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1                   A bill to be entitled  
2     An act relating to the Florida Energy and Climate  
3     Commission; transferring the duties of the Florida  
4     Energy and Climate Commission with respect to planning  
5     and developing the state's energy policy and its  
6     duties under the Florida Energy and Climate Protection  
7     Act to the Department of Agriculture and Consumer  
8     Services; providing for the transfer of the  
9     commission's duties and records, personnel, property,  
10    unexpended balances of appropriations, allocations,  
11    and other funds, administrative authority,  
12    administrative rules, pending issues, and existing  
13    contracts to the Department of Agriculture and  
14    Consumer Services; amending ss. 213.053, 220.192,  
15    288.1089, 288.9607, 366.82, 366.92, 377.6015, 377.602,  
16    377.603, 377.604, 377.605, 377.606, and 377.608, F.S.;  
17    eliminating the Florida Energy and Climate Commission  
18    and transferring its duties to the Department of  
19    Agriculture and Consumer Services; conforming  
20    provisions to changes made by the act; amending s.  
21    377.701, F.S.; transferring the duties of petroleum  
22    allocation from the Florida Energy and Climate  
23    Commission to the Division of Emergency Management;  
24    amending s. 377.703, F.S.; conforming provisions to  
25    changes made by the act; transferring energy emergency  
26    contingency plans to the Division of Emergency  
27    Management; providing for the Department of Management  
28    Services to coordinate the energy conservation  
29    programs of all state agencies; transferring

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30 administration of the Coastal Energy Impact Program to  
31 the Department of Environmental Protection; amending  
32 ss. 377.711, 377.801, 377.803, 377.804, 377.806,  
33 377.807, 377.808, 377.809, 403.44, 526.207, 570.954,  
34 and 1004.648, F.S.; conforming provisions to changes  
35 made by the act; amending s. 570.074, F.S.; providing  
36 for the creation of the Office of Energy and Water  
37 within the Department of Agriculture and Consumer  
38 Services; amending ss. 1 and 2 of chapter 2010-282,  
39 Laws of Florida; conforming cross references in the  
40 chapter to changes made in the act; authorizing the  
41 Department of Agriculture to submit a request to the  
42 Legislative Budget Commission for a fixed capital  
43 outlay appropriation for federal energy grants;  
44 providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. The powers, duties, functions, records,  
49 personnel, property, pending issues and existing contracts,  
50 administrative authority, administrative rules, and unexpended  
51 balances of appropriations, allocations, and other funds of the  
52 Florida Energy and Climate Commission within the Executive  
53 Office of the Governor are transferred by a type two transfer,  
54 as defined in s. 20.06(2), Florida Statutes, to the Department  
55 of Agriculture and Consumer Services.

56 Section 2. Paragraph (y) of subsection (8) of section  
57 213.053, Florida Statutes, is amended to read:

58 213.053 Confidentiality and information sharing.—

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

61 (y) Information relative to ss. 212.08(7)(ccc) and 220.192  
62 to the Department of Agriculture and Consumer Services ~~Florida~~  
63 ~~Energy and Climate Commission~~ for use in the conduct of its  
64 official business.

65  
66 Disclosure of information under this subsection shall be  
67 pursuant to a written agreement between the executive director  
68 and the agency. Such agencies, governmental or nongovernmental,  
69 shall be bound by the same requirements of confidentiality as  
70 the Department of Revenue. Breach of confidentiality is a  
71 misdemeanor of the first degree, punishable as provided by s.  
72 775.082 or s. 775.083.

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

76 220.192 Renewable energy technologies investment tax  
77 credit.—

78 (3) CORPORATE APPLICATION PROCESS.—Any corporation wishing  
79 to obtain tax credits available under this section must submit  
80 to the Department of Agriculture and Consumer Services ~~Florida~~  
81 ~~Energy and Climate Commission~~ an application for tax credit that  
82 includes a complete description of all eligible costs for which  
83 the corporation is seeking a credit and a description of the  
84 total amount of credits sought. The Department of Agriculture  
85 and Consumer Services ~~Florida Energy and Climate Commission~~  
86 shall make a determination on the eligibility of the applicant  
87 for the credits sought and certify the determination to the

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88 applicant and the Department of Revenue. The corporation must  
89 attach the Department of Agriculture and Consumer Services'  
90 ~~Florida Energy and Climate Commission's~~ certification to the tax  
91 return on which the credit is claimed. The Department of  
92 Agriculture and Consumer Services is ~~Florida Energy and Climate~~  
93 ~~Commission shall be~~ responsible for ensuring that the corporate  
94 income tax credits granted in each fiscal year do not exceed the  
95 limits provided for in this section. The Department of  
96 Agriculture and Consumer Services may ~~Florida Energy and Climate~~  
97 ~~Commission is authorized to~~ adopt the necessary rules,  
98 ~~guidelines,~~ and forms ~~application materials~~ for the application  
99 process.

100 (4) TAXPAYER APPLICATION PROCESS.—To claim a credit under  
101 this section, each taxpayer must apply to the Department of  
102 Agriculture and Consumer Services ~~Florida Energy and Climate~~  
103 ~~Commission~~ for an allocation of each type of annual credit by  
104 the date established by the Department of Agriculture and  
105 Consumer Services ~~Florida Energy and Climate Commission~~. The  
106 application form adopted ~~may be established~~ by the Department of  
107 Agriculture and Consumer Services ~~Florida Energy and Climate~~  
108 ~~Commission~~. The ~~form~~ must include an affidavit from each  
109 taxpayer certifying that all information contained in the  
110 application, including all records of eligible costs claimed as  
111 the basis for the tax credit, are true and correct. Approval of  
112 the credits under this section is ~~shall be accomplished~~ on a  
113 first-come, first-served basis, based upon the date complete  
114 applications are received by the Department of Agriculture and  
115 Consumer Services ~~Florida Energy and Climate Commission~~. A  
116 taxpayer must ~~shall~~ submit only one complete application based

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117 upon eligible costs incurred within a particular state fiscal  
118 year. Incomplete placeholder applications will not be accepted  
119 and will not secure a place in the first-come, first-served  
120 application line. If a taxpayer does not receive a tax credit  
121 allocation due to the exhaustion of the annual tax credit  
122 authorizations, then such taxpayer may reapply in the following  
123 year for those eligible costs and will have priority over other  
124 applicants for the allocation of credits.

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

126 (a) In addition to its existing audit and investigation  
127 authority, the Department of Revenue may perform any additional  
128 financial and technical audits and investigations, including  
129 examining the accounts, books, and records of the tax credit  
130 applicant, which are necessary to verify the eligible costs  
131 included in the tax credit return and to ensure compliance with  
132 this section. The Department of Agriculture and Consumer  
133 Services ~~Florida Energy and Climate Commission~~ shall provide  
134 technical assistance when requested by the Department of Revenue  
135 on any technical audits or examinations performed pursuant to  
136 this section.

137 (b) It is grounds for forfeiture of previously claimed and  
138 received tax credits if the Department of Revenue determines, as  
139 a result of an audit or examination or from information received  
140 from the Department of Agriculture and Consumer Services ~~Florida~~  
141 ~~Energy and Climate Commission~~, that a taxpayer received tax  
142 credits pursuant to this section to which the taxpayer was not  
143 entitled. The taxpayer is responsible for returning forfeited  
144 tax credits to the Department of Revenue, and such funds shall  
145 be paid into the General Revenue Fund of the state.

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146 (c) The Department of Agriculture and Consumer Services  
147 ~~Florida Energy and Climate Commission~~ may revoke or modify any  
148 written decision granting eligibility for tax credits under this  
149 section if it is discovered that the tax credit applicant  
150 submitted any false statement, representation, or certification  
151 in any application, record, report, plan, or other document  
152 filed in an attempt to receive tax credits under this section.  
153 The Department of Agriculture and Consumer Services ~~Florida~~  
154 ~~Energy and Climate Commission~~ shall immediately notify the  
155 Department of Revenue of any revoked or modified orders  
156 affecting previously granted tax credits. Additionally, the  
157 taxpayer must notify the Department of Revenue of any change in  
158 its tax credit claimed.

159 (d) The taxpayer shall file with the Department of Revenue  
160 an amended return or such other report as the Department of  
161 Revenue prescribes by rule and shall pay any required tax and  
162 interest within 60 days after the taxpayer receives notification  
163 from the Department of Agriculture and Consumer Services ~~Florida~~  
164 ~~Energy and Climate Commission~~ that previously approved tax  
165 credits have been revoked or modified. If the revocation or  
166 modification order is contested, the taxpayer shall file an  
167 amended return or other report as provided in this paragraph  
168 within 60 days after a final order is issued after proceedings.

169 (e) A notice of deficiency may be issued by the Department  
170 of Revenue at any time within 3 years after the taxpayer  
171 receives formal notification from the Department of Agriculture  
172 and Consumer Services ~~Florida Energy and Climate Commission~~ that  
173 previously approved tax credits have been revoked or modified.  
174 If a taxpayer fails to notify the Department of Revenue of any

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175 changes to its tax credit claimed, a notice of deficiency may be  
176 issued at any time.

177 (6) TRANSFERABILITY OF CREDIT.—

178 (b) To perfect the transfer, the transferor shall provide  
179 the Department of Revenue with a written transfer statement  
180 notifying the Department of Revenue of the transferor's intent  
181 to transfer the tax credits to the transferee; the date the  
182 transfer is effective; the transferee's name, address, and  
183 federal taxpayer identification number; the tax period; and the  
184 amount of tax credits to be transferred. The Department of  
185 Revenue shall, upon receipt of a transfer statement conforming  
186 to the requirements of this section, provide the transferee with  
187 a certificate reflecting the tax credit amounts transferred. A  
188 copy of the certificate must be attached to each tax return for  
189 which the transferee seeks to apply such tax credits.

190 (8) PUBLICATION.—The Department of Agriculture and Consumer  
191 Services ~~Florida Energy and Climate Commission~~ shall determine  
192 and publish on a regular basis the amount of available tax  
193 credits remaining in each fiscal year.

194 Section 4. Paragraphs (d) and (e) of subsection (2) and  
195 subsection (5) of section 288.1089, Florida Statutes, are  
196 amended to read:

197 288.1089 Innovation Incentive Program.—

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

199 ~~(d) "Commission" means the Florida Energy and Climate~~  
200 ~~Commission.~~

201 (d) ~~(e)~~ "Cumulative investment" means cumulative capital  
202 investment and all eligible capital costs, as defined in s.  
203 220.191.

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204        (e) "Department" means the Department of Agriculture and  
205 Consumer Services.

206        (5) Enterprise Florida, Inc., shall evaluate proposals for  
207 all three categories of innovation incentive awards and transmit  
208 recommendations for awards to the office. Before making its  
209 recommendations on alternative and renewable energy projects,  
210 Enterprise Florida, Inc., shall solicit comments and  
211 recommendations from the department ~~Florida Energy and Climate~~  
212 ~~Commission~~. For each project, the evaluation and recommendation  
213 to the office must include, but need not be limited to:

214        (a) A description of the project, its required facilities,  
215 and the associated product, service, or research and development  
216 associated with the project.

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

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

222        (d) The cumulative investment to be dedicated to the  
223 project within 5 years and the total investment expected in the  
224 project if more than 5 years.

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

227        (f) A statement of any special impacts the project is  
228 expected to stimulate in a particular business sector in the  
229 state or regional economy or in the state's universities and  
230 community colleges.

231        (g) A statement of any anticipated or proposed  
232 relationships with state universities.



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233 (h) A statement of the role the incentive is expected to  
234 play in the decision of the applicant to locate or expand in  
235 this state.

236 (i) A recommendation and explanation of the amount of the  
237 award needed to cause the applicant to expand or locate in this  
238 state.

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

243 (k) A recommendation for specific performance criteria the  
244 applicant would be expected to achieve in order to receive  
245 payments from the fund and penalties or sanctions for failure to  
246 meet or maintain performance conditions.

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

249 1. A description of the extent to which the project has the  
250 potential to serve as catalyst for an emerging or evolving  
251 cluster.

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

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

258 4. A description of the project's contribution to the  
259 diversity and resiliency of the innovation economy of this  
260 state.

261 5. A description of the project's impact on special needs

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262 communities, including, but not limited to, rural areas,  
263 distressed urban areas, and enterprise zones.

264 (m) Additional evaluative criteria for alternative and  
265 renewable energy proposals, including:

266 1. The availability of matching funds or other in-kind  
267 contributions applied to the total project from an applicant.  
268 The department ~~commission~~ shall give greater preference to  
269 projects that provide such matching funds or other in-kind  
270 contributions.

271 2. The degree to which the project stimulates in-state  
272 capital investment and economic development in metropolitan and  
273 rural areas, including the creation of jobs and the future  
274 development of a commercial market for renewable energy  
275 technologies.

276 3. The extent to which the proposed project has been  
277 demonstrated to be technically feasible based on pilot project  
278 demonstrations, laboratory testing, scientific modeling, or  
279 engineering or chemical theory that supports the proposal.

280 4. The degree to which the project incorporates an  
281 innovative new technology or an innovative application of an  
282 existing technology.

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

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

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

290 8. The ability to administer a complete project.

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291 9. Project duration and timeline for expenditures.

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

294 11. The degree of public visibility and interaction.

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

297 288.9607 Guaranty of bond issues.—

298 (9) The membership of the corporation is authorized and  
299 directed to conduct such investigation as it may deem necessary  
300 for promulgation of regulations to govern the operation of the  
301 guaranty program authorized by this section. The regulations may  
302 include such other additional provisions, restrictions, and  
303 conditions as the corporation, after its investigation referred  
304 to in this subsection, shall determine to be proper to achieve  
305 the most effective utilization of the guaranty program. This may  
306 include, without limitation, a detailing of the remedies that  
307 must be exhausted by bondholders, a trustee acting on their  
308 behalf, or other credit provided before calling upon the  
309 corporation to perform under its guaranty agreement and the  
310 subrogation of other rights of the corporation with reference to  
311 the capital project and its operation or the financing in the  
312 event the corporation makes payment pursuant to the applicable  
313 guaranty agreement. The regulations promulgated by the  
314 corporation to govern the operation of the guaranty program may  
315 contain specific provisions with respect to the rights of the  
316 corporation to enter, take over, and manage all financed  
317 properties upon default. These regulations shall be submitted by  
318 the corporation to the Department of Agriculture and Consumer  
319 Services ~~Florida Energy and Climate Commission~~ for approval.

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

322 366.82 Definition; goals; plans; programs; annual reports;  
323 energy audits.—

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

328 (a) An evaluation of utility load forecasts, including an  
329 assessment of alternative supply-side and demand-side resource  
330 options.

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

335 (c) An analysis of the impact of state and local building  
336 codes and appliance efficiency standards on the need for  
337 utility-sponsored conservation and energy efficiency measures  
338 and programs.

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

341 366.92 Florida renewable energy policy.—

342 (3) The commission shall adopt rules for a renewable  
343 portfolio standard requiring each provider to supply renewable  
344 energy to its customers directly, by procuring, or through  
345 renewable energy credits. In developing the RPS rule, the  
346 commission shall consult the Department of Environmental  
347 Protection and the Department of Agriculture and Consumer  
348 Services ~~Florida Energy and Climate Commission~~. The rule shall

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349 not be implemented until ratified by the Legislature. The  
350 commission shall present a draft rule for legislative  
351 consideration by February 1, 2009.

352 (a) In developing the rule, the commission shall evaluate  
353 the current and forecasted levelized cost in cents per kilowatt  
354 hour through 2020 and current and forecasted installed capacity  
355 in kilowatts for each renewable energy generation method through  
356 2020.

357 (b) The commission's rule:

358 1. Shall include methods of managing the cost of compliance  
359 with the renewable portfolio standard, whether through direct  
360 supply or procurement of renewable power or through the purchase  
361 of renewable energy credits. The commission shall have  
362 rulemaking authority for providing annual cost recovery and  
363 incentive-based adjustments to authorized rates of return on  
364 common equity to providers to incentivize renewable energy.  
365 Notwithstanding s. 366.91(3) and (4), upon the ratification of  
366 the rules developed pursuant to this subsection, the commission  
367 may approve projects and power sales agreements with renewable  
368 power producers and the sale of renewable energy credits needed  
369 to comply with the renewable portfolio standard. In the event of  
370 any conflict, this subparagraph shall supersede s. 366.91(3) and  
371 (4). However, nothing in this section shall alter the obligation  
372 of each public utility to continuously offer a purchase contract  
373 to producers of renewable energy.

374 2. Shall provide for appropriate compliance measures and  
375 the conditions under which noncompliance shall be excused due to  
376 a determination by the commission that the supply of renewable  
377 energy or renewable energy credits was not adequate to satisfy

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378 the demand for such energy or that the cost of securing  
379 renewable energy or renewable energy credits was cost  
380 prohibitive.

381 3. May provide added weight to energy provided by wind and  
382 solar photovoltaic over other forms of renewable energy, whether  
383 directly supplied or procured or indirectly obtained through the  
384 purchase of renewable energy credits.

385 4. Shall determine an appropriate period of time for which  
386 renewable energy credits may be used for purposes of compliance  
387 with the renewable portfolio standard.

388 5. Shall provide for monitoring of compliance with and  
389 enforcement of the requirements of this section.

390 6. Shall ensure that energy credited toward compliance with  
391 the requirements of this section is not credited toward any  
392 other purpose.

393 7. Shall include procedures to track and account for  
394 renewable energy credits, including ownership of renewable  
395 energy credits that are derived from a customer-owned renewable  
396 energy facility as a result of any action by a customer of an  
397 electric power supplier that is independent of a program  
398 sponsored by the electric power supplier.

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

402 (c) Beginning on April 1 of the year following final  
403 adoption of the commission's renewable portfolio standard rule,  
404 each provider shall submit a report to the commission describing  
405 the steps that have been taken in the previous year and the  
406 steps that will be taken in the future to add renewable energy

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407 to the provider's energy supply portfolio. The report shall  
408 state whether the provider was in compliance with the renewable  
409 portfolio standard during the previous year and how it will  
410 comply with the renewable portfolio standard in the upcoming  
411 year.

412 Section 8. Section 377.6015, Florida Statutes, is amended  
413 to read:

414 377.6015 Department of Agriculture and Consumer Services;  
415 powers and duties ~~Florida Energy and Climate Commission.~~-

416 ~~(1) The Florida Energy and Climate Commission is created~~  
417 ~~within the Executive Office of the Governor. The commission~~  
418 ~~shall be comprised of nine members appointed by the Governor,~~  
419 ~~the Commissioner of Agriculture, and the Chief Financial~~  
420 ~~Officer.~~

421 ~~(a) The Governor shall appoint one member from three~~  
422 ~~persons nominated by the Florida Public Service Commission~~  
423 ~~Nominating Council, created in s. 350.031, to each of seven~~  
424 ~~seats on the commission. The Commissioner of Agriculture shall~~  
425 ~~appoint one member from three persons nominated by the council~~  
426 ~~to one seat on the commission. The Chief Financial Officer shall~~  
427 ~~appoint one member from three persons nominated by the council~~  
428 ~~to one seat on the commission.~~

429 ~~1. The council shall submit the recommendations to the~~  
430 ~~Governor, the Commissioner of Agriculture, and the Chief~~  
431 ~~Financial Officer by September 1 of those years in which the~~  
432 ~~terms are to begin the following October or within 60 days after~~  
433 ~~a vacancy occurs for any reason other than the expiration of the~~  
434 ~~term. The Governor, the Commissioner of Agriculture, and the~~  
435 ~~Chief Financial Officer may proffer names of persons to be~~

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436 ~~considered for nomination by the council.~~

437 ~~2. The Governor, the Commissioner of Agriculture, and the~~  
438 ~~Chief Financial Officer shall fill a vacancy occurring on the~~  
439 ~~commission by appointment of one of the applicants nominated by~~  
440 ~~the council only after a background investigation of such~~  
441 ~~applicant has been conducted by the Department of Law~~  
442 ~~Enforcement.~~

443 ~~3. Members shall be appointed to 3-year terms; however, in~~  
444 ~~order to establish staggered terms, for the initial~~  
445 ~~appointments, the Governor shall appoint four members to 3-year~~  
446 ~~terms, two members to 2-year terms, and one member to a 1-year~~  
447 ~~term, and the Commissioner of Agriculture and the Chief~~  
448 ~~Financial Officer shall each appoint one member to a 3-year term~~  
449 ~~and shall appoint a successor when that appointee's term expires~~  
450 ~~in the same manner as the original appointment.~~

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

453 ~~5. A vacancy on the commission shall be filled for the~~  
454 ~~unexpired portion of the term in the same manner as the original~~  
455 ~~appointment.~~

456 ~~6. If the Governor, the Commissioner of Agriculture, or the~~  
457 ~~Chief Financial Officer has not made an appointment within 30~~  
458 ~~consecutive calendar days after the receipt of the~~  
459 ~~recommendations, the council shall initiate, in accordance with~~  
460 ~~this section, the nominating process within 30 days.~~

461 ~~7. Each appointment to the commission shall be subject to~~  
462 ~~confirmation by the Senate during the next regular session after~~  
463 ~~the vacancy occurs. If the Senate refuses to confirm or fails to~~  
464 ~~consider the appointment of the Governor, the Commissioner of~~



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465 ~~Agriculture, or the Chief Financial Officer, the council shall~~  
466 ~~initiate, in accordance with this section, the nominating~~  
467 ~~process within 30 days.~~

468 ~~8. The Governor or the Governor's successor may recall an~~  
469 ~~appointee.~~

470 ~~9. Notwithstanding subparagraph 7. and for the initial~~  
471 ~~appointments to the commission only, each initial appointment to~~  
472 ~~the commission is subject to confirmation by the Senate by the~~  
473 ~~2010 Regular Session. If the Senate refuses to confirm or fails~~  
474 ~~to consider an appointment made by the Governor, the~~  
475 ~~Commissioner of Agriculture, or the Chief Financial Officer, the~~  
476 ~~council shall initiate, in accordance with this section, the~~  
477 ~~nominating process within 30 days after the Senate's refusal to~~  
478 ~~confirm or failure to consider such appointment. This~~  
479 ~~subparagraph expires July 1, 2010.~~

480 ~~(b) Members must meet the following qualifications and~~  
481 ~~restrictions:~~

482 ~~1. A member must be an expert in one or more of the~~  
483 ~~following fields: energy, natural resource conservation,~~  
484 ~~economics, engineering, finance, law, transportation and land~~  
485 ~~use, consumer protection, state energy policy, or another field~~  
486 ~~substantially related to the duties and functions of the~~  
487 ~~commission. The commission shall fairly represent the fields~~  
488 ~~specified in this subparagraph.~~

489 ~~2. Each member shall, at the time of appointment and at~~  
490 ~~each commission meeting during his or her term of office,~~  
491 ~~disclose:~~

492 ~~a. Whether he or she has any financial interest, other than~~  
493 ~~ownership of shares in a mutual fund, in any business entity~~

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494 ~~that, directly or indirectly, owns or controls, or is an~~  
495 ~~affiliate or subsidiary of, any business entity that may be~~  
496 ~~affected by the policy recommendations developed by the~~  
497 ~~commission.~~

498 ~~b. Whether he or she is employed by or is engaged in any~~  
499 ~~business activity with any business entity that, directly or~~  
500 ~~indirectly, owns or controls, or is an affiliate or subsidiary~~  
501 ~~of, any business entity that may be affected by the policy~~  
502 ~~recommendations developed by the commission.~~

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

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

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

509 ~~3. A representative of the Department of Agriculture and~~  
510 ~~Consumer Services.~~

511 ~~4. A representative of the Department of Financial~~  
512 ~~Services.~~

513 ~~5. A representative of the Department of Environmental~~  
514 ~~Protection.~~

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

516 ~~7. A representative of the Board of Governors of the State~~  
517 ~~University System.~~

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

519 ~~(2) Members shall serve without compensation but are~~  
520 ~~entitled to reimbursement for per diem and travel expenses as~~  
521 ~~provided in s. 112.061.~~

522 ~~(3) Meetings of the commission may be held in various~~

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523 ~~locations around the state and at the call of the chair;~~  
524 ~~however, the commission must meet at least six times each year.~~

525 (1)~~(4)~~ The department ~~commission~~ may:

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

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

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

531 (2)~~(5)~~ The department ~~commission~~ shall:

532 (a) Administer the Florida Renewable Energy and Energy-  
533 Efficient Technologies Grants Program pursuant to s. 377.804 to  
534 assure a robust grant portfolio.

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

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

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

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

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

546 ~~(g) Complete the annual assessment of the efficacy of~~  
547 ~~Florida's Energy and Climate Change Action Plan, upon completion~~  
548 ~~by the Governor's Action Team on Energy and Climate Change~~  
549 ~~pursuant to the Governor's Executive Order 2007-128, and provide~~  
550 ~~specific recommendations to the Governor and the Legislature~~  
551 ~~each year to improve results.~~

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552        (f)~~(h)~~ Administer the provisions of the Florida Energy and  
553 Climate Protection Act pursuant to ss. 377.801-377.807 ~~377.801-~~  
554 ~~377.806~~.

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

558        (h)~~(j)~~ Be a party in the proceedings to adopt goals and  
559 submit comments to the Public Service Commission pursuant to s.  
560 366.82.

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

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

566        377.602 Definitions.—As used in ss. 377.601-377.608:

567        (1) "Department" ~~"Commission"~~ means the Department of  
568 Agriculture and Consumer Services ~~Florida Energy and Climate~~  
569 ~~Commission~~.

570        (2) "Energy resources" includes, but shall not be limited  
571 to:

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

576        (b) Propane, butane, motor gasoline, kerosene, home heating  
577 oil, diesel fuel, other middle distillates, aviation gasoline,  
578 kerosene-type jet fuel, naphtha-type jet fuel, residual fuels,  
579 crude oil, and other petroleum products and hydrocarbons as may  
580 be determined by the department ~~commission~~ to be of importance.

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581 Section 10. Section 377.603, Florida Statutes, is amended  
582 to read:

583 377.603 Energy data collection; powers and duties of the  
584 department ~~commission~~.

585 (1) The department ~~commission~~ may collect data on the  
586 extraction, production, importation, exportation, refinement,  
587 transportation, transmission, conversion, storage, sale, or  
588 reserves of energy resources in this state in an efficient and  
589 expeditious manner.

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

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

596 (4) The department ~~commission~~ shall maintain internal  
597 validation procedures to assure the accuracy of information  
598 received.

599 Section 11. Section 377.604, Florida Statutes, is amended  
600 to read:

601 377.604 Required reports.—Every person who produces,  
602 imports, exports, refines, transports, transmits, converts,  
603 stores, sells, or holds known reserves of any form of energy  
604 resources used as fuel shall report to the department  
605 ~~commission~~, at the request of and in a manner prescribed by the  
606 department ~~commission~~, on forms provided by the department  
607 ~~commission~~. Such forms shall be designed in such a manner as to  
608 indicate:

609 (1) The identity of the person or persons making the

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610 report.

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

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

616 (4) The identity of each refinery from which petroleum  
617 products have normally been obtained and the type and quantity  
618 of products secured from that refinery for sale or resale in  
619 this state.

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

622 Section 12. Section 377.605, Florida Statutes, is amended  
623 to read:

624 377.605 Use of existing information.—The department  
625 ~~commission~~ may utilize to the fullest extent possible any  
626 existing energy information already prepared for state or  
627 federal agencies. Every state, county, and municipal agency  
628 shall cooperate with the department ~~commission~~ and shall submit  
629 any information on energy to the department ~~commission~~ upon  
630 request.

631 Section 13. Section 377.606, Florida Statutes, is amended  
632 to read:

633 377.606 Records of the department ~~commission~~; limits of  
634 confidentiality.—The information or records of individual  
635 persons, as defined in this section, obtained by the department  
636 ~~commission~~ as a result of a report, investigation, or  
637 verification required by the department ~~commission~~ shall be open  
638 to the public, except such information the disclosure of which

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639 would be likely to cause substantial harm to the competitive  
640 position of the person providing such information and which is  
641 requested to be held confidential by the person providing such  
642 information. Such proprietary information is confidential and  
643 exempt from the provisions of s. 119.07(1). Information reported  
644 by entities other than the department ~~commission~~ in documents or  
645 reports open to public inspection shall under no circumstances  
646 be classified as confidential by the department ~~commission~~.  
647 Divulgence of proprietary information as is requested to be held  
648 confidential, except upon order of a court of competent  
649 jurisdiction or except to an officer of the state entitled to  
650 receive the same in his or her official capacity, shall be a  
651 misdemeanor of the second degree, punishable as provided in ss.  
652 775.082 and 775.083. ~~Nothing in This section does not shall be~~  
653 ~~construed to~~ prohibit the publication or divulgence by other  
654 means of data so classified as to prevent identification of  
655 particular accounts or reports made to the department ~~commission~~  
656 in compliance with s. 377.603 or to prohibit the disclosure of  
657 such information to properly qualified legislative committees.  
658 The department ~~commission~~ shall establish a system which permits  
659 reasonable access to information developed.

660 Section 14. Section 377.608, Florida Statutes, is amended  
661 to read:

662 377.608 Prosecution of cases by state attorney.—The state  
663 attorney shall prosecute all cases certified to him or her for  
664 prosecution by the department ~~commission~~ immediately upon  
665 receipt of the evidence transmitted by the department  
666 ~~commission~~, or as soon thereafter as practicable.

667 Section 15. Subsections (1), (2), and (3) of section

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668 377.701, Florida Statutes, are amended to read:

669 377.701 Petroleum allocation.—

670 (1) The Division of Emergency Management ~~Florida Energy and~~  
671 ~~Climate Commission~~ shall assume the state's role in petroleum  
672 allocation and conservation, including the development of a fair  
673 and equitable petroleum plan. The Division of Emergency  
674 Management ~~commission~~ shall constitute the responsible state  
675 agency for performing the functions of any federal program  
676 delegated to the state, which relates to petroleum supply,  
677 demand, and allocation.

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

681 (a) In projecting available supplies of petroleum,  
682 coordinate with the Department of Revenue to secure information  
683 necessary to assure the sufficiency and accuracy of data  
684 submitted by persons affected by any federal fuel allocation  
685 program.

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

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

- 695 1. Comprehend the consumption of petroleum resources.  
696 2. Predict future petroleum demands in relation to



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697 available resources.

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

699 (3) For the purpose of determining accuracy of data, all  
700 state agencies shall timely provide the Division of Emergency  
701 Management ~~commission~~ with petroleum-use information in a format  
702 suitable to the needs of the allocation program.

703 Section 16. Section 377.703, Florida Statutes, is amended  
704 to read:

705 377.703 Additional functions of the Department of  
706 Agriculture and Consumer Services ~~Florida Energy and Climate~~  
707 ~~Commission~~.—

708 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and  
709 demand questions have become a major area of concern to the  
710 state which must be dealt with by effective and well-coordinated  
711 state action, it is the intent of the Legislature to promote the  
712 efficient, effective, and economical management of energy  
713 problems, centralize energy coordination responsibilities,  
714 pinpoint responsibility for conducting energy programs, and  
715 ensure the accountability of state agencies for the  
716 implementation of s. 377.601(2), the state energy policy. It is  
717 the specific intent of the Legislature that nothing in this act  
718 shall in any way change the powers, duties, and responsibilities  
719 assigned by the Florida Electrical Power Plant Siting Act, part  
720 II of chapter 403, or the powers, duties, and responsibilities  
721 of the Florida Public Service Commission.

722 (2) ~~FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES~~.—The  
723 department ~~commission~~ shall perform the following functions,  
724 unless as otherwise provided, consistent with the development of  
725 a state energy policy:

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726           (a) The Division of Emergency Management is responsible for  
727 ~~the commission shall assume the responsibility for~~ development  
728 of an energy emergency contingency plan to respond to serious  
729 shortages of primary and secondary energy sources. Upon a  
730 finding by the Governor, implementation of any emergency program  
731 shall be upon order of the Governor that a particular kind or  
732 type of fuel is, or that the occurrence of an event which is  
733 reasonably expected within 30 days will make the fuel, in short  
734 supply. The Division of Emergency Management ~~commission~~ shall  
735 then respond by instituting the appropriate measures of the  
736 contingency plan to meet the given emergency or energy shortage.  
737 The Governor may utilize the provisions of s. 252.36(5) to carry  
738 out any emergency actions required by a serious shortage of  
739 energy sources.

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

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

747           (d) The department ~~commission~~ shall coordinate efforts to  
748 seek federal support or other support for state energy  
749 activities, including energy conservation, research, or  
750 development, and is ~~shall be~~ responsible for the coordination of  
751 multiagency energy conservation programs and plans.

752           (e) The department ~~commission~~ shall analyze energy data  
753 collected and prepare long-range forecasts of energy supply and  
754 demand in coordination with the Florida Public Service

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755 Commission, which is responsible ~~shall have responsibility~~ for  
756 electricity and natural gas forecasts. To this end, the  
757 forecasts shall contain:

758 1. An analysis of the relationship of state economic growth  
759 and development to energy supply and demand, including the  
760 constraints to economic growth resulting from energy supply  
761 constraints.

762 2. Plans for the development of renewable energy resources  
763 and reduction in dependence on depletable energy resources,  
764 particularly oil and natural gas, and an analysis of the extent  
765 to which renewable energy sources are being utilized in the  
766 state.

767 3. Consideration of alternative scenarios of statewide  
768 energy supply and demand for 5, 10, and 20 years to identify  
769 strategies for long-range action, including identification of  
770 potential social, economic, and environmental effects.

771 4. An assessment of the state's energy resources, including  
772 examination of the availability of commercially developable and  
773 imported fuels, and an analysis of anticipated effects on the  
774 state's environment and social services resulting from energy  
775 resource development activities or from energy supply  
776 constraints, or both.

777 (f) The department ~~commission~~ shall submit an annual report  
778 to the Governor and the Legislature reflecting its activities  
779 and making recommendations of policies for improvement of the  
780 state's response to energy supply and demand and its effect on  
781 the health, safety, and welfare of the people of Florida. The  
782 report shall include a report from the Florida Public Service  
783 Commission on electricity and natural gas and information on

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784 energy conservation programs conducted and underway in the past  
785 year and shall include recommendations for energy conservation  
786 programs for the state, including, but not limited to, the  
787 following factors:

788 1. Formulation of specific recommendations for improvement  
789 in the efficiency of energy utilization in governmental,  
790 residential, commercial, industrial, and transportation sectors.

791 2. Collection and dissemination of information relating to  
792 energy conservation.

793 3. Development and conduct of educational and training  
794 programs relating to energy conservation.

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

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

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

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

806 2. Aiding and promoting the commercialization of solar  
807 energy technology, in cooperation with the Florida Solar Energy  
808 Center, Enterprise Florida, Inc., and any other federal, state,  
809 or local governmental agency which may seek to promote research,  
810 development, and demonstration of solar energy equipment and  
811 technology.

812 3. Identifying barriers to greater use of solar energy

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813 systems in this state, and developing specific recommendations  
814 for overcoming identified barriers, with findings and  
815 recommendations to be submitted annually in the report to the  
816 Governor and Legislature required under paragraph (f).

817 4. In cooperation with the Department of Environmental  
818 Protection, the Department of Transportation, the Department of  
819 Community Affairs, Enterprise Florida, Inc., the Florida Solar  
820 Energy Center, and the Florida Solar Energy Industries  
821 Association, investigating opportunities, pursuant to the  
822 National Energy Policy Act of 1992, the Housing and Community  
823 Development Act of 1992, and any subsequent federal legislation,  
824 for solar electric vehicles and other solar energy  
825 manufacturing, distribution, installation, and financing efforts  
826 which will enhance this state's position as the leader in solar  
827 energy research, development, and use.

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

830  
831 In the exercise of its responsibilities under this paragraph,  
832 the department ~~commission~~ shall seek the assistance of the solar  
833 energy industry in this state and other interested parties and  
834 is authorized to enter into contracts, retain professional  
835 consulting services, and expend funds appropriated by the  
836 Legislature for such purposes.

837 (i) The department ~~commission~~ shall promote energy  
838 conservation in all energy use sectors throughout the state and  
839 shall constitute the state agency primarily responsible for this  
840 function. ~~To this end,~~ The Department of Management Services, in  
841 consultation with the department, ~~commission~~ shall coordinate

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842 the energy conservation programs of all state agencies and  
843 review and comment on the energy conservation programs of all  
844 state agencies.

845 (j) The department ~~commission~~ shall serve as the state  
846 clearinghouse for indexing and gathering all information related  
847 to energy programs in state universities, in private  
848 universities, in federal, state, and local government agencies,  
849 and in private industry and shall prepare and distribute such  
850 information in any manner necessary to inform and advise the  
851 citizens of the state of such programs and activities. This  
852 shall include developing and maintaining a current index and  
853 profile of all research activities, which shall be identified by  
854 energy area and may include a summary of the project, the amount  
855 and sources of funding, anticipated completion dates, or, in  
856 case of completed research, conclusions, recommendations, and  
857 applicability to state government and private sector functions.  
858 The department ~~commission~~ shall coordinate, promote, and respond  
859 to efforts by all sectors of the economy to seek financial  
860 support for energy activities. The department ~~commission~~ shall  
861 provide information to consumers regarding the anticipated  
862 energy-use and energy-saving characteristics of products and  
863 services in coordination with any federal, state, or local  
864 governmental agencies as may provide such information to  
865 consumers.

866 (k) The department ~~commission~~ shall coordinate energy-  
867 related programs of state government, including, but not limited  
868 to, the programs provided in this section. To this end, the  
869 department ~~commission~~ shall:

870 1. Provide assistance to other state agencies, counties,

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871 municipalities, and regional planning agencies to further and  
872 promote their energy planning activities.

873         2. Require, in cooperation with the Department of  
874 Management Services, all state agencies to operate state-owned  
875 and state-leased buildings in accordance with energy  
876 conservation standards as adopted by the Department of  
877 Management Services. Every 3 months, the Department of  
878 Management Services shall furnish the department ~~commission~~ data  
879 on agencies' energy consumption and emissions of greenhouse  
880 gases in a format prescribed by the department ~~commission~~.

881         3. Promote the development and use of renewable energy  
882 resources, energy efficiency technologies, and conservation  
883 measures.

884         4. Promote the recovery of energy from wastes, including,  
885 but not limited to, the use of waste heat, the use of  
886 agricultural products as a source of energy, and recycling of  
887 manufactured products. Such promotion shall be conducted in  
888 conjunction with, and after consultation with, the Department of  
889 Environmental Protection and the Florida Public Service  
890 Commission where electrical generation or natural gas is  
891 involved, and any other relevant federal, state, or local  
892 governmental agency having responsibility for resource recovery  
893 programs.

894         (1) The department ~~commission~~ shall develop, coordinate,  
895 and promote a comprehensive research plan for state programs.  
896 Such plan shall be consistent with state energy policy and shall  
897 be updated on a biennial basis.

898         (m) In recognition of the devastation to the economy of  
899 this state and the dangers to the health and welfare of

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900 residents of this state caused by severe hurricanes, and the  
901 potential for such impacts caused by other natural disasters,  
902 the Division of Emergency Management ~~commission~~ shall include in  
903 its energy emergency contingency plan and provide to the Florida  
904 Building Commission for inclusion in the Florida Energy  
905 Efficiency Code for Building Construction specific provisions to  
906 facilitate the use of cost-effective solar energy technologies  
907 as emergency remedial and preventive measures for providing  
908 electric power, street lighting, and water heating service in  
909 the event of electric power outages.

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

914 Section 17. Paragraph (h) of subsection (5) of section  
915 377.711, Florida Statutes, is amended to read:

916 377.711 Florida party to Southern States Energy Compact.—  
917 The Southern States Energy Compact is enacted into law and  
918 entered into by the state as a party, and is of full force and  
919 effect between the state and any other states joining therein in  
920 accordance with the terms of the compact, which compact is  
921 substantially as follows:

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

923 (h) Recommend such changes in, or amendments or additions  
924 to, the laws, codes, rules, regulations, administrative  
925 procedures and practices, or ordinances of the party states in  
926 any of the fields of its interest and competence as in its  
927 judgment may be appropriate. Any such recommendation shall be  
928 made, in the case of Florida, through the Department of



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929 Agriculture and Consumer Services ~~Commerce~~.

930 Section 18. Section 377.801, Florida Statutes, is amended  
931 to read:

932 377.801 Short title.—Sections 377.801-377.807 ~~377.801-~~  
933 ~~377.806~~ may be cited as the "Florida Energy and Climate  
934 Protection Act."

935 Section 19. Section 377.803, Florida Statutes, is amended  
936 to read:

937 377.803 Definitions.—As used in ss. 377.801-377.807  
938 ~~377.801-377.806~~, the term:

939 (1) "Act" means the Florida Energy and Climate Protection  
940 Act.

941 (2) "Department" ~~"Commission"~~ means the Department of  
942 Agriculture and Consumer Services ~~Florida Energy and Climate~~  
943 ~~Commission~~.

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

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

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

954 (6) "Solar energy system" means equipment that provides for  
955 the collection and use of incident solar energy for water  
956 heating, space heating or cooling, or other applications that  
957 would normally require a conventional source of energy such as

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958 petroleum products, natural gas, or electricity that performs  
959 primarily with solar energy. In other systems in which solar  
960 energy is used in a supplemental way, only those components that  
961 collect and transfer solar energy shall be included in this  
962 definition.

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

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

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

970 377.804 Renewable Energy and Energy-Efficient Technologies  
971 Grants Program.—

972 (1) The Renewable Energy and Energy-Efficient Technologies  
973 Grants Program is established within the department ~~commission~~  
974 to provide renewable energy matching grants for demonstration,  
975 commercialization, research, and development projects relating  
976 to renewable energy technologies and innovative technologies  
977 that significantly increase energy efficiency for vehicles and  
978 commercial buildings.

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

981 (f) Other qualified persons, as determined by the  
982 department ~~commission~~.

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

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

989 (a) The availability of matching funds or other in-kind  
990 contributions applied to the total project from an applicant.  
991 The department ~~commission~~ shall give greater preference to  
992 projects that provide such matching funds or other in-kind  
993 contributions.

994 (b) The degree to which the project stimulates in-state  
995 capital investment and economic development in metropolitan and  
996 rural areas, including the creation of jobs and the future  
997 development of a commercial market for renewable energy  
998 technologies.

999 (c) The extent to which the proposed project has been  
1000 demonstrated to be technically feasible based on pilot project  
1001 demonstrations, laboratory testing, scientific modeling, or  
1002 engineering or chemical theory that supports the proposal.

1003 (d) The degree to which the project incorporates an  
1004 innovative new technology or an innovative application of an  
1005 existing technology.

1006 (e) The degree to which a project generates thermal,  
1007 mechanical, or electrical energy by means of a renewable energy  
1008 resource that has substantial long-term production potential.

1009 (f) The degree to which a project demonstrates efficient  
1010 use of energy and material resources.

1011 (g) The degree to which the project fosters overall  
1012 understanding and appreciation of renewable energy technologies.

1013 (h) The ability to administer a complete project.

1014 (i) Project duration and timeline for expenditures.

1015 (j) The geographic area in which the project is to be

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1016 conducted in relation to other projects.

1017 (k) The degree of public visibility and interaction.

1018 (5) The department ~~commission~~ shall solicit the expertise  
1019 of state agencies, Enterprise Florida, Inc., and state  
1020 universities, and may solicit the expertise of other public and  
1021 private entities it deems appropriate, in evaluating project  
1022 proposals. State agencies shall cooperate with the department  
1023 ~~commission~~ and provide such assistance as requested.

1024 (6) ~~The commission shall coordinate and actively consult~~  
1025 ~~with the Department of Agriculture and Consumer Services during~~  
1026 ~~the review and approval process of grants relating to bioenergy~~  
1027 ~~projects for renewable energy technology.~~ Factors for  
1028 consideration in awarding grants relating to bioenergy projects  
1029 may include, but are not limited to, the degree to which:

1030 (a) The project stimulates in-state capital investment and  
1031 economic development in metropolitan and rural areas, including  
1032 the creation of jobs and the future development of a commercial  
1033 market for bioenergy.

1034 (b) The project produces bioenergy from Florida-grown crops  
1035 or biomass.

1036 (c) The project demonstrates efficient use of energy and  
1037 material resources.

1038 (d) The project fosters overall understanding and  
1039 appreciation of bioenergy technologies.

1040 (e) Matching funds and in-kind contributions from an  
1041 applicant are available.

1042 (f) The project duration and the timeline for expenditures  
1043 are acceptable.

1044 (g) The project has a reasonable assurance of enhancing the

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1045 value of agricultural products or will expand agribusiness in  
1046 the state.

1047 (h) Preliminary market and feasibility research has been  
1048 conducted by the applicant or others and shows there is a  
1049 reasonable assurance of a potential market.

1050 Section 21. Subsections (1), (6), and (7) of section  
1051 377.806, Florida Statutes, are amended to read:

1052 377.806 Solar Energy System Incentives Program.—

1053 (1) PURPOSE.—The Solar Energy System Incentives Program is  
1054 established within the Department of Agriculture and Consumer  
1055 Services ~~commission~~ to provide financial incentives for the  
1056 purchase and installation of solar energy systems. Any resident  
1057 of the state who purchases and installs a new solar energy  
1058 system of 2 kilowatts or larger for a solar photovoltaic system,  
1059 a solar energy system that provides at least 50 percent of a  
1060 building's hot water consumption for a solar thermal system, or  
1061 a solar thermal pool heater, from July 1, 2006, through June 30,  
1062 2010, is eligible for a rebate on a portion of the purchase  
1063 price of that solar energy system.

1064 (6) REBATE AVAILABILITY.—The department ~~commission~~ shall  
1065 determine and publish on a regular basis the amount of rebate  
1066 funds remaining in each fiscal year. The total dollar amount of  
1067 all rebates issued is subject to the total amount of  
1068 appropriations in any fiscal year for this program. If funds are  
1069 insufficient during the current fiscal year, any requests for  
1070 rebates received during that fiscal year may be processed during  
1071 the following fiscal year. Requests for rebates received in a  
1072 fiscal year that are processed during the following fiscal year  
1073 shall be given priority over requests for rebates received

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1074 during the following fiscal year.

1075 (7) RULES.—The department ~~commission~~ shall adopt rules  
1076 pursuant to ss. 120.536(1) and 120.54 to develop rebate  
1077 applications and administer the issuance of rebates.

1078 Section 22. Section 377.807, Florida Statutes, is amended  
1079 to read:

1080 377.807 Energy-efficient appliance rebate program.—

1081 (1) The department may ~~Florida Energy and Climate~~  
1082 ~~Commission is authorized to~~ develop and administer a consumer  
1083 rebate program for residential energy-efficient appliances,  
1084 consistent with 42 U.S.C. s. 15821 and any federal agency  
1085 guidance or regulations issued in furtherance of federal law.

1086 (2) The department ~~commission~~ may adopt rules pursuant to  
1087 ss. 120.536(1) and 120.54 designating eligible appliances,  
1088 rebate amounts, and the administration of the issuance of  
1089 rebates. The rules shall be consistent with 42 U.S.C. s. 15821  
1090 and any subsequent implementing federal regulations or guidance.

1091 (3) The department may ~~commission is authorized to~~ enter  
1092 into contracts or memoranda of agreement with other agencies of  
1093 the state, public-private partnerships, or other arrangements  
1094 such that the most efficient means of administering consumer  
1095 rebates can be achieved.

1096 Section 23. Subsections (2) through (5) of section 377.808,  
1097 Florida Statutes, are amended to read:

1098 377.808 Florida Green Government Grants Act.—

1099 (2) The department ~~Florida Energy and Climate Commission~~  
1100 shall use funds specifically appropriated to award grants under  
1101 this section to assist local governments, including  
1102 municipalities, counties, and school districts, in the

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1103 development and implementation of programs that achieve green  
1104 standards. Green standards shall be determined by the department  
1105 ~~commission~~ and shall provide for cost-efficient solutions,  
1106 reducing greenhouse gas emissions, improving quality of life,  
1107 and strengthening the state's economy.

1108 (3) The department ~~commission~~ shall adopt rules pursuant to  
1109 chapter 120 to administer the grants provided for in this  
1110 section. In accordance with the rules adopted by the department  
1111 ~~commission~~ under this section, the department ~~commission~~ may  
1112 provide grants from funds specifically appropriated for this  
1113 purpose to local governments for the costs of achieving green  
1114 standards, including necessary administrative expenses. The  
1115 rules of the department ~~commission~~ shall:

1116 (a) Designate one or more suitable green government  
1117 standards frameworks from which local governments may develop a  
1118 greening government initiative and from which projects may be  
1119 eligible for funding pursuant to this section.

1120 (b) Require that projects that plan, design, construct,  
1121 upgrade, or replace facilities reduce greenhouse gas emissions  
1122 and be cost-effective, environmentally sound, permissible, and  
1123 implementable.

1124 (c) Require local governments to match state funds with  
1125 direct project cost sharing or in-kind services.

1126 (d) Provide for a scale of matching requirements for local  
1127 governments on the basis of population in order to assist rural  
1128 and undeveloped areas of the state with any financial burden of  
1129 addressing climate change impacts.

1130 (e) Require grant applications to be submitted on  
1131 appropriate forms developed and adopted by the department

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1132 ~~commission~~ with appropriate supporting documentation and require  
1133 records to be maintained.

1134 (f) Establish a system to determine the relative priority  
1135 of grant applications. The system shall consider greenhouse gas  
1136 reductions, energy savings and efficiencies, and proven  
1137 technologies.

1138 (g) Establish requirements for competitive procurement of  
1139 engineering and construction services, materials, and equipment.

1140 (h) Provide for termination of grants when program  
1141 requirements are not met.

1142 (4) Each local government is limited to not more than two  
1143 grant applications during each application period announced by  
1144 the department ~~commission~~. However, a local government may not  
1145 have more than three active projects expending grant funds  
1146 during any state fiscal year.

1147 (5) The department ~~commission~~ shall perform an adequate  
1148 overview of each grant, which may include technical review, site  
1149 inspections, disbursement approvals, and auditing to  
1150 successfully implement this section.

1151 Section 24. Subsection (1) of section 377.809, Florida  
1152 Statutes, is amended to read:

1153 377.809 Energy Economic Zone Pilot Program.—

1154 (1) The Department of Community Affairs, in consultation  
1155 with the Department of Transportation, shall implement an Energy  
1156 Economic Zone Pilot Program for the purpose of developing a  
1157 model to help communities cultivate green economic development,  
1158 encourage renewable electric energy generation, manufacture  
1159 products that contribute to energy conservation and green jobs,  
1160 and further implement chapter 2008-191, Laws of Florida,



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1161 relative to discouraging sprawl and developing energy-efficient  
1162 land use patterns and greenhouse gas reduction strategies. The  
1163 Office of Tourism, Trade, and Economic Development and the  
1164 Department of Agriculture and Consumer Services ~~Florida Energy~~  
1165 ~~and Climate Commission~~ shall provide technical assistance to the  
1166 departments in developing and administering the program.

1167 Section 25. Subsections (3) and (6) of section 403.44,  
1168 Florida Statutes, are amended to read:

1169 403.44 Florida Climate Protection Act.—

1170 (3) The department may adopt rules for a cap-and-trade  
1171 regulatory program to reduce greenhouse gas emissions from major  
1172 emitters. When developing the rules, the department shall  
1173 consult with the Department of Agriculture and Consumer Services  
1174 ~~Florida Energy and Climate Commission~~ and the Florida Public  
1175 Service Commission and may consult with the Governor's Action  
1176 Team for Energy and Climate Change. The department shall not  
1177 adopt rules until after January 1, 2010. The rules shall not  
1178 become effective until ratified by the Legislature.

1179 (6) Recognizing that the international, national, and  
1180 neighboring state policies and the science of climate change  
1181 will evolve, prior to submitting the proposed rules to the  
1182 Legislature for consideration, the department shall submit the  
1183 proposed rules to the Department of Agriculture and Consumer  
1184 Services ~~Florida Energy and Climate Commission~~, which shall  
1185 review the proposed rules and submit a report to the Governor,  
1186 the President of the Senate, the Speaker of the House of  
1187 Representatives, and the department. The report shall address:

1188 (a) The overall cost-effectiveness of the proposed cap-and-  
1189 trade system in combination with other policies and measures in

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1190 meeting statewide targets.

1191 (b) The administrative burden to the state of implementing,  
1192 monitoring, and enforcing the program.

1193 (c) The administrative burden on entities covered under the  
1194 cap.

1195 (d) The impacts on electricity prices for consumers.

1196 (e) The specific benefits to the state's economy for early  
1197 adoption of a cap-and-trade system for greenhouse gases in the  
1198 context of federal climate change legislation and the  
1199 development of new international compacts.

1200 (f) The specific benefits to the state's economy associated  
1201 with the creation and sale of emissions offsets from economic  
1202 sectors outside of the emissions cap.

1203 (g) The potential effects on leakage if economic activity  
1204 relocates out of the state.

1205 (h) The effectiveness of the combination of measures in  
1206 meeting identified targets.

1207 (i) The economic implications for near-term periods of  
1208 short-term and long-term targets specified in the overall  
1209 policy.

1210 (j) The overall costs and benefits of a cap-and-trade  
1211 system to the economy of the state.

1212 (k) The impacts on low-income consumers that result from  
1213 energy price increases.

1214 (l) The consistency of the program with other state and  
1215 possible federal efforts.

1216 (m) The evaluation of the conditions under which the state  
1217 should consider linking its trading system to the systems of  
1218 other states or other countries and how that might be affected

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1219 by the potential inclusion in the rule of a safety valve.

1220 (n) The timing and changes in the external environment,  
1221 such as proposals by other states or implementation of a federal  
1222 program that would spur reevaluation of the Florida program.

1223 (o) The conditions and options for eliminating the Florida  
1224 program if a federal program were to supplant it.

1225 (p) The need for a regular reevaluation of the progress of  
1226 other emitting regions of the country and of the world, and  
1227 whether other regions are abating emissions in a commensurate  
1228 manner.

1229 (q) The desirability of and possibilities of broadening the  
1230 scope of the state's cap-and-trade system at a later date to  
1231 include more emitting activities as well as sinks in Florida,  
1232 the conditions that would need to be met to do so, and how the  
1233 program would encourage these conditions to be met, including  
1234 developing monitoring and measuring techniques for land use  
1235 emissions and sinks, regulating sources upstream, and other  
1236 considerations.

1237 Section 26. Section 526.207, Florida Statutes, is amended  
1238 to read:

1239 526.207 Studies and reports.—

1240 (1) The Department of Agriculture and Consumer Services  
1241 ~~Florida Energy and Climate Commission~~ shall conduct a study to  
1242 evaluate and recommend the life-cycle greenhouse gas emissions  
1243 associated with all renewable fuels, including, but not limited  
1244 to, biodiesel, renewable diesel, biobutanol, and ethanol derived  
1245 from any source. In addition, the department ~~commission~~ shall  
1246 evaluate and recommend a requirement that all renewable fuels  
1247 introduced into commerce in the state, as a result of the

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1248 renewable fuel standard, shall reduce the life-cycle greenhouse  
1249 gas emissions by an average percentage. The department  
1250 ~~commission~~ may also evaluate and recommend any benefits  
1251 associated with the creation, banking, transfer, and sale of  
1252 credits among fuel refiners, blenders, and importers.

1253 (2) The Department of Agriculture and Consumer Services  
1254 ~~Florida Energy and Climate Commission~~ shall submit a report  
1255 containing specific recommendations to the President of the  
1256 Senate and the Speaker of the House of Representatives no later  
1257 than December 31, 2010.

1258 Section 27. Section 570.074, Florida Statutes, is amended  
1259 to read:

1260 570.074 Department of Agriculture and Consumer Services;  
1261 energy and water policy coordination.—The commissioner may  
1262 create an Office of Energy and Water Coordination under the  
1263 supervision of a senior manager exempt under s. 110.205 in the  
1264 Senior Management Service. The commissioner may designate the  
1265 bureaus and positions in the various organizational divisions of  
1266 the department that report to this office relating to any matter  
1267 over which the department has jurisdiction in matters relating  
1268 to energy and water policy affecting agriculture, application of  
1269 such policies, and coordination of such matters with state and  
1270 federal agencies.

1271 Section 28. Subsection (3) of section 570.954, Florida  
1272 Statutes, is amended to read:

1273 570.954 Farm-to-fuel initiative.—

1274 ~~(3) The department shall coordinate with and solicit the~~  
1275 ~~expertise of the state energy office within the Department of~~  
1276 ~~Environmental Protection when developing and implementing this~~

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1277 ~~initiative.~~

1278 Section 29. Subsections (5), (11), (12), and (13) of  
1279 section 1004.648, Florida Statutes, are amended to read:

1280 1004.648 Florida Energy Systems Consortium.—

1281 (5) The director, whose office is ~~shall be~~ located at the  
1282 University of Florida, shall report to the Department of  
1283 Agriculture and Consumer Services ~~Florida Energy and Climate~~  
1284 ~~Commission created pursuant to s. 377.6015.~~

1285 (11) The oversight board, in consultation with the  
1286 Department of Agriculture and Consumer Services ~~Florida Energy~~  
1287 ~~and Climate Commission~~, shall ensure that the consortium:

1288 (a) Maintains accurate records of any funds received by the  
1289 consortium.

1290 (b) Meets financial and technical performance expectations,  
1291 which may include external technical reviews as required.

1292 (12) The steering committee shall consist of the university  
1293 representatives included in the Centers of Excellence proposals  
1294 for the Florida Energy Systems Consortium and the Center of  
1295 Excellence in Ocean Energy Technology-Phase II which were  
1296 reviewed during the 2007-2008 fiscal year by the Florida  
1297 Technology, Research, and Scholarship Board created in s.  
1298 1004.226(4); a university representative appointed by the  
1299 President of Florida International University; and a  
1300 representative of the Department of Agriculture and Consumer  
1301 Services ~~Florida Energy and Climate Commission~~. The steering  
1302 committee is ~~shall be~~ responsible for establishing and ensuring  
1303 the success of the consortium's mission under subsection (9).

1304 (13) By November 1 of each year, the consortium shall  
1305 submit an annual report to the Governor, the President of the

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1306 Senate, the Speaker of the House of Representatives, and the  
1307 Department of Agriculture and Consumer Services ~~Florida Energy~~  
1308 ~~and Climate Commission~~ regarding its activities, including, but  
1309 not limited to, education and research related to, and the  
1310 development and deployment of, alternative energy technologies.

1311 Section 30. Sections 1 and 2 of chapter 2010-282, Laws of  
1312 Florida, are amended to read:

1313 Section 1. (1) As provided in this section and section 2, a  
1314 portion of the total amount appropriated in this act shall be  
1315 used ~~utilized~~ by the Department of Agriculture and Consumer  
1316 Services ~~Florida Energy and Climate Commission~~ to pay rebates to  
1317 eligible applicants who submit an application pursuant to the  
1318 Florida ENERGY STAR Residential HVAC Rebate Program administered  
1319 by the department ~~commission~~, as approved by the United States  
1320 Department of Energy. An applicant is eligible for a rebate  
1321 under this section if:

1322 (a) A complete application is submitted to the department  
1323 ~~commission~~ on or before November 30, 2010.

1324 (b) The central air conditioner, air source heat pump, or  
1325 geothermal heat pump system replacement for which the applicant  
1326 is seeking a rebate was purchased from or contracted for  
1327 purchase with a Florida-licensed contractor after August 29,  
1328 2010, but before September 15, 2010, and fully installed prior  
1329 to submission of the application for a rebate.

1330 (c) The department ~~commission~~ determines that the  
1331 application complies with this section and any existing  
1332 agreement with the United States Department of Energy governing  
1333 the Florida ENERGY STAR Residential HVAC Rebate Program.

1334 (d) The applicant provides the following information to the

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1335 department ~~commission~~ on or before November 30, 2010:

1336 1.a. A copy of the sales receipt indicating a date of  
1337 purchase after August 29, 2010, but before September 15, 2010,  
1338 with the make and model number identified and circled along with  
1339 the name and address of the Florida-licensed contractor who  
1340 installed the system; or

1341 b. A copy of the contract for the purchase and installation  
1342 of the system indicating a contract date after August 29, 2010,  
1343 but before September 15, 2010, and a copy of the sales receipt  
1344 indicating a date of purchase after August 29, 2010, but on or  
1345 before November 30, 2010, with the make and model number  
1346 identified and circled along with the name and address of the  
1347 Florida-licensed contractor who installed the system.

1348 2. A copy of the mechanical building permit issued by the  
1349 county or municipality and pulled by the Florida-licensed  
1350 contractor who installed the system for the residence.

1351 3. A copy of the Air Distribution System Test Report  
1352 results from a Florida-certified Class 1 energy gauge rater, a  
1353 Florida-licensed mechanical contractor, or a recognized test and  
1354 balance agent. The results from the test must indicate the home  
1355 has no more than 15 percent leakage to the outside as measured  
1356 by 0.10 Qn.out or less.

1357 4. A copy of the summary of the Manual J program completed  
1358 for the residence to indicate that the proper methodology for  
1359 sizing the new system was completed.

1360 (2) The Department of Agriculture and Consumer Services  
1361 ~~Florida Energy and Climate Commission~~ shall pay a \$1,500 rebate  
1362 to each consumer who submits an application pursuant to the  
1363 Florida ENERGY STAR Residential HVAC Rebate Program if the

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1364 application is approved by the department ~~commission~~ in  
1365 accordance with this act. The department ~~commission~~ shall pay  
1366 all rebates authorized in this section prior to paying any  
1367 rebates authorized in section 2.

1368 Section 2. Notwithstanding s. 377.806(6), Florida Statutes,  
1369 the Department of Agriculture and Consumer Services ~~Florida~~  
1370 ~~Energy and Climate Commission~~ shall utilize up to \$28,902,623,  
1371 less any amount in excess of \$2,467,244 used to pay rebates  
1372 pursuant to section 1, to pay a percentage of each unpaid and  
1373 approved rebate application submitted pursuant to the Solar  
1374 Energy System Incentives Program established in s. 377.806,  
1375 Florida Statutes. An applicant is eligible for a rebate under  
1376 this section if the application submitted complies with s.  
1377 377.806, Florida Statutes. The percentage of each approved  
1378 rebate to be paid shall be derived by dividing the remaining  
1379 appropriation by the total dollar value of the backlog of final  
1380 approved solar rebates, pursuant to the authorized limits  
1381 provided in s. 377.806, Florida Statutes.

1382 Section 31. For the 2011-2012 fiscal year only,  
1383 notwithstanding s. 216.181(2)(b), Florida Statutes, the  
1384 Department of Agriculture may submit an amendment to the  
1385 Legislative Budget Commission for increased budget authority for  
1386 a fixed capital outlay appropriation for federal energy grants.  
1387 Any such amendment is subject to the review and notice  
1388 procedures provided in s. 216.177, Florida Statutes.

1389 Section 32. This act shall take effect July 1, 2011.