

1 A bill to be entitled  
2 An act relating to energy; amending s. 186.801, F.S.;  
3 requiring utilities' 10-year site plans to address  
4 existing and proposed renewable energy production and  
5 purchases; amending s. 212.055, F.S.; providing for a  
6 portion of the proceeds of the local government  
7 infrastructure surtax to be used to provide loans,  
8 grants, and rebates to residential property owners who  
9 make energy efficiency improvements to their  
10 residential property, subject to referendum; defining  
11 the term "energy efficiency improvement"; amending s.  
12 212.08, F.S.; providing definitions for the terms  
13 "biodiesel," "ethanol," and "renewable fuel";  
14 providing for tax exemptions in the form of a rebate  
15 for the sale or use of certain equipment, machinery,  
16 and other materials for renewable energy technologies;  
17 providing eligibility requirements and tax credit  
18 limits; authorizing the Department of Revenue and the  
19 Department of Agriculture and Consumer Services to  
20 adopt rules; directing the Department of Agriculture  
21 and Consumer Services to determine and publish certain  
22 information relating to exemptions; providing for  
23 expiration of the exemption; amending s. 220.192,  
24 F.S.; providing definitions; reestablishing a  
25 corporate tax credit for certain costs related to  
26 renewable energy technologies; providing eligibility  
27 requirements and credit limits; providing rulemaking  
28 authority to the Department of Revenue and the

29 Department of Agriculture and Consumer Services;  
30 directing the Department of Agriculture and Consumer  
31 Services to determine and publish certain information;  
32 providing for expiration of the tax credit; amending  
33 s. 220.193, F.S.; reestablishing a corporate tax  
34 credit for renewable energy production; providing  
35 definitions; providing a tax credit for the production  
36 and sale of renewable energy; providing requirements  
37 relating to the priority and proration of such tax  
38 credits under certain circumstances; providing for the  
39 use and transfer of the tax credit; limiting the  
40 amount of tax credits that may be granted to all  
41 taxpayers during a specified period; providing  
42 rulemaking authority to the Department of Revenue;  
43 providing for expiration of the tax credit; amending  
44 s. 255.257, F.S.; directing the Department of  
45 Management Services in coordination with the  
46 Department of Agriculture and Consumer Services to  
47 further develop the state energy management plan;  
48 amending s. 288.106, F.S.; clarifying the definition  
49 of "target industry business" for purposes of the tax  
50 refund program for qualified target industry  
51 businesses; amending s. 20.60, F.S.; requiring the  
52 Department of Economic Opportunity to prepare an  
53 independent economic impact study for certain  
54 renewable energy projects; amending s. 366.92, F.S.;

55 providing and revising definitions; authorizing a  
56 utility to petition the Public Service Commission to

57 | determine that a proposed renewable energy project is  
58 | in the public interest; providing standards and  
59 | criteria for review; providing for cost recovery for  
60 | reasonable and prudent costs incurred by a utility for  
61 | an approved renewable energy project; requiring the  
62 | Public Service Commission to adopt rules to establish  
63 | a public interest determination process for renewable  
64 | energy projects; establishing procedural guidelines  
65 | for public interest determination; creating s. 366.94,  
66 | F.S., relating to electric vehicle charging stations;  
67 | providing legislative findings; providing that the  
68 | rates, terms, and conditions of electric vehicle  
69 | charging services by a nonutility are not subject to  
70 | regulation by the Public Service Commission; providing  
71 | construction; providing rulemaking authority to the  
72 | Department of Agriculture and Consumer Services;  
73 | prohibiting parking in spaces specifically designated  
74 | for charging an electric vehicle under specified  
75 | circumstances; providing penalties; amending s.  
76 | 403.519, F.S.; requiring the Public Service  
77 | Commission, in an electrical power plant need  
78 | determination, to consider the need for fuel diversity  
79 | to foster fuel supply reliability and rate stability;  
80 | amending s. 526.203, F.S.; revising the definitions of  
81 | the terms "blended gasoline" and "unblended gasoline";  
82 | defining the term "alternative fuel"; authorizing the  
83 | sale of unblended fuels for certain uses; directing  
84 | the Department of Agriculture and Consumer Services to

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85 | compile a list of retail fuel stations that sell or  
86 | offer to sell unblended gasoline and provide that  
87 | information on the department's website; amending s.  
88 | 581.083, F.S.; prohibiting the cultivation of certain  
89 | algae in plantings greater in size than 2 contiguous  
90 | acres; providing exceptions; providing for exemption  
91 | from special permitting requirements by rule; revising  
92 | certain bonding requirements; requiring the Department  
93 | of Agriculture and Consumer Services to conduct a  
94 | statewide forest inventory analysis; requiring the  
95 | Department of Agriculture and Consumer Services, in  
96 | consultation with other state agencies, to develop a  
97 | clearinghouse of information regarding cost savings  
98 | associated with energy efficiency and conservation  
99 | measures; requiring such information to be posted on  
100 | its website; directing the Public Service Commission  
101 | to conduct a study on the potential effects of  
102 | electric vehicle charging stations on both energy  
103 | consumption and the electric grid; providing an  
104 | appropriation for the purpose of the Public Service  
105 | Commission, in consultation with the Department of  
106 | Agriculture and Consumer Services, contracting for an  
107 | independent evaluation of the effectiveness of the  
108 | Florida Energy Efficiency and Conservation Act;  
109 | providing an effective date.

110 |  
111 | Be It Enacted by the Legislature of the State of Florida:  
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113 Section 1. Subsection (2) of section 186.801, Florida  
114 Statutes, is amended to read:

115 186.801 Ten-year site plans.—

116 (2) Within 9 months after the receipt of the proposed  
117 plan, the commission shall make a preliminary study of such plan  
118 and classify it as "suitable" or "unsuitable." The commission  
119 may suggest alternatives to the plan. All findings of the  
120 commission shall be made available to the Department of  
121 Environmental Protection for its consideration at any subsequent  
122 electrical power plant site certification proceedings. It is  
123 recognized that 10-year site plans submitted by an electric  
124 utility are tentative information for planning purposes only and  
125 may be amended at any time at the discretion of the utility upon  
126 written notification to the commission. A complete application  
127 for certification of an electrical power plant site under  
128 chapter 403, when such site is not designated in the current 10-  
129 year site plan of the applicant, shall constitute an amendment  
130 to the 10-year site plan. In its preliminary study of each 10-  
131 year site plan, the commission shall consider such plan as a  
132 planning document and shall review:

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

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

136 (c) The anticipated environmental impact of each proposed  
137 electrical power plant site.

138 (d) Possible alternatives to the proposed plan.

139 (e) The views of appropriate local, state, and federal  
140 agencies, including the views of the appropriate water

141 management district as to the availability of water and its  
142 recommendation as to the use by the proposed plant of salt water  
143 or fresh water for cooling purposes.

144 (f) The extent to which the plan is consistent with the  
145 state comprehensive plan.

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

148 (h) The amount of renewable energy resources the utility  
149 produces or purchases.

150 (i) The amount of renewable energy resources the utility  
151 plans to produce or purchase over the 10-year planning horizon  
152 and the means by which the production or purchases will be  
153 achieved.

154 (j) The utility's indication of how the production and  
155 purchase of renewable energy resources affect the utility's  
156 present and future capacity and energy needs.

157 Section 2. Paragraph (d) of subsection (2) of section  
158 212.055, Florida Statutes, is amended to read:

159 212.055 Discretionary sales surtaxes; legislative intent;  
160 authorization and use of proceeds.—It is the legislative intent  
161 that any authorization for imposition of a discretionary sales  
162 surtax shall be published in the Florida Statutes as a  
163 subsection of this section, irrespective of the duration of the  
164 levy. Each enactment shall specify the types of counties  
165 authorized to levy; the rate or rates which may be imposed; the  
166 maximum length of time the surtax may be imposed, if any; the  
167 procedure which must be followed to secure voter approval, if  
168 required; the purpose for which the proceeds may be expended;

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169 and such other requirements as the Legislature may provide.  
170 Taxable transactions and administrative procedures shall be as  
171 provided in s. 212.054.

172 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

173 (d) The proceeds of the surtax authorized by this  
174 subsection and any accrued interest shall be expended by the  
175 school district, within the county and municipalities within the  
176 county, or, in the case of a negotiated joint county agreement,  
177 within another county, to finance, plan, and construct  
178 infrastructure; to acquire land for public recreation,  
179 conservation, or protection of natural resources; to provide  
180 loans, grants, or rebates to residential property owners, with  
181 preference given to low-income elders, Florida veterans of the  
182 Armed Forces of the United States, and disabled adults, who make  
183 energy efficiency improvements to their residential property, if  
184 a local government ordinance authorizing such use is approved by  
185 referendum; or to finance the closure of county-owned or  
186 municipally owned solid waste landfills that have been closed or  
187 are required to be closed by order of the Department of  
188 Environmental Protection. Any use of the proceeds or interest  
189 for purposes of landfill closure before July 1, 1993, is  
190 ratified. The proceeds and any interest may not be used for the  
191 operational expenses of infrastructure, except that a county  
192 that has a population of fewer than 75,000 and that is required  
193 to close a landfill may use the proceeds or interest for long-  
194 term maintenance costs associated with landfill closure.  
195 Counties, as defined in s. 125.011, and charter counties may, in  
196 addition, use the proceeds or interest to retire or service

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197 indebtedness incurred for bonds issued before July 1, 1987, for  
198 infrastructure purposes, and for bonds subsequently issued to  
199 refund such bonds. Any use of the proceeds or interest for  
200 purposes of retiring or servicing indebtedness incurred for  
201 refunding bonds before July 1, 1999, is ratified.

202 1. For the purposes of this paragraph, the term  
203 "infrastructure" means:

204 a. Any fixed capital expenditure or fixed capital outlay  
205 associated with the construction, reconstruction, or improvement  
206 of public facilities that have a life expectancy of 5 or more  
207 years and any related land acquisition, land improvement,  
208 design, and engineering costs.

209 b. A fire department vehicle, an emergency medical service  
210 vehicle, a sheriff's office vehicle, a police department  
211 vehicle, or any other vehicle, and the equipment necessary to  
212 outfit the vehicle for its official use or equipment that has a  
213 life expectancy of at least 5 years.

214 c. Any expenditure for the construction, lease, or  
215 maintenance of, or provision of utilities or security for,  
216 facilities, as defined in s. 29.008.

217 d. Any fixed capital expenditure or fixed capital outlay  
218 associated with the improvement of private facilities that have  
219 a life expectancy of 5 or more years and that the owner agrees  
220 to make available for use on a temporary basis as needed by a  
221 local government as a public emergency shelter or a staging area  
222 for emergency response equipment during an emergency officially  
223 declared by the state or by the local government under s.  
224 252.38. Such improvements are limited to those necessary to



225 | comply with current standards for public emergency evacuation  
 226 | shelters. The owner must enter into a written contract with the  
 227 | local government providing the improvement funding to make the  
 228 | private facility available to the public for purposes of  
 229 | emergency shelter at no cost to the local government for a  
 230 | minimum of 10 years after completion of the improvement, with  
 231 | the provision that the obligation will transfer to any  
 232 | subsequent owner until the end of the minimum period.

233 |       e. Any land acquisition expenditure for a residential  
 234 | housing project in which at least 30 percent of the units are  
 235 | affordable to individuals or families whose total annual  
 236 | household income does not exceed 120 percent of the area median  
 237 | income adjusted for household size, if the land is owned by a  
 238 | local government or by a special district that enters into a  
 239 | written agreement with the local government to provide such  
 240 | housing. The local government or special district may enter into  
 241 | a ground lease with a public or private person or entity for  
 242 | nominal or other consideration for the construction of the  
 243 | residential housing project on land acquired pursuant to this  
 244 | sub-subparagraph.

245 |       2. For the purposes of this paragraph, the term "energy  
 246 | efficiency improvement" means any energy conservation and  
 247 | efficiency measure that reduces energy consumption through  
 248 | conservation or a more efficient use of electricity, natural  
 249 | gas, propane, or other forms of energy on the property,  
 250 | including, but not limited to, air sealing; installation of  
 251 | insulation; installation of energy-efficient heating, cooling,  
 252 | or ventilation systems; installation of solar panels; building

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253 modifications to increase the use of daylight or shade;  
254 replacement of windows; installation of energy controls or  
255 energy recovery systems; installation of electric vehicle  
256 charging equipment; and installation of efficient lighting  
257 equipment.

258 ~~3.2.~~ Notwithstanding any other provision of this  
259 subsection, a local government infrastructure surtax imposed or  
260 extended after July 1, 1998, may allocate up to 15 percent of  
261 the surtax proceeds for deposit in a trust fund within the  
262 county's accounts created for the purpose of funding economic  
263 development projects having a general public purpose of  
264 improving local economies, including the funding of operational  
265 costs and incentives related to economic development. The ballot  
266 statement must indicate the intention to make an allocation  
267 under the authority of this subparagraph.

268 Section 3. Paragraph (hhh) is added to subsection (7) of  
269 section 212.08, Florida Statutes, to read:

270 212.08 Sales, rental, use, consumption, distribution, and  
271 storage tax; specified exemptions.—The sale at retail, the  
272 rental, the use, the consumption, the distribution, and the  
273 storage to be used or consumed in this state of the following  
274 are hereby specifically exempt from the tax imposed by this  
275 chapter.

276 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
277 entity by this chapter do not inure to any transaction that is  
278 otherwise taxable under this chapter when payment is made by a  
279 representative or employee of the entity by any means,  
280 including, but not limited to, cash, check, or credit card, even

281 when that representative or employee is subsequently reimbursed  
282 by the entity. In addition, exemptions provided to any entity by  
283 this subsection do not inure to any transaction that is  
284 otherwise taxable under this chapter unless the entity has  
285 obtained a sales tax exemption certificate from the department  
286 or the entity obtains or provides other documentation as  
287 required by the department. Eligible purchases or leases made  
288 with such a certificate must be in strict compliance with this  
289 subsection and departmental rules, and any person who makes an  
290 exempt purchase with a certificate that is not in strict  
291 compliance with this subsection and the rules is liable for and  
292 shall pay the tax. The department may adopt rules to administer  
293 this subsection.

294 (hhh) Equipment, machinery, and other materials for  
295 renewable energy technologies.-

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

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

302 "Biodiesel" may refer to biodiesel blends designated BXX, where  
303 XX represents the volume percentage of biodiesel fuel in the  
304 blend.

305 b. "Ethanol" means an anhydrous denatured alcohol produced  
306 by the conversion of carbohydrates meeting the specifications  
307 for fuel ethanol and fuel ethanol blends with petroleum products  
308 as adopted by rule of the Department of Agriculture and Consumer

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309 Services. "Ethanol" may refer to fuel ethanol blends designated  
310 EXX, where XX represents the volume percentage of fuel ethanol  
311 in the blend.

312 c. "Renewable fuel" means a fuel produced from biomass  
313 that is used to replace or reduce the quantity of fossil fuel  
314 present in motor fuel or diesel fuel. "Biomass" means biomass as  
315 defined in s. 366.91, "motor fuel" means motor fuel as defined  
316 in s. 206.01, and "diesel fuel" means diesel fuel as defined in  
317 s. 206.86.

318 2. The sale or use in the state of the following is exempt  
319 from the tax imposed by this chapter. Materials used in the  
320 distribution of biodiesel (B10-B100), ethanol (E10-E100), and  
321 other renewable fuels, including fueling infrastructure,  
322 transportation, and storage, up to a limit of \$1 million in tax  
323 each state fiscal year for all taxpayers. Gasoline fueling  
324 station pump retrofits for biodiesel (B10-B100), ethanol (E10-  
325 E100), and other renewable fuel distribution qualify for the  
326 exemption provided in this paragraph.

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

330 4.a. The exemption provided in this paragraph shall be  
331 available to a purchaser only through a refund of previously  
332 paid taxes. An eligible item is subject to refund one time. A  
333 person who has received a refund on an eligible item shall  
334 notify the next purchaser of the item that the item is no longer  
335 eligible for a refund of paid taxes. The notification shall be  
336 provided to each subsequent purchaser on the sales invoice or

337 other proof of purchase.

338 b. To be eligible to receive the exemption provided in  
339 this paragraph, a purchaser shall file an application with the  
340 Department of Agriculture and Consumer Services. The application  
341 shall be developed by the Department of Agriculture and Consumer  
342 Services, in consultation with the department, and shall  
343 require:

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

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

349 (III) The sales invoice or other proof of purchase showing  
350 the amount of sales tax paid, the date of purchase, and the name  
351 and address of the sales tax dealer from whom the property was  
352 purchased.

353 (IV) A sworn statement that the information provided is  
354 accurate and that the requirements of this paragraph have been  
355 met.

356 c. Within 30 days after receipt of an application, the  
357 Department of Agriculture and Consumer Services shall review the  
358 application and notify the applicant of any deficiencies. Upon  
359 receipt of a completed application, the Department of  
360 Agriculture and Consumer Services shall evaluate the application  
361 for the exemption and issue a written certification that the  
362 applicant is eligible for a refund or issue a written denial of  
363 such certification. The Department of Agriculture and Consumer  
364 Services shall provide the department a copy of each

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365 certification issued upon approval of an application.

366 d. Each certified applicant is responsible for applying  
367 for the refund and forwarding the certification that the  
368 applicant is eligible to the department within 6 months after  
369 certification by the Department of Agriculture and Consumer  
370 Services.

371 e. A refund approved pursuant to this paragraph shall be  
372 made within 30 days after formal approval by the department.

373 f. The Department of Agriculture and Consumer Services may  
374 adopt by rule the form for the application for a certificate,  
375 requirements for the content and format of information submitted  
376 to the Department of Agriculture and Consumer Services in  
377 support of the application, other procedural requirements, and  
378 criteria by which the application will be determined. The  
379 Department of Agriculture and Consumer Services may adopt other  
380 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
381 paragraph, including rules establishing additional forms and  
382 procedures for claiming the exemption.

383 g. The Department of Agriculture and Consumer Services  
384 shall be responsible for ensuring that the total amount of the  
385 exemptions authorized do not exceed the limits specified in  
386 subparagraph 2.

387 5. Approval of the exemptions under this paragraph is on a  
388 first-come, first-served basis, based upon the date complete  
389 applications are received by the Department of Agriculture and  
390 Consumer Services. Incomplete placeholder applications shall not  
391 be accepted and shall not secure a place in the first-come,  
392 first-served application line. The Department of Agriculture and

393 Consumer Services shall determine and publish on its website on  
 394 a regular basis the amount of sales tax funds remaining in each  
 395 fiscal year.

396 6. This paragraph expires July 1, 2016.

397 Section 4. Subsections (1), (2), (4), (6), (7), and (8) of  
 398 section 220.192, Florida Statutes, are amended to read:

399 220.192 Renewable energy technologies investment tax  
 400 credit.—

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

402 (a) "Biodiesel" means biodiesel as defined in s.  
 403 212.08(7)(hhh) former s. 212.08(7)(ccc).

404 (b) "Corporation" includes a general partnership, limited  
 405 partnership, limited liability company, unincorporated business,  
 406 or other business entity, including entities taxed as  
 407 partnerships for federal income tax purposes.

408 (c) "Eligible costs" means—

409 ~~1. Seventy-five percent of all capital costs, operation~~  
 410 ~~and maintenance costs, and research and development costs~~  
 411 ~~incurred between July 1, 2006, and June 30, 2010, up to a limit~~  
 412 ~~of \$3 million per state fiscal year for all taxpayers, in~~  
 413 ~~connection with an investment in hydrogen-powered vehicles and~~  
 414 ~~hydrogen vehicle fueling stations in the state, including, but~~  
 415 ~~not limited to, the costs of constructing, installing, and~~  
 416 ~~equipping such technologies in the state.~~

417 ~~2. Seventy-five percent of all capital costs, operation~~  
 418 ~~and maintenance costs, and research and development costs~~  
 419 ~~incurred between July 1, 2006, and June 30, 2010, up to a limit~~  
 420 ~~of \$1.5 million per state fiscal year for all taxpayers, and~~

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421 ~~limited to a maximum of \$12,000 per fuel cell, in connection~~  
422 ~~with an investment in commercial stationary hydrogen fuel cells~~  
423 ~~in the state, including, but not limited to, the costs of~~  
424 ~~constructing, installing, and equipping such technologies in the~~  
425 ~~state.~~

426 ~~3.~~ seventy-five percent of all capital costs, operation  
427 and maintenance costs, and research and development costs  
428 incurred between July 1, 2012 ~~2006~~, and June 30, 2016 ~~2010~~, not  
429 to exceed \$1 million per state fiscal year for each taxpayer and  
430 up to a limit of \$10 ~~\$6.5~~ million per state fiscal year for all  
431 taxpayers, in connection with an investment in the production,  
432 storage, and distribution of biodiesel (B10-B100), and ethanol  
433 (E10-E100), and other renewable fuel in the state, including the  
434 costs of constructing, installing, and equipping such  
435 technologies in the state. Gasoline fueling station pump  
436 retrofits for biodiesel (B10-B100), ethanol (E10-E100), and  
437 other renewable fuel distribution qualify as an eligible cost  
438 under this section ~~subparagraph~~.

439 (d) "Ethanol" means ethanol as defined in s.  
440 212.08(7)(hhh) ~~former s. 212.08(7)(ccc)~~.

441 (e) "Renewable fuel" means a fuel produced from biomass  
442 that is used to replace or reduce the quantity of fossil fuel  
443 present in motor fuel or diesel fuel. "Biomass" means biomass as  
444 defined in s. 366.91, "motor fuel" means motor fuel as defined  
445 in s. 206.01, and "diesel fuel" means diesel fuel as defined in  
446 s. 206.86.

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



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

451 (2) TAX CREDIT.—For tax years beginning on or after  
452 January 1, 2013 ~~2007~~, a credit against the tax imposed by this  
453 chapter shall be granted in an amount equal to the eligible  
454 costs. Credits may be used in tax years beginning January 1,  
455 2013 ~~2007~~, and ending December 31, 2016 ~~2010~~, after which the  
456 credit shall expire. If the credit is not fully used in any one  
457 tax year because of insufficient tax liability on the part of  
458 the corporation, the unused amount may be carried forward and  
459 used in tax years beginning January 1, 2013 ~~2007~~, and ending  
460 December 31, 2018 ~~2012~~, after which the credit carryover expires  
461 and may not be used. A taxpayer that files a consolidated return  
462 in this state as a member of an affiliated group under s.  
463 220.131(1) may be allowed the credit on a consolidated return  
464 basis up to the amount of tax imposed upon the consolidated  
465 group. Any eligible cost for which a credit is claimed and which  
466 is deducted or otherwise reduces federal taxable income shall be  
467 added back in computing adjusted federal income under s. 220.13.

468 (4) TAXPAYER APPLICATION PROCESS.—To claim a credit under  
469 this section, each taxpayer must apply to the Department of  
470 Agriculture and Consumer Services for an allocation of each type  
471 of annual credit by the date established by the Department of  
472 Agriculture and Consumer Services. The application form adopted  
473 by rule of the Department of Agriculture and Consumer Services  
474 must include an affidavit from each taxpayer certifying that all  
475 information contained in the application, including all records  
476 of eligible costs claimed as the basis for the tax credit, are

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477 true and correct. Approval of the credits under this section is  
478 on a first-come, first-served basis, based upon the date  
479 complete applications are received by the Department of  
480 Agriculture and Consumer Services. A taxpayer must submit only  
481 one complete application based upon eligible costs incurred  
482 within a particular state fiscal year. Incomplete placeholder  
483 applications will not be accepted and will not secure a place in  
484 the first-come, first-served application line. If a taxpayer  
485 does not receive a tax credit allocation due to the exhaustion  
486 of the annual tax credit authorizations, then such taxpayer may  
487 reapply in the following year for those eligible costs and will  
488 have priority over other applicants for the allocation of  
489 credits.

490 (6) TRANSFERABILITY OF CREDIT.—

491 (a) For tax years beginning on or after January 1, 2014  
492 ~~2009~~, any corporation or subsequent transferee allowed a tax  
493 credit under this section may transfer the credit, in whole or  
494 in part, to any taxpayer by written agreement without  
495 transferring any ownership interest in the property generating  
496 the credit or any interest in the entity owning such property.  
497 The transferee is entitled to apply the credits against the tax  
498 with the same effect as if the transferee had incurred the  
499 eligible costs.

500 (b) To perfect the transfer, the transferor shall provide  
501 the Department of Revenue with a written transfer statement  
502 notifying the Department of Revenue of the transferor's intent  
503 to transfer the tax credits to the transferee; the date the  
504 transfer is effective; the transferee's name, address, and

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505 federal taxpayer identification number; the tax period; and the  
 506 amount of tax credits to be transferred. The Department of  
 507 Revenue shall, upon receipt of a transfer statement conforming  
 508 to the requirements of this section, provide the transferee with  
 509 a certificate reflecting the tax credit amounts transferred. A  
 510 copy of the certificate must be attached to each tax return for  
 511 which the transferee seeks to apply such tax credits.

512 (c) A tax credit authorized under this section that is  
 513 held by a corporation and not transferred under this subsection  
 514 shall be passed through to the taxpayers designated as partners,  
 515 members, or owners, respectively, in the manner agreed to by  
 516 such persons regardless of whether such partners, members, or  
 517 owners are allocated or allowed any portion of the federal  
 518 energy tax credit for the eligible costs. A corporation that  
 519 passes the credit through to a partner, member, or owner must  
 520 comply with the notification requirements described in paragraph  
 521 (b). The partner, member, or owner must attach a copy of the  
 522 certificate to each tax return on which the partner, member, or  
 523 owner claims any portion of the credit.

524 (7) RULES.—The Department of Revenue and the Department of  
 525 Agriculture and Consumer Services shall have the authority to  
 526 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer  
 527 this section, including rules relating to:

528 (a) The forms required to claim a tax credit under this  
 529 section, the requirements and basis for establishing an  
 530 entitlement to a credit, and the examination and audit  
 531 procedures required to administer this section.

532 (b) The implementation and administration of the

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533 provisions allowing a transfer of a tax credit, including rules  
 534 prescribing forms, reporting requirements, and specific  
 535 procedures, guidelines, and requirements necessary to transfer a  
 536 tax credit.

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

541 Section 5. Section 220.193, Florida Statutes, is amended  
 542 to read:

543 220.193 Florida renewable energy production credit.—

544 (1) The purpose of this section is to encourage the  
 545 development and expansion of facilities that produce renewable  
 546 energy in Florida.

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

548 (a) "Commission" means ~~shall mean~~ the Public Service  
 549 Commission.

550 (b) "Department" means ~~shall mean~~ the Department of  
 551 Revenue.

552 (c) "Expanded facility" means ~~shall mean~~ a Florida  
 553 renewable energy facility that increases its electrical  
 554 production and sale by more than 5 percent above the facility's  
 555 electrical production and sale during the 2011 ~~2005~~ calendar  
 556 year.

557 (d) "Florida renewable energy facility" means ~~shall mean~~ a  
 558 facility in the state that produces electricity for sale from  
 559 renewable energy, as defined in s. 377.803.

560 (e) "New facility" means ~~shall mean~~ a Florida renewable

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561 energy facility that is operationally placed in service after  
562 May 1, 2006. "New facility" includes a Florida renewable energy  
563 facility that has had an expansion operationally placed in  
564 service after May 1, 2006, and whose cost exceeded 50 percent of  
565 the assessed value of the facility immediately before the  
566 expansion.

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

570 (g) "Taxpayer" includes a general partnership, limited  
571 partnership, limited liability company, trust, or other  
572 artificial entity in which a corporation, as defined in s.  
573 220.03(1)(e), owns an interest and is taxed as a partnership or  
574 is disregarded as a separate entity from the corporation under  
575 this chapter.

576 (3) An annual credit against the tax imposed by this  
577 section shall be allowed to a taxpayer, based on the taxpayer's  
578 production and sale of electricity from a new or expanded  
579 Florida renewable energy facility. For a new facility, the  
580 credit shall be based on the taxpayer's sale of the facility's  
581 entire electrical production. For an expanded facility, the  
582 credit shall be based on the increases in the facility's  
583 electrical production that are achieved after May 1, 2012 ~~2006~~.

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

587 (b) The credit may be claimed for electricity produced and  
588 sold on or after January 1, 2013 ~~2007~~. Beginning in 2014 ~~2008~~

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589 and continuing until 2017 ~~2011~~, each taxpayer claiming a credit  
590 under this section must first apply to the department by  
591 February 1 of each year for an allocation of available credit.  
592 The department, in consultation with the commission, shall  
593 develop an application form. The application form shall, at a  
594 minimum, require a sworn affidavit from each taxpayer certifying  
595 the increase in production and sales that form the basis of the  
596 application and certifying that all information contained in the  
597 application is true and correct.

598 (c) If the amount of credits applied for each year exceeds  
599 \$5 million, the department shall award credits to qualified  
600 applicants based on the following priority: ~~to each applicant a~~  
601 ~~prorated amount based on each applicant's increased production~~  
602 ~~and sales and the increased production and sales of all~~  
603 ~~applicants.~~

604 1. An applicant who places a new facility in operation  
605 after May 1, 2012, shall be granted credits first, up to a  
606 maximum of \$250,000 each, with remaining credits to be granted  
607 pursuant to subparagraph 3., but if there are insufficient funds  
608 authorized to grant all such credits, the credits granted under  
609 this subparagraph shall be prorated based upon each applicant's  
610 qualified production and sales as a percentage of total  
611 qualified production and sales of all applicants in this  
612 category for the year.

613 2. An applicant who does not qualify under subparagraph 1.  
614 but who claims a credit of \$50,000 or less shall be granted  
615 credits next, and if there are insufficient funds authorized to  
616 grant all such credits, the credits shall be prorated based upon

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617 each applicant's qualified production and sales as a percentage  
618 of total qualified production and sales of all applicants in  
619 this category for the year.

620 3. An applicant who does not qualify under subparagraph 1.  
621 or subparagraph 2. and an applicant whose credits have not been  
622 fully awarded under subparagraph 1. shall be awarded credits  
623 from remaining authorized funds, and if there are insufficient  
624 authorized funds to grant all such remaining credits, the  
625 credits shall be prorated based upon each applicant's remaining  
626 claims for qualified production and sales as a percentage of  
627 total remaining claims for qualified production and sales of all  
628 applicants in this category for the year.

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

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

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

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

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

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

670           (h) A taxpayer claiming a credit under this section shall  
671 be required to add back to net income that portion of its  
672 business deductions claimed on its federal return paid or



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673 incurred for the taxable year which is equal to the amount of  
674 the credit allowable for the taxable year under this section.

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

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

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

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

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

700 Section 6. Subsection (3) of section 255.257, Florida

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701 Statutes, is amended to read:

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

704 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.—The  
705 Department of Management Services, in coordination with the  
706 Department of Agriculture and Consumer Services, shall further  
707 develop the a state energy management plan consisting of, but  
708 not limited to, the following elements:

- 709 (a) Data-gathering requirements;
- 710 (b) Building energy audit procedures;
- 711 (c) Uniform data analysis and reporting procedures;
- 712 (d) Employee energy education program measures;
- 713 (e) Energy consumption reduction techniques;
- 714 (f) Training program for state agency energy management  
715 coordinators; and
- 716 (g) Guidelines for building managers.

717  
718 The plan shall include a description of actions that state  
719 agencies shall take to reduce consumption of electricity and  
720 nonrenewable energy sources used for space heating and cooling,  
721 ventilation, lighting, water heating, and transportation.

722 Section 7. Paragraph (q) of subsection (2) of section  
723 288.106, Florida Statutes, is amended to read:

724 288.106 Tax refund program for qualified target industry  
725 businesses.—

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

727 (q) "Target industry business" means a corporate  
728 headquarters business or any business that is engaged in one of

729 the target industries identified pursuant to the following  
730 criteria developed by the department in consultation with  
731 Enterprise Florida, Inc.:

732 1. Future growth.—Industry forecasts should indicate  
733 strong expectation for future growth in both employment and  
734 output, according to the most recent available data. Special  
735 consideration should be given to businesses that export goods  
736 to, or provide services in, international markets and businesses  
737 that replace domestic and international imports of goods or  
738 services.

739 2. Stability.—The industry should not be subject to  
740 periodic layoffs, whether due to seasonality or sensitivity to  
741 volatile economic variables such as weather. The industry should  
742 also be relatively resistant to recession, so that the demand  
743 for products of this industry is not typically subject to  
744 decline during an economic downturn.

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

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

751 5. Industrial base diversification and strengthening.—The  
752 industry should contribute toward expanding or diversifying the  
753 state's or area's economic base, as indicated by analysis of  
754 employment and output shares compared to national and regional  
755 trends. Special consideration should be given to industries that  
756 strengthen regional economies by adding value to basic products

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757 or building regional industrial clusters as indicated by  
758 industry analysis. Special consideration should also be given to  
759 the development of strong industrial clusters that include  
760 defense and homeland security businesses.

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

766  
767 The term does not include any business engaged in retail  
768 industry activities; any electrical utility company as defined  
769 in s. 366.02(2); any phosphate or other solid minerals  
770 severance, mining, or processing operation; any oil or gas  
771 exploration or production operation; or any business subject to  
772 regulation by the Division of Hotels and Restaurants of the  
773 Department of Business and Professional Regulation. Any business  
774 within NAICS code 5611 or 5614, office administrative services  
775 and business support services, respectively, may be considered a  
776 target industry business only after the local governing body and  
777 Enterprise Florida, Inc., make a determination that the  
778 community where the business may locate has conditions affecting  
779 the fiscal and economic viability of the local community or  
780 area, including but not limited to, factors such as low per  
781 capita income, high unemployment, high underemployment, and a  
782 lack of year-round stable employment opportunities, and such  
783 conditions may be improved by the location of such a business to  
784 the community. By January 1 of every 3rd year, beginning January

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785 1, 2011, the department, in consultation with Enterprise  
786 Florida, Inc., economic development organizations, the State  
787 University System, local governments, employee and employer  
788 organizations, market analysts, and economists, shall review  
789 and, as appropriate, revise the list of such target industries  
790 and submit the list to the Governor, the President of the  
791 Senate, and the Speaker of the House of Representatives.

792 Section 8. Paragraph (c) of subsection (5) of section  
793 20.60, Florida Statutes, is amended to read:

794 20.60 Department of Economic Opportunity; creation; powers  
795 and duties.—

796 (5) The divisions within the department have specific  
797 responsibilities to achieve the duties, responsibilities, and  
798 goals of the department. Specifically:

799 (c) The Division of Workforce Services shall:

800 1. Prepare and submit a unified budget request for  
801 workforce in accordance with chapter 216 for, and in conjunction  
802 with, Workforce Florida, Inc., and its board.

803 2. Ensure that the state appropriately administers federal  
804 and state workforce funding by administering plans and policies  
805 of Workforce Florida, Inc., under contract with Workforce  
806 Florida, Inc. The operating budget and midyear amendments  
807 thereto must be part of such contract.

808 a. All program and fiscal instructions to regional  
809 workforce boards shall emanate from the Department of Economic  
810 Opportunity pursuant to plans and policies of Workforce Florida,  
811 Inc., which shall be responsible for all policy directions to  
812 the regional workforce boards.

813           b. Unless otherwise provided by agreement with Workforce  
 814 Florida, Inc., administrative and personnel policies of the  
 815 Department of Economic Opportunity shall apply.

816           3. Implement the state's unemployment compensation  
 817 program. The Department of Economic Opportunity shall ensure  
 818 that the state appropriately administers the unemployment  
 819 compensation program pursuant to state and federal law.

820           4. Assist in developing the 5-year statewide strategic  
 821 plan required by this section.

822           5. Prepare an independent economic impact study for each  
 823 renewable energy project submitted to the Public Service  
 824 Commission for a public interest determination and provided to  
 825 the department for review pursuant to s. 366.92. The study shall  
 826 include, but is not limited to, the impacts of the project on  
 827 regional employment, income, compensation, and output.

828           Section 9. Section 366.92, Florida Statutes, is amended to  
 829 read:

830           366.92 Florida renewable energy policy.—

831           (1) It is the intent of the Legislature to promote the  
 832 development of renewable energy; protect the economic viability  
 833 of Florida's existing renewable energy facilities; diversify the  
 834 types of fuel used to generate electricity in Florida; lessen  
 835 Florida's dependence on natural gas and fuel oil for the  
 836 production of electricity; minimize the volatility of fuel  
 837 costs; encourage investment within the state; improve  
 838 environmental conditions; and, at the same time, minimize the  
 839 costs of power supply to electric utilities and their customers.

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

841           (a) "Department" means the Department of Economic  
842 Opportunity ~~"Florida renewable energy resources"~~ means renewable  
843 ~~energy, as defined in s. 377.803, that is produced in Florida.~~

844           ~~(b) "Provider" means a "utility" as defined in s.~~  
845 ~~366.8255(1)(a).~~

846           ~~(b)(e)~~ "Renewable energy" means renewable energy as  
847 defined in s. 366.91(2)(d) which is produced in this state.

848           (c) "Renewable energy project" means the construction of a  
849 new renewable energy generating facility, the conversion of an  
850 existing fossil fuel generating facility to a renewable energy  
851 generating facility, or a contract for the purchase of renewable  
852 energy from a nonutility generating facility.

853           (d) "Utility" means an electric utility as defined in s.  
854 366.8255 ~~"Renewable energy credit" or "REC" means a product that~~  
855 ~~represents the unbundled, separable, renewable attribute of~~  
856 ~~renewable energy produced in Florida and is equivalent to 1~~  
857 ~~megawatt-hour of electricity generated by a source of renewable~~  
858 ~~energy located in Florida.~~

859           ~~(e) "Renewable portfolio standard" or "RPS" means the~~  
860 ~~minimum percentage of total annual retail electricity sales by a~~  
861 ~~provider to consumers in Florida that shall be supplied by~~  
862 ~~renewable energy produced in Florida.~~

863           (3) (a) A utility may petition the commission to determine  
864 pursuant to this section that a proposed renewable energy  
865 project, selected as a result of competitive bidding, is in the  
866 public interest. Notwithstanding s. 366.91(3) and (4), the  
867 commission shall determine that a proposed project is in the  
868 public interest if the commission finds that the project

869 provides an overall net benefit to the state. A public interest  
870 determination is available only for those renewable energy  
871 projects that are exempt from the requirement to obtain a  
872 determination of need pursuant to s. 403.519, and may be  
873 requested at the discretion of a utility as an alternative to a  
874 prudence determination through any other available process.

875 (b) In evaluating whether a renewable energy project,  
876 selected as a result of competitive bidding and proposed by a  
877 utility for consideration, is prudent and in the public  
878 interest, the commission shall consider:

879 1. The estimated cost and estimated rate impacts of the  
880 project;

881 2. The impact of the project on the reliability and  
882 integrity of the utility's system and the statewide electric  
883 grid;

884 3. The extent to which the project strengthens fuel supply  
885 reliability to the utility and the state;

886 4. The extent to which the project promotes rate stability  
887 by reducing the risk of fuel cost volatility;

888 5. The extent to which the project retains energy  
889 expenditures in the state or regional economy;

890 6. The extent to which the project reduces the utility's  
891 regulatory costs associated with adverse environmental impacts;  
892 and

893 7. The regional and statewide net economic benefits  
894 associated with the project, taking into consideration an  
895 independent economic impact study of the project prepared by the  
896 department.



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897        (c) The commission shall approve for recovery through the  
898 environmental cost recovery clause all reasonable and prudent  
899 costs incurred by a utility for a renewable energy project that  
900 the commission determines to be in the public interest pursuant  
901 to this section. For a new renewable energy generating facility,  
902 recoverable costs include, but are not limited to, the siting,  
903 licensing, engineering, design, permitting, construction,  
904 operation, and maintenance of such facilities, including any  
905 applicable taxes and a return based on the utility's last  
906 authorized rate of return. For conversion of an existing fossil  
907 fuel generating facility to a renewable energy generating  
908 facility, recoverable costs include reasonable and prudent  
909 conversion costs, including the costs of retirement of the  
910 fossil fuel plant that exceed any amounts accrued by the  
911 provider for such purposes through rates previously set by the  
912 commission. For purchase of renewable energy from a nonutility  
913 generating facility, recoverable costs include the reasonable  
914 and prudent costs associated with the purchase.

915        ~~(3) The commission shall adopt rules for a renewable~~  
916 ~~portfolio standard requiring each provider to supply renewable~~  
917 ~~energy to its customers directly, by procuring, or through~~  
918 ~~renewable energy credits. In developing the RPS rule, the~~  
919 ~~commission shall consult the Department of Environmental~~  
920 ~~Protection and the Department of Agriculture and Consumer~~  
921 ~~Services. The rule shall not be implemented until ratified by~~  
922 ~~the Legislature. The commission shall present a draft rule for~~  
923 ~~legislative consideration by February 1, 2009.~~

924        ~~(a) In developing the rule, the commission shall evaluate~~

925 ~~the current and forecasted levelized cost in cents per kilowatt~~  
 926 ~~hour through 2020 and current and forecasted installed capacity~~  
 927 ~~in kilowatts for each renewable energy generation method through~~  
 928 ~~2020.~~

929 ~~(b) The commission's rule:~~

930 ~~1. Shall include methods of managing the cost of~~  
 931 ~~compliance with the renewable portfolio standard, whether~~  
 932 ~~through direct supply or procurement of renewable power or~~  
 933 ~~through the purchase of renewable energy credits. The commission~~  
 934 ~~shall have rulemaking authority for providing annual cost~~  
 935 ~~recovery and incentive-based adjustments to authorized rates of~~  
 936 ~~return on common equity to providers to incentivize renewable~~  
 937 ~~energy. Notwithstanding s. 366.91(3) and (4), upon the~~  
 938 ~~ratification of the rules developed pursuant to this subsection,~~  
 939 ~~the commission may approve projects and power sales agreements~~  
 940 ~~with renewable power producers and the sale of renewable energy~~  
 941 ~~credits needed to comply with the renewable portfolio standard.~~  
 942 ~~In the event of any conflict, this subparagraph shall supersede~~  
 943 ~~s. 366.91(3) and (4). However, nothing in this section shall~~  
 944 ~~alter the obligation of each public utility to continuously~~  
 945 ~~offer a purchase contract to producers of renewable energy.~~

946 ~~2. Shall provide for appropriate compliance measures and~~  
 947 ~~the conditions under which noncompliance shall be excused due to~~  
 948 ~~a determination by the commission that the supply of renewable~~  
 949 ~~energy or renewable energy credits was not adequate to satisfy~~  
 950 ~~the demand for such energy or that the cost of securing~~  
 951 ~~renewable energy or renewable energy credits was cost~~  
 952 ~~prohibitive.~~

953 ~~3. May provide added weight to energy provided by wind and~~  
954 ~~solar photovoltaic over other forms of renewable energy, whether~~  
955 ~~directly supplied or procured or indirectly obtained through the~~  
956 ~~purchase of renewable energy credits.~~

957 ~~4. Shall determine an appropriate period of time for which~~  
958 ~~renewable energy credits may be used for purposes of compliance~~  
959 ~~with the renewable portfolio standard.~~

960 ~~5. Shall provide for monitoring of compliance with and~~  
961 ~~enforcement of the requirements of this section.~~

962 ~~6. Shall ensure that energy credited toward compliance~~  
963 ~~with the requirements of this section is not credited toward any~~  
964 ~~other purpose.~~

965 ~~7. Shall include procedures to track and account for~~  
966 ~~renewable energy credits, including ownership of renewable~~  
967 ~~energy credits that are derived from a customer-owned renewable~~  
968 ~~energy facility as a result of any action by a customer of an~~  
969 ~~electric power supplier that is independent of a program~~  
970 ~~sponsored by the electric power supplier.~~

971 ~~8. Shall provide for the conditions and options for the~~  
972 ~~repeal or alteration of the rule in the event that new~~  
973 ~~provisions of federal law supplant or conflict with the rule.~~

974 ~~(c) Beginning on April 1 of the year following final~~  
975 ~~adoption of the commission's renewable portfolio standard rule,~~  
976 ~~each provider shall submit a report to the commission describing~~  
977 ~~the steps that have been taken in the previous year and the~~  
978 ~~steps that will be taken in the future to add renewable energy~~  
979 ~~to the provider's energy supply portfolio. The report shall~~  
980 ~~state whether the provider was in compliance with the renewable~~

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981 ~~portfolio standard during the previous year and how it will~~  
982 ~~comply with the renewable portfolio standard in the upcoming~~  
983 ~~year.~~

984 (4) The commission shall adopt rules to implement a public  
985 interest determination process by which it shall determine  
986 whether a renewable energy project, proposed by a utility for  
987 purposes of supplying electrical energy to its retail customers,  
988 provides an overall net benefit to the state pursuant to the  
989 criteria in subsection (3). The commission's rules shall:

990 (a) Provide a process for competitive bidding of a  
991 renewable energy project based on the type and technology of the  
992 renewable energy resource that the utility elects to use.

993 (b) Provide minimum requirements and information that a  
994 utility must include in a request for proposals for a new  
995 renewable energy project and other information related to the  
996 request for proposal and competitive bidding processes.

997 (c) Establish minimum requirements and information that a  
998 utility must include in a petition for a public interest  
999 determination for a renewable energy project, including  
1000 information required by the department to conduct an economic  
1001 impact study of the project as required by s. 20.60.

1002 (d) Provide for recovery through the environmental cost  
1003 recovery clause of all reasonable and prudent costs incurred by  
1004 a utility for a renewable energy project that the commission  
1005 determines to be in the public interest pursuant to subsection  
1006 (3).

1007 (e) Establish a mechanism for the sharing of revenues  
1008 derived from any renewable energy credit, carbon credit, or

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1009 other mechanism that attributes value to the production of  
1010 renewable energy, either existing or hereafter devised, and  
1011 received by a utility by virtue of the production or purchase of  
1012 renewable energy found to be in the public interest pursuant to  
1013 subsection (3). The utility shall be entitled to retain from  
1014 these revenues no more than the amount deemed reasonable by the  
1015 commission to cover the utility's transaction costs associated  
1016 with the credit or other mechanism, plus 5 percent of the  
1017 remaining revenues. The remainder of the revenues shall be  
1018 credited to the utility's ratepayers.

1019 (f) Require a utility to report to the commission on an  
1020 annual basis, with respect to any renewable energy project that  
1021 the commission determines to be in the public interest, the  
1022 status of the project, the economic impacts of the project on  
1023 the region and the state, the amount and type of fuel displaced  
1024 by the project, operational statistics, and any other  
1025 information deemed relevant by the commission.

1026 (g) Require a seller of renewable energy, under a  
1027 purchased power agreement approved pursuant to the commission's  
1028 rules and this subsection, to surrender to the utility all  
1029 renewable attributes of the renewable energy purchased.

1030  
1031 Agency rules promulgated under the authority of this subsection  
1032 shall not take effect before July 1, 2013.

1033 ~~(4) In order to demonstrate the feasibility and viability~~  
1034 ~~of clean energy systems, the commission shall provide for full~~  
1035 ~~cost recovery under the environmental cost-recovery clause of~~  
1036 ~~all reasonable and prudent costs incurred by a provider for~~

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1037 ~~renewable energy projects that are zero greenhouse gas emitting~~  
1038 ~~at the point of generation, up to a total of 110 megawatts~~  
1039 ~~statewide, and for which the provider has secured necessary~~  
1040 ~~land, zoning permits, and transmission rights within the state.~~  
1041 ~~Such costs shall be deemed reasonable and prudent for purposes~~  
1042 ~~of cost recovery so long as the provider has used reasonable and~~  
1043 ~~customary industry practices in the design, procurement, and~~  
1044 ~~construction of the project in a cost-effective manner~~  
1045 ~~appropriate to the location of the facility. The provider shall~~  
1046 ~~report to the commission as part of the cost recovery~~  
1047 ~~proceedings the construction costs, in-service costs, operating~~  
1048 ~~and maintenance costs, hourly energy production of the renewable~~  
1049 ~~energy project, and any other information deemed relevant by the~~  
1050 ~~commission. Any provider constructing a clean energy facility~~  
1051 ~~pursuant to this section shall file for cost recovery no later~~  
1052 ~~than July 1, 2009.~~

1053 (5) (a) Within 7 days after receipt of a petition for a  
1054 public interest determination pursuant to subsection (3), the  
1055 commission, through administrative review by its staff, shall  
1056 determine whether the petition is complete. If the commission  
1057 finds that the petition is not complete, it shall notify the  
1058 petitioner of all deficiencies and provide the petitioner an  
1059 opportunity to correct the deficiencies through an amended or  
1060 supplemental filing.

1061 (b) When the commission determines that a petition is  
1062 complete, the commission shall notify the department and forward  
1063 a copy of the petition to the department within 3 days. After  
1064 receipt and review of the petition, the department may request

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1065 any additional information it deems necessary to complete an  
 1066 economic impact study of the project as required by s. 20.60.

1067 (c) Within 45 days after receipt of the complete petition  
 1068 or 30 days after receipt of all additional information  
 1069 requested, whichever is later, the department shall complete its  
 1070 economic impact study and submit a report reflecting the results  
 1071 of the study to the commission for consideration in the  
 1072 commission's public interest determination proceeding. The  
 1073 department's study and report are not subject to the provisions  
 1074 of ss. 120.569 and 120.57. Any party to the commission's public  
 1075 interest determination proceeding may present evidence to the  
 1076 commission concerning the regional and statewide net economic  
 1077 benefits associated with the project.

1078 (d) The commission shall issue a final order within 180  
 1079 days after receipt of a complete petition for a public interest  
 1080 determination filed pursuant to subsection (3).

1081 (6)(5) Each municipal electric utility and rural electric  
 1082 cooperative shall develop standards for the promotion,  
 1083 encouragement, and expansion of the use of renewable energy  
 1084 resources and energy conservation and efficiency measures. On or  
 1085 before April 1, 2009, and annually thereafter, each municipal  
 1086 electric utility and electric cooperative shall submit to the  
 1087 commission a report that identifies such standards.

1088 (7)(6) ~~Nothing in~~ This section and any action taken under  
 1089 this section may not shall be construed to impede or impair the  
 1090 terms and conditions of, or serve as a basis for renegotiating  
 1091 or repricing an existing contract contracts. This section may  
 1092 not be construed to apply to purchases required pursuant to s.

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1093 | 366.051 or s. 366.91.

1094 | ~~(8)(7)~~ The commission may adopt rules to administer and  
 1095 | implement the provisions of this section.

1096 | Section 10. Section 366.94, Florida Statutes, is created  
 1097 | to read:

1098 | 366.94 Electric vehicle charging stations.—

1099 | (1) LEGISLATIVE FINDINGS.—The Legislature finds that the  
 1100 | provision of electric vehicle charging to the public by a  
 1101 | nonutility is a service and not the retail sale of electricity.  
 1102 | The rates, terms, and conditions of electric vehicle charging  
 1103 | services by a nonutility are not subject to regulation under  
 1104 | this chapter. Nothing in this section affects the ability of  
 1105 | individuals, businesses, or governmental entities to acquire,  
 1106 | install, or use an electric vehicle charger for their own  
 1107 | vehicles.

1108 | (2) RULES.—The Department of Agriculture and Consumer  
 1109 | Services shall adopt rules to provide definitions, methods of  
 1110 | sale, labeling requirements, and price-posting requirements for  
 1111 | electric vehicle charging stations to allow for consistency for  
 1112 | consumers and the industry.

1113 | (3) PARKING SPACES FOR ELECTRIC VEHICLE CHARGING  
 1114 | STATIONS.—

1115 | (a) It is unlawful for a person to stop, stand, or park a  
 1116 | vehicle that is not capable of using an electrical recharging  
 1117 | station within any parking space specifically designated for  
 1118 | charging an electric vehicle.

1119 | (b) If a law enforcement officer finds a motor vehicle in  
 1120 | violation of this subsection, the officer or specialist shall



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1121 charge the operator or other person in charge of the vehicle in  
1122 violation with a noncriminal traffic infraction, punishable as  
1123 provided in s. 316.008(4) or s. 318.18.

1124 Section 11. Subsection (3) of section 403.519, Florida  
1125 Statutes, is amended to read:

1126 403.519 Exclusive forum for determination of need.—

1127 (3) The commission is ~~shall be~~ the sole forum for the  
1128 determination of this matter, which accordingly may ~~shall~~ not be  
1129 raised in any other forum or in the review of proceedings in  
1130 such other forum. In making its determination, the commission  
1131 shall take into account the need for electric system reliability  
1132 and integrity, the need for adequate electricity at a reasonable  
1133 cost, the need for fuel diversity to foster fuel supply  
1134 reliability and rate stability, the need for ~~and~~ supply  
1135 reliability, whether the proposed plant is the most cost-  
1136 effective alternative available, and whether renewable energy  
1137 sources and technologies, as well as conservation measures, are  
1138 used ~~utilized~~ to the extent reasonably available. The commission  
1139 shall also expressly consider the conservation measures taken by  
1140 or reasonably available to the applicant or its members which  
1141 might mitigate the need for the proposed plant and other matters  
1142 within its jurisdiction which it deems relevant. The  
1143 commission's determination of need for an electrical power plant  
1144 creates ~~shall create~~ a presumption of public need and necessity  
1145 and serves ~~shall serve~~ as the commission's report required by s.  
1146 403.507(4). An order entered pursuant to this section  
1147 constitutes final agency action.

1148 Section 12. Subsection (1) of section 526.203, Florida

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1149 Statutes, is amended, and subsections (5) and (6) are added to  
1150 that section, to read:

1151 526.203 Renewable fuel standard.—

1152 (1) DEFINITIONS.—As used in this act:

1153 (a) "Alternative fuel" means a fuel produced from biomass,  
1154 as defined in s. 366.91, that is used to replace or reduce the  
1155 quantity of fossil fuel present in a petroleum fuel that meets  
1156 the specifications as adopted by the department.

1157 (b) ~~(a)~~ "Blender," "importer," "terminal supplier," and  
1158 "wholesaler" are defined as provided in s. 206.01.

1159 (c) ~~(b)~~ "Blended gasoline" means a mixture of 90 to 91  
1160 percent gasoline and 9 to 10 percent fuel ethanol or other  
1161 alternative fuel, by volume, that meets the specifications as  
1162 adopted by the department. The fuel ethanol or other alternative  
1163 fuel portion may be derived from any agricultural source.

1164 (d) ~~(e)~~ "Fuel ethanol" means an anhydrous denatured alcohol  
1165 produced by the conversion of carbohydrates that meets the  
1166 specifications as adopted by the department.

1167 (e) ~~(d)~~ "Unblended gasoline" means gasoline that has not  
1168 been blended with fuel ethanol or other alternative fuel and  
1169 that meets the specifications as adopted by the department.

1170 (5) This section does not prohibit a retail dealer as  
1171 defined in s. 206.01 from selling or offering to sell unblended  
1172 gasoline.

1173 (6) The Department of Agriculture and Consumer Services  
1174 shall compile a list of retail fuel stations that sell or offer  
1175 to sell unblended gasoline. This information shall be compiled  
1176 by the department as part of its routine retail fuel station

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1177 inspections, authorized under s. 525.07, and from information  
 1178 provided voluntarily by retail dealers. The Department of  
 1179 Agriculture and Consumer Services shall provide this information  
 1180 on its website to inform consumers of the options available for  
 1181 unblended gasoline.

1182 Section 13. Subsection (4) of section 581.083, Florida  
 1183 Statutes, is amended to read:

1184 581.083 Introduction or release of plant pests, noxious  
 1185 weeds, or organisms affecting plant life; cultivation of  
 1186 nonnative plants; special permit and security required.—

1187 (4) A person may not cultivate a nonnative plant, algae,  
 1188 or blue-green algae, including a genetically engineered plant,  
 1189 algae, or blue-green algae ~~or a plant that has been introduced,~~  
 1190 ~~for purposes of fuel production or purposes other than~~  
 1191 ~~agriculture~~ in plantings greater in size than 2 contiguous  
 1192 acres, except under a special permit issued by the department  
 1193 through the division, which is the sole agency responsible for  
 1194 issuing such special permits. A permit is not required to  
 1195 cultivate any plant or group of plants that, based on experience  
 1196 or research data, does not pose a threat of becoming an invasive  
 1197 species and is commonly grown in this state for the purpose of  
 1198 human food consumption, commercial feed, feedstuff, forage for  
 1199 livestock, nursery stock, or silviculture. The department is  
 1200 authorized to adopt additional exemptions to the permitting  
 1201 requirements of this section if the department determines, after  
 1202 consulting with the Institute of Food and Agricultural Sciences  
 1203 at the University of Florida, that based on experience or  
 1204 research data, the nonnative plant, algae, or blue-green algae

1205 does not pose a threat of becoming an invasive species or a pest  
 1206 of plants or native fauna under conditions in this state and  
 1207 subsequently exempts the plant or group of plants by rule ~~Such a~~  
 1208 ~~permit shall not be required if the department determines, in~~  
 1209 ~~conjunction with the Institute of Food and Agricultural Sciences~~  
 1210 ~~at the University of Florida, that the plant is not invasive and~~  
 1211 ~~subsequently exempts the plant by rule.~~

1212 (a)1. Each application for a special permit must be  
 1213 accompanied by a fee as described in subsection (2) and proof  
 1214 that the applicant has obtained, on a form approved by the  
 1215 department, ~~a bond in the form approved by the department and~~  
 1216 issued by a surety company admitted to do business in this state  
 1217 or a certificate of deposit, or other type of security adopted  
 1218 by rule of the department which provides a financial assurance  
 1219 of cost recovery for the removal of a planting. The application  
 1220 must include, on a form provided by the department, the name of  
 1221 the applicant and the applicant's address or the address of the  
 1222 applicant's principal place of business; a statement completely  
 1223 identifying the nonnative plant to be cultivated; and a  
 1224 statement of the estimated cost of removing and destroying the  
 1225 plant that is the subject of the special permit and the basis  
 1226 for calculating or determining that estimate. If the applicant  
 1227 is a corporation, partnership, or other business entity, the  
 1228 applicant must also provide in the application the name and  
 1229 address of each officer, partner, or managing agent. The  
 1230 applicant shall notify the department within 10 business days of  
 1231 any change of address or change in the principal place of  
 1232 business. The department shall mail all notices to the

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1233 applicant's last known address.

1234       2. As used in this subsection, the term "certificate of  
1235 deposit" means a certificate of deposit at any recognized  
1236 financial institution doing business in the United States. The  
1237 department may not accept a certificate of deposit in connection  
1238 with the issuance of a special permit unless the issuing  
1239 institution is properly insured by the Federal Deposit Insurance  
1240 Corporation or the Federal Savings and Loan Insurance  
1241 Corporation.

1242       (b) Upon obtaining a permit, the permitholder may annually  
1243 cultivate and maintain the nonnative plants as authorized by the  
1244 special permit. If the permitholder ceases to maintain or  
1245 cultivate the plants authorized by the special permit, if the  
1246 permit expires, or if the permitholder ceases to abide by the  
1247 conditions of the special permit, the permitholder shall  
1248 immediately remove and destroy the plants that are subject to  
1249 the permit, if any remain. The permitholder shall notify the  
1250 department of the removal and destruction of the plants within  
1251 10 days after such event.

1252       (c) If the department:

1253       1. Determines that the permitholder is no longer  
1254 maintaining or cultivating the plants subject to the special  
1255 permit and has not removed and destroyed the plants authorized  
1256 by the special permit;

1257       2. Determines that the continued maintenance or  
1258 cultivation of the plants presents an imminent danger to public  
1259 health, safety, or welfare;

1260       3. Determines that the permitholder has exceeded the

1261 conditions of the authorized special permit; or  
 1262 4. Receives a notice of cancellation of the surety bond,  
 1263  
 1264 the department may issue an immediate final order, which shall  
 1265 be immediately appealable or enjoicable as provided by chapter  
 1266 120, directing the permitholder to immediately remove and  
 1267 destroy the plants authorized to be cultivated under the special  
 1268 permit. A copy of the immediate final order must ~~shall~~ be mailed  
 1269 to the permitholder and to the surety company or financial  
 1270 institution that has provided security for the special permit,  
 1271 if applicable.

1272 (d) If, upon issuance by the department of an immediate  
 1273 final order to the permitholder, the permitholder fails to  
 1274 remove and destroy the plants subject to the special permit  
 1275 within 60 days after issuance of the order, or such shorter  
 1276 period as is designated in the order as public health, safety,  
 1277 or welfare requires, the department may enter the cultivated  
 1278 acreage and remove and destroy the plants that are the subject  
 1279 of the special permit. If the permitholder makes a written  
 1280 request to the department for an extension of time to remove and  
 1281 destroy the plants that demonstrates specific facts showing why  
 1282 the plants could not reasonably be removed and destroyed in the  
 1283 applicable timeframe, the department may extend the time for  
 1284 removing and destroying plants subject to a special permit. The  
 1285 reasonable costs and expenses incurred by the department for  
 1286 removing and destroying plants subject to a special permit shall  
 1287 be reimbursed to the department by the permitholder within 21  
 1288 days after the date the permitholder and the surety company or

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1289 financial institution are served a copy of the department's  
 1290 invoice for the costs and expenses incurred by the department to  
 1291 remove and destroy the cultivated plants, along with a notice of  
 1292 administrative rights, unless the permitholder or the surety  
 1293 company or financial institution object to the reasonableness of  
 1294 the invoice. In the event of an objection, the permitholder or  
 1295 surety company or financial institution is entitled to an  
 1296 administrative proceeding as provided by chapter 120. Upon entry  
 1297 of a final order determining the reasonableness of the incurred  
 1298 costs and expenses, the permitholder has ~~shall have~~ 15 days  
 1299 after ~~following~~ service of the final order to reimburse the  
 1300 department. Failure of the permitholder to timely reimburse the  
 1301 department for the incurred costs and expenses entitles the  
 1302 department to reimbursement from the applicable bond or  
 1303 certificate of deposit.

1304 (e) Each permitholder shall maintain for each separate  
 1305 growing location a bond or a certificate of deposit in an amount  
 1306 determined by the department, but not more ~~less~~ than 150 percent  
 1307 of the estimated cost of removing and destroying the cultivated  
 1308 plants. The bond or certificate of deposit may not exceed \$5,000  
 1309 per acre, unless a higher amount is determined by the department  
 1310 to be necessary to protect the public health, safety, and  
 1311 welfare or unless an exemption is granted by the department  
 1312 based on conditions specified in the application which would  
 1313 preclude the department from incurring the cost of removing and  
 1314 destroying the cultivated plants and would prevent injury to the  
 1315 public health, safety, and welfare. The aggregate liability of  
 1316 the surety company or financial institution to all persons for

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1317 | all breaches of the conditions of the bond or certificate of  
1318 | deposit may not exceed the amount of the bond or certificate of  
1319 | deposit. The original bond or certificate of deposit required by  
1320 | this subsection shall be filed with the department. A surety  
1321 | company shall give the department 30 days' written notice of  
1322 | cancellation, by certified mail, in order to cancel a bond.  
1323 | Cancellation of a bond does not relieve a surety company of  
1324 | liability for paying to the department all costs and expenses  
1325 | incurred or to be incurred for removing and destroying the  
1326 | permitted plants covered by an immediate final order authorized  
1327 | under paragraph (c). A bond or certificate of deposit must be  
1328 | provided or assigned in the exact name in which an applicant  
1329 | applies for a special permit. The penal sum of the bond or  
1330 | certificate of deposit to be furnished to the department by a  
1331 | permitholder in the amount specified in this paragraph must  
1332 | guarantee payment of the costs and expenses incurred or to be  
1333 | incurred by the department for removing and destroying the  
1334 | plants cultivated under the issued special permit. The bond or  
1335 | certificate of deposit assignment or agreement must be upon a  
1336 | form prescribed or approved by the department and must be  
1337 | conditioned to secure the faithful accounting for and payment of  
1338 | all costs and expenses incurred by the department for removing  
1339 | and destroying all plants cultivated under the special permit.  
1340 | The bond or certificate of deposit assignment or agreement must  
1341 | include terms binding the instrument to the Commissioner of  
1342 | Agriculture. Such certificate of deposit shall be presented with  
1343 | an assignment of the permitholder's rights in the certificate in  
1344 | favor of the Commissioner of Agriculture on a form prescribed by



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1345 the department and with a letter from the issuing institution  
1346 acknowledging that the assignment has been properly recorded on  
1347 the books of the issuing institution and will be honored by the  
1348 issuing institution. Such assignment is irrevocable while a  
1349 special permit is in effect and for an additional period of 6  
1350 months after termination of the special permit if operations to  
1351 remove and destroy the permitted plants are not continuing and  
1352 if the department's invoice remains unpaid by the permitholder  
1353 under the issued immediate final order. If operations to remove  
1354 and destroy the plants are pending, the assignment remains in  
1355 effect until all plants are removed and destroyed and the  
1356 department's invoice has been paid. The bond or certificate of  
1357 deposit may be released by the assignee of the surety company or  
1358 financial institution to the permitholder, or to the  
1359 permitholder's successors, assignee, or heirs, if operations to  
1360 remove and destroy the permitted plants are not pending and no  
1361 invoice remains unpaid at the conclusion of 6 months after the  
1362 last effective date of the special permit. The department may  
1363 not accept a certificate of deposit that contains any provision  
1364 that would give to any person any prior rights or claim on the  
1365 proceeds or principal of such certificate of deposit. The  
1366 department shall determine by rule whether an annual bond or  
1367 certificate of deposit will be required. The amount of such bond  
1368 or certificate of deposit shall be increased, upon order of the  
1369 department, at any time if the department finds such increase to  
1370 be warranted by the cultivating operations of the permitholder.  
1371 In the same manner, the amount of such bond or certificate of  
1372 deposit may be adjusted downward or removed ~~decreased~~ when a

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1373 decrease in the cultivating operations of the permit holder  
1374 occurs or when research or practical field knowledge and  
1375 observations indicate a low risk of invasiveness by the  
1376 nonnative species ~~warrants such decrease.~~ Factors that may be  
1377 considered for change include multiple years or cycles of  
1378 successful large-scale contained cultivation; no observation of  
1379 plant, algae, or blue-green algae escape from managed areas; or  
1380 science-based evidence that established or approved adjusted  
1381 cultivation practices provide a similar level of containment of  
1382 the nonnative plant, algae, or blue-green algae. This paragraph  
1383 applies to any bond or certificate of deposit, regardless of the  
1384 anniversary date of its issuance, expiration, or renewal.

1385 (f) In order to carry out the purposes of this subsection,  
1386 the department or its agents may require from any permit holder  
1387 verified statements of the cultivated acreage subject to the  
1388 special permit and may review the permit holder's business or  
1389 cultivation records at her or his place of business during  
1390 normal business hours in order to determine the acreage  
1391 cultivated. The failure of a permit holder to furnish such  
1392 statement, to make such records available, or to make and  
1393 deliver a new or additional bond or certificate of deposit is  
1394 cause for suspension of the special permit. If the department  
1395 finds such failure to be willful, the special permit may be  
1396 revoked.

1397 Section 14. The Department of Agriculture and Consumer  
1398 Services shall conduct a comprehensive statewide forest  
1399 inventory analysis and study, using a geographic information  
1400 system, to identify where available biomass is located,

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1401 determine the available biomass resources, and ensure forest  
1402 sustainability within the state. The department shall submit the  
1403 results of the study to the President of the Senate, the Speaker  
1404 of the House of Representatives, and the Executive Office of the  
1405 Governor by July 1, 2013.

1406 Section 15. The Department of Agriculture and Consumer  
1407 Services, in consultation with the Public Service Commission,  
1408 the Florida Building Commission, and the Florida Energy Systems  
1409 Consortium, shall develop a clearinghouse of information  
1410 regarding cost savings associated with various energy efficiency  
1411 and conservation measures. The department shall post the  
1412 information on its website by July 1, 2013.

1413 Section 16. The Public Service Commission is directed to  
1414 conduct a study of the potential effects of public charging  
1415 stations and privately owned electric vehicle charging on both  
1416 energy consumption and the impact on the electric grid in the  
1417 state. The Public Service Commission shall also investigate the  
1418 feasibility of using off-grid solar photovoltaic power as a  
1419 source of electricity for the electric vehicle charging  
1420 stations. The commission shall submit the results of the study  
1421 to the President of the Senate, the Speaker of the House of  
1422 Representatives, and the Executive Office of the Governor by  
1423 December 31, 2012.

1424 Section 17. For the 2012-2013 fiscal year, the  
1425 nonrecurring sum of \$250,000 is appropriated from the Florida  
1426 Public Service Regulatory Trust Fund for the purpose of the  
1427 Public Service Commission, in consultation with the Department  
1428 of Agriculture and Consumer Services, contracting for an

1429 independent evaluation of the effectiveness of the Florida  
1430 Energy Efficiency and Conservation Act in achieving the  
1431 statutory objectives of reducing and controlling the growth  
1432 rates of electric consumption and reducing the growth rates of  
1433 weather-sensitive peak demand, increasing the overall efficiency  
1434 and cost-effectiveness of electricity and natural gas production  
1435 and use, encouraging further development of demand-side  
1436 renewable energy systems; and conserving expensive resources,  
1437 particularly petroleum fuels.

1438 (1) The evaluation shall include an assessment of:

1439 (a) The effectiveness of the act in accomplishing  
1440 statutory objectives in a cost-effective manner, taking into  
1441 account short-term and long-term costs and benefits;

1442 (b) The models and methods used to establish conservation  
1443 goals and programs to meet those goals;

1444 (c) The strengths and weaknesses of the act relative to  
1445 alternative methods available to achieve statutory objectives;

1446 (d) The coordination between the goal-setting process in  
1447 s. 366.82 and the determination of need process in s. 403.519,  
1448 including the manner in which supply-side conservation and  
1449 efficiency measures are addressed; and

1450 (e) The potential for time-based rates and advanced  
1451 metering technology, or other mechanisms, to allow customers to  
1452 manage their energy consumption and allow for peak load shaving.

1453 (f) The potential for a low-interest loan program to  
1454 provide a cost-effective means to encourage the development of  
1455 demand-side renewable energy systems to achieve the statutory  
1456 objectives of reducing and controlling the growth rates of

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1457 electric consumption and reducing the growth rates of weather-  
1458 sensitive peak demand, including an evaluation of similar  
1459 programs operating both within and outside of the state.

1460 (2) The findings and recommendations of the evaluation  
1461 shall be submitted to the President of the Senate, the Speaker  
1462 of the House of Representatives, and the Executive Office of the  
1463 Governor by January 31, 2013.

1464 Section 18. This act shall take effect July 1, 2012.