

By the Committee on Budget

576-03640-11

20112106__

1 A bill to be entitled
2 An act relating to the Florida Energy and Climate
3 Commission; amending ss. 213.053, 220.192, 288.1089,
4 288.9607, 366.82, and 366.92, F.S.; eliminating the
5 Florida Energy and Climate Commission and transferring
6 its duties with respect to a tax credit, an incentive
7 program, and the state's renewable energy policy to
8 the Department of Environmental Protection; repealing
9 s. 377.6015, F.S., relating to the Florida Energy and
10 Climate Commission; amending ss. 377.602, 377.603,
11 377.604, 377.605, 377.606, 377.608, 377.701, 377.703,
12 377.803, 377.804, 377.806, 377.807, 377.808, 377.809,
13 403.44, 526.207, and 1004.648, F.S.; amending ss. 1
14 and 2 of chapter 2010-282, Laws of Florida;
15 transferring the duties of the Florida Energy and
16 Climate Commission with respect to planning and
17 developing the state's energy policy and its duties
18 under the Florida Energy and Climate Protection Act to
19 the Department of Environmental Protection; providing
20 for the transfer of the commission's duties and
21 records, personnel, property, unexpended balances of
22 appropriations, allocations, and other funds,
23 administrative authority, administrative rules,
24 pending issues, and existing contracts to the
25 Department of Environmental Protection; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

576-03640-11

20112106

30 Section 1. Paragraph (y) of subsection (8) of section
31 213.053, Florida Statutes, is amended, and present paragraphs
32 (z) through (cc) of that subsection are redesignated as
33 paragraphs (y) through (bb), respectively, to read:

34 213.053 Confidentiality and information sharing.—

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

37 ~~(y) Information relative to ss. 212.08(7)(ccc) and 220.192~~
38 ~~to the Florida Energy and Climate Commission for use in the~~
39 ~~conduct of its official business.~~

40
41 Disclosure of information under this subsection shall be
42 pursuant to a written agreement between the executive director
43 and the agency. Such agencies, governmental or nongovernmental,
44 shall be bound by the same requirements of confidentiality as
45 the Department of Revenue. Breach of confidentiality is a
46 misdemeanor of the first degree, punishable as provided by s.
47 775.082 or s. 775.083.

48 Section 2. Subsections (3), (4), (5), and (8) of section
49 220.192, Florida Statutes, are amended to read:

50 220.192 Renewable energy technologies investment tax
51 credit.—

52 (3) CORPORATE APPLICATION PROCESS.—Any corporation wishing
53 to obtain tax credits available under this section must submit
54 to the Department of Environmental Protection ~~Florida Energy and~~
55 ~~Climate Commission~~ an application for tax credit that includes a
56 complete description of all eligible costs for which the
57 corporation is seeking a credit and a description of the total
58 amount of credits sought. The Department of Environmental

576-03640-11

20112106

59 Protection ~~Florida Energy and Climate Commission~~ shall make a
60 determination on the eligibility of the applicant for the
61 credits sought and certify the determination to the applicant
62 and the Department of Revenue. The corporation must attach the
63 Department of Environmental Protection's ~~Florida Energy and~~
64 ~~Climate Commission's~~ certification to the tax return on which
65 the credit is claimed. The Department of Environmental
66 Protection is ~~Florida Energy and Climate Commission~~ shall be
67 responsible for ensuring that the corporate income tax credits
68 granted in each fiscal year do not exceed the limits provided
69 for in this section. The Department of Environmental Protection
70 ~~may~~ ~~Florida Energy and Climate Commission~~ is authorized to adopt
71 the necessary rules, ~~guidelines,~~ and forms ~~application materials~~
72 for the application process.

73 (4) TAXPAYER APPLICATION PROCESS.—To claim a credit under
74 this section, each taxpayer must apply to the Department of
75 Environmental Protection ~~Florida Energy and Climate Commission~~
76 for an allocation of each type of annual credit by the date
77 established by the Department of Environmental Protection
78 ~~Florida Energy and Climate Commission~~. The application form
79 adopted ~~may be established~~ by the Department of Environmental
80 Protection ~~Florida Energy and Climate Commission~~. The form must
81 include an affidavit from each taxpayer certifying that all
82 information contained in the application, including all records
83 of eligible costs claimed as the basis for the tax credit, are
84 true and correct. Approval of the credits under this section is
85 ~~shall be accomplished~~ on a first-come, first-served basis, based
86 upon the date complete applications are received by the
87 Department of Environmental Protection ~~Florida Energy and~~

576-03640-11

20112106__

88 ~~Climate Commission~~. A taxpayer must ~~shall~~ submit only one
89 complete application based upon eligible costs incurred within a
90 particular state fiscal year. Incomplete placeholder
91 applications will not be accepted and will not secure a place in
92 the first-come, first-served application line. If a taxpayer
93 does not receive a tax credit allocation due to the exhaustion
94 of the annual tax credit authorizations, then such taxpayer may
95 reapply in the following year for those eligible costs and will
96 have priority over other applicants for the allocation of
97 credits.

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

99 (a) In addition to its existing audit and investigation
100 authority, the Department of Revenue may perform any additional
101 financial and technical audits and investigations, including
102 examining the accounts, books, and records of the tax credit
103 applicant, which are necessary to verify the eligible costs
104 included in the tax credit return and to ensure compliance with
105 this section. The Department of Environmental Protection ~~Florida~~
106 ~~Energy and Climate Commission~~ shall provide technical assistance
107 when requested by the Department of Revenue on any technical
108 audits or examinations performed pursuant to this section.

109 (b) It is grounds for forfeiture of previously claimed and
110 received tax credits if the Department of Revenue determines, as
111 a result of an audit or examination or from information received
112 from the Department of Environmental Protection ~~Florida Energy~~
113 ~~and Climate Commission~~, that a taxpayer received tax credits
114 pursuant to this section to which the taxpayer was not entitled.
115 The taxpayer is responsible for returning forfeited tax credits
116 to the Department of Revenue, and such funds shall be paid into

576-03640-11

20112106__

117 the General Revenue Fund of the state.

118 (c) The Department of Environmental Protection ~~Florida~~
119 ~~Energy and Climate Commission~~ may revoke or modify any written
120 decision granting eligibility for tax credits under this section
121 if it is discovered that the tax credit applicant submitted any
122 false statement, representation, or certification in any
123 application, record, report, plan, or other document filed in an
124 attempt to receive tax credits under this section. The
125 Department of Environmental Protection ~~Florida Energy and~~
126 ~~Climate Commission~~ shall immediately notify the Department of
127 Revenue of any revoked or modified orders affecting previously
128 granted tax credits. Additionally, the taxpayer must notify the
129 Department of Revenue of any change in its tax credit claimed.

130 (d) The taxpayer shall file with the Department of Revenue
131 an amended return or such other report as the Department of
132 Revenue prescribes by rule and shall pay any required tax and
133 interest within 60 days after the taxpayer receives notification
134 from the Department of Environmental Protection ~~Florida Energy~~
135 ~~and Climate Commission~~ that previously approved tax credits have
136 been revoked or modified. If the revocation or modification
137 order is contested, the taxpayer shall file an amended return or
138 other report as provided in this paragraph within 60 days after
139 a final order is issued after proceedings.

140 (e) A notice of deficiency may be issued by the Department
141 of Revenue at any time within 3 years after the taxpayer
142 receives formal notification from the Department of
143 Environmental Protection ~~Florida Energy and Climate Commission~~
144 that previously approved tax credits have been revoked or
145 modified. If a taxpayer fails to notify the Department of

576-03640-11

20112106__

146 Revenue of any changes to its tax credit claimed, a notice of
147 deficiency may be issued at any time.

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

152 Section 3. Subsection (5) of section 288.1089, Florida
153 Statutes, is amended to read:

154 288.1089 Innovation Incentive Program.—

155 (5) Enterprise Florida, Inc., shall evaluate proposals for
156 all three categories of innovation incentive awards and transmit
157 recommendations for awards to the office. Before making its
158 recommendations on alternative and renewable energy projects,
159 Enterprise Florida, Inc., shall solicit comments and
160 recommendations from the Department of Environmental Protection
161 ~~Florida Energy and Climate Commission~~. For each project, the
162 evaluation and recommendation to the office must include, but
163 need not be limited to:

164 (a) A description of the project, its required facilities,
165 and the associated product, service, or research and development
166 associated with the project.

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

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

172 (d) The cumulative investment to be dedicated to the
173 project within 5 years and the total investment expected in the
174 project if more than 5 years.

576-03640-11

20112106

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

177 (f) A statement of any special impacts the project is
178 expected to stimulate in a particular business sector in the
179 state or regional economy or in the state's universities and
180 community colleges.

181 (g) A statement of any anticipated or proposed
182 relationships with state universities.

183 (h) A statement of the role the incentive is expected to
184 play in the decision of the applicant to locate or expand in
185 this state.

186 (i) A recommendation and explanation of the amount of the
187 award needed to cause the applicant to expand or locate in this
188 state.

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

193 (k) A recommendation for specific performance criteria the
194 applicant would be expected to achieve in order to receive
195 payments from the fund and penalties or sanctions for failure to
196 meet or maintain performance conditions.

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

199 1. A description of the extent to which the project has the
200 potential to serve as catalyst for an emerging or evolving
201 cluster.

202 2. A description of the extent to which the project has or
203 could have a long-term collaborative research and development

576-03640-11

20112106__

204 relationship with one or more universities or community colleges
205 in this state.

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

208 4. A description of the project's contribution to the
209 diversity and resiliency of the innovation economy of this
210 state.

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

214 (m) Additional evaluative criteria for alternative and
215 renewable energy proposals, including:

216 1. The availability of matching funds or other in-kind
217 contributions applied to the total project from an applicant.
218 The department ~~commission~~ shall give greater preference to
219 projects that provide such matching funds or other in-kind
220 contributions.

221 2. The degree to which the project stimulates in-state
222 capital investment and economic development in metropolitan and
223 rural areas, including the creation of jobs and the future
224 development of a commercial market for renewable energy
225 technologies.

226 3. The extent to which the proposed project has been
227 demonstrated to be technically feasible based on pilot project
228 demonstrations, laboratory testing, scientific modeling, or
229 engineering or chemical theory that supports the proposal.

230 4. The degree to which the project incorporates an
231 innovative new technology or an innovative application of an
232 existing technology.

576-03640-11

20112106__

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

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

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

240 8. The ability to administer a complete project.

241 9. Project duration and timeline for expenditures.

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

244 11. The degree of public visibility and interaction.

245 Section 4. Subsection (9) of section 288.9607, Florida
246 Statutes, is amended to read:

247 288.9607 Guaranty of bond issues.—

248 (9) The membership of the corporation is authorized and
249 directed to conduct such investigation as it may deem necessary
250 for promulgation of regulations to govern the operation of the
251 guaranty program authorized by this section. The regulations may
252 include such other additional provisions, restrictions, and
253 conditions as the corporation, after its investigation referred
254 to in this subsection, shall determine to be proper to achieve
255 the most effective utilization of the guaranty program. This may
256 include, without limitation, a detailing of the remedies that
257 must be exhausted by bondholders, a trustee acting on their
258 behalf, or other credit provided before calling upon the
259 corporation to perform under its guaranty agreement and the
260 subrogation of other rights of the corporation with reference to
261 the capital project and its operation or the financing in the

576-03640-11

20112106

262 event the corporation makes payment pursuant to the applicable
263 guaranty agreement. The regulations promulgated by the
264 corporation to govern the operation of the guaranty program may
265 contain specific provisions with respect to the rights of the
266 corporation to enter, take over, and manage all financed
267 properties upon default. These regulations shall be submitted by
268 the corporation to the Department of Environmental Protection
269 ~~Florida Energy and Climate Commission~~ for approval.

270 Section 5. Subsection (5) of section 366.82, Florida
271 Statutes, is amended to read:

272 366.82 Definition; goals; plans; programs; annual reports;
273 energy audits.—

274 (5) The Department of Environmental Protection ~~Florida~~
275 ~~Energy and Climate Commission~~ shall be a party in the

276 proceedings to adopt goals and shall file with the commission
277 comments on the proposed goals, including, but not limited to:

278 (a) An evaluation of utility load forecasts, including an
279 assessment of alternative supply-side and demand-side resource
280 options.

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

285 (c) An analysis of the impact of state and local building
286 codes and appliance efficiency standards on the need for
287 utility-sponsored conservation and energy efficiency measures
288 and programs.

289 Section 6. Subsection (3) of section 366.92, Florida
290 Statutes, is amended to read:

576-03640-11

20112106

291 366.92 Florida renewable energy policy.—

292 (3) The commission shall adopt rules for a renewable
293 portfolio standard requiring each provider to supply renewable
294 energy to its customers directly, by procuring, or through
295 renewable energy credits. In developing the RPS rule, the
296 commission shall consult the Department of Environmental
297 Protection ~~and the Florida Energy and Climate Commission~~. The
298 rule shall not be implemented until ratified by the Legislature.
299 The commission shall present a draft rule for legislative
300 consideration by February 1, 2009.

301 (a) In developing the rule, the commission shall evaluate
302 the current and forecasted levelized cost in cents per kilowatt
303 hour through 2020 and current and forecasted installed capacity
304 in kilowatts for each renewable energy generation method through
305 2020.

306 (b) The commission's rule:

307 1. Shall include methods of managing the cost of compliance
308 with the renewable portfolio standard, whether through direct
309 supply or procurement of renewable power or through the purchase
310 of renewable energy credits. The commission shall have
311 rulemaking authority for providing annual cost recovery and
312 incentive-based adjustments to authorized rates of return on
313 common equity to providers to incentivize renewable energy.
314 Notwithstanding s. 366.91(3) and (4), upon the ratification of
315 the rules developed pursuant to this subsection, the commission
316 may approve projects and power sales agreements with renewable
317 power producers and the sale of renewable energy credits needed
318 to comply with the renewable portfolio standard. In the event of
319 any conflict, this subparagraph shall supersede s. 366.91(3) and

576-03640-11

20112106__

320 (4). However, nothing in this section shall alter the obligation
321 of each public utility to continuously offer a purchase contract
322 to producers of renewable energy.

323 2. Shall provide for appropriate compliance measures and
324 the conditions under which noncompliance shall be excused due to
325 a determination by the commission that the supply of renewable
326 energy or renewable energy credits was not adequate to satisfy
327 the demand for such energy or that the cost of securing
328 renewable energy or renewable energy credits was cost
329 prohibitive.

330 3. May provide added weight to energy provided by wind and
331 solar photovoltaic over other forms of renewable energy, whether
332 directly supplied or procured or indirectly obtained through the
333 purchase of renewable energy credits.

334 4. Shall determine an appropriate period of time for which
335 renewable energy credits may be used for purposes of compliance
336 with the renewable portfolio standard.

337 5. Shall provide for monitoring of compliance with and
338 enforcement of the requirements of this section.

339 6. Shall ensure that energy credited toward compliance with
340 the requirements of this section is not credited toward any
341 other purpose.

342 7. Shall include procedures to track and account for
343 renewable energy credits, including ownership of renewable
344 energy credits that are derived from a customer-owned renewable
345 energy facility as a result of any action by a customer of an
346 electric power supplier that is independent of a program
347 sponsored by the electric power supplier.

348 8. Shall provide for the conditions and options for the

576-03640-11

20112106__

349 repeal or alteration of the rule in the event that new
350 provisions of federal law supplant or conflict with the rule.

351 (c) Beginning on April 1 of the year following final
352 adoption of the commission's renewable portfolio standard rule,
353 each provider shall submit a report to the commission describing
354 the steps that have been taken in the previous year and the
355 steps that will be taken in the future to add renewable energy
356 to the provider's energy supply portfolio. The report shall
357 state whether the provider was in compliance with the renewable
358 portfolio standard during the previous year and how it will
359 comply with the renewable portfolio standard in the upcoming
360 year.

361 Section 7. Section 377.6015, Florida Statutes, is repealed.

362 Section 8. Subsection (1) of section 377.602, Florida
363 Statutes, is amended to read:

364 377.602 Definitions.—As used in ss. 377.601-377.608:

365 (1) "Department" ~~"Commission"~~ means the Department of
366 Environmental Protection ~~Florida Energy and Climate Commission.~~

367 Section 9. Section 377.603, Florida Statutes, is amended to
368 read:

369 377.603 Energy data collection; powers and duties of the
370 department ~~commission~~.—

371 (1) The department ~~commission~~ may collect data on the
372 extraction, production, importation, exportation, refinement,
373 transportation, transmission, conversion, storage, sale, or
374 reserves of energy resources in this state in an efficient and
375 expeditious manner.

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

576-03640-11

20112106__

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

382 (4) The department ~~commission~~ shall maintain internal
383 validation procedures to assure the accuracy of information
384 received.

385 Section 10. Section 377.604, Florida Statutes, is amended
386 to read:

387 377.604 Required reports.—Every person who produces,
388 imports, exports, refines, transports, transmits, converts,
389 stores, sells, or holds known reserves of any form of energy
390 resources used as fuel shall report to the department
391 ~~commission~~, at the request of and in a manner prescribed by the
392 department ~~commission~~, on forms provided by the department
393 ~~commission~~. Such forms shall be designed in such a manner as to
394 indicate:

395 (1) The identity of the person or persons making the
396 report.

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

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

402 (4) The identity of each refinery from which petroleum
403 products have normally been obtained and the type and quantity
404 of products secured from that refinery for sale or resale in
405 this state.

406 (5) Any other information which the department ~~commission~~

576-03640-11

20112106__

407 deems proper pursuant to the intent of ss. 377.601-377.608.

408 Section 11. Section 377.605, Florida Statutes, is amended
409 to read:

410 377.605 Use of existing information.—The department
411 ~~commission~~ may utilize to the fullest extent possible any
412 existing energy information already prepared for state or
413 federal agencies. Every state, county, and municipal agency
414 shall cooperate with the department ~~commission~~ and shall submit
415 any information on energy to the department ~~commission~~ upon
416 request.

417 Section 12. Section 377.606, Florida Statutes, is amended
418 to read:

419 377.606 Records of the department ~~commission~~; limits of
420 confidentiality.—The information or records of individual
421 persons, as defined in this section, obtained by the department
422 ~~commission~~ as a result of a report, investigation, or
423 verification required by the department ~~commission~~ shall be open
424 to the public, except such information the disclosure of which
425 would be likely to cause substantial harm to the competitive
426 position of the person providing such information and which is
427 requested to be held confidential by the person providing such
428 information. Such proprietary information is confidential and
429 exempt from the provisions of s. 119.07(1). Information reported
430 by entities other than the department ~~commission~~ in documents or
431 reports open to public inspection shall under no circumstances
432 be classified as confidential by the department ~~commission~~.
433 Divulgence of proprietary information as is requested to be held
434 confidential, except upon order of a court of competent
435 jurisdiction or except to an officer of the state entitled to

576-03640-11

20112106__

436 receive the same in his or her official capacity, shall be a
437 misdemeanor of the second degree, punishable as provided in ss.
438 775.082 and 775.083. ~~Nothing in~~ This section does not ~~shall be~~
439 ~~construed to~~ prohibit the publication or divulgence by other
440 means of data so classified as to prevent identification of
441 particular accounts or reports made to the department ~~commission~~
442 in compliance with s. 377.603 or to prohibit the disclosure of
443 such information to properly qualified legislative committees.
444 The department ~~commission~~ shall establish a system which permits
445 reasonable access to information developed.

446 Section 13. Section 377.608, Florida Statutes, is amended
447 to read:

448 377.608 Prosecution of cases by state attorney.—The state
449 attorney shall prosecute all cases certified to him or her for
450 prosecution by the department ~~commission~~ immediately upon
451 receipt of the evidence transmitted by the department
452 ~~commission~~, or as soon thereafter as practicable.

453 Section 14. Subsections (1), (2), and (3) of section
454 377.701, Florida Statutes, are amended to read:

455 377.701 Petroleum allocation.—

456 (1) The Department of Environmental Protection ~~Florida~~
457 ~~Energy and Climate Commission~~ shall assume the state's role in
458 petroleum allocation and conservation, including the development
459 of a fair and equitable petroleum plan. The department
460 ~~commission~~ shall constitute the responsible state agency for
461 performing the functions of any federal program delegated to the
462 state, which relates to petroleum supply, demand, and
463 allocation.

464 (2) The department ~~commission~~ shall, in addition to

576-03640-11

20112106

465 assuming the duties and responsibilities provided by subsection
466 (1), perform the following:

467 (a) In projecting available supplies of petroleum,
468 coordinate with the Department of Revenue to secure information
469 necessary to assure the sufficiency and accuracy of data
470 submitted by persons affected by any federal fuel allocation
471 program.

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

478 (c) In cooperation with the Department of Revenue and other
479 relevant state agencies, provide for long-range studies
480 regarding the usage of petroleum in the state in order to:

481 1. Comprehend the consumption of petroleum resources.
482 2. Predict future petroleum demands in relation to
483 available resources.

484 3. Report the results of such studies to the Legislature.

485 (3) For the purpose of determining accuracy of data, all
486 state agencies shall timely provide the department ~~commission~~
487 with petroleum-use information in a format suitable to the needs
488 of the allocation program.

489 Section 15. Section 377.703, Florida Statutes, is amended
490 to read:

491 377.703 Additional functions of the Department of
492 Environmental Protection ~~Florida Energy and Climate Commission.~~-

493 (1) LEGISLATIVE INTENT.-Recognizing that energy supply and

576-03640-11

20112106__

494 demand questions have become a major area of concern to the
495 state which must be dealt with by effective and well-coordinated
496 state action, it is the intent of the Legislature to promote the
497 efficient, effective, and economical management of energy
498 problems, centralize energy coordination responsibilities,
499 pinpoint responsibility for conducting energy programs, and
500 ensure the accountability of state agencies for the
501 implementation of s. 377.601(2), the state energy policy. It is
502 the specific intent of the Legislature that nothing in this act
503 shall in any way change the powers, duties, and responsibilities
504 assigned by the Florida Electrical Power Plant Siting Act, part
505 II of chapter 403, or the powers, duties, and responsibilities
506 of the Florida Public Service Commission.

507 (2) DEPARTMENT OF ENVIRONMENTAL PROTECTION ~~FLORIDA ENERGY~~
508 ~~AND CLIMATE COMMISSION~~; DUTIES.—The department ~~commission~~ shall
509 perform the following functions consistent with the development
510 of a state energy policy:

511 (a) The department is responsible for the ~~commission shall~~
512 ~~assume the responsibility for~~ development of an energy emergency
513 contingency plan to respond to serious shortages of primary and
514 secondary energy sources. Upon a finding by the Governor,
515 implementation of any emergency program shall be upon order of
516 the Governor that a particular kind or type of fuel is, or that
517 the occurrence of an event which is reasonably expected within
518 30 days will make the fuel, in short supply. The department
519 ~~commission~~ shall then respond by instituting the appropriate
520 measures of the contingency plan to meet the given emergency or
521 energy shortage. The Governor may utilize the provisions of s.
522 252.36(5) to carry out any emergency actions required by a

576-03640-11

20112106__

523 serious shortage of energy sources.

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

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

531 (d) The department ~~commission~~ shall coordinate efforts to
532 seek federal support or other support for state energy
533 activities, including energy conservation, research, or
534 development, and is ~~shall be~~ responsible for the coordination of
535 multiagency energy conservation programs and plans.

536 (e) The department ~~commission~~ shall analyze energy data
537 collected and prepare long-range forecasts of energy supply and
538 demand in coordination with the Florida Public Service
539 Commission, which is responsible ~~shall have responsibility~~ for
540 electricity and natural gas forecasts. To this end, the
541 forecasts shall contain:

542 1. An analysis of the relationship of state economic growth
543 and development to energy supply and demand, including the
544 constraints to economic growth resulting from energy supply
545 constraints.

546 2. Plans for the development of renewable energy resources
547 and reduction in dependence on depletable energy resources,
548 particularly oil and natural gas, and an analysis of the extent
549 to which renewable energy sources are being utilized in the
550 state.

551 3. Consideration of alternative scenarios of statewide

576-03640-11

20112106

552 energy supply and demand for 5, 10, and 20 years to identify
553 strategies for long-range action, including identification of
554 potential social, economic, and environmental effects.

555 4. An assessment of the state's energy resources, including
556 examination of the availability of commercially developable and
557 imported fuels, and an analysis of anticipated effects on the
558 state's environment and social services resulting from energy
559 resource development activities or from energy supply
560 constraints, or both.

561 (f) The department ~~commission~~ shall submit an annual report
562 to the Governor and the Legislature reflecting its activities
563 and making recommendations of policies for improvement of the
564 state's response to energy supply and demand and its effect on
565 the health, safety, and welfare of the people of Florida. The
566 report shall include a report from the Florida Public Service
567 Commission on electricity and natural gas and information on
568 energy conservation programs conducted and underway in the past
569 year and shall include recommendations for energy conservation
570 programs for the state, including, but not limited to, the
571 following factors:

572 1. Formulation of specific recommendations for improvement
573 in the efficiency of energy utilization in governmental,
574 residential, commercial, industrial, and transportation sectors.

575 2. Collection and dissemination of information relating to
576 energy conservation.

577 3. Development and conduct of educational and training
578 programs relating to energy conservation.

579 4. An analysis of the ways in which state agencies are
580 seeking to implement s. 377.601(2), the state energy policy, and

576-03640-11

20112106__

581 recommendations for better fulfilling this policy.

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

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

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

590 2. Aiding and promoting the commercialization of solar
591 energy technology, in cooperation with the Florida Solar Energy
592 Center, Enterprise Florida, Inc., and any other federal, state,
593 or local governmental agency which may seek to promote research,
594 development, and demonstration of solar energy equipment and
595 technology.

596 3. Identifying barriers to greater use of solar energy
597 systems in this state, and developing specific recommendations
598 for overcoming identified barriers, with findings and
599 recommendations to be submitted annually in the report to the
600 Governor and Legislature required under paragraph (f).

601 4. In cooperation with ~~the Department of Environmental~~
602 ~~Protection~~, the Department of Transportation, the Department of
603 Community Affairs, Enterprise Florida, Inc., the Florida Solar
604 Energy Center, and the Florida Solar Energy Industries
605 Association, investigating opportunities, pursuant to the
606 National Energy Policy Act of 1992, the Housing and Community
607 Development Act of 1992, and any subsequent federal legislation,
608 for solar electric vehicles and other solar energy
609 manufacturing, distribution, installation, and financing efforts

576-03640-11

20112106__

610 which will enhance this state's position as the leader in solar
611 energy research, development, and use.

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

614

615 In the exercise of its responsibilities under this paragraph,
616 the department ~~commission~~ shall seek the assistance of the solar
617 energy industry in this state and other interested parties and
618 is authorized to enter into contracts, retain professional
619 consulting services, and expend funds appropriated by the
620 Legislature for such purposes.

621 (i) The department ~~commission~~ shall promote energy
622 conservation in all energy use sectors throughout the state and
623 shall constitute the state agency primarily responsible for this
624 function. To this end, the department ~~commission~~ shall
625 coordinate the energy conservation programs of all state
626 agencies and review and comment on the energy conservation
627 programs of all state agencies.

628 (j) The department ~~commission~~ shall serve as the state
629 clearinghouse for indexing and gathering all information related
630 to energy programs in state universities, in private
631 universities, in federal, state, and local government agencies,
632 and in private industry and shall prepare and distribute such
633 information in any manner necessary to inform and advise the
634 citizens of the state of such programs and activities. This
635 shall include developing and maintaining a current index and
636 profile of all research activities, which shall be identified by
637 energy area and may include a summary of the project, the amount
638 and sources of funding, anticipated completion dates, or, in

576-03640-11

20112106__

639 case of completed research, conclusions, recommendations, and
640 applicability to state government and private sector functions.
641 The department ~~commission~~ shall coordinate, promote, and respond
642 to efforts by all sectors of the economy to seek financial
643 support for energy activities. The department ~~commission~~ shall
644 provide information to consumers regarding the anticipated
645 energy-use and energy-saving characteristics of products and
646 services in coordination with any federal, state, or local
647 governmental agencies as may provide such information to
648 consumers.

649 (k) The department ~~commission~~ shall coordinate energy-
650 related programs of state government, including, but not limited
651 to, the programs provided in this section. To this end, the
652 department ~~commission~~ shall:

653 1. Provide assistance to other state agencies, counties,
654 municipalities, and regional planning agencies to further and
655 promote their energy planning activities.

656 2. Require, in cooperation with the Department of
657 Management Services, all state agencies to operate state-owned
658 and state-leased buildings in accordance with energy
659 conservation standards as adopted by the Department of
660 Management Services. Every 3 months, the Department of
661 Management Services shall furnish the department ~~commission~~ data
662 on agencies' energy consumption and emissions of greenhouse
663 gases in a format prescribed by the department ~~commission~~.

664 3. Promote the development and use of renewable energy
665 resources, energy efficiency technologies, and conservation
666 measures.

667 4. Promote the recovery of energy from wastes, including,

576-03640-11

20112106__

668 but not limited to, the use of waste heat, the use of
669 agricultural products as a source of energy, and recycling of
670 manufactured products. Such promotion shall be conducted in
671 conjunction with, and after consultation with, ~~the Department of~~
672 ~~Environmental Protection and~~ the Florida Public Service
673 Commission where electrical generation or natural gas is
674 involved, and any other relevant federal, state, or local
675 governmental agency having responsibility for resource recovery
676 programs.

677 (l) The department ~~commission~~ shall develop, coordinate,
678 and promote a comprehensive research plan for state programs.
679 Such plan shall be consistent with state energy policy and shall
680 be updated on a biennial basis.

681 (m) In recognition of the devastation to the economy of
682 this state and the dangers to the health and welfare of
683 residents of this state caused by severe hurricanes, and the
684 potential for such impacts caused by other natural disasters,
685 the department ~~commission~~ shall include in its energy emergency
686 contingency plan and provide to the Florida Building Commission
687 for inclusion in the Florida Energy Efficiency Code for Building
688 Construction specific provisions to facilitate the use of cost-
689 effective solar energy technologies as emergency remedial and
690 preventive measures for providing electric power, street
691 lighting, and water heating service in the event of electric
692 power outages.

693 (3) The department ~~commission~~ shall be responsible for the
694 administration of the Coastal Energy Impact Program provided for
695 and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

696 Section 16. Subsection (2) of section 377.803, Florida

576-03640-11

20112106

697 Statutes, is amended to read:

698 377.803 Definitions.—As used in ss. 377.801-377.806, the
699 term:

700 (2) “Department” ~~“Commission”~~ means the Department of
701 Environmental Protection ~~Florida Energy and Climate Commission.~~

702 Section 17. Subsection (1), paragraph (f) of subsection
703 (2), and subsections (3) through (6) of section 377.804, Florida
704 Statutes, are amended to read:

705 377.804 Renewable Energy and Energy-Efficient Technologies
706 Grants Program.—

707 (1) The Renewable Energy and Energy-Efficient Technologies
708 Grants Program is established within the department ~~commission~~
709 to provide renewable energy matching grants for demonstration,
710 commercialization, research, and development projects relating
711 to renewable energy technologies and innovative technologies
712 that significantly increase energy efficiency for vehicles and
713 commercial buildings.

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

716 (f) Other qualified persons, as determined by the
717 department ~~commission~~.

718 (3) The department ~~commission~~ may adopt rules pursuant to
719 ss. 120.536(1) and 120.54 to provide for application
720 requirements, provide for ranking of applications, and
721 administer the awarding of grants under this program.

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

724 (a) The availability of matching funds or other in-kind
725 contributions applied to the total project from an applicant.

576-03640-11

20112106__

726 The department ~~commission~~ shall give greater preference to
727 projects that provide such matching funds or other in-kind
728 contributions.

729 (b) The degree to which the project stimulates in-state
730 capital investment and economic development in metropolitan and
731 rural areas, including the creation of jobs and the future
732 development of a commercial market for renewable energy
733 technologies.

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

738 (d) The degree to which the project incorporates an
739 innovative new technology or an innovative application of an
740 existing technology.

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

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

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

748 (h) The ability to administer a complete project.

749 (i) Project duration and timeline for expenditures.

750 (j) The geographic area in which the project is to be
751 conducted in relation to other projects.

752 (k) The degree of public visibility and interaction.

753 (5) The department ~~commission~~ shall solicit the expertise
754 of state agencies, Enterprise Florida, Inc., and state

576-03640-11

20112106__

755 universities, and may solicit the expertise of other public and
756 private entities it deems appropriate, in evaluating project
757 proposals. State agencies shall cooperate with the department
758 ~~commission~~ and provide such assistance as requested.

759 (6) The department ~~commission~~ shall coordinate and actively
760 consult with the Department of Agriculture and Consumer Services
761 during the review and approval process of grants relating to
762 bioenergy projects for renewable energy technology. Factors for
763 consideration in awarding grants may include, but are not
764 limited to, the degree to which:

765 (a) The project stimulates in-state capital investment and
766 economic development in metropolitan and rural areas, including
767 the creation of jobs and the future development of a commercial
768 market for bioenergy.

769 (b) The project produces bioenergy from Florida-grown crops
770 or biomass.

771 (c) The project demonstrates efficient use of energy and
772 material resources.

773 (d) The project fosters overall understanding and
774 appreciation of bioenergy technologies.

775 (e) Matching funds and in-kind contributions from an
776 applicant are available.

777 (f) The project duration and the timeline for expenditures
778 are acceptable.

779 (g) The project has a reasonable assurance of enhancing the
780 value of agricultural products or will expand agribusiness in
781 the state.

782 (h) Preliminary market and feasibility research has been
783 conducted by the applicant or others and shows there is a

576-03640-11

20112106

784 reasonable assurance of a potential market.

785 Section 18. Subsections (1), (6), and (7) of section
786 377.806, Florida Statutes, are amended to read:

787 377.806 Solar Energy System Incentives Program.—

788 (1) PURPOSE.—The Solar Energy System Incentives Program is
789 established within the department ~~commission~~ to provide
790 financial incentives for the purchase and installation of solar
791 energy systems. Any resident of the state who purchases and
792 installs a new solar energy system of 2 kilowatts or larger for
793 a solar photovoltaic system, a solar energy system that provides
794 at least 50 percent of a building's hot water consumption for a
795 solar thermal system, or a solar thermal pool heater, from July
796 1, 2006, through June 30, 2010, is eligible for a rebate on a
797 portion of the purchase price of that solar energy system.

798 (6) REBATE AVAILABILITY.—The department ~~commission~~ shall
799 determine and publish on a regular basis the amount of rebate
800 funds remaining in each fiscal year. The total dollar amount of
801 all rebates issued is subject to the total amount of
802 appropriations in any fiscal year for this program. If funds are
803 insufficient during the current fiscal year, any requests for
804 rebates received during that fiscal year may be processed during
805 the following fiscal year. Requests for rebates received in a
806 fiscal year that are processed during the following fiscal year
807 shall be given priority over requests for rebates received
808 during the following fiscal year.

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

812 Section 19. Section 377.807, Florida Statutes, is amended

576-03640-11

20112106

813 to read:

814 377.807 Energy-efficient appliance rebate program.—

815 (1) The Department of Environmental Protection ~~Florida~~
816 ~~Energy and Climate Commission~~ is authorized to develop and
817 administer a consumer rebate program for residential energy-
818 efficient appliances, consistent with 42 U.S.C. s. 15821 and any
819 federal agency guidance or regulations issued in furtherance of
820 federal law.

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

826 (3) The department ~~commission~~ is authorized to enter
827 into contracts or memoranda of agreement with other agencies of
828 the state, public-private partnerships, or other arrangements
829 such that the most efficient means of administering consumer
830 rebates can be achieved.

831 Section 20. Subsections (2) through (5) of section 377.808,
832 Florida Statutes, are amended to read:

833 377.808 Florida Green Government Grants Act.—

834 (2) The Department of Environmental Protection ~~Florida~~
835 ~~Energy and Climate Commission~~ shall use funds specifically
836 appropriated to award grants under this section to assist local
837 governments, including municipalities, counties, and school
838 districts, in the development and implementation of programs
839 that achieve green standards. Green standards shall be
840 determined by the department ~~commission~~ and shall provide for
841 cost-efficient solutions, reducing greenhouse gas emissions,

576-03640-11

20112106__

842 improving quality of life, and strengthening the state's
843 economy.

844 (3) The department ~~commission~~ shall adopt rules pursuant to
845 chapter 120 to administer the grants provided for in this
846 section. In accordance with the rules adopted by the department
847 ~~commission~~ under this section, the department ~~commission~~ may
848 provide grants from funds specifically appropriated for this
849 purpose to local governments for the costs of achieving green
850 standards, including necessary administrative expenses. The
851 rules of the department ~~commission~~ shall:

852 (a) Designate one or more suitable green government
853 standards frameworks from which local governments may develop a
854 greening government initiative and from which projects may be
855 eligible for funding pursuant to this section.

856 (b) Require that projects that plan, design, construct,
857 upgrade, or replace facilities reduce greenhouse gas emissions
858 and be cost-effective, environmentally sound, permittable, and
859 implementable.

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

862 (d) Provide for a scale of matching requirements for local
863 governments on the basis of population in order to assist rural
864 and undeveloped areas of the state with any financial burden of
865 addressing climate change impacts.

866 (e) Require grant applications to be submitted on
867 appropriate forms developed and adopted by the department
868 ~~commission~~ with appropriate supporting documentation and require
869 records to be maintained.

870 (f) Establish a system to determine the relative priority

576-03640-11

20112106

871 of grant applications. The system shall consider greenhouse gas
872 reductions, energy savings and efficiencies, and proven
873 technologies.

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

876 (h) Provide for termination of grants when program
877 requirements are not met.

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

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

887 Section 21. Subsection (1) of section 377.809, Florida
888 Statutes, is amended to read:

889 377.809 Energy Economic Zone Pilot Program.—

890 (1) The Department of Community Affairs, in consultation
891 with the Department of Transportation, shall implement an Energy
892 Economic Zone Pilot Program for the purpose of developing a
893 model to help communities cultivate green economic development,
894 encourage renewable electric energy generation, manufacture
895 products that contribute to energy conservation and green jobs,
896 and further implement chapter 2008-191, Laws of Florida,
897 relative to discouraging sprawl and developing energy-efficient
898 land use patterns and greenhouse gas reduction strategies. The
899 Office of Tourism, Trade, and Economic Development and the

576-03640-11

20112106__

900 Department of Environmental Protection ~~Florida Energy and~~
901 ~~Climate Commission~~ shall provide technical assistance to the
902 departments in developing and administering the program.

903 Section 22. Subsections (3) and (6) of section 403.44,
904 Florida Statutes, are amended to read:

905 403.44 Florida Climate Protection Act.—

906 (3) The department may adopt rules for a cap-and-trade
907 regulatory program to reduce greenhouse gas emissions from major
908 emitters. When developing the rules, the department shall
909 consult with the ~~Florida Energy and Climate Commission and the~~
910 Florida Public Service Commission and may consult with the
911 Governor's Action Team for Energy and Climate Change. The
912 department shall not adopt rules until after January 1, 2010.
913 The rules shall not become effective until ratified by the
914 Legislature.

915 (6) Recognizing that the international, national, and
916 neighboring state policies and the science of climate change
917 will evolve, ~~prior to submitting the proposed rules to the~~
918 ~~Legislature for consideration,~~ the department shall submit the
919 proposed rules and a report to the Florida Energy and Climate
920 ~~Commission, which shall review the proposed rules and submit a~~
921 ~~report to the Governor, the President of the Senate, and the~~
922 ~~Speaker of the House of Representatives, and the department.~~ The
923 report shall address:

924 (a) The overall cost-effectiveness of the proposed cap-and-
925 trade system in combination with other policies and measures in
926 meeting statewide targets.

927 (b) The administrative burden to the state of implementing,
928 monitoring, and enforcing the program.

576-03640-11

20112106__

929 (c) The administrative burden on entities covered under the
930 cap.

931 (d) The impacts on electricity prices for consumers.

932 (e) The specific benefits to the state's economy for early
933 adoption of a cap-and-trade system for greenhouse gases in the
934 context of federal climate change legislation and the
935 development of new international compacts.

936 (f) The specific benefits to the state's economy associated
937 with the creation and sale of emissions offsets from economic
938 sectors outside of the emissions cap.

939 (g) The potential effects on leakage if economic activity
940 relocates out of the state.

941 (h) The effectiveness of the combination of measures in
942 meeting identified targets.

943 (i) The economic implications for near-term periods of
944 short-term and long-term targets specified in the overall
945 policy.

946 (j) The overall costs and benefits of a cap-and-trade
947 system to the economy of the state.

948 (k) The impacts on low-income consumers that result from
949 energy price increases.

950 (l) The consistency of the program with other state and
951 possible federal efforts.

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

956 (n) The timing and changes in the external environment,
957 such as proposals by other states or implementation of a federal

576-03640-11

20112106__

958 program that would spur reevaluation of the Florida program.

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

961 (p) The need for a regular reevaluation of the progress of
962 other emitting regions of the country and of the world, and
963 whether other regions are abating emissions in a commensurate
964 manner.

965 (q) The desirability of and possibilities of broadening the
966 scope of the state's cap-and-trade system at a later date to
967 include more emitting activities as well as sinks in Florida,
968 the conditions that would need to be met to do so, and how the
969 program would encourage these conditions to be met, including
970 developing monitoring and measuring techniques for land use
971 emissions and sinks, regulating sources upstream, and other
972 considerations.

973 Section 23. Section 526.207, Florida Statutes, is amended
974 to read:

975 526.207 Studies and reports.—

976 (1) The Department of Environmental Protection ~~Florida~~
977 ~~Energy and Climate Commission~~ shall conduct a study to evaluate
978 and recommend the life-cycle greenhouse gas emissions associated
979 with all renewable fuels, including, but not limited to,
980 biodiesel, renewable diesel, biobutanol, and ethanol derived
981 from any source. In addition, the department ~~commission~~ shall
982 evaluate and recommend a requirement that all renewable fuels
983 introduced into commerce in the state, as a result of the
984 renewable fuel standard, shall reduce the life-cycle greenhouse
985 gas emissions by an average percentage. The department
986 ~~commission~~ may also evaluate and recommend any benefits

576-03640-11

20112106

987 associated with the creation, banking, transfer, and sale of
988 credits among fuel refiners, blenders, and importers.

989 (2) The Department of Environmental Protection ~~Florida~~
990 ~~Energy and Climate Commission~~ shall submit a report containing
991 specific recommendations to the President of the Senate and the
992 Speaker of the House of Representatives no later than December
993 31, 2010.

994 Section 24. Subsections (5), (11), (12), and (13) of
995 section 1004.648, Florida Statutes, are amended to read:

996 1004.648 Florida Energy Systems Consortium.—

997 (5) The director, whose office is ~~shall be~~ located at the
998 University of Florida, shall report to the Department of
999 Environmental Protection ~~Florida Energy and Climate Commission~~
1000 ~~created pursuant to s. 377.6015.~~

1001 (11) The oversight board, in consultation with the
1002 Department of Environmental Protection ~~Florida Energy and~~
1003 ~~Climate Commission~~, shall ensure that the consortium:

1004 (a) Maintains accurate records of any funds received by the
1005 consortium.

1006 (b) Meets financial and technical performance expectations,
1007 which may include external technical reviews as required.

1008 (12) The steering committee shall consist of the university
1009 representatives included in the Centers of Excellence proposals
1010 for the Florida Energy Systems Consortium and the Center of
1011 Excellence in Ocean Energy Technology-Phase II which were
1012 reviewed during the 2007-2008 fiscal year by the Florida
1013 Technology, Research, and Scholarship Board created in s.
1014 1004.226(4); a university representative appointed by the
1015 President of Florida International University; and the

576-03640-11

20112106__

1016 Department of Environmental Protection ~~Florida Energy and~~
1017 ~~Climate Commission~~. The steering committee is ~~shall be~~
1018 responsible for establishing and ensuring the success of the
1019 consortium's mission under subsection (9).

1020 (13) By November 1 of each year, the consortium shall
1021 submit an annual report to the Governor, the President of the
1022 Senate, the Speaker of the House of Representatives, and the
1023 Department of Environmental Protection ~~Florida Energy and~~
1024 ~~Climate Commission~~ regarding its activities, including, but not
1025 limited to, education and research related to, and the
1026 development and deployment of, alternative energy technologies.

1027 Section 25. Sections 1 and 2 of chapter 2010-282, Laws of
1028 Florida, are amended to read:

1029 Section 1. (1) As provided in this section and section 2, a
1030 portion of the total amount appropriated in this act shall be
1031 used ~~utilized~~ by the Department of Environmental Protection
1032 ~~Florida Energy and Climate Commission~~ to pay rebates to eligible
1033 applicants who submit an application pursuant to the Florida
1034 ENERGY STAR Residential HVAC Rebate Program administered by the
1035 commission, as approved by the United States Department of
1036 Energy. An applicant is eligible for a rebate under this section
1037 if:

1038 (a) A complete application is submitted to the department
1039 ~~commission~~ on or before November 30, 2010.

1040 (b) The central air conditioner, air source heat pump, or
1041 geothermal heat pump system replacement for which the applicant
1042 is seeking a rebate was purchased from or contracted for
1043 purchase with a Florida-licensed contractor after August 29,
1044 2010, but before September 15, 2010, and fully installed prior

576-03640-11

20112106__

1045 to submission of the application for a rebate.

1046 (c) The department ~~commission~~ determines that the
1047 application complies with this section and any existing
1048 agreement with the United States Department of Energy governing
1049 the Florida ENERGY STAR Residential HVAC Rebate Program.

1050 (d) The applicant provides the following information to the
1051 commission on or before November 30, 2010:

1052 1.a. A copy of the sales receipt indicating a date of
1053 purchase after August 29, 2010, but before September 15, 2010,
1054 with the make and model number identified and circled along with
1055 the name and address of the Florida-licensed contractor who
1056 installed the system; or

1057 b. A copy of the contract for the purchase and installation
1058 of the system indicating a contract date after August 29, 2010,
1059 but before September 15, 2010, and a copy of the sales receipt
1060 indicating a date of purchase after August 29, 2010, but on or
1061 before November 30, 2010, with the make and model number
1062 identified and circled along with the name and address of the
1063 Florida-licensed contractor who installed the system.

1064 2. A copy of the mechanical building permit issued by the
1065 county or municipality and pulled by the Florida-licensed
1066 contractor who installed the system for the residence.

1067 3. A copy of the Air Distribution System Test Report
1068 results from a Florida-certified Class 1 energy gauge rater, a
1069 Florida-licensed mechanical contractor, or a recognized test and
1070 balance agent. The results from the test must indicate the home
1071 has no more than 15 percent leakage to the outside as measured
1072 by 0.10 Qn.out or less.

1073 4. A copy of the summary of the Manual J program completed

576-03640-11

20112106

1074 for the residence to indicate that the proper methodology for
1075 sizing the new system was completed.

1076 (2) The Department of Environmental Protection ~~Florida~~
1077 ~~Energy and Climate Commission~~ shall pay a \$1,500 rebate to each
1078 consumer who submits an application pursuant to the Florida
1079 ENERGY STAR Residential HVAC Rebate Program if the application
1080 is approved by the commission in accordance with this act. The
1081 department ~~commission~~ shall pay all rebates authorized in this
1082 section prior to paying any rebates authorized in section 2.

1083 Section 2. Notwithstanding s. 377.806(6), Florida Statutes,
1084 the Department of Environmental Protection ~~Florida Energy and~~
1085 ~~Climate Commission~~ shall utilize up to \$28,902,623, less any
1086 amount in excess of \$2,467,244 used to pay rebates pursuant to
1087 section 1, to pay a percentage of each unpaid and approved
1088 rebate application submitted pursuant to the Solar Energy System
1089 Incentives Program established in s. 377.806, Florida Statutes.
1090 An applicant is eligible for a rebate under this section if the
1091 application submitted complies with s. 377.806, Florida
1092 Statutes. The percentage of each approved rebate to be paid
1093 shall be derived by dividing the remaining appropriation by the
1094 total dollar value of the backlog of final approved solar
1095 rebates, pursuant to the authorized limits provided in s.
1096 377.806, Florida Statutes.

1097 Section 26. All records, personnel, and property;
1098 unexpended balances of appropriations, allocations, and other
1099 funds; administrative authority; administrative rules; pending
1100 issues; and existing contracts of the Florida Energy and Climate
1101 Commission are transferred by a type two transfer, pursuant to
1102 s. 20.06(2), Florida Statutes, to the Department of

576-03640-11

20112106__

1103 Environmental Protection.

1104 Section 27. This act shall take effect July 1, 2011.