

1 A bill to be entitled
2 An act relating to energy efficiency; providing
3 legislative findings; providing definitions; requiring
4 each electric utility in the state to collect from each
5 residential, commercial, and industrial customer a
6 designated monthly systems charge; requiring the electric
7 utilities to deposit collected funds into the Sustainable
8 and Renewable Energy Policy Trust Fund; creating a direct-
9 support organization for the Florida Energy and Climate
10 Commission; providing for a board of directors of the
11 direct-support organization; providing for appointment of
12 members and terms of office; requiring a written contract
13 between the commission and the direct-support
14 organization; providing that certain transactions and
15 agreements are subject to approval by the Governor;
16 providing for the use of the deposited funds; requiring an
17 annual audit; amending s. 377.806, F.S.; reestablishing a
18 period of time for which residents of the state are
19 eligible to receive rebates for specified solar energy
20 systems under the Solar Energy System Incentives Program;
21 revising the rebate amount for eligible solar photovoltaic
22 energy systems; providing a schedule for rebate amounts
23 based on the total wattage of the system; clarifying
24 eligibility provisions for the installation of specified
25 thermal roofs; revising provisions relating to the
26 determination and publication of rebate availability
27 information; providing for the issuance of specified
28 rebates; providing appropriations for the Solar Energy

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29 System Incentives Program and the Low-income Emergency
30 Home Repair Program; providing an effective date.
31

32 Be It Enacted by the Legislature of the State of Florida:
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34 Section 1. (1) The Legislature finds that there is a need
35 for a funding mechanism to support and finance a comprehensive
36 energy policy, especially as it relates to sustainable and
37 renewable energy, energy conservation, and energy efficiencies.
38 With such a stable funding mechanism, this state will realize
39 important long-term goals, including:

40 (a) The reduction of dependence on oil from foreign
41 countries.

42 (b) The ensuring of an adequate and reliable energy
43 supply.

44 (c) The promotion of economic growth through investment in
45 emerging technologies that result in the creation of high-paying
46 jobs.

47 (d) The mitigation of adverse environmental impacts and
48 the promotion of stewardship of the environment.

49 (e) The forging of a leadership role in the nation in
50 energy conservation and energy efficiencies by providing needed
51 support for implementing and marketing the products of renewable
52 energy research and innovation.

53 (f) The establishing of a sustainable and renewable energy
54 policy for the state.

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

56 (a) "Commission" means the Florida Energy and Climate

57 Commission.

58 (b) "Direct-support organization" means an organization
 59 that is:

60 1. A Florida corporation, not for profit, incorporated
 61 under chapter 617, Florida Statutes, and approved by the
 62 Department of State;

63 2. Organized and operated exclusively to obtain funds; to
 64 request and receive grants, gifts, and bequests of moneys; to
 65 acquire, receive, hold, invest, and administer in its own name
 66 securities, funds, or property; and to make expenditures to
 67 support the achievement of the goals stated under subsection (1)
 68 and to increase public awareness of and support for the
 69 Sustainable and Renewable Energy Policy Trust Fund; and

70 3. Determined by the commission to be operating in a
 71 manner consistent with the goals stated under subsection (1).

72 (c) "Electric utility" means any municipal electric
 73 utility, investor-owned electric utility, or rural electric
 74 cooperative that owns, maintains, or operates an electric
 75 generation, transmission, or distribution system within the
 76 state.

77 (d) "Energy conservation" or "energy efficiencies" means
 78 any activity that facilitates and promotes the use of cost-
 79 effective energy conservation, energy-demand management, and
 80 renewable energy technologies.

81 (e) "Renewable energy" means solar photovoltaic energy,
 82 solar thermal energy, geothermal energy, ocean thermal energy,
 83 wave or tidal energy, wind, fuel cells, landfill gas, hydrogen
 84 production and hydrogen conversion technologies, low-emission

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85 advanced biomass conversion technologies, alternative fuels used
86 for electricity generation, including ethanol, biodiesel, or
87 other fuel produced in this state and derived from agricultural
88 produce, algae, food waste, or waste vegetable oil, usable
89 electricity from combined heat and power systems that have waste
90 heat recovery systems, thermal storage systems, and other energy
91 resources and emerging technologies that have significant
92 potential for commercialization and that do not involve the
93 combustion of coal, petroleum or petroleum products, or nuclear
94 fission.

95 (3) Beginning January 1, 2011, each electric utility shall
96 collect from each residential, commercial, and industrial
97 electric utility customer a monthly charge of 25 cents as a
98 systems benefits charge. The electric utilities shall deposit
99 the collected funds into the Sustainable and Renewable Energy
100 Policy Trust Fund.

101 (4) (a) The Florida Energy and Climate Commission shall
102 establish a direct-support organization to provide assistance,
103 funding, and support for the commission in carrying out its
104 mission.

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

108 1. The chair of the Florida Public Service Commission, or
109 his or her designee.

110 2. The Secretary of Environmental Protection, or his or
111 her designee.

112 3. Two members appointed by the Governor, both of whom are

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113 residential electric utility customers and one of whom has
114 experience relating to low-income housing concerns.

115 4. Two members appointed by the President of the Senate,
116 both of whom are members of the Senate and one of whom is a
117 member of the minority party.

118 5. Two members appointed by the Speaker of the House of
119 Representatives, both of whom are members of the House of
120 Representatives and one of whom is a member of the minority
121 party.

122 6. One member appointed by the Chief Financial Officer who
123 has experience related to renewable energy business or
124 commercial investments.

125 (c) The term of office of the board members shall be 3
126 years, except those members of the Senate and the House of
127 Representatives, who shall serve 2-year terms concurrent with
128 the 2-year elected terms of House members. The terms of the
129 initial appointees, except those members of the Senate and the
130 House of Representatives, shall be for 1 year, 2 years, or 3
131 years in order to achieve staggered terms. A member may be
132 reappointed when his or her term expires. The head of the
133 commission or his or her designee shall serve as an ex officio
134 member of the board of directors.

135 (d) Members must be residents of this state. A majority of
136 the members must be actively involved with sustainable and
137 renewable energy systems and highly knowledgeable about the
138 commission, its research, and its mission. A member may be
139 removed by the Governor, the President of the Senate, the
140 Speaker of the House of Representatives, or the Chief Financial

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141 Officer for cause and with the approval of a majority of the
142 members of the board of directors. A vacancy shall be filled in
143 the same manner as the initial appointment.

144 (e) The direct-support organization shall operate under a
145 written contract with the commission. The written contract must
146 provide for:

147 1. Certification by the commission that the direct-support
148 organization is complying with the terms of the contract and is
149 doing so consistent with the goals and purposes of the
150 department and in the best interests of the state. This
151 certification must be made annually and reported in the official
152 minutes of a meeting of the direct-support organization.

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

155 a. To the commission, if the direct-support organization
156 is no longer approved to operate for the commission or if the
157 direct-support organization ceases to exist; or

158 b. To the state, if the commission ceases to exist.

159 3. The disclosure of the material provisions of the
160 contract and the distinction between the commission and the
161 direct-support organization to donors of gifts, contributions,
162 or bequests, including such disclosure on all promotional and
163 fundraising publications.

164 (f)1. The commission may permit the use of its property,
165 facilities, and personal services by the direct-support
166 organization, subject to this section.

167 2. The commission may prescribe by contract any condition
168 with which the direct-support organization must comply in order

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169 to use property, facilities, or personal services of the
170 commission.

171 3. The commission may not permit the use of its property,
172 facilities, or personal services by any direct-support
173 organization organized under this section which does not provide
174 equal employment opportunities to all persons regardless of
175 race, color, national origin, gender, age, or religion.

176 (g) Any transaction or agreement between the direct-
177 support organization created by this section and another direct-
178 support organization or other entity must be approved by the
179 Governor.

180 (h) All moneys received by the direct-support organization
181 from federal and state grants, private contributions, and the
182 Sustainable and Renewable Energy Policy Trust Fund shall be
183 deposited into an account of the direct-support organization.
184 The direct-support organization shall use the collected charges
185 to support funding for sustainable and renewable energy
186 projects, including, but not limited to, grants to provide
187 funding in the following order of priority:

188 1. Any backlog of approved rebate applications for the
189 Solar Energy Systems Incentive Program.

190 2. The implementation of innovation to market projects,
191 with specific attention directed toward the number of in-state
192 jobs created.

193 3. Energy conservation and energy efficiency projects,
194 with specific attention directed to projects for low-income
195 housing, including rental units, rental homes, condominiums, and
196 single-family homes.

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

200 2. The direct-support organization shall submit to the
 201 commission its federal Internal Revenue Service Application for
 202 Recognition of Exemption form and its federal Internal Revenue
 203 Service Return of Organization Exempt from Income Tax form.

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

207 Section 2. Subsections (1), (2), (3), and (6) of section
 208 377.806, Florida Statutes, are amended to read:

209 377.806 Solar Energy System Incentives Program.—

210 (1) PURPOSE.—The Solar Energy System Incentives Program is
 211 established within the commission to provide financial
 212 incentives for the purchase and installation of solar energy
 213 systems. Any resident of the state who purchases and installs a
 214 new solar energy system of 2 kilowatts or larger for a solar
 215 photovoltaic system, a solar energy system that provides at
 216 least 50 percent of a building's hot water consumption for a
 217 solar thermal system, or a solar thermal pool heater, from July
 218 1, 2011 ~~2006~~, through June 30, 2015 ~~2010~~, is eligible for a
 219 rebate on a portion of the purchase price of that solar energy
 220 system.

221 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.—

222 (a) Eligibility requirements.—A solar photovoltaic system
 223 qualifies for a rebate if:

224 1. The system is installed by a state-licensed master

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225 | electrician, electrical contractor, or solar contractor.

226 | 2. The system complies with state interconnection
227 | standards as provided by the Florida Public Service Commission.

228 | 3. The system complies with all applicable building codes
229 | as defined by the Florida Building Code.

230 | (b) Rebate amounts.—The rebate amount shall be set at
231 | \$2.50 ~~\$4~~ per watt for the first year, \$2 per watt for the second
232 | and third years, and \$1.50 per watt for each subsequent year,
233 | based on the total wattage rating of the system. The maximum
234 | allowable rebate per solar photovoltaic system installation
235 | shall be as follows:

236 | 1. Ten ~~Twenty~~ thousand dollars for a residence.

237 | 2. Fifty ~~One hundred~~ thousand dollars for a place of
238 | business, a publicly owned or operated facility, or a facility
239 | owned or operated by a private, not-for-profit organization,
240 | including condominiums or apartment buildings.

241 | (3) SOLAR THERMAL SYSTEM INCENTIVE.—

242 | (a) Eligibility requirements.—A solar thermal system
243 | qualifies for a rebate if:

244 | 1. The system is installed by a state-licensed solar or
245 | plumbing contractor or, for the installation of a roofing
246 | ~~contractor installing~~ standing seam hybrid thermal roofs, a
247 | state-licensed roofing contractor.

248 | 2. The system complies with all applicable building codes
249 | as defined by the Florida Building Code.

250 | (b) Rebate amounts.—Authorized rebates for installation of
251 | solar thermal systems shall be as follows:

252 | 1. Five hundred dollars for a residence.

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253 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
254 for a place of business, a publicly owned or operated facility,
255 or a facility owned or operated by a private, not-for-profit
256 organization, including condominiums or apartment buildings.

257 (6) REBATE AVAILABILITY.—

258 (a) The commission shall determine and publish on a
259 monthly ~~regular~~ basis the total number of rebates issued, the
260 amount of each rebate issued, the amount of rebate funds
261 remaining in the current ~~each~~ fiscal year, and a statement that
262 rebate applications will not be accepted after funds for the
263 current fiscal year are depleted.

264 (b) The total dollar amount of all rebates issued is
265 subject to the total amount of appropriations in any fiscal year
266 for this program. If funds are insufficient during the current
267 fiscal year, any requests for rebates received during that
268 fiscal year may be processed during the following fiscal year.
269 Requests for rebates received in a fiscal year that are
270 processed during the following fiscal year shall be given
271 priority over requests for rebates received during the following
272 fiscal year.

273 (c) Before accepting any new rebate applications or
274 issuing any new rebates, the commission shall issue rebates for
275 applications that were approved through June 30, 2010, but were
276 not paid due to insufficient funds. Such rebates shall be issued
277 in the order the applications were approved.

278 Section 3. (1) For the 2010-2011 fiscal year, the sum of
279 \$130 million in nonrecurring funds is appropriated from the
280 General Revenue Fund to the Florida Energy and Climate

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281 Commission for the purpose of administering the Solar Energy
282 System Incentives Program pursuant to s. 377.806, Florida
283 Statutes. The commission shall allocate \$30 million of such
284 funds to issue rebates for applications that were approved
285 through June 30, 2010, but were not paid due to insufficient
286 funds.

287 (2) For the 2010-2011 fiscal year, the sum of \$50 million
288 in nonrecurring funds is appropriated from the General Revenue
289 Fund to the Department of Community Affairs for the purpose of
290 administering the Low-income Emergency Home Repair Program
291 pursuant to s. 420.36, Florida Statutes.

292 Section 4. This act shall take effect upon becoming a law.