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LEGISLATIVE ACTION

Senate

House

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05/06/2011 05:49 PM

The Conference Committee on SB 2106 recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. The powers, duties, functions, records,
7 personnel, property, pending issues and existing contracts,
8 administrative authority, administrative rules, and unexpended
9 balances of appropriations, allocations, and other funds of the
10 Florida Energy and Climate Commission within the Executive
11 Office of the Governor are transferred by a type two transfer,
12 as defined in s. 20.06(2), Florida Statutes, to the Department
13 of Agriculture and Consumer Services.



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14 Section 2. Paragraph (y) of subsection (8) of section
15 213.053, Florida Statutes, is amended to read:

16 213.053 Confidentiality and information sharing.—

17 (8) Notwithstanding any other provision of this section,
18 the department may provide:

19 (y) Information relative to ss. 212.08(7)(ccc) and 220.192
20 to the Department of Agriculture and Consumer Services ~~Florida~~
21 ~~Energy and Climate Commission~~ for use in the conduct of its
22 official business.

23
24 Disclosure of information under this subsection shall be
25 pursuant to a written agreement between the executive director
26 and the agency. Such agencies, governmental or nongovernmental,
27 shall be bound by the same requirements of confidentiality as
28 the Department of Revenue. Breach of confidentiality is a
29 misdemeanor of the first degree, punishable as provided by s.
30 775.082 or s. 775.083.

31 Section 3. Subsections (3), (4), (5), and (8) and paragraph
32 (b) of subsection (6) of section 220.192, Florida Statutes, are
33 amended to read:

34 220.192 Renewable energy technologies investment tax
35 credit.—

36 (3) CORPORATE APPLICATION PROCESS.—Any corporation wishing
37 to obtain tax credits available under this section must submit
38 to the Department of Agriculture and Consumer Services ~~Florida~~
39 ~~Energy and Climate Commission~~ an application for tax credit that
40 includes a complete description of all eligible costs for which
41 the corporation is seeking a credit and a description of the
42 total amount of credits sought. The Department of Agriculture



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43 and Consumer Services ~~Florida Energy and Climate Commission~~
44 shall make a determination on the eligibility of the applicant
45 for the credits sought and certify the determination to the
46 applicant and the Department of Revenue. The corporation must
47 attach the Department of Agriculture and Consumer Services'
48 ~~Florida Energy and Climate Commission's~~ certification to the tax
49 return on which the credit is claimed. The Department of
50 Agriculture and Consumer Services is ~~Florida Energy and Climate~~
51 ~~Commission shall be~~ responsible for ensuring that the corporate
52 income tax credits granted in each fiscal year do not exceed the
53 limits provided for in this section. The Department of
54 Agriculture and Consumer Services may ~~Florida Energy and Climate~~
55 ~~Commission is authorized to~~ adopt the necessary rules,
56 ~~guidelines,~~ and forms ~~application materials~~ for the application
57 process.

58 (4) TAXPAYER APPLICATION PROCESS.—To claim a credit under
59 this section, each taxpayer must apply to the Department of
60 Agriculture and Consumer Services ~~Florida Energy and Climate~~
61 ~~Commission~~ for an allocation of each type of annual credit by
62 the date established by the Department of Agriculture and
63 Consumer Services ~~Florida Energy and Climate Commission~~. The
64 application form adopted ~~may be established~~ by the Department of
65 Agriculture and Consumer Services ~~Florida Energy and Climate~~
66 ~~Commission~~. The ~~form~~ must include an affidavit from each
67 taxpayer certifying that all information contained in the
68 application, including all records of eligible costs claimed as
69 the basis for the tax credit, are true and correct. Approval of
70 the credits under this section is ~~shall be accomplished~~ on a
71 first-come, first-served basis, based upon the date complete



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72 applications are received by the Department of Agriculture and
73 Consumer Services ~~Florida Energy and Climate Commission~~. A
74 taxpayer must ~~shall~~ submit only one complete application based
75 upon eligible costs incurred within a particular state fiscal
76 year. Incomplete placeholder applications will not be accepted
77 and will not secure a place in the first-come, first-served
78 application line. If a taxpayer does not receive a tax credit
79 allocation due to the exhaustion of the annual tax credit
80 authorizations, then such taxpayer may reapply in the following
81 year for those eligible costs and will have priority over other
82 applicants for the allocation of credits.

83 (5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

84 (a) In addition to its existing audit and investigation
85 authority, the Department of Revenue may perform any additional
86 financial and technical audits and investigations, including
87 examining the accounts, books, and records of the tax credit
88 applicant, which are necessary to verify the eligible costs
89 included in the tax credit return and to ensure compliance with
90 this section. The Department of Agriculture and Consumer
91 Services ~~Florida Energy and Climate Commission~~ shall provide
92 technical assistance when requested by the Department of Revenue
93 on any technical audits or examinations performed pursuant to
94 this section.

95 (b) It is grounds for forfeiture of previously claimed and
96 received tax credits if the Department of Revenue determines, as
97 a result of an audit or examination or from information received
98 from the Department of Agriculture and Consumer Services ~~Florida~~
99 ~~Energy and Climate Commission~~, that a taxpayer received tax
100 credits pursuant to this section to which the taxpayer was not



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101 entitled. The taxpayer is responsible for returning forfeited
102 tax credits to the Department of Revenue, and such funds shall
103 be paid into the General Revenue Fund of the state.

104 (c) The Department of Agriculture and Consumer Services
105 ~~Florida Energy and Climate Commission~~ may revoke or modify any
106 written decision granting eligibility for tax credits under this
107 section if it is discovered that the tax credit applicant
108 submitted any false statement, representation, or certification
109 in any application, record, report, plan, or other document
110 filed in an attempt to receive tax credits under this section.
111 The Department of Agriculture and Consumer Services ~~Florida~~
112 ~~Energy and Climate Commission~~ shall immediately notify the
113 Department of Revenue of any revoked or modified orders
114 affecting previously granted tax credits. Additionally, the
115 taxpayer must notify the Department of Revenue of any change in
116 its tax credit claimed.

117 (d) The taxpayer shall file with the Department of Revenue
118 an amended return or such other report as the Department of
119 Revenue prescribes by rule and shall pay any required tax and
120 interest within 60 days after the taxpayer receives notification
121 from the Department of Agriculture and Consumer Services ~~Florida~~
122 ~~Energy and Climate Commission~~ that previously approved tax
123 credits have been revoked or modified. If the revocation or
124 modification order is contested, the taxpayer shall file an
125 amended return or other report as provided in this paragraph
126 within 60 days after a final order is issued after proceedings.

127 (e) A notice of deficiency may be issued by the Department
128 of Revenue at any time within 3 years after the taxpayer
129 receives formal notification from the Department of Agriculture



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130 ~~and Consumer Services Florida Energy and Climate Commission~~ that
131 previously approved tax credits have been revoked or modified.
132 If a taxpayer fails to notify the Department of Revenue of any
133 changes to its tax credit claimed, a notice of deficiency may be
134 issued at any time.

135 (6) TRANSFERABILITY OF CREDIT.—

136 (b) To perfect the transfer, the transferor shall provide
137 the Department of Revenue with a written transfer statement
138 notifying the Department of Revenue of the transferor's intent
139 to transfer the tax credits to the transferee; the date the
140 transfer is effective; the transferee's name, address, and
141 federal taxpayer identification number; the tax period; and the
142 amount of tax credits to be transferred. The Department of
143 Revenue shall, upon receipt of a transfer statement conforming
144 to the requirements of this section, provide the transferee with
145 a certificate reflecting the tax credit amounts transferred. A
146 copy of the certificate must be attached to each tax return for
147 which the transferee seeks to apply such tax credits.

148 (8) PUBLICATION.—The Department of Agriculture and Consumer
149 Services Florida Energy and Climate Commission shall determine
150 and publish on a regular basis the amount of available tax
151 credits remaining in each fiscal year.

152 Section 4. Paragraphs (d) and (e) of subsection (2) and
153 subsection (5) of section 288.1089, Florida Statutes, are
154 amended to read:

155 288.1089 Innovation Incentive Program.—

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

157 ~~(d) "Commission" means the Florida Energy and Climate~~
158 ~~Commission.~~



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159 (d)~~(e)~~ "Cumulative investment" means cumulative capital
160 investment and all eligible capital costs, as defined in s.
161 220.191.

162 (e) "Department" means the Department of Agriculture and
163 Consumer Services.

164 (5) Enterprise Florida, Inc., shall evaluate proposals for
165 all three categories of innovation incentive awards and transmit
166 recommendations for awards to the office. Before making its
167 recommendations on alternative and renewable energy projects,
168 Enterprise Florida, Inc., shall solicit comments and
169 recommendations from the department ~~Florida Energy and Climate~~
170 ~~Commission~~. For each project, the evaluation and recommendation
171 to the office must include, but need not be limited to:

172 (a) A description of the project, its required facilities,
173 and the associated product, service, or research and development
174 associated with the project.

175 (b) The percentage of match provided for the project.

176 (c) The number of full-time equivalent jobs that will be
177 created by the project, the total estimated average annual wages
178 of such jobs, and the types of business activities and jobs
179 likely to be stimulated by the project.

180 (d) The cumulative investment to be dedicated to the
181 project within 5 years and the total investment expected in the
182 project if more than 5 years.

183 (e) The projected economic and fiscal impacts on the local
184 and state economies relative to investment.

185 (f) A statement of any special impacts the project is
186 expected to stimulate in a particular business sector in the
187 state or regional economy or in the state's universities and



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188 community colleges.

189 (g) A statement of any anticipated or proposed
190 relationships with state universities.

191 (h) A statement of the role the incentive is expected to
192 play in the decision of the applicant to locate or expand in
193 this state.

194 (i) A recommendation and explanation of the amount of the
195 award needed to cause the applicant to expand or locate in this
196 state.

197 (j) A discussion of the efforts and commitments made by the
198 local community in which the project is to be located to induce
199 the applicant's location or expansion, taking into consideration
200 local resources and abilities.

201 (k) A recommendation for specific performance criteria the
202 applicant would be expected to achieve in order to receive
203 payments from the fund and penalties or sanctions for failure to
204 meet or maintain performance conditions.

205 (l) Additional evaluative criteria for a research and
206 development facility project, including:

207 1. A description of the extent to which the project has the
208 potential to serve as catalyst for an emerging or evolving
209 cluster.

210 2. A description of the extent to which the project has or
211 could have a long-term collaborative research and development
212 relationship with one or more universities or community colleges
213 in this state.

214 3. A description of the existing or projected impact of the
215 project on established clusters or targeted industry sectors.

216 4. A description of the project's contribution to the



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217 diversity and resiliency of the innovation economy of this
218 state.

219 5. A description of the project's impact on special needs
220 communities, including, but not limited to, rural areas,
221 distressed urban areas, and enterprise zones.

222 (m) Additional evaluative criteria for alternative and
223 renewable energy proposals, including:

224 1. The availability of matching funds or other in-kind
225 contributions applied to the total project from an applicant.

226 The department ~~commission~~ shall give greater preference to
227 projects that provide such matching funds or other in-kind
228 contributions.

229 2. The degree to which the project stimulates in-state
230 capital investment and economic development in metropolitan and
231 rural areas, including the creation of jobs and the future
232 development of a commercial market for renewable energy
233 technologies.

234 3. The extent to which the proposed project has been
235 demonstrated to be technically feasible based on pilot project
236 demonstrations, laboratory testing, scientific modeling, or
237 engineering or chemical theory that supports the proposal.

238 4. The degree to which the project incorporates an
239 innovative new technology or an innovative application of an
240 existing technology.

241 5. The degree to which a project generates thermal,
242 mechanical, or electrical energy by means of a renewable energy
243 resource that has substantial long-term production potential.

244 6. The degree to which a project demonstrates efficient use
245 of energy and material resources.



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246 7. The degree to which the project fosters overall
247 understanding and appreciation of renewable energy technologies.

248 8. The ability to administer a complete project.

249 9. Project duration and timeline for expenditures.

250 10. The geographic area in which the project is to be
251 conducted in relation to other projects.

252 11. The degree of public visibility and interaction.

253 Section 5. Subsection (9) of section 288.9607, Florida
254 Statutes, is amended to read:

255 288.9607 Guaranty of bond issues.—

256 (9) The membership of the corporation is authorized and
257 directed to conduct such investigation as it may deem necessary
258 for promulgation of regulations to govern the operation of the
259 guaranty program authorized by this section. The regulations may
260 include such other additional provisions, restrictions, and
261 conditions as the corporation, after its investigation referred
262 to in this subsection, shall determine to be proper to achieve
263 the most effective utilization of the guaranty program. This may
264 include, without limitation, a detailing of the remedies that
265 must be exhausted by bondholders, a trustee acting on their
266 behalf, or other credit provided before calling upon the
267 corporation to perform under its guaranty agreement and the
268 subrogation of other rights of the corporation with reference to
269 the capital project and its operation or the financing in the
270 event the corporation makes payment pursuant to the applicable
271 guaranty agreement. The regulations promulgated by the
272 corporation to govern the operation of the guaranty program may
273 contain specific provisions with respect to the rights of the
274 corporation to enter, take over, and manage all financed



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275 properties upon default. These regulations shall be submitted by
276 the corporation to the Department of Agriculture and Consumer
277 Services ~~Florida Energy and Climate Commission~~ for approval.

278 Section 6. Subsection (5) of section 366.82, Florida
279 Statutes, is amended to read:

280 366.82 Definition; goals; plans; programs; annual reports;
281 energy audits.-

282 (5) The Department of Agriculture and Consumer Services
283 ~~Florida Energy and Climate Commission~~ shall be a party in the
284 proceedings to adopt goals and shall file with the commission
285 comments on the proposed goals, including, but not limited to:

286 (a) An evaluation of utility load forecasts, including an
287 assessment of alternative supply-side and demand-side resource
288 options.

289 (b) An analysis of various policy options that can be
290 implemented to achieve a least-cost strategy, including
291 nonutility programs targeted at reducing and controlling the per
292 capita use of electricity in the state.

293 (c) An analysis of the impact of state and local building
294 codes and appliance efficiency standards on the need for
295 utility-sponsored conservation and energy efficiency measures
296 and programs.

297 Section 7. Subsection (3) of section 366.92, Florida
298 Statutes, is amended to read:

299 366.92 Florida renewable energy policy.-

300 (3) The commission shall adopt rules for a renewable
301 portfolio standard requiring each provider to supply renewable
302 energy to its customers directly, by procuring, or through
303 renewable energy credits. In developing the RPS rule, the



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304 commission shall consult the Department of Environmental
305 Protection and the Department of Agriculture and Consumer
306 Services ~~Florida Energy and Climate Commission~~. The rule shall
307 not be implemented until ratified by the Legislature. The
308 commission shall present a draft rule for legislative
309 consideration by February 1, 2009.

310 (a) In developing the rule, the commission shall evaluate
311 the current and forecasted levelized cost in cents per kilowatt
312 hour through 2020 and current and forecasted installed capacity
313 in kilowatts for each renewable energy generation method through
314 2020.

315 (b) The commission's rule:

316 1. Shall include methods of managing the cost of compliance
317 with the renewable portfolio standard, whether through direct
318 supply or procurement of renewable power or through the purchase
319 of renewable energy credits. The commission shall have
320 rulemaking authority for providing annual cost recovery and
321 incentive-based adjustments to authorized rates of return on
322 common equity to providers to incentivize renewable energy.
323 Notwithstanding s. 366.91(3) and (4), upon the ratification of
324 the rules developed pursuant to this subsection, the commission
325 may approve projects and power sales agreements with renewable
326 power producers and the sale of renewable energy credits needed
327 to comply with the renewable portfolio standard. In the event of
328 any conflict, this subparagraph shall supersede s. 366.91(3) and
329 (4). However, nothing in this section shall alter the obligation
330 of each public utility to continuously offer a purchase contract
331 to producers of renewable energy.

332 2. Shall provide for appropriate compliance measures and



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333 the conditions under which noncompliance shall be excused due to
334 a determination by the commission that the supply of renewable
335 energy or renewable energy credits was not adequate to satisfy
336 the demand for such energy or that the cost of securing
337 renewable energy or renewable energy credits was cost
338 prohibitive.

339 3. May provide added weight to energy provided by wind and
340 solar photovoltaic over other forms of renewable energy, whether
341 directly supplied or procured or indirectly obtained through the
342 purchase of renewable energy credits.

343 4. Shall determine an appropriate period of time for which
344 renewable energy credits may be used for purposes of compliance
345 with the renewable portfolio standard.

346 5. Shall provide for monitoring of compliance with and
347 enforcement of the requirements of this section.

348 6. Shall ensure that energy credited toward compliance with
349 the requirements of this section is not credited toward any
350 other purpose.

351 7. Shall include procedures to track and account for
352 renewable energy credits, including ownership of renewable
353 energy credits that are derived from a customer-owned renewable
354 energy facility as a result of any action by a customer of an
355 electric power supplier that is independent of a program
356 sponsored by the electric power supplier.

357 8. Shall provide for the conditions and options for the
358 repeal or alteration of the rule in the event that new
359 provisions of federal law supplant or conflict with the rule.

360 (c) Beginning on April 1 of the year following final
361 adoption of the commission's renewable portfolio standard rule,



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362 each provider shall submit a report to the commission describing
363 the steps that have been taken in the previous year and the
364 steps that will be taken in the future to add renewable energy
365 to the provider's energy supply portfolio. The report shall
366 state whether the provider was in compliance with the renewable
367 portfolio standard during the previous year and how it will
368 comply with the renewable portfolio standard in the upcoming
369 year.

370 Section 8. Section 377.6015, Florida Statutes, is amended
371 to read:

372 377.6015 Department of Agriculture and Consumer Services;
373 powers and duties ~~Florida Energy and Climate Commission.-~~

374 ~~(1) The Florida Energy and Climate Commission is created~~
375 ~~within the Executive Office of the Governor. The commission~~
376 ~~shall be comprised of nine members appointed by the Governor,~~
377 ~~the Commissioner of Agriculture, and the Chief Financial~~
378 ~~Officer.~~

379 ~~(a) The Governor shall appoint one member from three~~
380 ~~persons nominated by the Florida Public Service Commission~~
381 ~~Nominating Council, created in s. 350.031, to each of seven~~
382 ~~seats on the commission. The Commissioner of Agriculture shall~~
383 ~~appoint one member from three persons nominated by the council~~
384 ~~to one seat on the commission. The Chief Financial Officer shall~~
385 ~~appoint one member from three persons nominated by the council~~
386 ~~to one seat on the commission.~~

387 ~~1. The council shall submit the recommendations to the~~
388 ~~Governor, the Commissioner of Agriculture, and the Chief~~
389 ~~Financial Officer by September 1 of those years in which the~~
390 ~~terms are to begin the following October or within 60 days after~~



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391 ~~a vacancy occurs for any reason other than the expiration of the~~
392 ~~term. The Governor, the Commissioner of Agriculture, and the~~
393 ~~Chief Financial Officer may proffer names of persons to be~~
394 ~~considered for nomination by the council.~~

395 ~~2. The Governor, the Commissioner of Agriculture, and the~~
396 ~~Chief Financial Officer shall fill a vacancy occurring on the~~
397 ~~commission by appointment of one of the applicants nominated by~~
398 ~~the council only after a background investigation of such~~
399 ~~applicant has been conducted by the Department of Law~~
400 ~~Enforcement.~~

401 ~~3. Members shall be appointed to 3-year terms; however, in~~
402 ~~order to establish staggered terms, for the initial~~
403 ~~appointments, the Governor shall appoint four members to 3-year~~
404 ~~terms, two members to 2-year terms, and one member to a 1-year~~
405 ~~term, and the Commissioner of Agriculture and the Chief~~
406 ~~Financial Officer shall each appoint one member to a 3-year term~~
407 ~~and shall appoint a successor when that appointee's term expires~~
408 ~~in the same manner as the original appointment.~~

409 ~~4. The Governor shall select from the membership of the~~
410 ~~commission one person to serve as chair.~~

411 ~~5. A vacancy on the commission shall be filled for the~~
412 ~~unexpired portion of the term in the same manner as the original~~
413 ~~appointment.~~

414 ~~6. If the Governor, the Commissioner of Agriculture, or the~~
415 ~~Chief Financial Officer has not made an appointment within 30~~
416 ~~consecutive calendar days after the receipt of the~~
417 ~~recommendations, the council shall initiate, in accordance with~~
418 ~~this section, the nominating process within 30 days.~~

419 ~~7. Each appointment to the commission shall be subject to~~



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420 ~~confirmation by the Senate during the next regular session after~~
421 ~~the vacancy occurs. If the Senate refuses to confirm or fails to~~
422 ~~consider the appointment of the Governor, the Commissioner of~~
423 ~~Agriculture, or the Chief Financial Officer, the council shall~~
424 ~~initiate, in accordance with this section, the nominating~~
425 ~~process within 30 days.~~

426 ~~8. The Governor or the Governor's successor may recall an~~
427 ~~appointee.~~

428 ~~9. Notwithstanding subparagraph 7. and for the initial~~
429 ~~appointments to the commission only, each initial appointment to~~
430 ~~the commission is subject to confirmation by the Senate by the~~
431 ~~2010 Regular Session. If the Senate refuses to confirm or fails~~
432 ~~to consider an appointment made by the Governor, the~~
433 ~~Commissioner of Agriculture, or the Chief Financial Officer, the~~
434 ~~council shall initiate, in accordance with this section, the~~
435 ~~nominating process within 30 days after the Senate's refusal to~~
436 ~~confirm or failure to consider such appointment. This~~
437 ~~subparagraph expires July 1, 2010.~~

438 ~~(b) Members must meet the following qualifications and~~
439 ~~restrictions:~~

440 ~~1. A member must be an expert in one or more of the~~
441 ~~following fields: energy, natural resource conservation,~~
442 ~~economics, engineering, finance, law, transportation and land~~
443 ~~use, consumer protection, state energy policy, or another field~~
444 ~~substantially related to the duties and functions of the~~
445 ~~commission. The commission shall fairly represent the fields~~
446 ~~specified in this subparagraph.~~

447 ~~2. Each member shall, at the time of appointment and at~~
448 ~~each commission meeting during his or her term of office,~~



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449 ~~disclose:~~

450 ~~a. Whether he or she has any financial interest, other than~~
451 ~~ownership of shares in a mutual fund, in any business entity~~
452 ~~that, directly or indirectly, owns or controls, or is an~~
453 ~~affiliate or subsidiary of, any business entity that may be~~
454 ~~affected by the policy recommendations developed by the~~
455 ~~commission.~~

456 ~~b. Whether he or she is employed by or is engaged in any~~
457 ~~business activity with any business entity that, directly or~~
458 ~~indirectly, owns or controls, or is an affiliate or subsidiary~~
459 ~~of, any business entity that may be affected by the policy~~
460 ~~recommendations developed by the commission.~~

461 ~~(c) The chair may designate the following ex officio,~~
462 ~~nonvoting members to provide information and advice to the~~
463 ~~commission at the request of the chair:~~

464 ~~1. The chair of the Florida Public Service Commission, or~~
465 ~~his or her designee.~~

466 ~~2. The Public Counsel, or his or her designee.~~

467 ~~3. A representative of the Department of Agriculture and~~
468 ~~Consumer Services.~~

469 ~~4. A representative of the Department of Financial~~
470 ~~Services.~~

471 ~~5. A representative of the Department of Environmental~~
472 ~~Protection.~~

473 ~~6. A representative of the Department of Community Affairs.~~

474 ~~7. A representative of the Board of Governors of the State~~
475 ~~University System.~~

476 ~~8. A representative of the Department of Transportation.~~

477 ~~(2) Members shall serve without compensation but are~~



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478 ~~entitled to reimbursement for per diem and travel expenses as~~
479 ~~provided in s. 112.061.~~

480 ~~(3) Meetings of the commission may be held in various~~
481 ~~locations around the state and at the call of the chair;~~
482 ~~however, the commission must meet at least six times each year.~~

483 ~~(1)-(4) The department ~~commission~~ may:~~

484 (a) Employ staff and counsel as needed in the performance
485 of its duties.

486 (b) Prosecute and defend legal actions in its own name.

487 (c) Form advisory groups consisting of members of the
488 public to provide information on specific issues.

489 ~~(2)-(5) The department ~~commission~~ shall:~~

490 (a) Administer the Florida Renewable Energy and Energy-
491 Efficient Technologies Grants Program pursuant to s. 377.804 to
492 assure a robust grant portfolio.

493 (b) Develop policy for requiring grantees to provide
494 royalty-sharing or licensing agreements with state government
495 for commercialized products developed under a state grant.

496 (c) Administer the Florida Green Government Grants Act
497 pursuant to s. 377.808 and set annual priorities for grants.

498 (d) Administer the information gathering and reporting
499 functions pursuant to ss. 377.601-377.608.

500 ~~(e) Administer petroleum planning and emergency contingency~~
501 ~~planning pursuant to ss. 377.701, 377.703, and 377.704.~~

502 ~~(e)-(f) Represent Florida in the Southern States Energy~~
503 ~~Compact pursuant to ss. 377.71-377.712.~~

504 ~~(g) Complete the annual assessment of the efficacy of~~
505 ~~Florida's Energy and Climate Change Action Plan, upon completion~~
506 ~~by the Governor's Action Team on Energy and Climate Change~~



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507 ~~pursuant to the Governor's Executive Order 2007-128, and provide~~
508 ~~specific recommendations to the Governor and the Legislature~~
509 ~~each year to improve results.~~

510 ~~(f)(h)~~ Administer the provisions of the Florida Energy and
511 Climate Protection Act pursuant to ss. 377.801-377.807 ~~377.801-~~
512 ~~377.806.~~

513 ~~(g)(i)~~ Advocate for energy and climate change issues and
514 provide educational outreach and technical assistance in
515 cooperation with the state's academic institutions.

516 ~~(h)(j)~~ Be a party in the proceedings to adopt goals and
517 submit comments to the Public Service Commission pursuant to s.
518 366.82.

519 ~~(i)(k)~~ Adopt rules pursuant to chapter 120 in order to
520 implement all powers and duties described in this section.

521 Section 9. Subsection (1) and paragraphs (a) and (b) of
522 subsection (2) of section 377.602, Florida Statutes, are amended
523 to read:

524 377.602 Definitions.—As used in ss. 377.601-377.608:

525 (1) "Department" ~~"Commission"~~ means the Department of
526 Agriculture and Consumer Services ~~Florida Energy and Climate~~
527 ~~Commission.~~

528 (2) "Energy resources" includes, but shall not be limited
529 to:

530 (a) Energy converted from solar radiation, wind, hydraulic
531 potential, tidal movements, biomass, geothermal sources, and
532 other energy resources the department ~~commission~~ determines to
533 be important to the production or supply of energy.

534 (b) Propane, butane, motor gasoline, kerosene, home heating
535 oil, diesel fuel, other middle distillates, aviation gasoline,



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536 kerosene-type jet fuel, naphtha-type jet fuel, residual fuels,
537 crude oil, and other petroleum products and hydrocarbons as may
538 be determined by the department ~~commission~~ to be of importance.

539 Section 10. Section 377.603, Florida Statutes, is amended
540 to read:

541 377.603 Energy data collection; powers and duties of the
542 department ~~commission~~.—

543 (1) The department ~~commission~~ may collect data on the
544 extraction, production, importation, exportation, refinement,
545 transportation, transmission, conversion, storage, sale, or
546 reserves of energy resources in this state in an efficient and
547 expeditious manner.

548 (2) The department ~~commission~~ may prepare periodic reports
549 of energy data it collects.

550 (3) The department ~~commission~~ may adopt and promulgate such
551 rules and regulations as are necessary to carry out the
552 provisions of ss. 377.601-377.608. Such rules shall be pursuant
553 to chapter 120.

554 (4) The department ~~commission~~ shall maintain internal
555 validation procedures to assure the accuracy of information
556 received.

557 Section 11. Section 377.604, Florida Statutes, is amended
558 to read:

559 377.604 Required reports.—Every person who produces,
560 imports, exports, refines, transports, transmits, converts,
561 stores, sells, or holds known reserves of any form of energy
562 resources used as fuel shall report to the department
563 ~~commission~~, at the request of and in a manner prescribed by the
564 department ~~commission~~, on forms provided by the department



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565 ~~commission~~. Such forms shall be designed in such a manner as to
566 indicate:

567 (1) The identity of the person or persons making the
568 report.

569 (2) The quantity of energy resources extracted, produced,
570 imported, exported, refined, transported, transmitted,
571 converted, stored, or sold except at retail.

572 (3) The quantity of energy resources known to be held in
573 reserve in the state.

574 (4) The identity of each refinery from which petroleum
575 products have normally been obtained and the type and quantity
576 of products secured from that refinery for sale or resale in
577 this state.

578 (5) Any other information which the department ~~commission~~
579 deems proper pursuant to the intent of ss. 377.601-377.608.

580 Section 12. Section 377.605, Florida Statutes, is amended
581 to read:

582 377.605 Use of existing information.—The department
583 ~~commission~~ may utilize to the fullest extent possible any
584 existing energy information already prepared for state or
585 federal agencies. Every state, county, and municipal agency
586 shall cooperate with the department ~~commission~~ and shall submit
587 any information on energy to the department ~~commission~~ upon
588 request.

589 Section 13. Section 377.606, Florida Statutes, is amended
590 to read:

591 377.606 Records of the department ~~commission~~; limits of
592 confidentiality.—The information or records of individual
593 persons, as defined in this section, obtained by the department



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594 ~~commission~~ as a result of a report, investigation, or
595 verification required by the department ~~commission~~ shall be open
596 to the public, except such information the disclosure of which
597 would be likely to cause substantial harm to the competitive
598 position of the person providing such information and which is
599 requested to be held confidential by the person providing such
600 information. Such proprietary information is confidential and
601 exempt from the provisions of s. 119.07(1). Information reported
602 by entities other than the department ~~commission~~ in documents or
603 reports open to public inspection shall under no circumstances
604 be classified as confidential by the department ~~commission~~.
605 Divulgence of proprietary information as is requested to be held
606 confidential, except upon order of a court of competent
607 jurisdiction or except to an officer of the state entitled to
608 receive the same in his or her official capacity, shall be a
609 misdemeanor of the second degree, punishable as provided in ss.
610 775.082 and 775.083. ~~Nothing in~~ This section does not ~~shall be~~
611 ~~construed to~~ prohibit the publication or divulgence by other
612 means of data so classified as to prevent identification of
613 particular accounts or reports made to the department ~~commission~~
614 in compliance with s. 377.603 or to prohibit the disclosure of
615 such information to properly qualified legislative committees.
616 The department ~~commission~~ shall establish a system which permits
617 reasonable access to information developed.

618 Section 14. Section 377.608, Florida Statutes, is amended
619 to read:

620 377.608 Prosecution of cases by state attorney.—The state
621 attorney shall prosecute all cases certified to him or her for
622 prosecution by the department ~~commission~~ immediately upon



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623 receipt of the evidence transmitted by the department
624 ~~commission~~, or as soon thereafter as practicable.

625 Section 15. Subsections (1), (2), and (3) of section
626 377.701, Florida Statutes, are amended to read:

627 377.701 Petroleum allocation.—

628 (1) The Division of Emergency Management ~~Florida Energy and~~
629 ~~Climate Commission~~ shall assume the state's role in petroleum
630 allocation and conservation, including the development of a fair
631 and equitable petroleum plan. The Division of Emergency
632 Management ~~commission~~ shall constitute the responsible state
633 agency for performing the functions of any federal program
634 delegated to the state, which relates to petroleum supply,
635 demand, and allocation.

636 (2) The Division of Emergency Management ~~commission~~ shall,
637 in addition to assuming the duties and responsibilities provided
638 by subsection (1), perform the following:

639 (a) In projecting available supplies of petroleum,
640 coordinate with the Department of Revenue to secure information
641 necessary to assure the sufficiency and accuracy of data
642 submitted by persons affected by any federal fuel allocation
643 program.

644 (b) Require such periodic reports from public and private
645 sources as may be necessary to the fulfillment of its
646 responsibilities under this act. Such reports may include:
647 petroleum use; all sales, including end-user sales, except
648 retail gasoline and retail fuel oil sales; inventories; expected
649 supplies and allocations; and petroleum conservation measures.

650 (c) In cooperation with the Department of Revenue and other
651 relevant state agencies, provide for long-range studies



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652 regarding the usage of petroleum in the state in order to:
653 1. Comprehend the consumption of petroleum resources.
654 2. Predict future petroleum demands in relation to
655 available resources.
656 3. Report the results of such studies to the Legislature.
657 (3) For the purpose of determining accuracy of data, all
658 state agencies shall timely provide the Division of Emergency
659 Management ~~commission~~ with petroleum-use information in a format
660 suitable to the needs of the allocation program.

661 Section 16. Section 377.703, Florida Statutes, is amended
662 to read:

663 377.703 Additional functions of the Department of
664 Agriculture and Consumer Services ~~Florida Energy and Climate~~
665 ~~Commission~~.—

666 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
667 demand questions have become a major area of concern to the
668 state which must be dealt with by effective and well-coordinated
669 state action, it is the intent of the Legislature to promote the
670 efficient, effective, and economical management of energy
671 problems, centralize energy coordination responsibilities,
672 pinpoint responsibility for conducting energy programs, and
673 ensure the accountability of state agencies for the
674 implementation of s. 377.601(2), the state energy policy. It is
675 the specific intent of the Legislature that nothing in this act
676 shall in any way change the powers, duties, and responsibilities
677 assigned by the Florida Electrical Power Plant Siting Act, part
678 II of chapter 403, or the powers, duties, and responsibilities
679 of the Florida Public Service Commission.

680 (2) ~~FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES~~.—The



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681 department ~~commission~~ shall perform the following functions,
682 unless as otherwise provided, consistent with the development of
683 a state energy policy:

684 (a) The Division of Emergency Management is responsible for
685 the ~~commission shall assume the responsibility for~~ development
686 of an energy emergency contingency plan to respond to serious
687 shortages of primary and secondary energy sources. Upon a
688 finding by the Governor, implementation of any emergency program
689 shall be upon order of the Governor that a particular kind or
690 type of fuel is, or that the occurrence of an event which is
691 reasonably expected within 30 days will make the fuel, in short
692 supply. The Division of Emergency Management ~~commission~~ shall
693 then respond by instituting the appropriate measures of the
694 contingency plan to meet the given emergency or energy shortage.
695 The Governor may utilize the provisions of s. 252.36(5) to carry
696 out any emergency actions required by a serious shortage of
697 energy sources.

698 (b) The department is ~~commission shall be~~ responsible for
699 performing or coordinating the functions of any federal energy
700 programs delegated to the state, including energy supply,
701 demand, conservation, or allocation.

702 (c) The department ~~commission~~ shall analyze present and
703 proposed federal energy programs and make recommendations
704 regarding those programs to the Governor and the Legislature.

705 (d) The department ~~commission~~ shall coordinate efforts to
706 seek federal support or other support for state energy
707 activities, including energy conservation, research, or
708 development, and is ~~shall be~~ responsible for the coordination of
709 multiagency energy conservation programs and plans.



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710 (e) The department ~~commission~~ shall analyze energy data
711 collected and prepare long-range forecasts of energy supply and
712 demand in coordination with the Florida Public Service
713 Commission, which is responsible ~~shall have responsibility~~ for
714 electricity and natural gas forecasts. To this end, the
715 forecasts shall contain:

716 1. An analysis of the relationship of state economic growth
717 and development to energy supply and demand, including the
718 constraints to economic growth resulting from energy supply
719 constraints.

720 2. Plans for the development of renewable energy resources
721 and reduction in dependence on depletable energy resources,
722 particularly oil and natural gas, and an analysis of the extent
723 to which renewable energy sources are being utilized in the
724 state.

725 3. Consideration of alternative scenarios of statewide
726 energy supply and demand for 5, 10, and 20 years to identify
727 strategies for long-range action, including identification of
728 potential social, economic, and environmental effects.

729 4. An assessment of the state's energy resources, including
730 examination of the availability of commercially developable and
731 imported fuels, and an analysis of anticipated effects on the
732 state's environment and social services resulting from energy
733 resource development activities or from energy supply
734 constraints, or both.

735 (f) The department ~~commission~~ shall submit an annual report
736 to the Governor and the Legislature reflecting its activities
737 and making recommendations of policies for improvement of the
738 state's response to energy supply and demand and its effect on



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739 the health, safety, and welfare of the people of Florida. The
740 report shall include a report from the Florida Public Service
741 Commission on electricity and natural gas and information on
742 energy conservation programs conducted and underway in the past
743 year and shall include recommendations for energy conservation
744 programs for the state, including, but not limited to, the
745 following factors:

746 1. Formulation of specific recommendations for improvement
747 in the efficiency of energy utilization in governmental,
748 residential, commercial, industrial, and transportation sectors.

749 2. Collection and dissemination of information relating to
750 energy conservation.

751 3. Development and conduct of educational and training
752 programs relating to energy conservation.

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

756 (g) The department may ~~commission has authority to~~ adopt
757 rules pursuant to ss. 120.536(1) and 120.54 to implement the
758 provisions of this act.

759 (h) The department ~~commission~~ shall promote the development
760 and use of renewable energy resources, in conformance with the
761 provisions of chapter 187 and s. 377.601, by:

762 1. Establishing goals and strategies for increasing the use
763 of solar energy in this state.

764 2. Aiding and promoting the commercialization of solar
765 energy technology, in cooperation with the Florida Solar Energy
766 Center, Enterprise Florida, Inc., and any other federal, state,
767 or local governmental agency which may seek to promote research,



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768 development, and demonstration of solar energy equipment and
769 technology.

770 3. Identifying barriers to greater use of solar energy
771 systems in this state, and developing specific recommendations
772 for overcoming identified barriers, with findings and
773 recommendations to be submitted annually in the report to the
774 Governor and Legislature required under paragraph (f).

775 4. In cooperation with the Department of Environmental
776 Protection, the Department of Transportation, the Department of
777 Community Affairs, Enterprise Florida, Inc., the Florida Solar
778 Energy Center, and the Florida Solar Energy Industries
779 Association, investigating opportunities, pursuant to the
780 National Energy Policy Act of 1992, the Housing and Community
781 Development Act of 1992, and any subsequent federal legislation,
782 for solar electric vehicles and other solar energy
783 manufacturing, distribution, installation, and financing efforts
784 which will enhance this state's position as the leader in solar
785 energy research, development, and use.

786 5. Undertaking other initiatives to advance the development
787 and use of renewable energy resources in this state.

788
789 In the exercise of its responsibilities under this paragraph,
790 the department ~~commission~~ shall seek the assistance of the solar
791 energy industry in this state and other interested parties and
792 is authorized to enter into contracts, retain professional
793 consulting services, and expend funds appropriated by the
794 Legislature for such purposes.

795 (i) The department ~~commission~~ shall promote energy
796 conservation in all energy use sectors throughout the state and



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797 shall constitute the state agency primarily responsible for this
798 function. ~~To this end,~~ The Department of Management Services, in
799 consultation with the department, ~~commission~~ shall coordinate
800 the energy conservation programs of all state agencies and
801 review and comment on the energy conservation programs of all
802 state agencies.

803 (j) The department ~~commission~~ shall serve as the state
804 clearinghouse for indexing and gathering all information related
805 to energy programs in state universities, in private
806 universities, in federal, state, and local government agencies,
807 and in private industry and shall prepare and distribute such
808 information in any manner necessary to inform and advise the
809 citizens of the state of such programs and activities. This
810 shall include developing and maintaining a current index and
811 profile of all research activities, which shall be identified by
812 energy area and may include a summary of the project, the amount
813 and sources of funding, anticipated completion dates, or, in
814 case of completed research, conclusions, recommendations, and
815 applicability to state government and private sector functions.
816 The department ~~commission~~ shall coordinate, promote, and respond
817 to efforts by all sectors of the economy to seek financial
818 support for energy activities. The department ~~commission~~ shall
819 provide information to consumers regarding the anticipated
820 energy-use and energy-saving characteristics of products and
821 services in coordination with any federal, state, or local
822 governmental agencies as may provide such information to
823 consumers.

824 (k) The department ~~commission~~ shall coordinate energy-
825 related programs of state government, including, but not limited



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826 to, the programs provided in this section. To this end, the
827 department ~~commission~~ shall:

828 1. Provide assistance to other state agencies, counties,
829 municipalities, and regional planning agencies to further and
830 promote their energy planning activities.

831 2. Require, in cooperation with the Department of
832 Management Services, all state agencies to operate state-owned
833 and state-leased buildings in accordance with energy
834 conservation standards as adopted by the Department of
835 Management Services. Every 3 months, the Department of
836 Management Services shall furnish the department ~~commission~~ data
837 on agencies' energy consumption and emissions of greenhouse
838 gases in a format prescribed by the department ~~commission~~.

839 3. Promote the development and use of renewable energy
840 resources, energy efficiency technologies, and conservation
841 measures.

842 4. Promote the recovery of energy from wastes, including,
843 but not limited to, the use of waste heat, the use of
844 agricultural products as a source of energy, and recycling of
845 manufactured products. Such promotion shall be conducted in
846 conjunction with, and after consultation with, the Department of
847 Environmental Protection and the Florida Public Service
848 Commission where electrical generation or natural gas is
849 involved, and any other relevant federal, state, or local
850 governmental agency having responsibility for resource recovery
851 programs.

852 (1) The department ~~commission~~ shall develop, coordinate,
853 and promote a comprehensive research plan for state programs.
854 Such plan shall be consistent with state energy policy and shall



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855 be updated on a biennial basis.

856 (m) In recognition of the devastation to the economy of
857 this state and the dangers to the health and welfare of
858 residents of this state caused by severe hurricanes, and the
859 potential for such impacts caused by other natural disasters,
860 the Division of Emergency Management ~~commission~~ shall include in
861 its energy emergency contingency plan and provide to the Florida
862 Building Commission for inclusion in the Florida Energy
863 Efficiency Code for Building Construction specific provisions to
864 facilitate the use of cost-effective solar energy technologies
865 as emergency remedial and preventive measures for providing
866 electric power, street lighting, and water heating service in
867 the event of electric power outages.

868 (3) The Department of Environmental Protection is
869 ~~commission~~ shall be responsible for the administration of the
870 Coastal Energy Impact Program provided for and described in Pub.
871 L. No. 94-370, 16 U.S.C. s. 1456a.

872 Section 17. Paragraph (h) of subsection (5) of section
873 377.711, Florida Statutes, is amended to read:

874 377.711 Florida party to Southern States Energy Compact.—
875 The Southern States Energy Compact is enacted into law and
876 entered into by the state as a party, and is of full force and
877 effect between the state and any other states joining therein in
878 accordance with the terms of the compact, which compact is
879 substantially as follows:

880 (5) POWERS.—The board shall have the power to:

881 (h) Recommend such changes in, or amendments or additions
882 to, the laws, codes, rules, regulations, administrative
883 procedures and practices, or ordinances of the party states in



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884 any of the fields of its interest and competence as in its
885 judgment may be appropriate. Any such recommendation shall be
886 made, in the case of Florida, through the Department of
887 Agriculture and Consumer Services ~~Commerce~~.

888 Section 18. Section 377.801, Florida Statutes, is amended
889 to read:

890 377.801 Short title.—Sections 377.801-377.807 ~~377.801-~~
891 ~~377.806~~ may be cited as the "Florida Energy and Climate
892 Protection Act."

893 Section 19. Section 377.803, Florida Statutes, is amended
894 to read:

895 377.803 Definitions.—As used in ss. 377.801-377.807
896 ~~377.801-377.806~~, the term:

897 (1) "Act" means the Florida Energy and Climate Protection
898 Act.

899 (2) "Department" ~~"Commission"~~ means the Department of
900 Agriculture and Consumer Services ~~Florida Energy and Climate~~
901 ~~Commission~~.

902 (3) "Person" means an individual, partnership, joint
903 venture, private or public corporation, association, firm,
904 public service company, or any other public or private entity.

905 (4) "Renewable energy" means electrical, mechanical, or
906 thermal energy produced from a method that uses one or more of
907 the following fuels or energy sources: hydrogen, biomass, as
908 defined in s. 366.91, solar energy, geothermal energy, wind
909 energy, ocean energy, waste heat, or hydroelectric power.

910 (5) "Renewable energy technology" means any technology that
911 generates or utilizes a renewable energy resource.

912 (6) "Solar energy system" means equipment that provides for



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913 the collection and use of incident solar energy for water
914 heating, space heating or cooling, or other applications that
915 would normally require a conventional source of energy such as
916 petroleum products, natural gas, or electricity that performs
917 primarily with solar energy. In other systems in which solar
918 energy is used in a supplemental way, only those components that
919 collect and transfer solar energy shall be included in this
920 definition.

921 (7) "Solar photovoltaic system" means a device that
922 converts incident sunlight into electrical current.

923 (8) "Solar thermal system" means a device that traps heat
924 from incident sunlight in order to heat water.

925 Section 20. Subsection (1), paragraph (f) of subsection
926 (2), and subsections (3) through (6) of section 377.804, Florida
927 Statutes, are amended to read:

928 377.804 Renewable Energy and Energy-Efficient Technologies
929 Grants Program.—

930 (1) The Renewable Energy and Energy-Efficient Technologies
931 Grants Program is established within the department ~~commission~~
932 to provide renewable energy matching grants for demonstration,
933 commercialization, research, and development projects relating
934 to renewable energy technologies and innovative technologies
935 that significantly increase energy efficiency for vehicles and
936 commercial buildings.

937 (2) Matching grants for projects described in subsection
938 (1) may be made to any of the following:

939 (f) Other qualified persons, as determined by the
940 department ~~commission~~.

941 (3) The department ~~commission~~ may adopt rules pursuant to



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942 ss. 120.536(1) and 120.54 to provide for application
943 requirements, provide for ranking of applications, and
944 administer the awarding of grants under this program.

945 (4) Factors the department ~~commission~~ shall consider in
946 awarding grants include, but are not limited to:

947 (a) The availability of matching funds or other in-kind
948 contributions applied to the total project from an applicant.
949 The department ~~commission~~ shall give greater preference to
950 projects that provide such matching funds or other in-kind
951 contributions.

952 (b) The degree to which the project stimulates in-state
953 capital investment and economic development in metropolitan and
954 rural areas, including the creation of jobs and the future
955 development of a commercial market for renewable energy
956 technologies.

957 (c) The extent to which the proposed project has been
958 demonstrated to be technically feasible based on pilot project
959 demonstrations, laboratory testing, scientific modeling, or
960 engineering or chemical theory that supports the proposal.

961 (d) The degree to which the project incorporates an
962 innovative new technology or an innovative application of an
963 existing technology.

964 (e) The degree to which a project generates thermal,
965 mechanical, or electrical energy by means of a renewable energy
966 resource that has substantial long-term production potential.

967 (f) The degree to which a project demonstrates efficient
968 use of energy and material resources.

969 (g) The degree to which the project fosters overall
970 understanding and appreciation of renewable energy technologies.



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- 971 (h) The ability to administer a complete project.
- 972 (i) Project duration and timeline for expenditures.
- 973 (j) The geographic area in which the project is to be
974 conducted in relation to other projects.
- 975 (k) The degree of public visibility and interaction.
- 976 (5) The department ~~commission~~ shall solicit the expertise
977 of state agencies, Enterprise Florida, Inc., and state
978 universities, and may solicit the expertise of other public and
979 private entities it deems appropriate, in evaluating project
980 proposals. State agencies shall cooperate with the department
981 ~~commission~~ and provide such assistance as requested.
- 982 ~~(6) The commission shall coordinate and actively consult~~
983 ~~with the Department of Agriculture and Consumer Services during~~
984 ~~the review and approval process of grants relating to bioenergy~~
985 ~~projects for renewable energy technology.~~ Factors for
986 consideration in awarding grants relating to bioenergy projects
987 may include, but are not limited to, the degree to which:
- 988 (a) The project stimulates in-state capital investment and
989 economic development in metropolitan and rural areas, including
990 the creation of jobs and the future development of a commercial
991 market for bioenergy.
- 992 (b) The project produces bioenergy from Florida-grown crops
993 or biomass.
- 994 (c) The project demonstrates efficient use of energy and
995 material resources.
- 996 (d) The project fosters overall understanding and
997 appreciation of bioenergy technologies.
- 998 (e) Matching funds and in-kind contributions from an
999 applicant are available.



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1000 (f) The project duration and the timeline for expenditures
1001 are acceptable.

1002 (g) The project has a reasonable assurance of enhancing the
1003 value of agricultural products or will expand agribusiness in
1004 the state.

1005 (h) Preliminary market and feasibility research has been
1006 conducted by the applicant or others and shows there is a
1007 reasonable assurance of a potential market.

1008 Section 21. Subsections (1), (6), and (7) of section
1009 377.806, Florida Statutes, are amended to read:

1010 377.806 Solar Energy System Incentives Program.—

1011 (1) PURPOSE.—The Solar Energy System Incentives Program is
1012 established within the Department of Agriculture and Consumer
1013 Services ~~commission~~ to provide financial incentives for the
1014 purchase and installation of solar energy systems. Any resident
1015 of the state who purchases and installs a new solar energy
1016 system of 2 kilowatts or larger for a solar photovoltaic system,
1017 a solar energy system that provides at least 50 percent of a
1018 building's hot water consumption for a solar thermal system, or
1019 a solar thermal pool heater, from July 1, 2006, through June 30,
1020 2010, is eligible for a rebate on a portion of the purchase
1021 price of that solar energy system.

1022 (6) REBATE AVAILABILITY.—The department ~~commission~~ shall
1023 determine and publish on a regular basis the amount of rebate
1024 funds remaining in each fiscal year. The total dollar amount of
1025 all rebates issued is subject to the total amount of
1026 appropriations in any fiscal year for this program. If funds are
1027 insufficient during the current fiscal year, any requests for
1028 rebates received during that fiscal year may be processed during



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1029 the following fiscal year. Requests for rebates received in a
1030 fiscal year that are processed during the following fiscal year
1031 shall be given priority over requests for rebates received
1032 during the following fiscal year.

1033 (7) RULES.—The department ~~commission~~ shall adopt rules
1034 pursuant to ss. 120.536(1) and 120.54 to develop rebate
1035 applications and administer the issuance of rebates.

1036 Section 22. Section 377.807, Florida Statutes, is amended
1037 to read:

1038 377.807 Energy-efficient appliance rebate program.—

1039 (1) The department may ~~Florida Energy and Climate~~
1040 ~~Commission is authorized to~~ develop and administer a consumer
1041 rebate program for residential energy-efficient appliances,
1042 consistent with 42 U.S.C. s. 15821 and any federal agency
1043 guidance or regulations issued in furtherance of federal law.

1044 (2) The department ~~commission~~ may adopt rules pursuant to
1045 ss. 120.536(1) and 120.54 designating eligible appliances,
1046 rebate amounts, and the administration of the issuance of
1047 rebates. The rules shall be consistent with 42 U.S.C. s. 15821
1048 and any subsequent implementing federal regulations or guidance.

1049 (3) The department may ~~commission is authorized to~~ enter
1050 into contracts or memoranda of agreement with other agencies of
1051 the state, public-private partnerships, or other arrangements
1052 such that the most efficient means of administering consumer
1053 rebates can be achieved.

1054 Section 23. Subsections (2) through (5) of section 377.808,
1055 Florida Statutes, are amended to read:

1056 377.808 Florida Green Government Grants Act.—

1057 (2) The department ~~Florida Energy and Climate Commission~~



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1058 shall use funds specifically appropriated to award grants under
1059 this section to assist local governments, including
1060 municipalities, counties, and school districts, in the
1061 development and implementation of programs that achieve green
1062 standards. Green standards shall be determined by the department
1063 ~~commission~~ and shall provide for cost-efficient solutions,
1064 reducing greenhouse gas emissions, improving quality of life,
1065 and strengthening the state's economy.

1066 (3) The department ~~commission~~ shall adopt rules pursuant to
1067 chapter 120 to administer the grants provided for in this
1068 section. In accordance with the rules adopted by the department
1069 ~~commission~~ under this section, the department ~~commission~~ may
1070 provide grants from funds specifically appropriated for this
1071 purpose to local governments for the costs of achieving green
1072 standards, including necessary administrative expenses. The
1073 rules of the department ~~commission~~ shall:

1074 (a) Designate one or more suitable green government
1075 standards frameworks from which local governments may develop a
1076 greening government initiative and from which projects may be
1077 eligible for funding pursuant to this section.

1078 (b) Require that projects that plan, design, construct,
1079 upgrade, or replace facilities reduce greenhouse gas emissions
1080 and be cost-effective, environmentally sound, permittable, and
1081 implementable.

1082 (c) Require local governments to match state funds with
1083 direct project cost sharing or in-kind services.

1084 (d) Provide for a scale of matching requirements for local
1085 governments on the basis of population in order to assist rural
1086 and undeveloped areas of the state with any financial burden of



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1087 addressing climate change impacts.

1088 (e) Require grant applications to be submitted on
1089 appropriate forms developed and adopted by the department
1090 ~~commission~~ with appropriate supporting documentation and require
1091 records to be maintained.

1092 (f) Establish a system to determine the relative priority
1093 of grant applications. The system shall consider greenhouse gas
1094 reductions, energy savings and efficiencies, and proven
1095 technologies.

1096 (g) Establish requirements for competitive procurement of
1097 engineering and construction services, materials, and equipment.

1098 (h) Provide for termination of grants when program
1099 requirements are not met.

1100 (4) Each local government is limited to not more than two
1101 grant applications during each application period announced by
1102 the department ~~commission~~. However, a local government may not
1103 have more than three active projects expending grant funds
1104 during any state fiscal year.

1105 (5) The department ~~commission~~ shall perform an adequate
1106 overview of each grant, which may include technical review, site
1107 inspections, disbursement approvals, and auditing to
1108 successfully implement this section.

1109 Section 24. Subsection (1) of section 377.809, Florida
1110 Statutes, is amended to read:

1111 377.809 Energy Economic Zone Pilot Program.—

1112 (1) The Department of Community Affairs, in consultation
1113 with the Department of Transportation, shall implement an Energy
1114 Economic Zone Pilot Program for the purpose of developing a
1115 model to help communities cultivate green economic development,



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1116 encourage renewable electric energy generation, manufacture
1117 products that contribute to energy conservation and green jobs,
1118 and further implement chapter 2008-191, Laws of Florida,
1119 relative to discouraging sprawl and developing energy-efficient
1120 land use patterns and greenhouse gas reduction strategies. The
1121 Office of Tourism, Trade, and Economic Development and the
1122 Department of Agriculture and Consumer Services ~~Florida Energy~~
1123 ~~and Climate Commission~~ shall provide technical assistance to the
1124 departments in developing and administering the program.

1125 Section 25. Subsections (3) and (6) of section 403.44,
1126 Florida Statutes, are amended to read:

1127 403.44 Florida Climate Protection Act.—

1128 (3) The department may adopt rules for a cap-and-trade
1129 regulatory program to reduce greenhouse gas emissions from major
1130 emitters. When developing the rules, the department shall
1131 consult with the Department of Agriculture and Consumer Services
1132 ~~Florida Energy and Climate Commission~~ and the Florida Public
1133 Service Commission and may consult with the Governor's Action
1134 Team for Energy and Climate Change. The department shall not
1135 adopt rules until after January 1, 2010. The rules shall not
1136 become effective until ratified by the Legislature.

1137 (6) Recognizing that the international, national, and
1138 neighboring state policies and the science of climate change
1139 will evolve, prior to submitting the proposed rules to the
1140 Legislature for consideration, the department shall submit the
1141 proposed rules to the Department of Agriculture and Consumer
1142 Services ~~Florida Energy and Climate Commission~~, which shall
1143 review the proposed rules and submit a report to the Governor,
1144 the President of the Senate, the Speaker of the House of



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- 1145 Representatives, and the department. The report shall address:
- 1146 (a) The overall cost-effectiveness of the proposed cap-and-
- 1147 trade system in combination with other policies and measures in
- 1148 meeting statewide targets.
- 1149 (b) The administrative burden to the state of implementing,
- 1150 monitoring, and enforcing the program.
- 1151 (c) The administrative burden on entities covered under the
- 1152 cap.
- 1153 (d) The impacts on electricity prices for consumers.
- 1154 (e) The specific benefits to the state's economy for early
- 1155 adoption of a cap-and-trade system for greenhouse gases in the
- 1156 context of federal climate change legislation and the
- 1157 development of new international compacts.
- 1158 (f) The specific benefits to the state's economy associated
- 1159 with the creation and sale of emissions offsets from economic
- 1160 sectors outside of the emissions cap.
- 1161 (g) The potential effects on leakage if economic activity
- 1162 relocates out of the state.
- 1163 (h) The effectiveness of the combination of measures in
- 1164 meeting identified targets.
- 1165 (i) The economic implications for near-term periods of
- 1166 short-term and long-term targets specified in the overall
- 1167 policy.
- 1168 (j) The overall costs and benefits of a cap-and-trade
- 1169 system to the economy of the state.
- 1170 (k) The impacts on low-income consumers that result from
- 1171 energy price increases.
- 1172 (l) The consistency of the program with other state and
- 1173 possible federal efforts.



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1174 (m) The evaluation of the conditions under which the state
1175 should consider linking its trading system to the systems of
1176 other states or other countries and how that might be affected
1177 by the potential inclusion in the rule of a safety valve.

1178 (n) The timing and changes in the external environment,
1179 such as proposals by other states or implementation of a federal
1180 program that would spur reevaluation of the Florida program.

1181 (o) The conditions and options for eliminating the Florida
1182 program if a federal program were to supplant it.

1183 (p) The need for a regular reevaluation of the progress of
1184 other emitting regions of the country and of the world, and
1185 whether other regions are abating emissions in a commensurate
1186 manner.

1187 (q) The desirability of and possibilities of broadening the
1188 scope of the state's cap-and-trade system at a later date to
1189 include more emitting activities as well as sinks in Florida,
1190 the conditions that would need to be met to do so, and how the
1191 program would encourage these conditions to be met, including
1192 developing monitoring and measuring techniques for land use
1193 emissions and sinks, regulating sources upstream, and other
1194 considerations.

1195 Section 26. Section 526.207, Florida Statutes, is amended
1196 to read:

1197 526.207 Studies and reports.—

1198 (1) The Department of Agriculture and Consumer Services
1199 ~~Florida Energy and Climate Commission~~ shall conduct a study to
1200 evaluate and recommend the life-cycle greenhouse gas emissions
1201 associated with all renewable fuels, including, but not limited
1202 to, biodiesel, renewable diesel, biobutanol, and ethanol derived



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1203 from any source. In addition, the department ~~commission~~ shall
1204 evaluate and recommend a requirement that all renewable fuels
1205 introduced into commerce in the state, as a result of the
1206 renewable fuel standard, shall reduce the life-cycle greenhouse
1207 gas emissions by an average percentage. The department
1208 ~~commission~~ may also evaluate and recommend any benefits
1209 associated with the creation, banking, transfer, and sale of
1210 credits among fuel refiners, blenders, and importers.

1211 (2) The Department of Agriculture and Consumer Services
1212 ~~Florida Energy and Climate Commission~~ shall submit a report
1213 containing specific recommendations to the President of the
1214 Senate and the Speaker of the House of Representatives no later
1215 than December 31, 2010.

1216 Section 27. Section 570.074, Florida Statutes, is amended
1217 to read:

1218 570.074 Department of Agriculture and Consumer Services;
1219 energy and water policy coordination.—The commissioner may
1220 create an Office of Energy and Water Coordination under the
1221 supervision of a senior manager exempt under s. 110.205 in the
1222 Senior Management Service. The commissioner may designate the
1223 bureaus and positions in the various organizational divisions of
1224 the department that report to this office relating to any matter
1225 over which the department has jurisdiction in matters relating
1226 to energy and water policy affecting agriculture, application of
1227 such policies, and coordination of such matters with state and
1228 federal agencies.

1229 Section 28. Subsection (3) of section 570.954, Florida
1230 Statutes, is amended to read:

1231 570.954 Farm-to-fuel initiative.—



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1232 ~~(3) The department shall coordinate with and solicit the~~
1233 ~~expertise of the state energy office within the Department of~~
1234 ~~Environmental Protection when developing and implementing this~~
1235 ~~initiative.~~

1236 Section 29. Subsections (5), (11), (12), and (13) of
1237 section 1004.648, Florida Statutes, are amended to read:

1238 1004.648 Florida Energy Systems Consortium.-

1239 (5) The director, whose office is ~~shall be~~ located at the
1240 University of Florida, shall report to the Department of
1241 Agriculture and Consumer Services ~~Florida Energy and Climate~~
1242 ~~Commission created pursuant to s. 377.6015.~~

1243 (11) The oversight board, in consultation with the
1244 Department of Agriculture and Consumer Services ~~Florida Energy~~
1245 ~~and Climate Commission~~, shall ensure that the consortium:

1246 (a) Maintains accurate records of any funds received by the
1247 consortium.

1248 (b) Meets financial and technical performance expectations,
1249 which may include external technical reviews as required.

1250 (12) The steering committee shall consist of the university
1251 representatives included in the Centers of Excellence proposals
1252 for the Florida Energy Systems Consortium and the Center of
1253 Excellence in Ocean Energy Technology-Phase II which were
1254 reviewed during the 2007-2008 fiscal year by the Florida
1255 Technology, Research, and Scholarship Board created in s.
1256 1004.226(4); a university representative appointed by the
1257 President of Florida International University; and a
1258 representative of the Department of Agriculture and Consumer
1259 Services ~~Florida Energy and Climate Commission~~. The steering
1260 committee is ~~shall be~~ responsible for establishing and ensuring



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1261 the success of the consortium's mission under subsection (9).

1262 (13) By November 1 of each year, the consortium shall
1263 submit an annual report to the Governor, the President of the
1264 Senate, the Speaker of the House of Representatives, and the
1265 Department of Agriculture and Consumer Services ~~Florida Energy~~
1266 ~~and Climate Commission~~ regarding its activities, including, but
1267 not limited to, education and research related to, and the
1268 development and deployment of, alternative energy technologies.

1269 Section 30. Sections 1 and 2 of chapter 2010-282, Laws of
1270 Florida, are amended to read:

1271 Section 1. (1) As provided in this section and section 2, a
1272 portion of the total amount appropriated in this act shall be
1273 used ~~utilized~~ by the Department of Agriculture and Consumer
1274 Services ~~Florida Energy and Climate Commission~~ to pay rebates to
1275 eligible applicants who submit an application pursuant to the
1276 Florida ENERGY STAR Residential HVAC Rebate Program administered
1277 by the department ~~commission~~, as approved by the United States
1278 Department of Energy. An applicant is eligible for a rebate
1279 under this section if:

1280 (a) A complete application is submitted to the department
1281 ~~commission~~ on or before November 30, 2010.

1282 (b) The central air conditioner, air source heat pump, or
1283 geothermal heat pump system replacement for which the applicant
1284 is seeking a rebate was purchased from or contracted for
1285 purchase with a Florida-licensed contractor after August 29,
1286 2010, but before September 15, 2010, and fully installed prior
1287 to submission of the application for a rebate.

1288 (c) The department ~~commission~~ determines that the
1289 application complies with this section and any existing



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1290 agreement with the United States Department of Energy governing
1291 the Florida ENERGY STAR Residential HVAC Rebate Program.

1292 (d) The applicant provides the following information to the
1293 department ~~commission~~ on or before November 30, 2010:

1294 1.a. A copy of the sales receipt indicating a date of
1295 purchase after August 29, 2010, but before September 15, 2010,
1296 with the make and model number identified and circled along with
1297 the name and address of the Florida-licensed contractor who
1298 installed the system; or

1299 b. A copy of the contract for the purchase and installation
1300 of the system indicating a contract date after August 29, 2010,
1301 but before September 15, 2010, and a copy of the sales receipt
1302 indicating a date of purchase after August 29, 2010, but on or
1303 before November 30, 2010, with the make and model number
1304 identified and circled along with the name and address of the
1305 Florida-licensed contractor who installed the system.

1306 2. A copy of the mechanical building permit issued by the
1307 county or municipality and pulled by the Florida-licensed
1308 contractor who installed the system for the residence.

1309 3. A copy of the Air Distribution System Test Report
1310 results from a Florida-certified Class 1 energy gauge rater, a
1311 Florida-licensed mechanical contractor, or a recognized test and
1312 balance agent. The results from the test must indicate the home
1313 has no more than 15 percent leakage to the outside as measured
1314 by 0.10 Qn.out or less.

1315 4. A copy of the summary of the Manual J program completed
1316 for the residence to indicate that the proper methodology for
1317 sizing the new system was completed.

1318 (2) The Department of Agriculture and Consumer Services



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1319 ~~Florida Energy and Climate Commission~~ shall pay a \$1,500 rebate
1320 to each consumer who submits an application pursuant to the
1321 Florida ENERGY STAR Residential HVAC Rebate Program if the
1322 application is approved by the department ~~commission~~ in
1323 accordance with this act. The department ~~commission~~ shall pay
1324 all rebates authorized in this section prior to paying any
1325 rebates authorized in section 2.

1326 Section 2. Notwithstanding s. 377.806(6), Florida Statutes,
1327 the Department of Agriculture and Consumer Services ~~Florida~~
1328 ~~Energy and Climate Commission~~ shall utilize up to \$28,902,623,
1329 less any amount in excess of \$2,467,244 used to pay rebates
1330 pursuant to section 1, to pay a percentage of each unpaid and
1331 approved rebate application submitted pursuant to the Solar
1332 Energy System Incentives Program established in s. 377.806,
1333 Florida Statutes. An applicant is eligible for a rebate under
1334 this section if the application submitted complies with s.
1335 377.806, Florida Statutes. The percentage of each approved
1336 rebate to be paid shall be derived by dividing the remaining
1337 appropriation by the total dollar value of the backlog of final
1338 approved solar rebates, pursuant to the authorized limits
1339 provided in s. 377.806, Florida Statutes.

1340 Section 31. For the 2011-2012 fiscal year only,
1341 notwithstanding s. 216.181(2)(b), Florida Statutes, the
1342 Department of Agriculture may submit an amendment to the
1343 Legislative Budget Commission for increased budget authority for
1344 a fixed capital outlay appropriation for federal energy grants.
1345 Any such amendment is subject to the review and notice
1346 procedures provided in s. 216.177, Florida Statutes.

1347 Section 32. This act shall take effect July 1, 2011.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the Florida Energy and Climate
Commission; transferring the duties of the Florida
Energy and Climate Commission with respect to planning
and developing the state's energy policy and its
duties under the Florida Energy and Climate Protection
Act to the Department of Agriculture and Consumer
Services; providing for the transfer of the
commission's duties and records, personnel, property,
unexpended balances of appropriations, allocations,
and other funds, administrative authority,
administrative rules, pending issues, and existing
contracts to the Department of Agriculture and
Consumer Services; amending ss. 213.053, 220.192,
288.1089, 288.9607, 366.82, 366.92, 377.6015, 377.602,
377.603, 377.604, 377.605, 377.606, and 377.608, F.S.;
eliminating the Florida Energy and Climate Commission
and transferring its duties to the Department of
Agriculture and Consumer Services; conforming
provisions to changes made by the act; amending s.
377.701, F.S.; transferring the duties of petroleum
allocation from the Florida Energy and Climate
Commission to the Division of Emergency Management;
amending s. 377.703, F.S.; conforming provisions to



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1377 changes made by the act; transferring energy emergency
1378 contingency plans to the Division of Emergency
1379 Management; providing for the Department of Management
1380 Services to coordinate the energy conservation
1381 programs of all state agencies; transferring
1382 administration of the Coastal Energy Impact Program to
1383 the Department of Environmental Protection; amending
1384 ss. 377.711, 377.801, 377.803, 377.804, 377.806,
1385 377.807, 377.808, 377.809, 403.44, 526.207, 570.954,
1386 and 1004.648, F.S.; conforming provisions to changes
1387 made by the act; amending s. 570.074, F.S.; providing
1388 for the creation of the Office of Energy and Water
1389 within the Department of Agriculture and Consumer
1390 Services; amending ss. 1 and 2 of chapter 2010-282,
1391 Laws of Florida; conforming cross references in the
1392 chapter to changes made in the act; authorizing the
1393 Department of Agriculture to submit a request to the
1394 Legislative Budget Commission for a fixed capital
1395 outlay appropriation for federal energy grants;
1396 providing an effective date.