

By the Committees on Communications, Energy, and Public Utilities; and Communications, Energy, and Public Utilities

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1 A bill to be entitled
2 An act relating to energy; amending s. 170.01, F.S.;
3 authorizing a municipality to collect special
4 assessments to pay the additional costs to purchase
5 renewable energy for the municipality; amending s.
6 186.801, F.S.; adding factors for the Public Service
7 Commission to consider in reviewing the 10-year site
8 plans submitted to the commission by electric
9 utilities; amending s. 212.055, F.S.; providing for a
10 portion of the proceeds of the local government
11 infrastructure surtax to be used for financial
12 assistance to homeowners who make energy efficiency
13 improvements or install renewable energy devices;
14 defining the terms "renewable energy devices" and
15 "energy efficiency improvement"; amending s. 212.08,
16 F.S.; providing definitions; providing a sales tax
17 exemption for materials used in the distribution of
18 biodiesel, ethanol, and other renewable fuels;
19 specifying duties of the Department of Agriculture and
20 Consumer Services in evaluating and approving
21 applications for the exemption; authorizing the
22 department to adopt rules; providing for future
23 expiration of the tax exemption; amending s. 220.192,
24 F.S., relating to the renewable energy technologies
25 investment tax credit; revising definitions and
26 defining the term "renewable fuel"; increasing the
27 amount of available tax credit each fiscal year;
28 extending the period during which the renewable energy
29 technologies investment tax credit is available;

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30 deleting provisions authorizing a credit for hydrogen-
31 powered vehicles and fuel cells; authorizing the
32 Department of Agriculture and Consumer Services to
33 adopt rules; amending s. 220.193, F.S., relating to
34 the Florida renewable energy production credit;
35 extending the period during which the credit is
36 available; specifying the amount that each applicant
37 is eligible to receive in tax credits; amending s.
38 255.257, F.S.; requiring the Department of Management
39 Services to adopt rules for the state energy
40 management plan, in coordination with the Department
41 of Agriculture and Consumer Services; revising the
42 requirements for the state energy management plan;
43 requiring standard and uniform benchmark measures;
44 amending s. 288.106, F.S.; redefining the term "target
45 industry business," for purposes of a tax refund
46 program, to exclude certain electrical utilities;
47 creating s. 366.94, F.S.; exempting from regulation
48 under ch. 366, F.S., the sale of electricity to the
49 public for the purpose of electric vehicle charging
50 stations; requiring the Florida Building Commission,
51 in coordination with the Department of Agriculture and
52 Consumer Services and the Public Service Commission,
53 to adopt rules to provide uniform standards for
54 building electric vehicle charging stations; providing
55 that the development of uniform standards is preempted
56 to the state; requiring the Department of Agriculture
57 and Consumer Services to develop rules for sales at
58 electric vehicle charging stations; requiring that the

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59 Public Service Commission study the effects of
60 charging stations on energy consumption in the state
61 and the effects on the grid; prohibiting the
62 obstruction of a parking space at an electric vehicle
63 charging station; providing a penalty; amending s.
64 581.083, F.S.; including algae and blue-green algae in
65 provisions on permitting related to nonnative plants;
66 clarifying exemption provisions; providing greater
67 flexibility in reducing the amount of bond required;
68 requiring the Department of Agriculture and Consumer
69 Services to conduct a statewide forest inventory;
70 requiring the Department of Agriculture and Consumer
71 Services to work with other specified entities to
72 develop information on cost savings for energy
73 efficiency and conservation measures and post it on
74 the department's website; requiring the Public Service
75 Commission to evaluate the provisions in the Florida
76 Energy Efficiency and Conservation Act; requiring
77 reports to the Legislature and the Executive Office of
78 the Governor; providing an effective date.

79
80 Be It Enacted by the Legislature of the State of Florida:

81
82 Section 1. Subsection (1) of section 170.01, Florida
83 Statutes, is amended to read:

84 170.01 Authority for providing improvements and levying and
85 collecting special assessments against property benefited.—

86 (1) Any municipality of this state may, by its governing
87 authority:

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88 (a) Provide for the construction, reconstruction, repair,
89 paving, repaving, hard surfacing, rehard surfacing, widening,
90 guttering, and draining of streets, boulevards, and alleys; for
91 grading, regrading, leveling, laying, relaying, paving,
92 repaving, hard surfacing, and rehard surfacing of sidewalks; for
93 constructing or reconstructing permanent pedestrian canopies
94 over public sidewalks; and in connection with any of the
95 foregoing, provide related lighting, landscaping, street
96 furniture, signage, and other amenities as determined by the
97 governing authority of the municipality;

98 (b) Order the construction, reconstruction, repair,
99 renovation, excavation, grading, stabilization, and upgrading of
100 greenbelts, swales, culverts, sanitary sewers, storm sewers,
101 outfalls, canals, primary, secondary, and tertiary drains, water
102 bodies, marshlands, and natural areas, all or part of a
103 comprehensive stormwater management system, including the
104 necessary appurtenances and structures thereto and including,
105 but not limited to, dams, weirs, and pumps;

106 (c) Order the construction or reconstruction of water
107 mains, water laterals, alternative water supply systems,
108 including, but not limited to, reclaimed water, aquifer storage
109 and recovery, and desalination systems, and other water
110 distribution facilities, including the necessary appurtenances
111 thereto;

112 (d) Pay for the relocation of utilities, including the
113 placement underground of electrical, telephone, and cable
114 television services, pursuant to voluntary agreement with the
115 utility, but nothing contained in this paragraph shall affect a
116 utility's right to locate or relocate its facilities on its own

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117 initiative at its own expense;

118 (e) Provide for the construction or reconstruction of parks
119 and other public recreational facilities and improvements,
120 including appurtenances thereto;

121 (f) Provide for the construction or reconstruction of
122 seawalls;

123 (g) Provide for the drainage and reclamation of wet, low,
124 or overflowed lands;

125 (h) Provide for offstreet parking facilities, parking
126 garages, or similar facilities;

127 (i) Provide for mass transportation systems;

128 (j) Provide for improvements to permit the passage and
129 navigation of watercraft; ~~and~~

130 (k) Pay the additional costs of renewable energy, as
131 defined in s. 366.91, which are in excess of a public utility's
132 full avoided costs, as defined in s. 366.051, pursuant to an
133 agreement with the public utility; and

134 (l)~~(k)~~ Provide for the payment of all or any part of the
135 costs of any such improvements by levying and collecting special
136 assessments on the abutting, adjoining, contiguous, or other
137 specially benefited property.

138

139 However, offstreet parking facilities, parking garages, or other
140 similar facilities and mass transportation systems must be
141 approved by vote of a majority of the affected property owners.
142 Any municipality that ~~which~~ is legally obligated for providing
143 capital improvements for water, alternative water supplies,
144 including, but not limited to, reclaimed water, water from
145 aquifer storage and recovery, and desalination systems, or sewer

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146 facilities within an unincorporated area of the county may
147 recover the costs of the capital improvements by levying and
148 collecting special assessments for the purposes authorized in
149 this section on the specially benefited property; however,
150 collections of the special assessment may ~~shall~~ not take place
151 until the specially benefited property connects to the capital
152 improvement.

153 Section 2. Subsection (2) of section 186.801, Florida
154 Statutes, is amended to read:

155 186.801 Ten-year site plans.—

156 (2) Within 9 months after the receipt of the proposed plan,
157 the commission shall make a preliminary study of such plan and
158 classify it as "suitable" or "unsuitable." The commission may
159 suggest alternatives to the plan. All findings of the commission
160 shall be made available to the Department of Environmental
161 Protection for its consideration at any subsequent electrical
162 power plant site certification proceedings. It is recognized
163 that 10-year site plans submitted by an electric utility are
164 tentative information for planning purposes only and may be
165 amended at any time at the discretion of the utility upon
166 written notification to the commission. A complete application
167 for certification of an electrical power plant site under
168 chapter 403, when such site is not designated in the current 10-
169 year site plan of the applicant, shall constitute an amendment
170 to the 10-year site plan. In its preliminary study of each 10-
171 year site plan, the commission shall consider such plan as a
172 planning document and shall review:

173 (a) The need, including the need as determined by the
174 commission, for electrical power in the area to be served.

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- 175 (b) The effect on fuel diversity within the state.
- 176 (c) The anticipated environmental impact of each proposed
177 electrical power plant site.
- 178 (d) Possible alternatives to the proposed plan.
- 179 (e) The views of appropriate local, state, and federal
180 agencies, including the views of the appropriate water
181 management district as to the availability of water and its
182 recommendation as to the use by the proposed plant of salt water
183 or fresh water for cooling purposes.
- 184 (f) The extent to which the plan is consistent with the
185 state comprehensive plan.
- 186 (g) The plan with respect to the information of the state
187 on energy availability and consumption.
- 188 (h) The amount of renewable energy resources the provider
189 produces or purchases.
- 190 (i) The amount of renewable energy resources the provider
191 plans to produce or purchase over the 10-year planning horizon
192 and the means by which the production or purchases will be
193 achieved.
- 194 (j) A statement describing how the production and purchase
195 of renewable energy resources impact the provider's present and
196 future capacity and energy needs.

197 Section 3. Paragraph (d) of subsection (2) of section
198 212.055, Florida Statutes, is amended to read:

199 212.055 Discretionary sales surtaxes; legislative intent;
200 authorization and use of proceeds.—It is the legislative intent
201 that any authorization for imposition of a discretionary sales
202 surtax shall be published in the Florida Statutes as a
203 subsection of this section, irrespective of the duration of the

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204 levy. Each enactment shall specify the types of counties
205 authorized to levy; the rate or rates which may be imposed; the
206 maximum length of time the surtax may be imposed, if any; the
207 procedure which must be followed to secure voter approval, if
208 required; the purpose for which the proceeds may be expended;
209 and such other requirements as the Legislature may provide.
210 Taxable transactions and administrative procedures shall be as
211 provided in s. 212.054.

212 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

213 (d) The proceeds of the surtax authorized by this
214 subsection and any accrued interest shall be expended by the
215 school district, within the county and municipalities within the
216 county, or, in the case of a negotiated joint county agreement,
217 within another county, to finance, plan, and construct
218 infrastructure; to acquire land for public recreation,
219 conservation, or protection of natural resources; to provide
220 financial assistance to owners of residential property who make
221 energy efficiency improvements to, or purchase and install
222 renewable energy devices in, the residential property; or to
223 finance the closure of county-owned or municipally owned solid
224 waste landfills that have been closed or are required to be
225 closed by order of the Department of Environmental Protection.
226 Any use of the proceeds or interest for purposes of landfill
227 closure before July 1, 1993, is ratified. The proceeds and any
228 interest may not be used for the operational expenses of
229 infrastructure, except that a county that has a population of
230 fewer than 75,000 and that is required to close a landfill may
231 use the proceeds or interest for long-term maintenance costs
232 associated with landfill closure. Counties, as defined in s.

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233 125.011, and charter counties may, in addition, use the proceeds
234 or interest to retire or service indebtedness incurred for bonds
235 issued before July 1, 1987, for infrastructure purposes, and for
236 bonds subsequently issued to refund such bonds. Any use of the
237 proceeds or interest for purposes of retiring or servicing
238 indebtedness incurred for refunding bonds before July 1, 1999,
239 is ratified.

240 1. For the purposes of this paragraph, the term
241 "infrastructure" means:

242 a. Any fixed capital expenditure or fixed capital outlay
243 associated with the construction, reconstruction, or improvement
244 of public facilities that have a life expectancy of 5 or more
245 years and any related land acquisition, land improvement,
246 design, and engineering costs.

247 b. A fire department vehicle, an emergency medical service
248 vehicle, a sheriff's office vehicle, a police department
249 vehicle, or any other vehicle, and the equipment necessary to
250 outfit the vehicle for its official use or equipment that has a
251 life expectancy of at least 5 years.

252 c. Any expenditure for the construction, lease, or
253 maintenance of, or provision of utilities or security for,
254 facilities, as defined in s. 29.008.

255 d. Any fixed capital expenditure or fixed capital outlay
256 associated with the improvement of private facilities that have
257 a life expectancy of 5 or more years and that the owner agrees
258 to make available for use on a temporary basis as needed by a
259 local government as a public emergency shelter or a staging area
260 for emergency response equipment during an emergency officially
261 declared by the state or by the local government under s.

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262 252.38. Such improvements are limited to those necessary to
263 comply with current standards for public emergency evacuation
264 shelters. The owner must enter into a written contract with the
265 local government providing the improvement funding to make the
266 private facility available to the public for purposes of
267 emergency shelter at no cost to the local government for a
268 minimum of 10 years after completion of the improvement, with
269 the provision that the obligation will transfer to any
270 subsequent owner until the end of the minimum period.

271 e. Any land acquisition expenditure for a residential
272 housing project in which at least 30 percent of the units are
273 affordable to individuals or families whose total annual
274 household income does not exceed 120 percent of the area median
275 income adjusted for household size, if the land is owned by a
276 local government or by a special district that enters into a
277 written agreement with the local government to provide such
278 housing. The local government or special district may enter into
279 a ground lease with a public or private person or entity for
280 nominal or other consideration for the construction of the
281 residential housing project on land acquired pursuant to this
282 sub-subparagraph.

283 2. For the purposes of this paragraph, the term "renewable
284 energy devices" means any of the following equipment that, when
285 installed in connection with a dwelling unit or other structure,
286 collects, transmits, stores, or uses solar energy, wind energy,
287 or energy derived from geothermal deposits:

288 a. Solar energy collectors.

289 b. Storage tanks and other storage systems, excluding
290 swimming pools used as storage tanks.

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- 291 c. Rockbeds.
- 292 d. Thermostats and other control devices.
- 293 e. Heat exchange devices.
- 294 f. Pumps and fans.
- 295 g. Roof ponds.
- 296 h. Freestanding thermal containers.
- 297 i. Pipes, ducts, refrigerant handling systems, and other
298 equipment used to interconnect such systems, excluding
299 conventional backup systems of any type.
- 300 j. Windmills.
- 301 k. Wind-driven generators.
- 302 l. Power conditioning and storage devices that use wind
303 energy to generate electricity or mechanical forms of energy.
- 304 m. Pipes and other equipment used to transmit hot
305 geothermal water to a dwelling or structure from a geothermal
306 deposit.
- 307 3. For the purposes of this paragraph, the term "energy
308 efficiency improvement" means any energy conservation and
309 efficiency improvement that reduces consumption through
310 conservation or a more efficient use of electricity, natural
311 gas, propane, or other forms of energy on the property,
312 including, but not limited to, air sealing; installation of
313 insulation; installation of energy-efficient heating, cooling,
314 or ventilation systems; building modifications to increase the
315 use of daylight; replacement of windows; installation of energy
316 controls or energy recovery systems; installation of electric
317 vehicle charging equipment; and installation of efficient
318 lighting equipment.
- 319 4.2. Notwithstanding any other provision of this

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320 subsection, a local government infrastructure surtax imposed or
321 extended after July 1, 1998, may allocate up to 15 percent of
322 the surtax proceeds for deposit in a trust fund within the
323 county's accounts created for the purpose of funding economic
324 development projects having a general public purpose of
325 improving local economies, including the funding of operational
326 costs and incentives related to economic development. The ballot
327 statement must indicate the intention to make an allocation
328 under the authority of this subparagraph.

329 Section 4. Paragraph (hhh) is added to subsection (7) of
330 section 212.08, Florida Statutes, to read:

331 212.08 Sales, rental, use, consumption, distribution, and
332 storage tax; specified exemptions.—The sale at retail, the
333 rental, the use, the consumption, the distribution, and the
334 storage to be used or consumed in this state of the following
335 are hereby specifically exempt from the tax imposed by this
336 chapter.

337 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
338 entity by this chapter do not inure to any transaction that is
339 otherwise taxable under this chapter when payment is made by a
340 representative or employee of the entity by any means,
341 including, but not limited to, cash, check, or credit card, even
342 when that representative or employee is subsequently reimbursed
343 by the entity. In addition, exemptions provided to any entity by
344 this subsection do not inure to any transaction that is
345 otherwise taxable under this chapter unless the entity has
346 obtained a sales tax exemption certificate from the department
347 or the entity obtains or provides other documentation as
348 required by the department. Eligible purchases or leases made

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349 with such a certificate must be in strict compliance with this
350 subsection and departmental rules, and any person who makes an
351 exempt purchase with a certificate that is not in strict
352 compliance with this subsection and the rules is liable for and
353 shall pay the tax. The department may adopt rules to administer
354 this subsection.

355 (hhh) Equipment, machinery, and other materials for
356 renewable energy technologies.-

357 1. As used in this paragraph, the term:

358 a. "Biodiesel" means the mono-alkyl esters of long-chain
359 fatty acids derived from plant or animal matter for use as a
360 source of energy and meeting the specifications for biodiesel
361 and biodiesel blends with petroleum products as adopted by rule
362 of the Department of Agriculture and Consumer Services.

363 Biodiesel may refer to biodiesel blends designated BXX, where XX
364 represents the volume percentage of biodiesel fuel in the blend.

365 b. "Ethanol" means an anhydrous denatured alcohol produced
366 by the conversion of carbohydrates meeting the specifications
367 for fuel ethanol and fuel ethanol blends with petroleum products
368 as adopted by rule of the Department of Agriculture and Consumer
369 Services. Ethanol may refer to fuel ethanol blends designated
370 EXX, where XX represents the volume percentage of fuel ethanol
371 in the blend.

372 c. "Renewable fuel" means a fuel that has been approved by
373 the United States Environmental Protection Agency, that is
374 produced from biomass as defined in s. 366.91(2)(a), and that is
375 used to replace or reduce the quantity of fossil fuel present in
376 a transportation fuel.

377 2. The sale or use of the following materials in the state

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378 is exempt from the tax imposed by this chapter. Materials used
379 in the distribution of biodiesel (B10-B100), ethanol (E10-E100),
380 and other renewable fuels, including fueling infrastructure,
381 transportation, and storage, are exempt up to a limit of \$1
382 million in tax each state fiscal year for all taxpayers.
383 Gasoline fueling station pump retrofits for biodiesel (B10-
384 B100), ethanol (E10-E100), and other renewable fuels
385 distribution qualify for the exemption provided in this
386 paragraph.

387 3. The Department of Agriculture and Consumer Services
388 shall provide to the department a list of items eligible for the
389 exemption provided in this paragraph.

390 4.a. The exemption provided in this paragraph is available
391 to a purchaser only through a refund of previously paid taxes.
392 An eligible item is subject to refund one time. A person who has
393 received a refund on an eligible item must notify the next
394 purchaser of the item that the item is not eligible for a refund
395 of paid taxes. The notification must be provided to each
396 subsequent purchaser on the sales invoice or other proof of
397 purchase.

398 b. To be eligible to receive the exemption provided in this
399 paragraph, a purchaser must file an application with the
400 Department of Agriculture and Consumer Services. The application
401 shall be developed by the Department of Agriculture and Consumer
402 Services, in consultation with the department, and must require:

403 (I) The name and address of the person claiming the refund.

404 (II) A specific description of the purchase for which a
405 refund is sought, including, when applicable, a serial number or
406 other permanent identification number.

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407 (III) The sales invoice or other proof of purchase showing
408 the amount of sales tax paid, the date of purchase, and the name
409 and address of the sales tax dealer from whom the property was
410 purchased.

411 (IV) A sworn statement that the information provided is
412 accurate and that the requirements of this paragraph have been
413 met.

414 c. Within 30 days after receipt of an application, the
415 Department of Agriculture and Consumer Services shall evaluate
416 the application and notify the applicant of any deficiencies.
417 Upon receipt of a completed application, the Department of
418 Agriculture and Consumer Services shall evaluate the application
419 for the exemption and issue a written certification that the
420 applicant is eligible for a refund or issue a written denial of
421 the certification. The Department of Agriculture and Consumer
422 Services shall provide the department a copy of each
423 certification issued upon approval of an application.

424 d. Each certified applicant is responsible for forwarding a
425 certified copy of the application and copies of all required
426 documentation to the department within 6 months after
427 certification by the Department of Agriculture and Consumer
428 Services.

429 e. A refund approved pursuant to this paragraph must be
430 made within 30 days after approval by the department.

431 f. The Department of Agriculture and Consumer Services may
432 adopt by rule the form for the application for a certificate,
433 requirements for the content and format of information submitted
434 to the Department of Agriculture and Consumer Services in
435 support of the application, other procedural requirements, and

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436 criteria by which the application will be determined. The
437 department may adopt all other rules pursuant to ss. 120.536(1)
438 and 120.54 to administer this paragraph, including rules
439 establishing additional forms and procedures for claiming the
440 exemption.

441 g. The Department of Agriculture and Consumer Services
442 shall ensure that the total amount of the exemptions authorized
443 do not exceed the limits specified in subparagraph 2.

444 5. Approval of the exemptions under this paragraph is on a
445 first-come, first-served basis, based upon the date complete
446 applications are received by the Department of Agriculture and
447 Consumer Services. Incomplete placeholder applications will not
448 be accepted and will not secure a place in the first-come,
449 first-served application line. The Department of Agriculture and
450 Consumer Services shall determine and publish on its website on
451 a regular basis the amount of sales tax funds remaining in each
452 fiscal year.

453 6. This paragraph expires July 1, 2016.

454 Section 5. Subsections (1), (2), (6), (7), and (8) of
455 section 220.192, Florida Statutes, is amended to read:

456 220.192 Renewable energy technologies investment tax
457 credit.—

458 (1) DEFINITIONS.—For purposes of this section, the term:

459 (a) "Biodiesel" means biodiesel as defined in s.

460 212.08(7)(hhh) former s. 212.08(7)(ccc).

461 (b) "Corporation" includes a general partnership, limited
462 partnership, limited liability company, unincorporated business,
463 or other business entity, including entities taxed as
464 partnerships for federal income tax purposes.

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465 (c) "Eligible costs" means:

466 ~~1. Seventy-five percent of all capital costs, operation and~~
467 ~~maintenance costs, and research and development costs incurred~~
468 ~~between July 1, 2006, and June 30, 2010, up to a limit of \$3~~
469 ~~million per state fiscal year for all taxpayers, in connection~~
470 ~~with an investment in hydrogen-powered vehicles and hydrogen~~
471 ~~vehicle fueling stations in the state, including, but not~~
472 ~~limited to, the costs of constructing, installing, and equipping~~
473 ~~such technologies in the state.~~

474 ~~2. Seventy-five percent of all capital costs, operation and~~
475 ~~maintenance costs, and research and development costs incurred~~
476 ~~between July 1, 2006, and June 30, 2010, up to a limit of \$1.5~~
477 ~~million per state fiscal year for all taxpayers, and limited to~~
478 ~~a maximum of \$12,000 per fuel cell, in connection with an~~
479 ~~investment in commercial stationary hydrogen fuel cells in the~~
480 ~~state, including, but not limited to, the costs of constructing,~~
481 ~~installing, and equipping such technologies in the state.~~

482 ~~3. seventy-five percent of all capital costs, operation and~~
483 ~~maintenance costs, and research and development costs incurred~~
484 ~~between July 1, 2012, and July 1, 2016~~ July 1, 2006, and June
485 30, 2010, up to a limit of \$10 ~~\$6.5~~ million per state fiscal
486 year for all taxpayers, in connection with an investment in the
487 production, storage, and distribution of biodiesel (B10-B100),
488 and ethanol (E10-E100), and renewable fuel in the state,
489 including the costs of constructing, installing, and equipping
490 such technologies in the state. Gasoline fueling station pump
491 retrofits for ethanol (E10-E100) distribution qualify as an
492 eligible cost under this subparagraph. Each applicant is
493 eligible to receive up to \$1 million in tax credits.

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494 (d) "Ethanol" means ethanol as defined in s. 212.08(7)(hhh)
495 ~~former s. 212.08(7)(ccc).~~

496 (e) "Renewable fuel" means a fuel that has been approved by
497 the United States Environmental Protection Agency, that is
498 produced from biomass as defined in s. 366.91(2)(a), and that is
499 used to replace or reduce the quantity of fossil fuel present in
500 a transportation fuel.

501 ~~(c) "Hydrogen fuel cell" means hydrogen fuel cell as~~
502 ~~defined in former s. 212.08(7)(ccc).~~

503 (f) "Taxpayer" includes a corporation as defined in
504 paragraph (b) or s. 220.03.

505 (2) TAX CREDIT.—For tax years beginning on or after January
506 1, 2013 ~~January 1, 2007~~, a credit against the tax imposed by
507 this chapter shall be granted in an amount equal to the eligible
508 costs. Credits may be used in tax years beginning January 1,
509 2013 ~~January 1, 2007~~, and ending December 31, 2016 ~~December 31,~~
510 ~~2010~~, after which the credit shall expire. If the credit is not
511 fully used in any one tax year because of insufficient tax
512 liability on the part of the corporation, the unused amount may
513 be carried forward and used in tax years beginning January 1,
514 2013 ~~January 1, 2007~~, and ending December 31, 2018 ~~December 31,~~
515 ~~2012~~, after which the credit carryover expires and may not be
516 used. A taxpayer that files a consolidated return in this state
517 as a member of an affiliated group under s. 220.131(1) may be
518 allowed the credit on a consolidated return basis up to the
519 amount of tax imposed upon the consolidated group. Any eligible
520 cost for which a credit is claimed and which is deducted or
521 otherwise reduces federal taxable income shall be added back in
522 computing adjusted federal income under s. 220.13.

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523 (6) TRANSFERABILITY OF CREDIT.—

524 (a) For tax years beginning on or after January 1, 2014
525 ~~January 1, 2009~~, any corporation or subsequent transferee
526 allowed a tax credit under this section may transfer the credit,
527 in whole or in part, to any taxpayer by written agreement
528 without transferring any ownership interest in the property
529 generating the credit or any interest in the entity owning such
530 property. The transferee is entitled to apply the credits
531 against the tax with the same effect as if the transferee had
532 incurred the eligible costs.

533 (b) To perfect the transfer, the transferor shall provide
534 the Department of Revenue with a written transfer statement
535 notifying the Department of Revenue of the transferor's intent
536 to transfer the tax credits to the transferee; the date the
537 transfer is effective; the transferee's name, address, and
538 federal taxpayer identification number; the tax period; and the
539 amount of tax credits to be transferred. The Department of
540 Revenue shall, upon receipt of a transfer statement conforming
541 to the requirements of this section, provide the transferee with
542 a certificate reflecting the tax credit amounts transferred. A
543 copy of the certificate must be attached to each tax return for
544 which the transferee seeks to apply such tax credits.

545 (c) A tax credit authorized under this section that is held
546 by a corporation and not transferred under this subsection shall
547 be passed through to the taxpayers designated as partners,
548 members, or owners, respectively, in the manner agreed to by
549 such persons regardless of whether such partners, members, or
550 owners are allocated or allowed any portion of the federal
551 energy tax credit for the eligible costs. A corporation that

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552 passes the credit through to a partner, member, or owner must
553 comply with the notification requirements described in paragraph
554 (b). The partner, member, or owner must attach a copy of the
555 certificate to each tax return on which the partner, member, or
556 owner claims any portion of the credit.

557 (7) RULES.—The Department of Revenue in coordination with
558 the Department of Agriculture and Consumer Services shall have
559 the authority to adopt rules pursuant to ss. 120.536(1) and
560 120.54 to administer this section, including rules relating to:

561 (a) The forms required to claim a tax credit under this
562 section, the requirements and basis for establishing an
563 entitlement to a credit, and the examination and audit
564 procedures required to administer this section.

565 (b) The implementation and administration of the provisions
566 allowing a transfer of a tax credit, including rules prescribing
567 forms, reporting requirements, and specific procedures,
568 guidelines, and requirements necessary to transfer a tax credit.

569 (8) PUBLICATION.—The Department of Agriculture and Consumer
570 Services shall determine and publish on its website on a regular
571 basis the amount of available tax credits remaining in each
572 fiscal year.

573 Section 6. Section 220.193, Florida Statutes, is amended to
574 read:

575 220.193 Florida renewable energy production credit.—

576 (1) The purpose of this section is to encourage the
577 development and expansion of facilities that produce renewable
578 energy in Florida.

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

580 (a) "Commission" shall mean the Public Service Commission.

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581 (b) "Department" shall mean the Department of Revenue.

582 (c) "Expanded facility" shall mean a Florida renewable
583 energy facility that increases its electrical production and
584 sale by more than 5 percent above the facility's electrical
585 production and sale during the 2011 ~~2005~~ calendar year.

586 (d) "Florida renewable energy facility" shall mean a
587 facility in the state that produces electricity for sale from
588 renewable energy, as defined in s. 377.803.

589 (e) "New facility" shall mean a Florida renewable energy
590 facility that is operationally placed in service after May 1,
591 2012 ~~2006~~.

592 (f) "Sale" or "sold" includes the use of electricity by the
593 producer of such electricity which decreases the amount of
594 electricity that the producer would otherwise have to purchase.

595 (g) "Taxpayer" includes a general partnership, limited
596 partnership, limited liability company, trust, or other
597 artificial entity in which a corporation, as defined in s.
598 220.03(1)(e), owns an interest and is taxed as a partnership or
599 is disregarded as a separate entity from the corporation under
600 this chapter.

601 (3) An annual credit against the tax imposed by this
602 section shall be allowed to a taxpayer, based on the taxpayer's
603 production and sale of electricity from a new or expanded
604 Florida renewable energy facility. For a new facility, the
605 credit shall be based on the taxpayer's sale of the facility's
606 entire electrical production. For an expanded facility, the
607 credit shall be based on the increases in the facility's
608 electrical production that are achieved after May 1, 2012 ~~2006~~.
609 Each applicant is eligible to receive up to \$500,000 in tax

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610 credits.

611 (a) The credit shall be \$0.01 for each kilowatt-hour of
612 electricity produced and sold by the taxpayer to an unrelated
613 party during a given tax year.

614 (b) The credit may be claimed for electricity produced and
615 sold on or after January 1, 2013 ~~2007~~. Beginning in 2014 ~~2008~~
616 and continuing until 2017 ~~2011~~, each taxpayer claiming a credit
617 under this section must first apply to the department by
618 February 1 of each year for an allocation of available credit.
619 The department, in consultation with the commission, shall
620 develop an application form. The application form shall, at a
621 minimum, require a sworn affidavit from each taxpayer certifying
622 the increase in production and sales that form the basis of the
623 application and certifying that all information contained in the
624 application is true and correct.

625 (c) If the amount of credits applied for each year exceeds
626 \$5 million, the department shall award to each applicant a
627 prorated amount based on each applicant's increased production
628 and sales and the increased production and sales of all
629 applicants.

630 (d) If the credit granted pursuant to this section is not
631 fully used in one year because of insufficient tax liability on
632 the part of the taxpayer, the unused amount may be carried
633 forward for a period not to exceed 5 years. The carryover credit
634 may be used in a subsequent year when the tax imposed by this
635 chapter for such year exceeds the credit for such year, after
636 applying the other credits and unused credit carryovers in the
637 order provided in s. 220.02(8).

638 (e) A taxpayer that files a consolidated return in this

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639 state as a member of an affiliated group under s. 220.131(1) may
640 be allowed the credit on a consolidated return basis up to the
641 amount of tax imposed upon the consolidated group.

642 (f)1. Tax credits that may be available under this section
643 to an entity eligible under this section may be transferred
644 after a merger or acquisition to the surviving or acquiring
645 entity and used in the same manner with the same limitations.

646 2. The entity or its surviving or acquiring entity as
647 described in subparagraph 1. may transfer any unused credit in
648 whole or in units of no less than 25 percent of the remaining
649 credit. The entity acquiring such credit may use it in the same
650 manner and with the same limitations under this section. Such
651 transferred credits may not be transferred again although they
652 may succeed to a surviving or acquiring entity subject to the
653 same conditions and limitations as described in this section.

654 3. In the event the credit provided for under this section
655 is reduced as a result of an examination or audit by the
656 department, such tax deficiency shall be recovered from the
657 first entity or the surviving or acquiring entity to have
658 claimed such credit up to the amount of credit taken. Any
659 subsequent deficiencies shall be assessed against any entity
660 acquiring and claiming such credit, or in the case of multiple
661 succeeding entities in the order of credit succession.

662 (g) Notwithstanding any other provision of this section,
663 credits for the production and sale of electricity from a new or
664 expanded Florida renewable energy facility may be earned between
665 January 1, 2013 ~~2007~~, and June 30, 2016 ~~2010~~. The combined total
666 amount of tax credits which may be granted for all taxpayers
667 under this section is limited to \$5 million per state fiscal

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668 year.

669 (h) A taxpayer claiming a credit under this section shall
670 be required to add back to net income that portion of its
671 business deductions claimed on its federal return paid or
672 incurred for the taxable year which is equal to the amount of
673 the credit allowable for the taxable year under this section.

674 (i) A taxpayer claiming credit under this section may not
675 claim a credit under s. 220.192. A taxpayer claiming credit
676 under s. 220.192 may not claim a credit under this section.

677 (j) When an entity treated as a partnership or a
678 disregarded entity under this chapter produces and sells
679 electricity from a new or expanded renewable energy facility,
680 the credit earned by such entity shall pass through in the same
681 manner as items of income and expense pass through for federal
682 income tax purposes. When an entity applies for the credit and
683 the entity has received the credit by a pass-through, the
684 application must identify the taxpayer that passed the credit
685 through, all taxpayers that received the credit, and the
686 percentage of the credit that passes through to each recipient
687 and must provide other information that the department requires.

688 (k) A taxpayer's use of the credit granted pursuant to this
689 section does not reduce the amount of any credit available to
690 such taxpayer under s. 220.186.

691 (4) The department may adopt rules to implement and
692 administer this section, including rules prescribing forms, the
693 documentation needed to substantiate a claim for the tax credit,
694 and the specific procedures and guidelines for claiming the
695 credit.

696 (5) This section shall take effect upon becoming law and

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697 shall apply to tax years beginning on and after January 1, 2013
698 ~~2007~~.

699 Section 7. Section 255.257, Florida Statutes, is amended to
700 read:

701 255.257 Energy management; buildings occupied by state
702 agencies.—

703 (1) ENERGY CONSUMPTION AND COST DATA.—Each state agency
704 shall collect data on energy consumption and cost. The data
705 gathered shall be on state-owned facilities and metered state-
706 leased facilities that are used by the state and are 5,000
707 square feet or more of conditioned space ~~of 5,000 net square~~
708 ~~feet or more~~. These data will be used in the computation of the
709 effectiveness of the state energy management plan and the
710 effectiveness of the energy management program of each of the
711 state agencies. Collected data shall be reported annually to the
712 department in a format prescribed by the department.

713 (2) ENERGY MANAGEMENT COORDINATORS.—Each state agency, the
714 Florida Public Service Commission, the Department of Military
715 Affairs, and the judicial branch shall appoint a coordinator
716 whose responsibility shall be to advise the head of the state
717 agency on matters relating to energy consumption in facilities
718 under the control of that head or in space occupied by the
719 various units comprising that state agency, in vehicles operated
720 by that state agency, and in other energy-consuming activities
721 of the state agency. The coordinator shall implement the energy
722 management program agreed upon by the state agency concerned and
723 assist the department in the development of the State Energy
724 Management Plan.

725 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.—The

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726 Department of Management Services, in coordination with the
727 Department of Agriculture and Consumer Services, shall adopt
728 rules and forms for the development of the ~~develop~~ a state
729 energy management plan consisting of, but not limited to, the
730 following elements:

731 (a) Data-gathering requirements;

732 (b) Standard and uniform benchmark requirements as a
733 measure to evaluate the energy efficiency of state-owned and
734 state-leased buildings;

735 (c) ~~(b)~~ Building energy audit procedures;

736 (d) ~~(e)~~ Standard and uniform data analysis and reporting
737 procedures;

738 (e) ~~(d)~~ Employee energy education program measures;

739 (f) ~~(e)~~ Energy consumption reduction techniques;

740 (g) ~~(f)~~ Training program for state agency energy management
741 coordinators; and

742 (h) ~~(g)~~ Guidelines for building managers.

743

744 The plan shall include a description of actions that state
745 agencies shall take to reduce consumption of electricity and
746 nonrenewable energy sources used for space heating and cooling,
747 ventilation, lighting, water heating, and transportation.

748 (4) ADOPTION OF STANDARDS.—

749 (a) Each ~~All~~ state agency ~~agencies~~ shall adopt a standard
750 and uniform statewide sustainable building rating system or use
751 a national model green building code for all new buildings and
752 renovations to existing buildings.

753 (b) A ~~No~~ state agency may not ~~shall~~ enter into new leasing
754 agreements for office space that does not meet Energy Star

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755 building standards, except when the appropriate state agency
756 head determines that no other viable or cost-effective
757 alternative exists.

758 (c) Each ~~All~~ state agency ~~agencies~~ shall develop energy
759 conservation measures and guidelines for new and existing office
760 space where state agencies occupy ~~more than~~ 5,000 square feet or
761 more of conditioned space. These conservation measures shall
762 focus on programs that may reduce energy consumption and, when
763 established, provide a net reduction in occupancy costs.

764 Section 8. Paragraph (q) of subsection (2) of section
765 288.106, Florida Statutes, is amended to read:

766 288.106 Tax refund program for qualified target industry
767 businesses.—

768 (2) DEFINITIONS.—As used in this section:

769 (q) "Target industry business" means a corporate
770 headquarters business or any business that is engaged in one of
771 the target industries identified pursuant to the following
772 criteria developed by the department in consultation with
773 Enterprise Florida, Inc.:

774 1. Future growth.—Industry forecasts should indicate strong
775 expectation for future growth in both employment and output,
776 according to the most recent available data. Special
777 consideration should be given to businesses that export goods
778 to, or provide services in, international markets and businesses
779 that replace domestic and international imports of goods or
780 services.

781 2. Stability.—The industry should not be subject to
782 periodic layoffs, whether due to seasonality or sensitivity to
783 volatile economic variables such as weather. The industry should

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784 also be relatively resistant to recession, so that the demand
785 for products of this industry is not typically subject to
786 decline during an economic downturn.

787 3. High wage.—The industry should pay relatively high wages
788 compared to statewide or area averages.

789 4. Market and resource independent.—The location of
790 industry businesses should not be dependent on Florida markets
791 or resources as indicated by industry analysis, except for
792 businesses in the renewable energy industry.

793 5. Industrial base diversification and strengthening.—The
794 industry should contribute toward expanding or diversifying the
795 state's or area's economic base, as indicated by analysis of
796 employment and output shares compared to national and regional
797 trends. Special consideration should be given to industries that
798 strengthen regional economies by adding value to basic products
799 or building regional industrial clusters as indicated by
800 industry analysis. Special consideration should also be given to
801 the development of strong industrial clusters that include
802 defense and homeland security businesses.

803 6. Positive economic impact.—The industry is expected to
804 have strong positive economic impacts on or benefits to the
805 state or regional economies. Special consideration should be
806 given to industries that facilitate the development of the state
807 as a hub for domestic and global trade and logistics.

808

809 The term does not include any business engaged in retail
810 industry activities; any electrical utility company as defined
811 in s. 366.02(2); any phosphate or other solid minerals
812 severance, mining, or processing operation; any oil or gas

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813 exploration or production operation; or any business subject to
814 regulation by the Division of Hotels and Restaurants of the
815 Department of Business and Professional Regulation. Any business
816 within NAICS code 5611 or 5614, office administrative services
817 and business support services, respectively, may be considered a
818 target industry business only after the local governing body and
819 Enterprise Florida, Inc., make a determination that the
820 community where the business may locate has conditions affecting
821 the fiscal and economic viability of the local community or
822 area, including but not limited to, factors such as low per
823 capita income, high unemployment, high underemployment, and a
824 lack of year-round stable employment opportunities, and such
825 conditions may be improved by the location of such a business to
826 the community. By January 1 of every 3rd year, beginning January
827 1, 2011, the department, in consultation with Enterprise
828 Florida, Inc., economic development organizations, the State
829 University System, local governments, employee and employer
830 organizations, market analysts, and economists, shall review
831 and, as appropriate, revise the list of such target industries
832 and submit the list to the Governor, the President of the
833 Senate, and the Speaker of the House of Representatives.

834 Section 9. Section 366.94, Florida Statutes, is created to
835 read:

836 366.94 Electric vehicle charging stations.-

837 (1) Providing electric vehicle charging service to the
838 public is not the retail sale of electricity for the purposes of
839 this chapter and the rates, terms, and conditions of electric
840 vehicle charging services are not subject to regulation under
841 this chapter regardless of the provider. This section does not

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842 affect the ability of an individual, business, or governmental
843 entity to acquire, install, or use an electric vehicle charger
844 for its own use for its own vehicle.

845 (2) The Florida Building Commission, in coordination with
846 the Department of Agriculture and Consumer Services and the
847 Public Service Commission, shall develop rules to provide
848 uniform standards for building and electric codes, local
849 permitting, and the installation of electric vehicle charging
850 stations. The development of these standards is expressly
851 preempted to the state and any local governmental entity
852 enforcing the subject areas of the standards established by this
853 section must use the standards set forth pursuant to this
854 section.

855 (3) The Department of Agriculture and Consumer Services
856 shall adopt rules to provide definitions, methods of sale,
857 labeling requirements, and price-posting requirements for
858 electric vehicle charging stations in order to provide
859 consistency for consumers and the industry.

860 (4) The Public Service Commission shall conduct a study of
861 the effects of the charging stations on energy consumption in
862 this state and the effects on the grid. The Public Service
863 Commission shall also investigate the feasibility of using off-
864 grid solar photovoltaic power as a source of electricity for
865 electric vehicle charging stations.

866 (5) It is unlawful for a person to stop, stand, or park a
867 vehicle that is not capable of using an electrical recharging
868 station within any parking space specifically designated for
869 charging an electric vehicle. If a law enforcement officer finds
870 a motor vehicle in violation of this subsection, the officer or

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871 specialist shall charge the operator or other person in charge
872 of the vehicle in violation with a noncriminal traffic
873 infraction, punishable as provided in s. 316.008(4) or s.
874 318.18.

875 Section 10. Subsection (4) of section 581.083, Florida
876 Statutes, is amended to read:

877 581.083 Introduction or release of plant pests, noxious
878 weeds, or organisms affecting plant life; cultivation of
879 nonnative plants; special permit and security required.—

880 (4) A person may not cultivate a nonnative plant, algae, or
881 blue-green algae, including a genetically engineered plant,
882 algae, or blue-green algae ~~or a plant that has been introduced,~~
883 ~~for purposes of fuel production or purposes other than~~
884 ~~agriculture~~ in plantings greater in size than 2 contiguous
885 acres, except under a special permit issued by the department
886 through the division, which is the sole agency responsible for
887 issuing such special permits. The ~~Such~~ a permit is ~~shall~~ not be
888 required if the department determines, after consulting in
889 ~~conjunction~~ with the Institute of Food and Agricultural Sciences
890 at the University of Florida, that, based on experience or
891 research data, the nonnative plant, algae, or blue-green algae
892 does not pose a known threat of becoming an is not invasive
893 species or a pest of plants or native fauna under conditions in
894 this state, and if the department ~~and~~ subsequently exempts the
895 plant by rule.

896 (a)1. Each application for a special permit must be
897 accompanied by a fee as described in subsection (2) and proof
898 that the applicant has obtained, on a form approved by the
899 department, a bond ~~in the form approved by the department and~~

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900 issued by a surety company admitted to do business in this
901 state, ~~or~~ a certificate of deposit, or other type of security
902 adopted by rule of the department which provides a financial
903 assurance of cost-recovery for the removal of a planting. The
904 application must include, on a form provided by the department,
905 the name of the applicant and the applicant's address or the
906 address of the applicant's principal place of business; a
907 statement completely identifying the nonnative plant to be
908 cultivated; and a statement of the estimated cost of removing
909 and destroying the plant that is the subject of the special
910 permit and the basis for calculating or determining that
911 estimate. If the applicant is a corporation, partnership, or
912 other business entity, the applicant must also provide in the
913 application the name and address of each officer, partner, or
914 managing agent. The applicant shall notify the department within
915 10 business days after ~~of~~ any change of address or change in the
916 principal place of business. The department shall mail all
917 notices to the applicant's last known address.

918 2. As used in this subsection, the term "certificate of
919 deposit" means a certificate of deposit at any recognized
920 financial institution doing business in the United States. The
921 department may not accept a certificate of deposit in connection
922 with the issuance of a special permit unless the issuing
923 institution is properly insured by the Federal Deposit Insurance
924 Corporation or the Federal Savings and Loan Insurance
925 Corporation.

926 (b) Upon obtaining a permit, the permitholder may annually
927 cultivate and maintain the nonnative plants as authorized by the
928 special permit. If the permitholder ceases to maintain or

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929 cultivate the plants authorized by the special permit, if the
930 permit expires, or if the permitholder ceases to abide by the
931 conditions of the special permit, the permitholder shall
932 immediately remove and destroy the plants that are subject to
933 the permit, if any remain. The permitholder shall notify the
934 department of the removal and destruction of the plants within
935 10 days after such event.

936 (c) If the department:

937 1. Determines that the permitholder is no longer
938 maintaining or cultivating the plants subject to the special
939 permit and has not removed and destroyed the plants authorized
940 by the special permit;

941 2. Determines that the continued maintenance or cultivation
942 of the plants presents an imminent danger to public health,
943 safety, or welfare;

944 3. Determines that the permitholder has exceeded the
945 conditions of the authorized special permit; or

946 4. Receives a notice of cancellation of the surety bond,

947

948 the department may issue an immediate final order, which shall
949 be immediately appealable or enjoicable as provided by chapter
950 120, directing the permitholder to immediately remove and
951 destroy the plants authorized to be cultivated under the special
952 permit. A copy of the immediate final order must ~~shall~~ be mailed
953 to the permitholder and to the surety company or financial
954 institution that has provided security for the special permit,
955 if applicable.

956 (d) If, upon issuance by the department of an immediate
957 final order to the permitholder, the permitholder fails to

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958 remove and destroy the plants subject to the special permit
959 within 60 days after issuance of the order, or such shorter
960 period as is designated in the order as public health, safety,
961 or welfare requires, the department may enter the cultivated
962 acreage and remove and destroy the plants that are the subject
963 of the special permit. If the permitholder makes a written
964 request to the department for an extension of time to remove and
965 destroy the plants that demonstrates specific facts showing why
966 the plants could not reasonably be removed and destroyed in the
967 applicable timeframe, the department may extend the time for
968 removing and destroying plants subject to a special permit. The
969 reasonable costs and expenses incurred by the department for
970 removing and destroying plants subject to a special permit shall
971 be reimbursed to the department by the permitholder within 21
972 days after the date the permitholder and the surety company or
973 financial institution are served a copy of the department's
974 invoice for the costs and expenses incurred by the department to
975 remove and destroy the cultivated plants, along with a notice of
976 administrative rights, unless the permitholder or the surety
977 company or financial institution object to the reasonableness of
978 the invoice. In the event of an objection, the permitholder or
979 surety company or financial institution is entitled to an
980 administrative proceeding as provided by chapter 120. Upon entry
981 of a final order determining the reasonableness of the incurred
982 costs and expenses, the permitholder has ~~shall have~~ 15 days
983 after ~~following~~ service of the final order to reimburse the
984 department. Failure of the permitholder to timely reimburse the
985 department for the incurred costs and expenses entitles the
986 department to reimbursement from the applicable bond or

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987 certificate of deposit.

988 (e) Each permitholder shall maintain for each separate
989 growing location a bond or a certificate of deposit in an amount
990 determined by the department, but not more ~~less~~ than 150 percent
991 of the estimated cost of removing and destroying the cultivated
992 plants. The bond or certificate of deposit may not exceed \$5,000
993 per acre, unless a higher amount is determined by the department
994 to be necessary to protect the public health, safety, and
995 welfare or unless an exemption is granted by the department
996 based on conditions specified in the application which would
997 preclude the department from incurring the cost of removing and
998 destroying the cultivated plants and would prevent injury to the
999 public health, safety, and welfare. The aggregate liability of
1000 the surety company or financial institution to all persons for
1001 all breaches of the conditions of the bond or certificate of
1002 deposit may not exceed the amount of the bond or certificate of
1003 deposit. The original bond or certificate of deposit required by
1004 this subsection must ~~shall~~ be filed with the department. A
1005 surety company shall give the department 30 days' written notice
1006 of cancellation, by certified mail, in order to cancel a bond.
1007 Cancellation of a bond does not relieve a surety company of
1008 liability for paying to the department all costs and expenses
1009 incurred or to be incurred for removing and destroying the
1010 permitted plants covered by an immediate final order authorized
1011 under paragraph (c). A bond or certificate of deposit must be
1012 provided or assigned in the exact name in which an applicant
1013 applies for a special permit. The penal sum of the bond or
1014 certificate of deposit to be furnished to the department by a
1015 permitholder in the amount specified in this paragraph must

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1016 guarantee payment of the costs and expenses incurred or to be
1017 incurred by the department for removing and destroying the
1018 plants cultivated under the issued special permit. The bond or
1019 certificate of deposit assignment or agreement must be upon a
1020 form prescribed or approved by the department and must be
1021 conditioned to secure the faithful accounting for and payment of
1022 all costs and expenses incurred by the department for removing
1023 and destroying all plants cultivated under the special permit.
1024 The bond or certificate of deposit assignment or agreement must
1025 include terms binding the instrument to the Commissioner of
1026 Agriculture. Such certificate of deposit shall be presented with
1027 an assignment of the permitholder's rights in the certificate in
1028 favor of the Commissioner of Agriculture on a form prescribed by
1029 the department and with a letter from the issuing institution
1030 acknowledging that the assignment has been properly recorded on
1031 the books of the issuing institution and will be honored by the
1032 issuing institution. Such assignment is irrevocable while a
1033 special permit is in effect and for an additional period of 6
1034 months after termination of the special permit if operations to
1035 remove and destroy the permitted plants are not continuing and
1036 if the department's invoice remains unpaid by the permitholder
1037 under the issued immediate final order. If operations to remove
1038 and destroy the plants are pending, the assignment remains in
1039 effect until all plants are removed and destroyed and the
1040 department's invoice has been paid. The bond or certificate of
1041 deposit may be released by the assignee of the surety company or
1042 financial institution to the permitholder, or to the
1043 permitholder's successors, assignee, or heirs, if operations to
1044 remove and destroy the permitted plants are not pending and no

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1045 invoice remains unpaid at the conclusion of 6 months after the
1046 last effective date of the special permit. The department may
1047 not accept a certificate of deposit that contains any provision
1048 that would give to any person any prior rights or claim on the
1049 proceeds or principal of such certificate of deposit. The
1050 department shall determine by rule whether an annual bond or
1051 certificate of deposit will be required. The amount of such bond
1052 or certificate of deposit shall be increased, upon order of the
1053 department, at any time if the department finds such increase to
1054 be warranted by the cultivating operations of the permitholder.
1055 In the same manner, the amount of such bond or certificate of
1056 deposit may be decreased or removed when a decrease in the
1057 cultivating operations of the permitholder occurs or when
1058 research or practical field knowledge and observations indicate
1059 a low risk of invasiveness by the nonnative species ~~warrants~~
1060 ~~such decrease.~~ Factors that may be considered to decrease or
1061 remove the bond or certificate-of-deposit requirements include
1062 multiple years or cycles of successful large-scale contained
1063 cultivation; observation of plant, algae, or blue-green algae
1064 that do not escape from managed areas; or science-based evidence
1065 that established or proved adjusted cultivation practices
1066 provide a similar level of containment of the nonnative plant,
1067 algae, or blue-green algae. This paragraph applies to any bond
1068 or certificate of deposit, regardless of the anniversary date of
1069 its issuance, expiration, or renewal.

1070 (f) In order to carry out the purposes of this subsection,
1071 the department or its agents may require from any permitholder
1072 verified statements of the cultivated acreage subject to the
1073 special permit and may review the permitholder's business or

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1074 cultivation records at her or his place of business during
1075 normal business hours in order to determine the acreage
1076 cultivated. The failure of a permitholder to furnish such
1077 statement, to make such records available, or to make and
1078 deliver a new or additional bond or certificate of deposit is
1079 cause for suspension of the special permit. If the department
1080 finds such failure to be willful, the special permit may be
1081 revoked.

1082 Section 11. The Department of Agriculture and Consumer
1083 Services shall conduct a comprehensive statewide forest
1084 inventory analysis and study, using a geographic information
1085 system, to identify where available biomass is located,
1086 determine the available biomass resources, and ensure forest
1087 sustainability within the state. The department shall submit the
1088 results of the study to the President of the Senate, the Speaker
1089 of the House of Representatives, and the Executive Office of the
1090 Governor by July 1, 2013.

1091 Section 12. The Office of Energy within the Department of
1092 Agriculture and Consumer Services, in consultation with the
1093 Public Service Commission, the Florida Building Commission, and
1094 the Florida Energy Systems Consortium, shall develop a
1095 clearinghouse of information regarding cost savings associated
1096 with various energy efficiency and conservation measures. The
1097 department shall post the information on its website by July 1,
1098 2013.

1099 Section 13. The Public Service Commission shall evaluate
1100 and prepare a report on the Florida Energy Efficiency and
1101 Conservation Act and determine if the act remains in the public
1102 interest. The evaluation must consider the costs to ratepayers,

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1103 the incentives and disincentives associated with the provisions
1104 in the act, and if the programs create benefits without undue
1105 burden on the customer. The models and methods used to determine
1106 conservation goals must be specifically addressed in the report.
1107 The commission shall submit the report to the President of the
1108 Senate, the Speaker of the House of Representatives, and the
1109 Executive Office of the Governor by January 31, 2013.

1110 Section 14. This act shall take effect July 1, 2012.