplant or conflict with the rule.~~

312 ~~(c) Beginning on April 1 of the year following final~~
313 ~~adoption of the commission's renewable portfolio standard rule,~~
314 ~~each provider shall submit a report to the commission describing~~
315 ~~the steps that have been taken in the previous year and the~~
316 ~~steps that will be taken in the future to add renewable energy~~
317 ~~to the provider's energy supply portfolio. The report shall~~
318 ~~state whether the provider was in compliance with the renewable~~
319 ~~portfolio standard during the previous year and how it will~~
320 ~~comply with the renewable portfolio standard in the upcoming~~
321 ~~year.~~

322 (2)(4) Subject to the provisions of this subsection ~~In~~
323 ~~order to demonstrate the feasibility and viability of clean~~
324 ~~energy systems,~~ the commission shall provide for full cost
325 recovery under the environmental cost-recovery clause of all
326 reasonable and prudent costs incurred by a provider to produce
327 or purchase ~~for~~ renewable energy for purposes of supplying
328 electrical energy to its retail customers ~~projects that are zero~~
329 ~~greenhouse gas emitting at the point of generation, up to a~~
330 ~~total of 110 megawatts statewide, and for which the provider has~~
331 ~~secured necessary land, zoning permits, and transmission rights~~
332 ~~within the state. Such costs shall be deemed reasonable and~~
333 ~~prudent for purposes of cost recovery so long as the provider~~
334 ~~has used reasonable and customary industry practices in the~~
335 ~~design, procurement, and construction of the project in a cost-~~
336 ~~effective manner appropriate to the location of the facility.~~

337 ~~The provider shall report to the commission as part of the cost~~
338 ~~recovery proceedings the construction costs, in-service costs,~~
339 ~~operating and maintenance costs, hourly energy production of the~~
340 ~~renewable energy project, and any other information deemed~~
341 ~~relevant by the commission. Any provider constructing a clean~~
342 ~~energy facility pursuant to this section shall file for cost~~
343 ~~recovery no later than July 1, 2009.~~

344 (a) A provider may petition the commission for recovery of
345 costs to produce or purchase renewable energy, subject to the
346 cost cap in paragraph (c). The provider has sole discretion to
347 determine the type and technology of the renewable energy
348 resource that it intends to use. However, at least 20 percent of
349 the total nameplate capacity for which a provider is permitted
350 to recover costs in any calendar year under this subsection must
351 be produced or purchased from renewable energy sources other
352 than solar energy. No later than when a provider files a
353 petition for cost recovery under this subsection, the provider
354 must file with the commission a schedule of planned production
355 and purchases for the calendar year in which cost recovery is
356 requested. If any portion of the capacity required from nonsolar
357 renewable energy resources is committed but, for reasons found
358 by the commission to be beyond the control of the provider, is
359 not available during the calendar year for which cost recovery
360 is requested, the provider may continue to recover costs to
361 produce or purchase renewable energy from solar energy resources
362 if the provider continues in good faith to pursue the production
363 or purchase of renewable energy from nonsolar resources. The
364 provider has sole discretion to determine whether to construct

365 new renewable energy generating facilities, convert existing
366 fossil fuel generating facilities to renewable energy generating
367 facilities, or contract for the purchase of renewable energy
368 from third-party generating facilities in the state.

369 (b) In addition to the full cost recovery for such
370 renewable energy projects, a return on equity of at least 50
371 basis points above the top of the range of the provider's last
372 authorized rate of return on equity approved by the commission
373 for energy projects shall be approved and provided for such
374 renewable energy projects if a majority value of the energy-
375 producing components incorporated into such projects are
376 manufactured or assembled in the state.

377 (c) For the production or purchase of renewable energy
378 under this subsection, a provider may recover costs up to and in
379 excess of its full avoided cost, as defined in s. 366.051 and
380 approved by the commission, if the recovery of costs in excess
381 of the provider's full avoided cost does not exceed, as a
382 percentage of the provider's total revenues from the retail sale
383 of electricity for calendar year 2009, the total cumulative
384 amount of 2 percent in calendar years 2010 and 2011, the total
385 cumulative amount of 3 percent in calendar year 2012, and the
386 total cumulative amount of 4 percent in calendar year 2013 and
387 thereafter. For purposes of cost recovery under this subsection,
388 costs shall be computed using a methodology that, for a
389 renewable energy generating facility, averages the revenue
390 requirements of the facility over its economic life and, for a
391 renewable energy purchase, averages the revenue requirements of
392 the purchase over the life of the contract.

393 (d) Cost recovery under this subsection is limited to new
394 construction or conversion projects for which construction is
395 commenced on or after July 1, 2010, and to purchases made on or
396 after that date. All renewable energy projects for which costs
397 are approved by the commission for recovery through the
398 environmental cost recovery clause before July 1, 2010, are not
399 subject to or included in the calculation of the cost cap.

400 (e) The costs incurred by a provider to produce or
401 purchase renewable energy under this subsection are deemed to be
402 prudent for purposes of cost recovery if the provider uses
403 reasonable and customary industry practices in the design,
404 procurement, and construction of the project in a cost-effective
405 manner for the type of renewable energy resource and appropriate
406 to the location of the facility.

407 (f) Subject to the cost cap in paragraph (c), the
408 commission shall allow a provider to recover the costs
409 associated with the production or purchase of renewable energy
410 under this subsection as follows:

411 1. For new renewable energy generating facilities, the
412 commission shall allow recovery of reasonable and prudent costs,
413 including, but not limited to, the siting, licensing,
414 engineering, design, permitting, construction, operation, and
415 maintenance of such facilities, including any applicable taxes
416 and a return based on the provider's last authorized rate of
417 return.

418 2. For conversion of existing fossil fuel generating
419 facilities to renewable energy generating facilities, the
420 commission shall allow recovery of reasonable and prudent

421 conversion costs, including the costs of retirement of the
422 fossil fuel plant that exceed any amounts accrued by the
423 provider for such purposes through rates previously set by the
424 commission.

425 3. For purchase of renewable energy from third-party
426 generating facilities in the state, the commission shall allow
427 recovery of reasonable and prudent costs associated with the
428 purchase. Any petition for approval of a purchased power
429 agreement for renewable energy that is filed with the commission
430 before April 2, 2010, and remains pending on July 1, 2010, shall
431 be considered by the commission to have been filed in accordance
432 with, and shall be subject to the provisions of, this
433 subsection.

434 (g) In a proceeding to recover costs incurred under this
435 subsection, a provider must provide the commission all cost
436 information, hourly energy production information, and other
437 information deemed relevant by the commission with respect to
438 each project.

439 (h) When a provider purchases renewable energy under this
440 subsection at a cost in excess of its full avoided cost, the
441 seller must surrender to the provider all renewable attributes
442 of the renewable energy purchased.

443 (i) Revenues derived from any renewable energy credit,
444 carbon credit, or other mechanism that attributes value to the
445 production of renewable energy, either existing or hereafter
446 devised, received by a provider by virtue of the production or
447 purchase of renewable energy for which cost recovery is approved
448 under this subsection shall be shared with the provider's

449 ratepayers such that the ratepayers are credited at least 75
450 percent of such revenues.

451 (j) Section 403.519 does not apply to a renewable energy
452 generating facility constructed or converted from an existing
453 fossil fuel generating facility under this subsection, and the
454 commission is not required to submit a report for such a project
455 under s. 403.507(4) (a).

456 (3) Each provider shall, in its 10-year site plan
457 submitted to the commission pursuant to s. 186.801, provide the
458 following information:

459 (a) The amount of renewable energy resources the provider
460 produces or purchases.

461 (b) The amount of renewable energy resources the provider
462 plans to produce or purchase over the 10-year planning horizon
463 and the means by which such production or purchases will be
464 achieved.

465 (c) A statement indicating how the production and purchase
466 of renewable energy resources impact the provider's present and
467 future capacity and energy needs.

468 (4)(5) Each municipal electric utility and rural electric
469 cooperative shall develop standards for the promotion,
470 encouragement, and expansion of the use of renewable energy
471 resources and energy conservation and efficiency measures. On or
472 before April 1, 2009, and annually thereafter, each municipal
473 electric utility and electric cooperative shall submit to the
474 commission a report that identifies such standards.

475 (5)(6) ~~Nothing in~~ This section and any action taken under
476 this section may not ~~shall~~ be construed to impede or impair the

477 terms and conditions of, or serve as a basis for renegotiating
 478 or repricing, an existing contract ~~contracts~~.

479 (6) There is created the Agriculture and Clean Energy
 480 Economic Development Pilot Project. In order to promote economic
 481 development in the agriculture community by demonstrating the
 482 viability of clean energy farming, any energy purchased by a
 483 municipal electric utility or a rural electric cooperative from
 484 a new electric generating facility with a minimum system
 485 efficiency of 75 percent that utilizes waste heat and carbon for
 486 the purpose of growing agriculture in greenhouse facilities
 487 shall be considered renewable energy for up to 65 megawatts for
 488 a single pilot project.

489 (7) The commission may adopt rules to administer and
 490 implement the provisions of this section.

491 Section 6. Section 403.44, Florida Statutes, is amended to
 492 read:

493 403.44 Florida Climate Protection Act.—

494 (1) The Legislature finds that it is in the best interest
 495 of the state to address carbon emissions through comprehensive
 496 national or international measures and that it is contrary to
 497 the economic and environmental well-being of the state to pursue
 498 or authorize carbon emissions regulation. The Legislature
 499 further finds that carbon emissions regulation by the state is
 500 inconsistent with the goals of developing an affordable,
 501 adequate, and reliable supply of energy ~~document, to the~~
 502 ~~greatest extent practicable, greenhouse gas emissions and to~~
 503 ~~pursue a market-based emissions abatement program, such as cap~~
 504 ~~and trade, to address greenhouse gas emissions reductions.~~

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

506 ~~(a) "Allowance" means a credit issued by the department~~
 507 ~~through allotments or auction which represents an authorization~~
 508 ~~to emit specific amounts of greenhouse gases, as further defined~~
 509 ~~in department rule.~~

510 ~~(b) "Cap and trade" or "emissions trading" means an~~
 511 ~~administrative approach used to control pollution by providing a~~
 512 ~~limit on total allowable emissions, providing for allowances to~~
 513 ~~emit pollutants, and providing for the transfer of the~~
 514 ~~allowances among pollutant sources as a means of compliance with~~
 515 ~~emission limits.~~

516 ~~(c) "Greenhouse gas" or "GHG" means carbon dioxide,~~
 517 ~~methane, nitrous oxide, and fluorinated gases such as~~
 518 ~~hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.~~

519 ~~(d) "Leakage" means the offset of emission abatement that~~
 520 ~~is achieved in one location subject to emission control~~
 521 ~~regulation by increased emissions in unregulated locations.~~

522 ~~(e) "Major emitter" means an electric utility regulated~~
 523 ~~under this chapter.~~

524 ~~(3) A major emitter shall be required to use The Climate~~
 525 ~~Registry for purposes of emission registration and reporting.~~

526 ~~(4) The department shall establish the methodologies,~~
 527 ~~reporting periods, and reporting systems that shall be used when~~
 528 ~~major emitters report to The Climate Registry. The department~~
 529 ~~may require the use of quality assured data from continuous~~
 530 ~~emissions monitoring systems.~~

531 ~~(2)~~⁽⁵⁾ The department may not adopt rules for a cap-and-
 532 trade regulatory program or otherwise regulate carbon ~~to reduce~~

533 ~~greenhouse gas emissions in this state from major emitters. When~~
534 ~~developing the rules, the department shall consult with the~~
535 ~~Florida Energy and Climate Commission and the Florida Public~~
536 ~~Service Commission and may consult with the Governor's Action~~
537 ~~Team for Energy and Climate Change. The department shall not~~
538 ~~adopt rules until after January 1, 2010. The rules shall not~~
539 ~~become effective until ratified by the Legislature.~~

540 ~~(6) The rules of the cap-and-trade regulatory program~~
541 ~~shall include, but are not limited to:~~

542 ~~(a) A statewide limit or cap on the amount of greenhouse~~
543 ~~gases emitted by major emitters.~~

544 ~~(b) Methods, requirements, and conditions for allocating~~
545 ~~the cap among major emitters.~~

546 ~~(c) Methods, requirements, and conditions for emissions~~
547 ~~allowances and the process for issuing emissions allowances.~~

548 ~~(d) The relationship between allowances and the specific~~
549 ~~amounts of greenhouse gas emissions they represent.~~

550 ~~(e) The length of allowance periods and the time over~~
551 ~~which entities must account for emissions and surrender~~
552 ~~allowances equal to emissions.~~

553 ~~(f) The timeline of allowances from the initiation of the~~
554 ~~program through to 2050.~~

555 ~~(g) A process for the trade of allowances between major~~
556 ~~emitters, including a registry, tracking, or accounting system~~
557 ~~for such trades.~~

558 ~~(h) Cost containment mechanisms to reduce price and cost~~
559 ~~risks associated with the electric generation market in this~~
560 ~~state. Cost containment mechanisms to be considered for~~

561 ~~inclusion in the rules include, but are not limited to:~~

562 ~~1. Allowing major emitters to borrow allowances from~~
563 ~~future time periods to meet their greenhouse gas emission~~
564 ~~limits.~~

565 ~~2. Allowing major emitters to bank greenhouse gas emission~~
566 ~~reductions in the current year to be used to meet emission~~
567 ~~limits in future years.~~

568 ~~3. Allowing major emitters to purchase emissions offsets~~
569 ~~from other entities that produce verifiable reductions in~~
570 ~~unregulated greenhouse gas emissions or that produce verifiable~~
571 ~~reductions in greenhouse gas emissions through voluntary~~
572 ~~practices that capture and store greenhouse gases that otherwise~~
573 ~~would be released into the atmosphere. In considering this cost~~
574 ~~containment mechanism, the department shall identify sectors and~~
575 ~~activities outside of the capped sectors, including other state,~~
576 ~~federal, or international activities, and the conditions under~~
577 ~~which reductions there can be credited against emissions of~~
578 ~~capped entities in place of allowances issued by the department.~~
579 ~~The department shall also consider potential methods and their~~
580 ~~effectiveness to avoid double-incentivizing such activities.~~

581 ~~4. Providing a safety valve mechanism to ensure that the~~
582 ~~market prices for allowances or offsets do not surpass a~~
583 ~~predetermined level compatible with the affordability of~~
584 ~~electric utility rates and the well-being of the state's~~
585 ~~economy. In considering this cost containment mechanism, the~~
586 ~~department shall evaluate different price levels for the safety~~
587 ~~valve and methods to change the price level over time to reflect~~
588 ~~changing state, federal, and international markets, regulatory~~

589 ~~environments, and technological advancements.~~

590
591 ~~In considering cost containment mechanisms for inclusion in the~~
592 ~~rules, the department shall evaluate the anticipated overall~~
593 ~~effect of each mechanism on the abatement of greenhouse gas~~
594 ~~emissions and on electricity ratepayers and the benefits and~~
595 ~~costs of each to the state's economy, and shall also consider~~
596 ~~the interrelationships between the mechanisms under~~
597 ~~consideration.~~

598 ~~(i) A process to allow the department to exercise its~~
599 ~~authority to discourage leakage of GHG emissions to neighboring~~
600 ~~states attributable to the implementation of this program.~~

601 ~~(j) Provisions for a trial period on the trading of~~
602 ~~allowances before full implementation of a trading system.~~

603 ~~(7) In recommending and evaluating proposed features of~~
604 ~~the cap-and-trade system, the following factors shall be~~
605 ~~considered:~~

606 ~~(a) The overall cost-effectiveness of the cap-and-trade~~
607 ~~system in combination with other policies and measures in~~
608 ~~meeting statewide targets.~~

609 ~~(b) Minimizing the administrative burden to the state of~~
610 ~~implementing, monitoring, and enforcing the program.~~

611 ~~(c) Minimizing the administrative burden on entities~~
612 ~~covered under the cap.~~

613 ~~(d) The impacts on electricity prices for consumers.~~

614 ~~(e) The specific benefits to the state's economy for early~~
615 ~~adoption of a cap-and-trade system for greenhouse gases in the~~
616 ~~context of federal climate change legislation and the~~

617 ~~development of new international compacts.~~

618 ~~(f) The specific benefits to the state's economy~~
619 ~~associated with the creation and sale of emissions offsets from~~
620 ~~economic sectors outside of the emissions cap.~~

621 ~~(g) The potential effects on leakage if economic activity~~
622 ~~relocates out of the state.~~

623 ~~(h) The effectiveness of the combination of measures in~~
624 ~~meeting identified targets.~~

625 ~~(i) The implications for near-term periods of long-term~~
626 ~~targets specified in the overall policy.~~

627 ~~(j) The overall costs and benefits of a cap-and-trade~~
628 ~~system to the state economy.~~

629 ~~(k) How to moderate impacts on low-income consumers that~~
630 ~~result from energy price increases.~~

631 ~~(l) Consistency of the program with other state and~~
632 ~~possible federal efforts.~~

633 ~~(m) The feasibility and cost-effectiveness of extending~~
634 ~~the program scope as broadly as possible among emitting~~
635 ~~activities and sinks in Florida.~~

636 ~~(n) Evaluation of the conditions under which Florida~~
637 ~~should consider linking its trading system to the systems of~~
638 ~~other states or other countries and how that might be affected~~
639 ~~by the potential inclusion in the rule of a safety valve.~~

640 ~~(8) Recognizing that the international, national, and~~
641 ~~neighboring state policies and the science of climate change~~
642 ~~will evolve, prior to submitting the proposed rules to the~~
643 ~~Legislature for consideration, the department shall submit the~~
644 ~~proposed rules to the Florida Energy and Climate Commission,~~

645 ~~which shall review the proposed rules and submit a report to the~~
646 ~~Governor, the President of the Senate, the Speaker of the House~~
647 ~~of Representatives, and the department. The report shall~~
648 ~~address:~~

649 ~~(a) The overall cost-effectiveness of the proposed cap-~~
650 ~~and trade system in combination with other policies and measures~~
651 ~~in meeting statewide targets.~~

652 ~~(b) The administrative burden to the state of~~
653 ~~implementing, monitoring, and enforcing the program.~~

654 ~~(c) The administrative burden on entities covered under~~
655 ~~the cap.~~

656 ~~(d) The impacts on electricity prices for consumers.~~

657 ~~(e) The specific benefits to the state's economy for early~~
658 ~~adoption of a cap-and-trade system for greenhouse gases in the~~
659 ~~context of federal climate change legislation and the~~
660 ~~development of new international compacts.~~

661 ~~(f) The specific benefits to the state's economy~~
662 ~~associated with the creation and sale of emissions offsets from~~
663 ~~economic sectors outside of the emissions cap.~~

664 ~~(g) The potential effects on leakage if economic activity~~
665 ~~relocates out of the state.~~

666 ~~(h) The effectiveness of the combination of measures in~~
667 ~~meeting identified targets.~~

668 ~~(i) The economic implications for near-term periods of~~
669 ~~short-term and long-term targets specified in the overall~~
670 ~~policy.~~

671 ~~(j) The overall costs and benefits of a cap-and-trade~~
672 ~~system to the economy of the state.~~

673 ~~(k) The impacts on low-income consumers that result from~~
 674 ~~energy price increases.~~

675 ~~(l) The consistency of the program with other state and~~
 676 ~~possible federal efforts.~~

677 ~~(m) The evaluation of the conditions under which the state~~
 678 ~~should consider linking its trading system to the systems of~~
 679 ~~other states or other countries and how that might be affected~~
 680 ~~by the potential inclusion in the rule of a safety valve.~~

681 ~~(n) The timing and changes in the external environment,~~
 682 ~~such as proposals by other states or implementation of a federal~~
 683 ~~program that would spur reevaluation of the Florida program.~~

684 ~~(o) The conditions and options for eliminating the Florida~~
 685 ~~program if a federal program were to supplant it.~~

686 ~~(p) The need for a regular reevaluation of the progress of~~
 687 ~~other emitting regions of the country and of the world, and~~
 688 ~~whether other regions are abating emissions in a commensurate~~
 689 ~~manner.~~

690 ~~(q) The desirability of and possibilities of broadening~~
 691 ~~the scope of the state's cap and trade system at a later date to~~
 692 ~~include more emitting activities as well as sinks in Florida,~~
 693 ~~the conditions that would need to be met to do so, and how the~~
 694 ~~program would encourage these conditions to be met, including~~
 695 ~~developing monitoring and measuring techniques for land use~~
 696 ~~emissions and sinks, regulating sources upstream, and other~~
 697 ~~considerations.~~

698 Section 7. Paragraph (d) of subsection (1) of section
 699 366.8255, Florida Statutes, is amended to read:

700 366.8255 Environmental cost recovery.—

701 (1) As used in this section, the term:

702 (d) "Environmental compliance costs" includes all costs or
 703 expenses incurred by an electric utility in complying with
 704 environmental laws or regulations, including, but not limited
 705 to:

706 1. Inservice capital investments, including the electric
 707 utility's last authorized rate of return on equity thereon.

708 2. Operation and maintenance expenses.

709 3. Fuel procurement costs.

710 4. Purchased power costs.

711 5. Emission allowance costs.

712 6. Direct taxes on environmental equipment.

713 7. Costs or expenses prudently incurred by an electric
 714 utility pursuant to an agreement entered into on or after the
 715 effective date of this act and prior to October 1, 2002, between
 716 the electric utility and the Florida Department of Environmental
 717 Protection or the United States Environmental Protection Agency
 718 for the exclusive purpose of ensuring compliance with ozone
 719 ambient air quality standards by an electrical generating
 720 facility owned by the electric utility.

721 8. Costs or expenses prudently incurred for the
 722 quantification, reporting, and third-party verification as
 723 required for participation in greenhouse gas emission registries
 724 for greenhouse gases ~~as defined in s. 403.44.~~ As used in this
 725 subparagraph, the term "greenhouse gases" means carbon dioxide,
 726 methane, nitrous oxide, and fluorinated gases such as
 727 hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

728 9. Costs or expenses prudently incurred for scientific

729 research and geological assessments of carbon capture and
730 storage conducted in this state for the purpose of reducing an
731 electric utility's greenhouse gas emissions when such costs or
732 expenses are incurred in joint research projects with Florida
733 state government agencies and Florida state universities.

734 Section 8. Subsection (14) of section 403.503, Florida
735 Statutes, is amended to read:

736 403.503 Definitions relating to Florida Electrical Power
737 Plant Siting Act.—As used in this act:

738 (14) "Electrical power plant" means, for the purpose of
739 certification, any steam ~~or solar~~ electrical generating facility
740 using any process or fuel, including nuclear materials, except
741 that this term does not include any steam ~~or solar~~ electrical
742 generating facility of less than 75 megawatts in capacity or any
743 solar electrical generating facility of any sized capacity
744 unless the applicant for such a facility elects to apply for
745 certification under this act. This term also includes the site;
746 all associated facilities that will be owned by the applicant
747 that are physically connected to the site; all associated
748 facilities that are indirectly connected to the site by other
749 proposed associated facilities that will be owned by the
750 applicant; and associated transmission lines that will be owned
751 by the applicant which connect the electrical power plant to an
752 existing transmission network or rights-of-way to which the
753 applicant intends to connect. At the applicant's option, this
754 term may include any offsite associated facilities that will not
755 be owned by the applicant; offsite associated facilities that
756 are owned by the applicant but that are not directly connected

757 to the site; any proposed terminal or intermediate substations
758 or substation expansions connected to the associated
759 transmission line; or new transmission lines, upgrades, or
760 improvements of an existing transmission line on any portion of
761 the applicant's electrical transmission system necessary to
762 support the generation injected into the system from the
763 proposed electrical power plant.

764 Section 9. Section 288.9602, Florida Statutes, is amended
765 to read:

766 288.9602 Findings and declarations of necessity.—The
767 Legislature finds and declares that:

768 (1) There is a need to enhance economic activity in the
769 ~~eities and counties of the~~ state by attracting manufacturing,
770 development, redevelopment of brownfield areas, business
771 enterprise management, and other activities conducive to
772 economic promotion in order to provide a stronger, more
773 balanced, and stable economy in the ~~eities and counties of the~~
774 state.

775 (2) A significant portion of businesses located in the
776 ~~eities and counties of the~~ state or desiring to locate in the
777 ~~eities and counties of the~~ state encounter difficulty in
778 obtaining financing on terms competitive with those available to
779 businesses located in other states and nations or are unable to
780 obtain such financing at all.

781 (3) The difficulty in obtaining such financing impairs the
782 expansion of economic activity and the creation of jobs and
783 income in communities throughout the state.

784 (4) The businesses most often affected by these financing

785 difficulties are small businesses critical to the economic
786 development of the state ~~eities and counties~~ of Florida.

787 (5) The economic well-being of the people in, and the
788 commercial and industrial resources of, ~~the eities and counties~~
789 ~~of~~ the state would be enhanced by the provision of financing to
790 businesses on terms competitive with those available in the most
791 developed financial markets worldwide.

792 (6) In order to improve the prosperity and welfare of ~~the~~
793 ~~eities and counties~~ of this state and its inhabitants, to
794 improve and promote the financing of projects related to the
795 economic development of ~~the eities and counties~~ of this state,
796 including redevelopment of brownfield areas, and to increase the
797 purchasing power and opportunities for gainful employment of
798 citizens of ~~the eities and counties~~ of this state, it is
799 necessary and in the public interest to facilitate the financing
800 of such projects as provided for in this act and to do so
801 without regard to the boundaries between counties,
802 municipalities, special districts, and other local governmental
803 bodies or agencies in order to more effectively and efficiently
804 serve the interests of the greatest number of people in the
805 widest area practicable.

806 (7) In order to promote and stimulate development and
807 advance the business prosperity and economic welfare of ~~the~~
808 ~~eities and counties~~ of this state and its inhabitants; to
809 encourage and assist new business and industry in this state
810 through loans, investments, or other business transactions; to
811 rehabilitate and assist existing businesses; to stimulate and
812 assist in the expansion of all kinds of for-profit and not-for-

813 profit business activity; and to create maximum opportunities
 814 for employment, encouragement of thrift, and improvement of the
 815 standard of living of the citizens of Florida, it is necessary
 816 and in the public interest to facilitate the cooperation and
 817 action between organizations, public and private, in the
 818 promotion, development, and conduct of all kinds of for-profit
 819 and not-for-profit business activity in the state.

820 (8) In order to efficiently and effectively achieve the
 821 purposes of this act, it is necessary and in the public interest
 822 to create a special development finance authority to cooperate
 823 and act in conjunction with public agencies of this state and
 824 local governments of this state, through interlocal agreements
 825 pursuant to the Florida Interlocal Cooperation Act of 1969, in
 826 the promotion and advancement of projects related to economic
 827 development, including redevelopment of brownfield areas,
 828 throughout the state.

829 (9) The purposes to be achieved by the special development
 830 finance authority through such projects and such financings of
 831 business and industry in compliance with the criteria and the
 832 requirements of this act are predominantly the public purposes
 833 stated in this section, and such purposes implement the
 834 governmental purposes under the State Constitution of providing
 835 for the health, safety, and welfare of the people of the state,
 836 ~~including implementing the purpose of s. 10(c), Art. VII of the~~
 837 ~~State Constitution and simultaneously provide new and innovative~~
 838 ~~means for the investment of public trust funds in accordance~~
 839 ~~with s. 10(a), Art. VII of the State Constitution.~~

840 Section 10. Subsections (6), (11), and (12) of section

841 288.9603, Florida Statutes, are amended to read:

842 288.9603 Definitions.—

843 (6) "Debt service" shall mean for any bonds issued by the
 844 corporation or for any bonds or other form of indebtedness ~~and~~
 845 for which a guaranty has been issued pursuant to ss. 288.9606,
 846 288.9607, and 288.9608, for any period for which such
 847 determination is to be made, the aggregate amount of all
 848 interest charges due or which shall become due on or with
 849 respect to such bonds or indebtedness during the period for
 850 which such determination is being made, plus the aggregate
 851 amount of scheduled principal payments due or which shall become
 852 due on or with respect to such bonds or indebtedness during the
 853 period for which such determination is being made. Scheduled
 854 principal payments may include only principal payments that are
 855 scheduled as part of the terms of the original bond or
 856 indebtedness issue and that result in the reduction of the
 857 outstanding principal balance of the bonds or indebtedness.

858 (11) "Guaranty agreement" means an agreement by and
 859 between the corporation and an applicant ~~a public agency~~
 860 pursuant to the provisions of s. 288.9607.

861 (12) "Guaranty agreement fund" means the Energy,
 862 Technology, and Economic Development ~~Revenue Bond~~ Guaranty Fund
 863 ~~Reserve Account~~ established by the corporation pursuant to s.
 864 288.9608.

865 Section 11. Section 288.9604, Florida Statutes, is amended
 866 to read:

867 288.9604 Creation of the authority.—

868 (1) ~~Upon a finding of necessity by a city or county of~~

869 ~~this state, selected pursuant to subsection (2),~~ There is
870 created a public body corporate and politic known as the
871 "Florida Development Finance Corporation." The corporation shall
872 be constituted as a public instrumentality ~~of local government,~~
873 and the exercise by the corporation of the powers conferred by
874 this act shall be deemed and held to be the performance of an
875 essential public function. The corporation has the power to
876 function within the corporate limits of any public agency with
877 which it has entered into an interlocal agreement for any of the
878 purposes of this act.

879 ~~(2) A city or county of Florida shall be selected by a~~
880 ~~search committee of Enterprise Florida, Inc. This city or county~~
881 ~~shall be authorized to activate the corporation. The search~~
882 ~~committee shall be composed of two commercial banking~~
883 ~~representatives, the Senate member of the partnership, the House~~
884 ~~of Representatives member of the partnership, and a member who~~
885 ~~is an industry or economic development professional.~~

886 (2)(3) ~~Upon activation of the corporation,~~ The Governor,
887 subject to confirmation by the Senate, shall appoint the board
888 of directors of the corporation, who shall be five in number.
889 The terms of office for the directors shall be for 4 years from
890 the date of their appointment. A vacancy occurring during a term
891 shall be filled for the unexpired term. A director shall be
892 eligible for reappointment. At least three of the directors of
893 the corporation shall be bankers who have been selected by the
894 Governor from a list of bankers who were nominated by Enterprise
895 Florida, Inc., and one of the directors shall be an economic
896 development specialist. The chairperson of the Florida Black

897 Business Investment Board shall be an ex officio member of the
898 board of the corporation.

899 (3)~~(4)~~ (a) A director shall receive no compensation for his
900 or her services, but is entitled to the necessary expenses,
901 including travel expenses, incurred in the discharge of his or
902 her duties. Each director shall hold office until his or her
903 successor has been appointed.

904 (b) The powers of the corporation shall be exercised by
905 the directors thereof. A majority of the directors constitutes a
906 quorum for the purposes of conducting business and exercising
907 the powers of the corporation and for all other purposes. Action
908 may be taken by the corporation upon a vote of a majority of the
909 directors present, unless in any case the bylaws require a
910 larger number. Any person may be appointed as director if he or
911 she resides, or is engaged in business, which means owning a
912 business, practicing a profession, or performing a service for
913 compensation or serving as an officer or director of a
914 corporation or other business entity so engaged, within the
915 state.

916 (c) The directors of the corporation shall annually elect
917 one of their members as chair and one as vice chair. The
918 corporation may employ a president, technical experts, and such
919 other agents and employees, permanent and temporary, as it
920 requires and determine their qualifications, duties, and
921 compensation. For such legal services as it requires, the
922 corporation may employ or retain its own counsel and legal
923 staff. The corporation shall file with the governing body of
924 each public agency with which it has entered into an interlocal

925 agreement and with the Governor, the Speaker of the House of
 926 Representatives, the President of the Senate, the Minority
 927 Leaders of the Senate and House of Representatives, and the
 928 Auditor General, on or before 90 days after the close of the
 929 fiscal year of the corporation, a report of its activities for
 930 the preceding fiscal year, which report shall include a complete
 931 financial statement setting forth its assets, liabilities,
 932 income, and operating expenses as of the end of such fiscal
 933 year.

934 (4)~~(5)~~ The board may remove a director for inefficiency,
 935 neglect of duty, or misconduct in office only after a hearing
 936 and only if he or she has been given a copy of the charges at
 937 least 10 days before ~~prior to~~ such hearing and has had an
 938 opportunity to be heard in person or by counsel. The removal of
 939 a director shall create a vacancy on the board which shall be
 940 filled pursuant to subsection (4) ~~(3)~~.

941 Section 12. Section 288.9605, Florida Statutes, is amended
 942 to read:

943 288.9605 Corporation powers.—

944 (1) The powers of the corporation created by s. 288.9604
 945 shall include all the powers necessary or convenient to carry
 946 out and effectuate the purposes and provisions of this act.

947 (2) The corporation is authorized and empowered to:

948 (a) Have perpetual succession as a body politic and
 949 corporate and adopt bylaws for the regulation of its affairs and
 950 the conduct of its business.

951 (b) Adopt an official seal and alter the same at its
 952 pleasure.

953 (c) Maintain an office at such place or places as it may
 954 designate.

955 (d) Sue and be sued in its own name and plead and be
 956 impleaded.

957 (e) Enter into interlocal agreements pursuant to s.
 958 163.01(7) with public agencies of this state for the exercise of
 959 any power, privilege, or authority consistent with the purposes
 960 of this act.

961 (f) Issue, from time to time, revenue bonds, notes, or
 962 other evidence of indebtedness, including, but not limited to,
 963 taxable bonds and bonds the interest on which is exempt from
 964 federal income taxation, for the purpose of financing and
 965 refinancing any capital projects that promote economic
 966 development within the state, thereby benefitting the citizens
 967 of the state, ~~for applicants~~ and exercise all powers in
 968 connection with the authorization, issuance, and sale of bonds,
 969 subject to the provisions of s. 288.9606.

970 (g) Issue bond anticipation notes in connection with the
 971 authorization, issuance, and sale of such bonds, pursuant to the
 972 provisions of s. 288.9606.

973 (h) Make and execute contracts and other instruments
 974 necessary or convenient to the exercise of its powers under the
 975 act.

976 (i) Disseminate information about itself and its
 977 activities.

978 (j) Acquire, by purchase, lease, option, gift, grant,
 979 bequest, devise, or otherwise, real property, together with any
 980 improvements thereon, or personal property for its

981 administrative purposes or in furtherance of the purposes of
 982 this act, ~~together with any improvements thereon.~~

983 (k) Hold, improve, clear, or prepare for development any
 984 such property.

985 (l) Mortgage, pledge, hypothecate, or otherwise encumber
 986 or dispose of any real or personal property.

987 (m) Insure or provide for insurance of any real or
 988 personal property or operations of the corporation or any
 989 private enterprise against any risks or hazards, including the
 990 power to pay premiums on any such insurance.

991 (n) Establish and fund a guaranty fund in furtherance of
 992 the purposes of this act.

993 (o) Invest funds held in reserve or sinking funds or any
 994 such funds not required for immediate disbursement in property
 995 or securities in such manner as the board shall determine,
 996 subject to the authorizing resolution on any bonds issued, and
 997 to terms established in the investment agreement pursuant to ss.
 998 288.9606, 288.9607, and 288.9608, and redeem such bonds as have
 999 been issued pursuant to s. 288.9606 at the redemption price
 1000 established therein or purchase such bonds at less than
 1001 redemption price, all such bonds so redeemed or purchased to be
 1002 canceled.

1003 (p) Borrow money and apply for and accept advances, loans,
 1004 grants, contributions, and any other form of financial
 1005 assistance from the Federal Government or the state, county, or
 1006 other public agency ~~body~~ or from any sources, public or private,
 1007 for the purposes of this act and give such security as may be
 1008 required and enter into and carry out contracts or agreements in

1009 connection therewith; and include in any contract for financial
 1010 assistance with the Federal Government or the state, county, or
 1011 other public agency for, or with respect to, any purposes under
 1012 this act and related activities such conditions imposed pursuant
 1013 to federal laws as the county or municipality or other public
 1014 agency deems reasonable and appropriate which are not
 1015 inconsistent with the provisions of this act.

1016 (q) Make or have all surveys and plans necessary for the
 1017 carrying out of the purposes of this act, contract with any
 1018 person, public or private, in making and carrying out such
 1019 plans, and adopt, approve, modify, and amend such plans.

1020 (r) Develop, test, and report methods and techniques and
 1021 carry out demonstrations and other activities for the promotion
 1022 of any of the purposes of this act.

1023 (s) Apply for, accept, and utilize grants from the Federal
 1024 Government or the state, county, or other public agency
 1025 available for any of the purposes of this act.

1026 (t) Make expenditures necessary to carry out the purposes
 1027 of this act.

1028 (u) Exercise all or any part or combination of powers
 1029 granted in this act.

1030 (v) Enter into investment agreements with the Florida
 1031 Black Business Investment Board concerning the issuance of bonds
 1032 and other forms of indebtedness and capital for the purposes of
 1033 ss. 288.707-288.714.

1034 (w) Determine the situations and circumstances for
 1035 participation in partnerships by agreement with local
 1036 governments, financial institutions, and others associated with

1037 the redevelopment of brownfield areas pursuant to the
 1038 Brownfields Redevelopment Act for a limited state guaranty of
 1039 revenue bonds, loan guarantees, or loan loss reserves.

1040 Section 13. Subsections (3) and (5) of section 288.9606,
 1041 Florida Statutes, are amended, and subsection (7) is added to
 1042 that section, to read:

1043 288.9606 Issue of revenue bonds.—

1044 (3) Bonds issued under this section shall be authorized by
 1045 a public agency of this state pursuant to the terms of an
 1046 interlocal agreement, unless such bonds are issued pursuant to
 1047 subsection (7); may be issued in one or more series; and shall
 1048 bear such date or dates, be payable upon demand or mature at
 1049 such time or times, bear interest rate or rates, be in such
 1050 denomination or denominations, be in such form either with or
 1051 without coupon or registered, carry such conversion or
 1052 registration privileges, have such rank or priority, be executed
 1053 in such manner, be payable in such medium of payments at such
 1054 place or places, be subject to such terms of redemption, with or
 1055 without premium, be secured in such manner, and have such other
 1056 characteristics as may be provided by the corporation interlocal
 1057 ~~agreement issued pursuant thereto~~. Bonds issued under this
 1058 section may be sold in such manner, either at public or private
 1059 sale, and for such price as the corporation may determine will
 1060 effectuate the purpose of this act.

1061 (5) In any suit, action, or proceeding involving the
 1062 validity or enforceability of any bond issued under this act, or
 1063 the security therefor, any such bond reciting in substance that
 1064 it has been issued by the corporation in connection with any

1065 | purpose of the act shall be conclusively deemed to have been
 1066 | issued for such purpose, and such purpose shall be conclusively
 1067 | deemed to have been carried out in accordance with the act. The
 1068 | complaint in any action to validate such bonds shall be filed
 1069 | only in the Circuit Court for Leon County. The notice required
 1070 | to be published by s. 75.06 shall be published only in Leon
 1071 | County, and the complaint and order of the circuit court shall
 1072 | be served only on the State Attorney of the Second Judicial
 1073 | Circuit and on the state attorney of each circuit in each county
 1074 | where the public agencies which were initially a party to the
 1075 | interlocal agreement are located. Notice of such proceedings
 1076 | shall be published in the manner and the time required by s.
 1077 | 75.06, in Leon County and in each county where the public
 1078 | agencies which were initially a party to the interlocal
 1079 | agreement are located. Obligations of the corporation pursuant
 1080 | to a loan agreement as described in this subsection may be
 1081 | validated as provided in chapter 75. The validation of at least
 1082 | the first bonds approved by the corporation shall be appealed to
 1083 | the Florida Supreme Court. ~~The complaint in the validation~~
 1084 | ~~proceeding shall specifically address the constitutionality of~~
 1085 | ~~using the investment of the earnings accrued and collected upon~~
 1086 | ~~the investment of the minimum balance funds required to be~~
 1087 | ~~maintained in the State Transportation Trust Fund to guarantee~~
 1088 | ~~such bonds. If such proceeding results in an adverse ruling and~~
 1089 | ~~such bonds and guaranty are found to be unconstitutional,~~
 1090 | ~~invalid, or unenforceable, then the corporation shall no longer~~
 1091 | ~~be authorized to use the investment of the earnings accrued and~~
 1092 | ~~collected upon the investment of the minimum balance of the~~

1093 ~~State Transportation Trust Fund to guarantee any bonds.~~

1094 (7) Notwithstanding any provision of this section, the
 1095 corporation in its corporate capacity may, without authorization
 1096 from a public agency under s. 163.01(7), issue revenue bonds or
 1097 other evidence of indebtedness under this section to:

1098 (a) Finance the undertaking of any project within the
 1099 state that promotes renewable energy as defined in s. 377.803 or
 1100 s. 366.91;

1101 (b) Finance the undertaking of any project within the
 1102 state that is a project contemplated or allowed under s. 406 of
 1103 the American Recovery and Reinvestment Act of 2009; or

1104 (c) If permitted by federal law, finance qualifying
 1105 improvement projects within the state under s. 163.08.

1106 Section 14. Section 288.9607, Florida Statutes, is amended
 1107 to read:

1108 288.9607 Guaranty of bond issues.—

1109 (1) The corporation may ~~is hereby authorized to~~ approve or
 1110 deny, by a majority vote of the membership of the directors, a
 1111 guaranty of debt service payments for bonds or other
 1112 indebtedness used to finance any capital project that promotes
 1113 economic development in the state, including, but not limited
 1114 to, those capital projects for which revenue bonds are the
 1115 guaranty of any revenue bonds issued under pursuant to this act,
 1116 if any such guaranty does not exceed 5 percent of the total
 1117 aggregate principal amount of bonds or other indebtedness
 1118 relating to any one capital project. The corporation may also
 1119 use moneys deposited into the Energy, Technology, and Economic
 1120 Development Guaranty Fund to satisfy requirements to obtain

1121 federal loan guarantees for capital projects authorized pursuant
 1122 to this section. ~~The guaranty may also be of the obligations of~~
 1123 ~~the corporation with respect to any letter of credit, bond~~
 1124 ~~insurance, or other form of credit enhancement provided by any~~
 1125 ~~person with respect to any revenue bonds issued by the~~
 1126 ~~corporation pursuant to this act.~~

1127 (2) Any applicant ~~for financing from the corporation,~~
 1128 requesting a guaranty of ~~the bonds issued by~~ the corporation
 1129 under this act must submit a guaranty application, in a form
 1130 acceptable to the corporation, together with supporting
 1131 documentation to the corporation as provided in this section.

1132 (3) All applicants which have entered into a guaranty
 1133 agreement with the corporation shall pay a guaranty premium on
 1134 such terms and at such rates as the corporation shall determine
 1135 before ~~prior to~~ the issuance of the guaranty ~~bonds~~. The
 1136 corporation may adopt such guaranty premium structures as it
 1137 deems appropriate, including, without limitation, guaranty
 1138 premiums which are payable one time upon the issuance of the
 1139 guaranty ~~bonds~~ or annual premiums payable upon the outstanding
 1140 principal balance of bonds or other indebtedness that is
 1141 guaranteed from time to time. The premium payment may be
 1142 collected by the corporation from any ~~the~~ lessee of the project
 1143 involved, from the applicant, or from any other payee of any ~~the~~
 1144 loan agreement involved.

1145 (4) All applications for a guaranty must acknowledge that
 1146 as a condition to the issuance of the guaranty, the corporation
 1147 may require that the financing must be secured by a mortgage or
 1148 security interest on the property acquired which will have such

1149 priority over other liens on such property as may be required by
 1150 the corporation, and that the financing must be guaranteed by
 1151 such person or persons with such ownership interest in the
 1152 applicant as may be required by the corporation.

1153 (5) Personal financial records, trade secrets, or
 1154 proprietary information of applicants delivered to or obtained
 1155 by the corporation shall be confidential and exempt from the
 1156 provisions of s. 119.07(1).

1157 (6) If the application for a guaranty is approved by the
 1158 corporation, the corporation and the applicant shall enter into
 1159 a guaranty agreement. In accordance with the provisions of the
 1160 guaranty agreement, the corporation guarantees to use the funds
 1161 on deposit in its Energy, Technology, and Economic Development
 1162 Guaranty Fund ~~Revenue Bond Guaranty Reserve Account~~ to meet debt
 1163 service ~~amortization~~ payments on the bonds or indebtedness as
 1164 they become due, in the event and to the extent that the
 1165 applicant is unable to meet such payments ~~in accordance with the~~
 1166 ~~terms of the bond indenture when called to do so by the trustee~~
 1167 ~~of the bondholders~~, or to make similar payments to reimburse any
 1168 person which has provided credit enhancement for the bonds and
 1169 which has advanced funds to meet such debt service ~~amortization~~
 1170 payments as they become due, if such guaranty of the corporation
 1171 is limited to 5 percent of the total aggregate principal amount
 1172 of bonds or other indebtedness relating to any one capital
 1173 project. The corporation may also use moneys deposited in the
 1174 Energy, Technology, and Economic Development Guaranty Fund to
 1175 satisfy requirements to obtain federal loan guarantees for
 1176 capital projects authorized under this section. If the applicant

1177 defaults on debt service ~~bond amortization~~ payments, the
 1178 corporation may use funds on deposit in the Energy, Technology,
 1179 and Economic Development Guaranty Fund Revenue Bond Guaranty
 1180 Reserve Account to pay insurance, maintenance, and other costs
 1181 which may be required for the preservation of any capital
 1182 project or other collateral security for any bond or
 1183 indebtedness issued to finance a capital project for which debt
 1184 service payments are guaranteed by the corporation ~~issued by the~~
 1185 ~~corporation, or to otherwise protect the reserve account from~~
 1186 ~~loss, or to minimize losses to the reserve account, in each case~~
 1187 in such manner as may be deemed necessary and advisable by the
 1188 corporation.

1189 ~~(7) (a) The corporation is authorized to enter into an~~
 1190 ~~investment agreement with the Department of Transportation and~~
 1191 ~~the State Board of Administration concerning the investment of~~
 1192 ~~the earnings accrued and collected upon the investment of the~~
 1193 ~~minimum balance of funds required to be maintained in the State~~
 1194 ~~Transportation Trust Fund pursuant to s. 339.135(6)(b). Such~~
 1195 ~~investment shall be limited as follows:~~

1196 ~~1. Not more than \$4 million of the investment earnings~~
 1197 ~~earned on the investment of the minimum balance of the State~~
 1198 ~~Transportation Trust Fund in a fiscal year shall be at risk at~~
 1199 ~~any time on one or more bonds or series of bonds issued by the~~
 1200 ~~corporation.~~

1201 ~~2. The investment earnings shall not be used to guarantee~~
 1202 ~~any bonds issued after June 30, 1998, and in no event shall the~~
 1203 ~~investment earnings be used to guarantee any bond issued for a~~
 1204 ~~maturity longer than 15 years.~~

1205 ~~3. The corporation shall pay a reasonable fee, set by the~~
 1206 ~~State Board of Administration, in return for the investment of~~
 1207 ~~such funds. The fee shall not be less than the comparable rate~~
 1208 ~~for similar investments in terms of size and risk.~~

1209 ~~4. The proceeds of bonds, or portions thereof, issued by~~
 1210 ~~the corporation for which a guaranty has been or will be issued~~
 1211 ~~pursuant to s. 288.9606, s. 288.9608, or this section used to~~
 1212 ~~make loans to any one person, including any related interests,~~
 1213 ~~as defined in s. 658.48, of such person, shall not exceed 20~~
 1214 ~~percent of the principal of all such outstanding bonds of the~~
 1215 ~~corporation issued prior to the first composite bond issue of~~
 1216 ~~the corporation, or December 31, 1995, whichever comes first,~~
 1217 ~~and shall not exceed 15 percent of the principal of all such~~
 1218 ~~outstanding bonds of the corporation issued thereafter, in each~~
 1219 ~~case determined as of the date of issuance of the bonds for~~
 1220 ~~which such determination is being made and taking into account~~
 1221 ~~the principal amount of such bonds to be issued. The provisions~~
 1222 ~~of this subparagraph shall not apply when the total amount of~~
 1223 ~~all such outstanding bonds issued by the corporation is less~~
 1224 ~~than \$10 million. For the purpose of calculating the limits~~
 1225 ~~imposed by the provisions of this subparagraph, the first \$10~~
 1226 ~~million of bonds issued by the corporation shall be taken into~~
 1227 ~~account.~~

1228 ~~5. The corporation shall establish a debt service reserve~~
 1229 ~~account which contains not less than 6 months' debt service~~
 1230 ~~reserves from the proceeds of the sale of any bonds, or portions~~
 1231 ~~thereof, guaranteed by the corporation.~~

1232 ~~6. The corporation shall establish an account known as the~~

1233 ~~Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The~~
 1234 ~~corporation shall deposit a sum of money or other cash~~
 1235 ~~equivalents into this fund and maintain a balance of money or~~
 1236 ~~cash equivalents in this fund, from sources other than the~~
 1237 ~~investment of earnings accrued and collected upon the investment~~
 1238 ~~of the minimum balance of funds required to be maintained in the~~
 1239 ~~State Transportation Trust Fund, not less than a sum equal to 1~~
 1240 ~~year of maximum debt service on all outstanding bonds, or~~
 1241 ~~portions thereof, of the corporation for which a guaranty has~~
 1242 ~~been issued pursuant to ss. 288.9606, 288.9607, and 288.9608. In~~
 1243 ~~the event the corporation fails to maintain the balance required~~
 1244 ~~pursuant to this subparagraph for any reason other than a~~
 1245 ~~default on a bond issue of the corporation guaranteed pursuant~~
 1246 ~~to this section or because of the use by the corporation of any~~
 1247 ~~such funds to pay insurance, maintenance, or other costs which~~
 1248 ~~may be required for the preservation of any project or other~~
 1249 ~~collateral security for any bond issued by the corporation, or~~
 1250 ~~to otherwise protect the Revenue Bond Guaranty Reserve Account~~
 1251 ~~from loss while the applicant is in default on amortization~~
 1252 ~~payments, or to minimize losses to the reserve account in each~~
 1253 ~~case in such manner as may be deemed necessary or advisable by~~
 1254 ~~the corporation, the corporation shall immediately notify the~~
 1255 ~~Department of Transportation of such deficiency. Any~~
 1256 ~~supplemental funding authorized by an investment agreement~~
 1257 ~~entered into with the Department of Transportation and the State~~
 1258 ~~Board of Administration concerning the use of investment~~
 1259 ~~earnings of the minimum balance of funds is void unless such~~
 1260 ~~deficiency of funds is cured by the corporation within 90 days~~

1261 ~~after the corporation has notified the Department of~~
 1262 ~~Transportation of such deficiency.~~

1263 ~~(b) Unless specifically prohibited in the General~~
 1264 ~~Appropriations Act, the earnings accrued and collected upon the~~
 1265 ~~investment of the minimum balance of funds required to be~~
 1266 ~~maintained in the State Transportation Trust Fund may continue~~
 1267 ~~to be used pursuant to paragraph (a).~~

1268 ~~(c)~~ The guaranty is ~~shall~~ not be a general obligation of
 1269 the corporation or of the state, but is ~~shall~~ be a special
 1270 obligation, which constitutes the investment of a public trust
 1271 fund. In no event shall the guaranty constitute an indebtedness
 1272 of the corporation, the state ~~of Florida~~, or any political
 1273 subdivision thereof within the meaning of any constitutional or
 1274 statutory limitation. Each guaranty agreement shall have plainly
 1275 stated on the face thereof that it has been entered into under
 1276 the provisions of this act and that it does not constitute an
 1277 indebtedness of the corporation, the state, or any political
 1278 subdivision thereof within any constitutional or statutory
 1279 limitation, and that neither the full faith and credit of the
 1280 state ~~of Florida~~ nor any of its revenues is pledged to meet any
 1281 of the obligations of the corporation under such guaranty
 1282 agreement. Each such agreement shall state that the obligation
 1283 of the corporation under the guaranty shall be limited to the
 1284 funds available in the Energy, Technology, and Economic
 1285 Development Guaranty Fund Revenue Bond Guaranty Reserve Account
 1286 as authorized by this section.

1287
 1288 ~~The corporation shall include, as part of the annual report~~

1289 ~~prepared pursuant to s. 288.9610, a detailed report concerning~~
 1290 ~~the use of guaranteed bond proceeds for loans guaranteed or~~
 1291 ~~issued pursuant to any agreement with the Florida Black Business~~
 1292 ~~Investment Board, including the percentage of such loans~~
 1293 ~~guaranteed or issued and the total volume of such loans~~
 1294 ~~guaranteed or issued.~~

1295 (8) In the event the corporation does not approve the
 1296 application for a guaranty, the applicant shall be notified in
 1297 writing of the corporation's determination that the application
 1298 not be approved.

1299 (9) The membership of the corporation is authorized and
 1300 directed to conduct such investigation as it may deem necessary
 1301 for promulgation of regulations to govern the operation of the
 1302 guaranty program authorized by this section. The regulations may
 1303 include such other additional provisions, restrictions, and
 1304 conditions as the corporation, after its investigation referred
 1305 to in this subsection, shall determine to be proper to achieve
 1306 the most effective utilization of the guaranty program. This may
 1307 include, without limitation, a detailing of the remedies that
 1308 must be exhausted by ~~the~~ bondholders, ~~or~~ a trustee acting on
 1309 their behalf, or other credit provided before ~~prior to~~ calling
 1310 upon the corporation to perform under its guaranty agreement and
 1311 the subrogation of other rights of the corporation with
 1312 reference to the capital project and its operation or the
 1313 financing in the event the corporation makes payment pursuant to
 1314 the applicable guaranty agreement. The regulations promulgated
 1315 by the corporation to govern the operation of the guaranty
 1316 program may ~~shall~~ contain specific provisions with respect to

1317 the rights of the corporation to enter, take over, and manage
 1318 all financed properties upon default. These regulations shall be
 1319 submitted by set forth the respective rights of the corporation
 1320 to the Florida Energy and Climate Commission for approval and
 1321 the bondholders in regard thereto.

1322 (10) The guaranty program described in this section may be
 1323 used by the corporation in conjunction with any federal guaranty
 1324 programs described in s. 406 of the American Recovery and
 1325 Reinvestment Act of 2009. All policies, procedures, and
 1326 regulations of the guaranty program adopted by the corporation,
 1327 to the extent such guaranty program of the corporation is used
 1328 in conjunction with a federal guaranty program described in s.
 1329 406 of the American Recovery and Reinvestment Act of 2009, must
 1330 be consistent with s. 406 of the American Recovery and
 1331 Reinvestment Act of 2009.

1332 Section 15. Section 288.9608, Florida Statutes, is amended
 1333 to read:

1334 288.9608 Creation and funding of the Energy, Technology,
 1335 and Economic Development Guaranty Fund ~~guaranty account.-~~

1336 (1) ~~The corporation shall establish a debt service reserve~~
 1337 ~~account which contains not less than 6 months' debt service~~
 1338 ~~reserves from the proceeds of the sale of any bonds guaranteed~~
 1339 ~~by the corporation. Funds in such debt service reserve account~~
 1340 ~~shall be used prior to funds in the Revenue Bond Guaranty~~
 1341 ~~Reserve Account established in subsection (2). The corporation~~
 1342 ~~shall make best efforts to liquidate collateralized property and~~
 1343 ~~draw upon personal guarantees, and shall utilize the Revenue~~
 1344 ~~Bond Guaranty Reserve Account prior to use of supplemental~~

1345 ~~funding for the Guaranty Reserve Account under the provisions of~~
 1346 ~~subsection (3).~~

1347 ~~(2)(a)~~ The corporation shall establish an account known as
 1348 the Energy, Technology, and Economic Development Guaranty Fund
 1349 ~~Revenue Bond Guaranty Reserve Account, the Guaranty Fund.~~ The
 1350 corporation ~~may shall~~ deposit moneys ~~a sum of money~~ or other
 1351 cash equivalents into the this fund and maintain a balance in
 1352 the this fund, from general revenue funds of the state as are
 1353 authorized for that purpose or any other designated funding
 1354 sources not inconsistent with state law ~~sources other than the~~
 1355 ~~State Transportation Trust Fund, not less than a sum equal to 1~~
 1356 ~~year of maximum debt service on all outstanding bonds, or~~
 1357 ~~portions thereof, of the corporation for which a guaranty has~~
 1358 ~~been issued pursuant to ss. 288.9606, 288.9607, and 288.9608.~~

1359 ~~(2)(b)~~ If the corporation determines that the moneys in
 1360 the guaranty agreement fund are not sufficient to meet the
 1361 obligations of the guaranty agreement fund, the corporation is
 1362 authorized to use the necessary amount of any available moneys
 1363 that it may have which are not needed for, then or in the
 1364 foreseeable future, or committed to other authorized functions
 1365 and purposes of the corporation. Any such moneys so used may be
 1366 reimbursed out of the guaranty agreement fund if and when there
 1367 are moneys therein available for the purpose.

1368 ~~(3)(e)~~ The determination of when additional moneys will be
 1369 needed for the guaranty agreement fund, the amounts that will be
 1370 needed, and the availability or unavailability of other moneys
 1371 shall be made solely by the corporation in the exercise of its
 1372 discretion. ~~However, supplemental funding for the Guaranty Fund~~

1373 ~~as described in subsection (3) shall be made in accordance with~~
1374 ~~the investment agreement of the corporation and the Department~~
1375 ~~of Transportation and the State Board of Administration.~~

1376 ~~(3)(a) If the corporation determines that the funds in the~~
1377 ~~Guaranty Fund will not be sufficient to meet the present or~~
1378 ~~reasonably projected obligations of the Guaranty Fund, due to a~~
1379 ~~default on a loan made by the corporation from the proceeds of a~~
1380 ~~bond issued by the corporation which is guaranteed pursuant to~~
1381 ~~s. 288.9607(7), no later than 90 days before amortization~~
1382 ~~payments are due on such bonds, the corporation shall notify the~~
1383 ~~Secretary of Transportation and the State Board of~~
1384 ~~Administration of the amount of funds required to meet, as and~~
1385 ~~when due, all amortization payments for which the Guaranty Fund~~
1386 ~~is obligated. The Secretary of Transportation shall immediately~~
1387 ~~notify the Speaker of the House of Representatives, the~~
1388 ~~President of the Senate, and the chairs of the Senate and House~~
1389 ~~Committees on Appropriations of the amount of funds required,~~
1390 ~~and the projected impact on each affected year of the adopted~~
1391 ~~work program of the Department of Transportation.~~

1392 ~~(b) Within 30 days of the receipt of notification from the~~
1393 ~~corporation, the Department of Transportation shall submit a~~
1394 ~~budget amendment request to the Executive Office of the Governor~~
1395 ~~pursuant to chapter 216, to increase budget authority to carry~~
1396 ~~out the purposes of this section. Upon approval of said~~
1397 ~~amendment, the department shall proceed to amend the adopted~~
1398 ~~work program, if necessary, in accordance with the amendment.~~
1399 ~~Within 60 days of the receipt of notification, and subject to~~
1400 ~~approval of the budget authority, the Secretary of~~

1401 ~~Transportation shall transfer, subject to the amount available~~
 1402 ~~from the source described in paragraph (c), the amount of funds~~
 1403 ~~requested by the corporation required to meet, as and when due,~~
 1404 ~~all amortization payments for which the Guaranty Fund is~~
 1405 ~~obligated. Any moneys so transferred shall be reimbursed to the~~
 1406 ~~Department of Transportation, with interest at the rate earned~~
 1407 ~~on investment by the State Treasury, from the funds available in~~
 1408 ~~the Guaranty Fund or as otherwise available to the corporation.~~

1409 ~~(c) Pursuant to s. 288.9607(7), the Secretary of~~
 1410 ~~Transportation and the State Board of Administration may make~~
 1411 ~~available for transfer to the Guaranty Fund, earnings accrued~~
 1412 ~~and collected upon the investment of the minimum balance of~~
 1413 ~~funds required to be maintained in the State Transportation~~
 1414 ~~Trust Fund. However, the earnings accrued and collected upon the~~
 1415 ~~investment of the minimum balance of funds required to be~~
 1416 ~~maintained in the State Transportation Trust Fund which shall be~~
 1417 ~~subject to transfer shall be limited to those earnings accrued~~
 1418 ~~and collected on the investment of the minimum balance of funds~~
 1419 ~~required to be maintained in the State Transportation Trust Fund~~
 1420 ~~for the fiscal year in which the notification is received by the~~
 1421 ~~secretary and fiscal years thereafter.~~

1422 ~~(4) If the corporation receives supplemental funding for~~
 1423 ~~the Guaranty Fund under the provisions of this section, then any~~
 1424 ~~proceeds received by the corporation with respect to a loan in~~
 1425 ~~default, including proceeds from the sale of collateral for such~~
 1426 ~~loan, enforcement of personal guarantees or other pledges to the~~
 1427 ~~corporation to secure such loan, shall first be applied to the~~
 1428 ~~obligation of the corporation to repay the Department of~~

1429 ~~Transportation pursuant to this section. Until such repayment is~~
 1430 ~~complete, no new bonds may be guaranteed pursuant to this~~
 1431 ~~section.~~

1432 ~~(5) Prior to the use of the guaranty provided in this~~
 1433 ~~section, and on an annual basis, the corporation must certify in~~
 1434 ~~writing to the State Board of Administration and the Secretary~~
 1435 ~~of Transportation that it has fully implemented the requirements~~
 1436 ~~of this section and s. 288.9607 and the regulations of the~~
 1437 ~~corporation.~~

1438 Section 16. Section 288.9609, Florida Statutes, is amended
 1439 to read:

1440 288.9609 Bonds as legal investments.—All banks, trust
 1441 companies, bankers, savings banks and institutions, building and
 1442 loan associations, savings and loan associations, investment
 1443 companies, and other persons carrying on a banking and
 1444 investment business; all insurance companies, insurance
 1445 associations, and other persons carrying on an insurance
 1446 business; and all executors, administrators, curators, trustees,
 1447 and other fiduciaries may legally invest any sinking funds,
 1448 moneys, or other funds belonging to them or within their control
 1449 in any bonds or other obligations issued by the corporation
 1450 ~~pursuant to an interlocal agreement with a public agency of this~~
 1451 ~~state.~~ Such bonds and obligations shall be authorized security
 1452 for all public deposits. It is the purpose of this section to
 1453 authorize all persons, political subdivisions, and officers,
 1454 public and private, to use any funds owned or controlled by them
 1455 for the purchase of any such bonds or other obligations. Nothing
 1456 contained in this section with regard to legal investments shall

1457 | be construed as relieving any person of any duty of exercising
 1458 | reasonable care in selecting securities.

1459 | Section 17. Section 288.9610, Florida Statutes, is amended
 1460 | to read:

1461 | 288.9610 Annual reports of Florida Development Finance
 1462 | Corporation.—By December 1 of each year, the Florida Development
 1463 | Finance Corporation shall submit to the Governor, the President
 1464 | of the Senate, the Speaker of the House of Representatives, the
 1465 | Senate Minority Leader, and the House Minority Leader, ~~and the~~
 1466 | ~~city or county activating the Florida Development Finance~~
 1467 | ~~Corporation~~ a complete and detailed report setting forth:

1468 | (1) The evaluation required in s. 11.45(3)(j).

1469 | (2) The operations and accomplishments of the Florida
 1470 | Development Finance Corporation, including the number of
 1471 | businesses assisted by the corporation.

1472 | (3) Its assets and liabilities at the end of its most
 1473 | recent fiscal year, including a description of all of its
 1474 | outstanding revenue bonds.

1475 | Section 18. Subsection (4) of section 206.46, Florida
 1476 | Statutes, is amended to read:

1477 | 206.46 State Transportation Trust Fund.—

1478 | (4) The department may authorize the investment of the
 1479 | earnings accrued and collected upon the investment of the
 1480 | minimum balance of funds required to be maintained in the State
 1481 | Transportation Trust Fund pursuant to s. 339.135(6)(b). ~~Such~~
 1482 | ~~investment shall be limited as provided in s. 288.9607(7).~~

1483 | Section 19. Subsection (14) of section 215.47, Florida
 1484 | Statutes, is amended to read:

1485 215.47 Investments; authorized securities; loan of
 1486 securities.—Subject to the limitations and conditions of the
 1487 State Constitution or of the trust agreement relating to a trust
 1488 fund, moneys available for investments under ss. 215.44-215.53
 1489 may be invested as follows:

1490 (14) The State Board of Administration, consistent with
 1491 sound investment policy, may invest the earnings accrued and
 1492 collected upon the investment of the minimum balance of funds
 1493 required to be maintained in the State Transportation Trust Fund
 1494 pursuant to s. 339.135(6)(b). ~~Such investment shall be limited~~
 1495 ~~as provided in s. 288.9607(7).~~

1496 Section 20. Subsection (3) of section 339.08, Florida
 1497 Statutes, is amended to read:

1498 339.08 Use of moneys in State Transportation Trust Fund.—

1499 (3) The department may authorize the investment of the
 1500 earnings accrued and collected upon the investment of the
 1501 minimum balance of funds required to be maintained in the State
 1502 Transportation Trust Fund pursuant to s. 339.135(6)(b). ~~Such~~
 1503 ~~investment shall be limited as provided in s. 288.9607(7).~~

1504 Section 21. Paragraph (f) of subsection (7) of section
 1505 339.135, Florida Statutes, is amended to read:

1506 339.135 Work program; legislative budget request;
 1507 definitions; preparation, adoption, execution, and amendment.—

1508 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1509 (f) The department may authorize the investment of the
 1510 earnings accrued and collected upon the investment of the
 1511 minimum balance of funds required to be maintained in the State
 1512 Transportation Trust Fund pursuant to paragraph (b). ~~Such~~

CS/HB 7229, Engrossed 1

2010

1513 ~~investment shall be limited as provided in s. 288.9607(7).~~

1514 Section 22. If any provision of this act or the
1515 application thereof to any person or circumstance is held
1516 invalid, the invalidity does not affect other provisions or
1517 applications of the act that may be given effect without the
1518 invalid provision or application, and to this end the provisions
1519 of this act are declared to be severable.

1520 Section 23. This act shall take effect July 1, 2010.