

By the Committees on Agriculture; 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.  
64 526.203, F.S.; defining the term "alternative fuel"  
65 and revising the definitions of the terms "blended  
66 gasoline" and "unblended gasoline"; amending s.  
67 581.083, F.S.; including algae and blue-green algae in  
68 provisions on permitting related to nonnative plants;  
69 clarifying exemption provisions; providing greater  
70 flexibility in reducing the amount of bond required;  
71 requiring the Department of Agriculture and Consumer  
72 Services to conduct a statewide forest inventory;  
73 requiring the Department of Agriculture and Consumer  
74 Services to work with other specified entities to  
75 develop information on cost savings for energy  
76 efficiency and conservation measures and post it on  
77 the department's website; requiring the Public Service  
78 Commission to evaluate the provisions in the Florida  
79 Energy Efficiency and Conservation Act; requiring  
80 reports to the Legislature and the Executive Office of  
81 the Governor; providing an effective date.

82

83 Be It Enacted by the Legislature of the State of Florida:

84

85 Section 1. Subsection (1) of section 170.01, Florida  
86 Statutes, is amended to read:

87 170.01 Authority for providing improvements and levying and

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88 collecting special assessments against property benefited.—

89 (1) Any municipality of this state may, by its governing  
90 authority:

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

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

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

115 (d) Pay for the relocation of utilities, including the  
116 placement underground of electrical, telephone, and cable

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117 television services, pursuant to voluntary agreement with the  
118 utility, but nothing contained in this paragraph shall affect a  
119 utility's right to locate or relocate its facilities on its own  
120 initiative at its own expense;

121 (e) Provide for the construction or reconstruction of parks  
122 and other public recreational facilities and improvements,  
123 including appurtenances thereto;

124 (f) Provide for the construction or reconstruction of  
125 seawalls;

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

128 (h) Provide for offstreet parking facilities, parking  
129 garages, or similar facilities;

130 (i) Provide for mass transportation systems;

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

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

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

141  
142 However, offstreet parking facilities, parking garages, or other  
143 similar facilities and mass transportation systems must be  
144 approved by vote of a majority of the affected property owners.  
145 Any municipality that ~~which~~ is legally obligated for providing

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146 capital improvements for water, alternative water supplies,  
147 including, but not limited to, reclaimed water, water from  
148 aquifer storage and recovery, and desalination systems, or sewer  
149 facilities within an unincorporated area of the county may  
150 recover the costs of the capital improvements by levying and  
151 collecting special assessments for the purposes authorized in  
152 this section on the specially benefited property; however,  
153 collections of the special assessment may ~~shall~~ not take place  
154 until the specially benefited property connects to the capital  
155 improvement.

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

158 186.801 Ten-year site plans.—

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

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175 planning document and shall review:

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

178 (b) The effect on fuel diversity within the state.

179 (c) The anticipated environmental impact of each proposed  
180 electrical power plant site.

181 (d) Possible alternatives to the proposed plan.

182 (e) The views of appropriate local, state, and federal  
183 agencies, including the views of the appropriate water  
184 management district as to the availability of water and its  
185 recommendation as to the use by the proposed plant of salt water  
186 or fresh water for cooling purposes.

187 (f) The extent to which the plan is consistent with the  
188 state comprehensive plan.

189 (g) The plan with respect to the information of the state  
190 on energy availability and consumption.

191 (h) The amount of renewable energy resources the provider  
192 produces or purchases.

193 (i) The amount of renewable energy resources the provider  
194 plans to produce or purchase over the 10-year planning horizon  
195 and the means by which the production or purchases will be  
196 achieved.

197 (j) A statement describing how the production and purchase  
198 of renewable energy resources impact the provider's present and  
199 future capacity and energy needs.

200 Section 3. Paragraph (d) of subsection (2) of section  
201 212.055, Florida Statutes, is amended to read:

202 212.055 Discretionary sales surtaxes; legislative intent;  
203 authorization and use of proceeds.—It is the legislative intent

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204 that any authorization for imposition of a discretionary sales  
205 surtax shall be published in the Florida Statutes as a  
206 subsection of this section, irrespective of the duration of the  
207 levy. Each enactment shall specify the types of counties  
208 authorized to levy; the rate or rates which may be imposed; the  
209 maximum length of time the surtax may be imposed, if any; the  
210 procedure which must be followed to secure voter approval, if  
211 required; the purpose for which the proceeds may be expended;  
212 and such other requirements as the Legislature may provide.  
213 Taxable transactions and administrative procedures shall be as  
214 provided in s. 212.054.

215 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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



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233 fewer than 75,000 and that is required to close a landfill may  
234 use the proceeds or interest for long-term maintenance costs  
235 associated with landfill closure. Counties, as defined in s.  
236 125.011, and charter counties may, in addition, use the proceeds  
237 or interest to retire or service indebtedness incurred for bonds  
238 issued before July 1, 1987, for infrastructure purposes, and for  
239 bonds subsequently issued to refund such bonds. Any use of the  
240 proceeds or interest for purposes of retiring or servicing  
241 indebtedness incurred for refunding bonds before July 1, 1999,  
242 is ratified.

243 1. For the purposes of this paragraph, the term  
244 "infrastructure" means:

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

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

255 c. Any expenditure for the construction, lease, or  
256 maintenance of, or provision of utilities or security for,  
257 facilities, as defined in s. 29.008.

258 d. Any fixed capital expenditure or fixed capital outlay  
259 associated with the improvement of private facilities that have  
260 a life expectancy of 5 or more years and that the owner agrees  
261 to make available for use on a temporary basis as needed by a

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262 local government as a public emergency shelter or a staging area  
263 for emergency response equipment during an emergency officially  
264 declared by the state or by the local government under s.

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

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

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

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

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320 vehicle charging equipment; and installation of efficient  
321 lighting equipment.

322 ~~4.2.~~ Notwithstanding any other provision of this  
323 subsection, a local government infrastructure surtax imposed or  
324 extended after July 1, 1998, may allocate up to 15 percent of  
325 the surtax proceeds for deposit in a trust fund within the  
326 county's accounts created for the purpose of funding economic  
327 development projects having a general public purpose of  
328 improving local economies, including the funding of operational  
329 costs and incentives related to economic development. The ballot  
330 statement must indicate the intention to make an allocation  
331 under the authority of this subparagraph.

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

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

340 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
341 entity by this chapter do not inure to any transaction that is  
342 otherwise taxable under this chapter when payment is made by a  
343 representative or employee of the entity by any means,  
344 including, but not limited to, cash, check, or credit card, even  
345 when that representative or employee is subsequently reimbursed  
346 by the entity. In addition, exemptions provided to any entity by  
347 this subsection do not inure to any transaction that is  
348 otherwise taxable under this chapter unless the entity has

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349 obtained a sales tax exemption certificate from the department  
350 or the entity obtains or provides other documentation as  
351 required by the department. Eligible purchases or leases made  
352 with such a certificate must be in strict compliance with this  
353 subsection and departmental rules, and any person who makes an  
354 exempt purchase with a certificate that is not in strict  
355 compliance with this subsection and the rules is liable for and  
356 shall pay the tax. The department may adopt rules to administer  
357 this subsection.

358 (hhh) Equipment, machinery, and other materials for  
359 renewable energy technologies.-

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

361 a. "Biodiesel" means the mono-alkyl esters of long-chain  
362 fatty acids derived from plant or animal matter for use as a  
363 source of energy and meeting the specifications for biodiesel  
364 and biodiesel blends with petroleum products as adopted by rule  
365 of the Department of Agriculture and Consumer Services.  
366 Biodiesel may refer to biodiesel blends designated BXX, where XX  
367 represents the volume percentage of biodiesel fuel in the blend.

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

375 c. "Renewable fuel" means a fuel that has been approved by  
376 the United States Environmental Protection Agency, that is  
377 produced from biomass as defined in s. 366.91(2)(a), and that is

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378 used to replace or reduce the quantity of fossil fuel present in  
379 a transportation fuel.

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

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

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

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

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

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

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

414 (IV) A sworn statement that the information provided is  
415 accurate and that the requirements of this paragraph have been  
416 met.

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

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

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

434 f. The Department of Agriculture and Consumer Services may  
435 adopt by rule the form for the application for a certificate,

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436 requirements for the content and format of information submitted  
437 to the Department of Agriculture and Consumer Services in  
438 support of the application, other procedural requirements, and  
439 criteria by which the application will be determined. The  
440 department may adopt all other rules pursuant to ss. 120.536(1)  
441 and 120.54 to administer this paragraph, including rules  
442 establishing additional forms and procedures for claiming the  
443 exemption.

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

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

456 6. This paragraph expires July 1, 2016.

457 Section 5. Subsections (1), (2), (6), (7), and (8) of  
458 section 220.192, Florida Statutes, are amended to read:

459 220.192 Renewable energy technologies investment tax  
460 credit.—

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

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

463 212.08(7)(hhh) former s. 212.08(7)(ccc).

464 (b) "Corporation" includes a general partnership, limited



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465 partnership, limited liability company, unincorporated business,  
466 or other business entity, including entities taxed as  
467 partnerships for federal income tax purposes.

468 (c) "Eligible costs" means:

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

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

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

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494 retrofits for ethanol (E10-E100) distribution qualify as an  
495 eligible cost under this subparagraph. Each applicant is  
496 eligible to receive up to \$1 million in tax credits.

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

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

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

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

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

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523 cost for which a credit is claimed and which is deducted or  
524 otherwise reduces federal taxable income shall be added back in  
525 computing adjusted federal income under s. 220.13.

526 (6) TRANSFERABILITY OF CREDIT.—

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

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

548 (c) A tax credit authorized under this section that is held  
549 by a corporation and not transferred under this subsection shall  
550 be passed through to the taxpayers designated as partners,  
551 members, or owners, respectively, in the manner agreed to by

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552 such persons regardless of whether such partners, members, or  
553 owners are allocated or allowed any portion of the federal  
554 energy tax credit for the eligible costs. A corporation that  
555 passes the credit through to a partner, member, or owner must  
556 comply with the notification requirements described in paragraph  
557 (b). The partner, member, or owner must attach a copy of the  
558 certificate to each tax return on which the partner, member, or  
559 owner claims any portion of the credit.

560 (7) RULES.—The Department of Revenue in coordination with  
561 the Department of Agriculture and Consumer Services shall have  
562 the authority to adopt rules pursuant to ss. 120.536(1) and  
563 120.54 to administer this section, including rules relating to:

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

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

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

576 Section 6. Section 220.193, Florida Statutes, is amended to  
577 read:

578 220.193 Florida renewable energy production credit.—

579 (1) The purpose of this section is to encourage the  
580 development and expansion of facilities that produce renewable

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581 energy in Florida.

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

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

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

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

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

592 (e) "New facility" shall mean a Florida renewable energy  
593 facility that is operationally placed in service after May 1,  
594 2012 ~~2006~~.

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

598 (g) "Taxpayer" includes a general partnership, limited  
599 partnership, limited liability company, trust, or other  
600 artificial entity in which a corporation, as defined in s.  
601 220.03(1)(e), owns an interest and is taxed as a partnership or  
602 is disregarded as a separate entity from the corporation under  
603 this chapter.

604 (3) An annual credit against the tax imposed by this  
605 section shall be allowed to a taxpayer, based on the taxpayer's  
606 production and sale of electricity from a new or expanded  
607 Florida renewable energy facility. For a new facility, the  
608 credit shall be based on the taxpayer's sale of the facility's  
609 entire electrical production. For an expanded facility, the

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610 credit shall be based on the increases in the facility's  
611 electrical production that are achieved after May 1, 2012 ~~2006~~.  
612 Each applicant is eligible to receive up to \$500,000 in tax  
613 credits.

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

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

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

633 (d) If the credit granted pursuant to this section is not  
634 fully used in one year because of insufficient tax liability on  
635 the part of the taxpayer, the unused amount may be carried  
636 forward for a period not to exceed 5 years. The carryover credit  
637 may be used in a subsequent year when the tax imposed by this  
638 chapter for such year exceeds the credit for such year, after

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639 applying the other credits and unused credit carryovers in the  
640 order provided in s. 220.02(8).

641 (e) A taxpayer that files a consolidated return in this  
642 state as a member of an affiliated group under s. 220.131(1) may  
643 be allowed the credit on a consolidated return basis up to the  
644 amount of tax imposed upon the consolidated group.

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

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

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

665 (g) Notwithstanding any other provision of this section,  
666 credits for the production and sale of electricity from a new or  
667 expanded Florida renewable energy facility may be earned between

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668 January 1, 2013 ~~2007~~, and June 30, 2016 ~~2010~~. The combined total  
669 amount of tax credits which may be granted for all taxpayers  
670 under this section is limited to \$5 million per state fiscal  
671 year.

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

677 (i) A taxpayer claiming credit under this section may not  
678 claim a credit under s. 220.192. A taxpayer claiming credit  
679 under s. 220.192 may not claim a credit under this section.

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

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

694 (4) The department may adopt rules to implement and  
695 administer this section, including rules prescribing forms, the  
696 documentation needed to substantiate a claim for the tax credit,



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697 and the specific procedures and guidelines for claiming the  
698 credit.

699 (5) This section shall take effect upon becoming law and  
700 shall apply to tax years beginning on and after January 1, 2013  
701 ~~2007~~.

702 Section 7. Section 255.257, Florida Statutes, is amended to  
703 read:

704 255.257 Energy management; buildings occupied by state  
705 agencies.—

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

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

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726 assist the department in the development of the State Energy  
727 Management Plan.

728 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.—The  
729 Department of Management Services, in coordination with the  
730 Department of Agriculture and Consumer Services, shall adopt  
731 rules and forms for the development of the ~~develop~~ a state  
732 energy management plan consisting of, but not limited to, the  
733 following elements:

734 (a) Data-gathering requirements;

735 (b) Standard and uniform benchmark requirements as a  
736 measure to evaluate the energy efficiency of state-owned and  
737 state-leased buildings;

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

739 (d) ~~(e)~~ Standard and uniform data analysis and reporting  
740 procedures;

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

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

743 (g) ~~(f)~~ Training program for state agency energy management  
744 coordinators; and

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

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

751 (4) ADOPTION OF STANDARDS.—

752 (a) Each ~~All~~ state agency ~~agencies~~ shall adopt a standard  
753 and uniform statewide sustainable building rating system or use  
754 a national model green building code for all new buildings and

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755 renovations to existing buildings.

756 (b) A ~~No~~ state agency may not ~~shall~~ enter into new leasing  
757 agreements for office space that does not meet Energy Star  
758 building standards, except when the appropriate state agency  
759 head determines that no other viable or cost-effective  
760 alternative exists.

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

767 Section 8. Paragraph (q) of subsection (2) of section  
768 288.106, Florida Statutes, is amended to read:

769 288.106 Tax refund program for qualified target industry  
770 businesses.—

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

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

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

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784           2. Stability.—The industry should not be subject to  
785 periodic layoffs, whether due to seasonality or sensitivity to  
786 volatile economic variables such as weather. The industry should  
787 also be relatively resistant to recession, so that the demand  
788 for products of this industry is not typically subject to  
789 decline during an economic downturn.

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

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

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

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

811

812 The term does not include any business engaged in retail

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813 industry activities; any electrical utility company as defined  
814 in s. 366.02(2); any phosphate or other solid minerals  
815 severance, mining, or processing operation; any oil or gas  
816 exploration or production operation; or any business subject to  
817 regulation by the Division of Hotels and Restaurants of the  
818 Department of Business and Professional Regulation. Any business  
819 within NAICS code 5611 or 5614, office administrative services  
820 and business support services, respectively, may be considered a  
821 target industry business only after the local governing body and  
822 Enterprise Florida, Inc., make a determination that the  
823 community where the business may locate has conditions affecting  
824 the fiscal and economic viability of the local community or  
825 area, including but not limited to, factors such as low per  
826 capita income, high unemployment, high underemployment, and a  
827 lack of year-round stable employment opportunities, and such  
828 conditions may be improved by the location of such a business to  
829 the community. By January 1 of every 3rd year, beginning January  
830 1, 2011, the department, in consultation with Enterprise  
831 Florida, Inc., economic development organizations, the State  
832 University System, local governments, employee and employer  
833 organizations, market analysts, and economists, shall review  
834 and, as appropriate, revise the list of such target industries  
835 and submit the list to the Governor, the President of the  
836 Senate, and the Speaker of the House of Representatives.

837 Section 9. Section 366.94, Florida Statutes, is created to  
838 read:

839 366.94 Electric vehicle charging stations.-

840 (1) Providing electric vehicle charging service to the  
841 public is not the retail sale of electricity for the purposes of

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842 this chapter and the rates, terms, and conditions of electric  
843 vehicle charging services are not subject to regulation under  
844 this chapter regardless of the provider. This section does not  
845 affect the ability of an individual, business, or governmental  
846 entity to acquire, install, or use an electric vehicle charger  
847 for its own use for its own vehicle.

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

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

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

869 (5) It is unlawful for a person to stop, stand, or park a  
870 vehicle that is not capable of using an electrical recharging

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871 station within any parking space specifically designated for  
872 charging an electric vehicle. If a law enforcement officer finds  
873 a motor vehicle in violation of this subsection, the officer or  
874 specialist shall charge the operator or other person in charge  
875 of the vehicle in violation with a noncriminal traffic  
876 infraction, punishable as provided in s. 316.008(4) or s.  
877 318.18.

878 Section 10. Subsection (1) of section 526.203, Florida  
879 Statutes, is amended to read:

880 526.203 Renewable fuel standard.—

881 (1) DEFINITIONS.—As used in this act:

882 (a) "Alternative fuel" means a fuel that is produced from  
883 biomass as defined in s. 366.91, that is used to replace or  
884 reduce the quantity of fossil fuel present in a petroleum fuel,  
885 and that meets the specifications adopted by the department.

886 (b)~~(a)~~ "Blender," "importer," "terminal supplier," and  
887 "wholesaler" are defined as provided in s. 206.01.

888 (c)~~(b)~~ "Blended gasoline" means a mixture of 90 to 91  
889 percent gasoline and 9 to 10 percent fuel ethanol or other  
890 alternative fuel, by volume, that meets the specifications as  
891 adopted by the department. The fuel ethanol or other alternative  
892 fuel portion may be derived from any agricultural source.

893 (d)~~(e)~~ "Fuel ethanol" means an anhydrous denatured alcohol  
894 produced by the conversion of carbohydrates that meets the  
895 specifications as adopted by the department.

896 (e)~~(d)~~ "Unblended gasoline" means gasoline that has not  
897 been blended with fuel ethanol or other alternative fuel and  
898 that meets the specifications as adopted by the department.

899 Section 11. Subsection (4) of section 581.083, Florida

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900 Statutes, is amended to read:

901 581.083 Introduction or release of plant pests, noxious  
902 weeds, or organisms affecting plant life; cultivation of  
903 nonnative plants; special permit and security required.—

904 (4) A person may not cultivate a nonnative plant, algae, or  
905 blue-green algae, including a genetically engineered plant,  
906 algae, or blue-green algae ~~or a plant that has been introduced,~~  
907 ~~for purposes of fuel production or purposes other than~~  
908 ~~agriculture~~ in plantings greater in size than 2 contiguous  
909 acres, except under a special permit issued by the department  
910 through the division, which is the sole agency responsible for  
911 issuing such special permits. ~~The~~ Such a permit is ~~shall not be~~  
912 ~~required if the department determines, after consulting in~~  
913 ~~conjunction~~ with the Institute of Food and Agricultural Sciences  
914 at the University of Florida, that, based on experience or  
915 research data, the nonnative plant, algae, or blue-green algae  
916 does not pose a known threat of becoming an is not ~~is not~~ invasive  
917 species or a pest of plants or native fauna under conditions in  
918 this state, and if the department ~~and~~ subsequently exempts the  
919 plant by rule.

920 (a)1. Each application for a special permit must be  
921 accompanied by a fee as described in subsection (2) and proof  
922 that the applicant has obtained, on a form approved by the  
923 department, a bond ~~in the form approved by the department and~~  
924 issued by a surety company admitted to do business in this  
925 state, ~~or~~ a certificate of deposit, or other type of security  
926 adopted by rule of the department which provides a financial  
927 assurance of cost-recovery for the removal of a planting. The  
928 application must include, on a form provided by the department,



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929 the name of the applicant and the applicant's address or the  
930 address of the applicant's principal place of business; a  
931 statement completely identifying the nonnative plant to be  
932 cultivated; and a statement of the estimated cost of removing  
933 and destroying the plant that is the subject of the special  
934 permit and the basis for calculating or determining that  
935 estimate. If the applicant is a corporation, partnership, or  
936 other business entity, the applicant must also provide in the  
937 application the name and address of each officer, partner, or  
938 managing agent. The applicant shall notify the department within  
939 10 business days after ~~of~~ any change of address or change in the  
940 principal place of business. The department shall mail all  
941 notices to the applicant's last known address.

942 2. As used in this subsection, the term "certificate of  
943 deposit" means a certificate of deposit at any recognized  
944 financial institution doing business in the United States. The  
945 department may not accept a certificate of deposit in connection  
946 with the issuance of a special permit unless the issuing  
947 institution is properly insured by the Federal Deposit Insurance  
948 Corporation or the Federal Savings and Loan Insurance  
949 Corporation.

950 (b) Upon obtaining a permit, the permitholder may annually  
951 cultivate and maintain the nonnative plants as authorized by the  
952 special permit. If the permitholder ceases to maintain or  
953 cultivate the plants authorized by the special permit, if the  
954 permit expires, or if the permitholder ceases to abide by the  
955 conditions of the special permit, the permitholder shall  
956 immediately remove and destroy the plants that are subject to  
957 the permit, if any remain. The permitholder shall notify the

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958 department of the removal and destruction of the plants within  
959 10 days after such event.

960 (c) If the department:

961 1. Determines that the permitholder is no longer  
962 maintaining or cultivating the plants subject to the special  
963 permit and has not removed and destroyed the plants authorized  
964 by the special permit;

965 2. Determines that the continued maintenance or cultivation  
966 of the plants presents an imminent danger to public health,  
967 safety, or welfare;

968 3. Determines that the permitholder has exceeded the  
969 conditions of the authorized special permit; or

970 4. Receives a notice of cancellation of the surety bond,  
971

972 the department may issue an immediate final order, which shall  
973 be immediately appealable or enjoinable as provided by chapter  
974 120, directing the permitholder to immediately remove and  
975 destroy the plants authorized to be cultivated under the special  
976 permit. A copy of the immediate final order must ~~shall~~ be mailed  
977 to the permitholder and to the surety company or financial  
978 institution that has provided security for the special permit,  
979 if applicable.

980 (d) If, upon issuance by the department of an immediate  
981 final order to the permitholder, the permitholder fails to  
982 remove and destroy the plants subject to the special permit  
983 within 60 days after issuance of the order, or such shorter  
984 period as is designated in the order as public health, safety,  
985 or welfare requires, the department may enter the cultivated  
986 acreage and remove and destroy the plants that are the subject

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987 of the special permit. If the permitholder makes a written  
988 request to the department for an extension of time to remove and  
989 destroy the plants that demonstrates specific facts showing why  
990 the plants could not reasonably be removed and destroyed in the  
991 applicable timeframe, the department may extend the time for  
992 removing and destroying plants subject to a special permit. The  
993 reasonable costs and expenses incurred by the department for  
994 removing and destroying plants subject to a special permit shall  
995 be reimbursed to the department by the permitholder within 21  
996 days after the date the permitholder and the surety company or  
997 financial institution are served a copy of the department's  
998 invoice for the costs and expenses incurred by the department to  
999 remove and destroy the cultivated plants, along with a notice of  
1000 administrative rights, unless the permitholder or the surety  
1001 company or financial institution object to the reasonableness of  
1002 the invoice. In the event of an objection, the permitholder or  
1003 surety company or financial institution is entitled to an  
1004 administrative proceeding as provided by chapter 120. Upon entry  
1005 of a final order determining the reasonableness of the incurred  
1006 costs and expenses, the permitholder has ~~shall have~~ 15 days  
1007 after ~~following~~ service of the final order to reimburse the  
1008 department. Failure of the permitholder to timely reimburse the  
1009 department for the incurred costs and expenses entitles the  
1010 department to reimbursement from the applicable bond or  
1011 certificate of deposit.

1012 (e) Each permitholder shall maintain for each separate  
1013 growing location a bond or a certificate of deposit in an amount  
1014 determined by the department, but not more ~~less~~ than 150 percent  
1015 of the estimated cost of removing and destroying the cultivated

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1016 plants. The bond or certificate of deposit may not exceed \$5,000  
1017 per acre, unless a higher amount is determined by the department  
1018 to be necessary to protect the public health, safety, and  
1019 welfare or unless an exemption is granted by the department  
1020 based on conditions specified in the application which would  
1021 preclude the department from incurring the cost of removing and  
1022 destroying the cultivated plants and would prevent injury to the  
1023 public health, safety, and welfare. The aggregate liability of  
1024 the surety company or financial institution to all persons for  
1025 all breaches of the conditions of the bond or certificate of  
1026 deposit may not exceed the amount of the bond or certificate of  
1027 deposit. The original bond or certificate of deposit required by  
1028 this subsection must ~~shall~~ be filed with the department. A  
1029 surety company shall give the department 30 days' written notice  
1030 of cancellation, by certified mail, in order to cancel a bond.  
1031 Cancellation of a bond does not relieve a surety company of  
1032 liability for paying to the department all costs and expenses  
1033 incurred or to be incurred for removing and destroying the  
1034 permitted plants covered by an immediate final order authorized  
1035 under paragraph (c). A bond or certificate of deposit must be  
1036 provided or assigned in the exact name in which an applicant  
1037 applies for a special permit. The penal sum of the bond or  
1038 certificate of deposit to be furnished to the department by a  
1039 permitholder in the amount specified in this paragraph must  
1040 guarantee payment of the costs and expenses incurred or to be  
1041 incurred by the department for removing and destroying the  
1042 plants cultivated under the issued special permit. The bond or  
1043 certificate of deposit assignment or agreement must be upon a  
1044 form prescribed or approved by the department and must be

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1045 conditioned to secure the faithful accounting for and payment of  
1046 all costs and expenses incurred by the department for removing  
1047 and destroying all plants cultivated under the special permit.  
1048 The bond or certificate of deposit assignment or agreement must  
1049 include terms binding the instrument to the Commissioner of  
1050 Agriculture. Such certificate of deposit shall be presented with  
1051 an assignment of the permitholder's rights in the certificate in  
1052 favor of the Commissioner of Agriculture on a form prescribed by  
1053 the department and with a letter from the issuing institution  
1054 acknowledging that the assignment has been properly recorded on  
1055 the books of the issuing institution and will be honored by the  
1056 issuing institution. Such assignment is irrevocable while a  
1057 special permit is in effect and for an additional period of 6  
1058 months after termination of the special permit if operations to  
1059 remove and destroy the permitted plants are not continuing and  
1060 if the department's invoice remains unpaid by the permitholder  
1061 under the issued immediate final order. If operations to remove  
1062 and destroy the plants are pending, the assignment remains in  
1063 effect until all plants are removed and destroyed and the  
1064 department's invoice has been paid. The bond or certificate of  
1065 deposit may be released by the assignee of the surety company or  
1066 financial institution to the permitholder, or to the  
1067 permitholder's successors, assignee, or heirs, if operations to  
1068 remove and destroy the permitted plants are not pending and no  
1069 invoice remains unpaid at the conclusion of 6 months after the  
1070 last effective date of the special permit. The department may  
1071 not accept a certificate of deposit that contains any provision  
1072 that would give to any person any prior rights or claim on the  
1073 proceeds or principal of such certificate of deposit. The

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1074 department shall determine by rule whether an annual bond or  
1075 certificate of deposit will be required. The amount of such bond  
1076 or certificate of deposit shall be increased, upon order of the  
1077 department, at any time if the department finds such increase to  
1078 be warranted by the cultivating operations of the permitholder.  
1079 In the same manner, the amount of such bond or certificate of  
1080 deposit may be decreased or removed when a decrease in the  
1081 cultivating operations of the permitholder occurs or when  
1082 research or practical field knowledge and observations indicate  
1083 a low risk of invasiveness by the nonnative species warrants  
1084 such decrease. Factors that may be considered to decrease or  
1085 remove the bond or certificate-of-deposit requirements include  
1086 multiple years or cycles of successful large-scale contained  
1087 cultivation; observation of plant, algae, or blue-green algae  
1088 that do not escape from managed areas; or science-based evidence  
1089 that established or proved adjusted cultivation practices  
1090 provide a similar level of containment of the nonnative plant,  
1091 algae, or blue-green algae. This paragraph applies to any bond  
1092 or certificate of deposit, regardless of the anniversary date of  
1093 its issuance, expiration, or renewal.

1094 (f) In order to carry out the purposes of this subsection,  
1095 the department or its agents may require from any permitholder  
1096 verified statements of the cultivated acreage subject to the  
1097 special permit and may review the permitholder's business or  
1098 cultivation records at her or his place of business during  
1099 normal business hours in order to determine the acreage  
1100 cultivated. The failure of a permitholder to furnish such  
1101 statement, to make such records available, or to make and  
1102 deliver a new or additional bond or certificate of deposit is

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1103 cause for suspension of the special permit. If the department  
1104 finds such failure to be willful, the special permit may be  
1105 revoked.

1106 Section 12. The Department of Agriculture and Consumer  
1107 Services shall conduct a comprehensive statewide forest  
1108 inventory analysis and study, using a geographic information  
1109 system, to identify where available biomass is located,  
1110 determine the available biomass resources, and ensure forest  
1111 sustainability within the state. The department shall submit the  
1112 results of the study to the President of the Senate, the Speaker  
1113 of the House of Representatives, and the Executive Office of the  
1114 Governor by July 1, 2013.

1115 Section 13. The Office of Energy within the Department of  
1116 Agriculture and Consumer Services, in consultation with the  
1117 Public Service Commission, the Florida Building Commission, and  
1118 the Florida Energy Systems Consortium, shall develop a  
1119 clearinghouse of information regarding cost savings associated  
1120 with various energy efficiency and conservation measures. The  
1121 department shall post the information on its website by July 1,  
1122 2013.

1123 Section 14. The Public Service Commission shall evaluate  
1124 and prepare a report on the Florida Energy Efficiency and  
1125 Conservation Act and determine if the act remains in the public  
1126 interest. The evaluation must consider the costs to ratepayers,  
1127 the incentives and disincentives associated with the provisions  
1128 in the act, and if the programs create benefits without undue  
1129 burden on the customer. The models and methods used to determine  
1130 conservation goals must be specifically addressed in the report.  
1131 The commission shall submit the report to the President of the

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1132 Senate, the Speaker of the House of Representatives, and the  
1133 Executive Office of the Governor by January 31, 2013.

1134 Section 15. This act shall take effect July 1, 2012.