

1 A bill to be entitled
2 An act relating to energy; amending s. 163.08, F.S.;
3 revising the definition of the term "local
4 government"; amending s. 186.801, F.S.; requiring
5 utilities' 10-year site plans to address existing and
6 proposed renewable energy production and purchases;
7 amending s. 212.055, F.S.; providing for a portion of
8 the proceeds of the local government infrastructure
9 surtax to be used to provide loans, grants, and
10 rebates to residential property owners who make energy
11 efficiency improvements to their residential property,
12 subject to referendum; defining the term "energy
13 efficiency improvement"; amending s. 212.08, F.S.;
14 providing definitions for the terms "biodiesel,"
15 "ethanol," and "renewable fuel"; providing for tax
16 exemptions in the form of a rebate for the sale or use
17 of certain equipment, machinery, and other materials
18 for renewable energy technologies; providing
19 eligibility requirements and tax credit limits;
20 authorizing the Department of Revenue and the
21 Department of Agriculture and Consumer Services to
22 adopt rules; directing the Department of Agriculture
23 and Consumer Services to determine and publish certain
24 information relating to exemptions; providing for
25 expiration of the exemption; amending s. 213.053,
26 F.S.; expanding the authority of the Department of
27 Revenue to disclose certain information; amending s.
28 220.192, F.S.; providing definitions; reestablishing a

29 corporate tax credit for certain costs related to
30 renewable energy technologies; providing eligibility
31 requirements and credit limits; providing rulemaking
32 authority to the Department of Revenue and the
33 Department of Agriculture and Consumer Services;
34 directing the Department of Agriculture and Consumer
35 Services to determine and publish certain information;
36 providing for expiration of the tax credit; amending
37 s. 220.193, F.S.; reestablishing a corporate tax
38 credit for renewable energy production; providing
39 definitions; providing a tax credit for the production
40 and sale of renewable energy; providing requirements
41 relating to the priority and proration of such tax
42 credits under certain circumstances; providing for the
43 use and transfer of the tax credit; limiting the
44 amount of tax credits that may be granted to all
45 taxpayers during a specified period; providing
46 rulemaking authority to the Department of Revenue and
47 the Department of Agriculture and Consumer Services;
48 directing the Department of Agriculture and Consumer
49 Services to provide certain information on its
50 website; providing for expiration of the tax credit;
51 amending s. 255.257, F.S.; directing the Department of
52 Management Services in coordination with the
53 Department of Agriculture and Consumer Services to
54 further develop the state energy management plan;
55 amending s. 288.106, F.S.; clarifying the definition
56 of "target industry business" for purposes of the tax

57 | refund program for qualified target industry
58 | businesses; amending s. 20.60, F.S.; requiring the
59 | Department of Economic Opportunity to prepare an
60 | independent economic impact study for certain
61 | renewable energy projects; amending s. 366.92, F.S.;
62 | providing and revising definitions; authorizing a
63 | utility to petition the Public Service Commission to
64 | determine that a proposed renewable energy project is
65 | in the public interest; providing standards and
66 | criteria for review; providing for cost recovery for
67 | reasonable and prudent costs incurred by a utility for
68 | an approved renewable energy project; requiring the
69 | Public Service Commission to adopt rules to establish
70 | a public interest determination process for renewable
71 | energy projects; establishing procedural guidelines
72 | for public interest determination; creating s. 366.94,
73 | F.S., relating to electric vehicle charging stations;
74 | providing legislative findings; providing that the
75 | rates, terms, and conditions of electric vehicle
76 | charging services by a nonutility are not subject to
77 | regulation by the Public Service Commission; providing
78 | construction; providing rulemaking authority to the
79 | Department of Agriculture and Consumer Services;
80 | prohibiting parking in spaces specifically designated
81 | for charging an electric vehicle under specified
82 | circumstances; providing penalties; amending s.
83 | 377.703, F.S.; requiring the Department of Agriculture
84 | and Consumer Services to annually prepare an

85 | assessment of the use of specified energy-related tax
86 | credits; requiring specified information to be
87 | included in such assessment; amending s. 403.519,
88 | F.S.; requiring the Public Service Commission, in an
89 | electrical power plant need determination, to consider
90 | the need for fuel diversity to foster fuel supply
91 | reliability and fuel rate stability; amending s.
92 | 526.203, F.S.; revising the definitions of the terms
93 | "blended gasoline" and "unblended gasoline"; defining
94 | the term "alternative fuel"; authorizing the sale of
95 | unblended fuels for certain uses; directing the
96 | Department of Agriculture and Consumer Services to
97 | compile a list of retail fuel stations that sell or
98 | offer to sell unblended gasoline and provide that
99 | information on the department's website; amending s.
100 | 581.083, F.S.; prohibiting the cultivation of certain
101 | algae in plantings greater in size than 2 contiguous
102 | acres; providing exceptions; providing for exemption
103 | from special permitting requirements by rule; revising
104 | certain bonding requirements; requiring the Department
105 | of Agriculture and Consumer Services to conduct a
106 | statewide forest inventory analysis; requiring the
107 | Department of Agriculture and Consumer Services, in
108 | consultation with other state agencies, to develop a
109 | clearinghouse of information regarding cost savings
110 | associated with energy efficiency and conservation
111 | measures; requiring such information to be posted on
112 | its website; directing the Public Service Commission

113 to conduct a study on the potential effects of
 114 electric vehicle charging stations on both energy
 115 consumption and the electric grid; providing an
 116 appropriation for the purpose of the Public Service
 117 Commission, in consultation with the Department of
 118 Agriculture and Consumer Services, contracting for an
 119 independent evaluation of the effectiveness of the
 120 Florida Energy Efficiency and Conservation Act;
 121 providing an effective date.
 122

123 Be It Enacted by the Legislature of the State of Florida:
 124

125 Section 1. Paragraph (a) of subsection (2) of section
 126 163.08, Florida Statutes, is amended to read:

127 163.08 Supplemental authority for improvements to real
 128 property.—

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

130 (a) "Local government" means a county, a municipality, or
 131 a dependent special district as defined in s. 189.403 or a
 132 separate legal entity created pursuant to s. 163.01(7).

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

135 186.801 Ten-year site plans.—

136 (2) Within 9 months after the receipt of the proposed
 137 plan, the commission shall make a preliminary study of such plan
 138 and classify it as "suitable" or "unsuitable." The commission
 139 may suggest alternatives to the plan. All findings of the
 140 commission shall be made available to the Department of

141 Environmental Protection for its consideration at any subsequent
142 electrical power plant site certification proceedings. It is
143 recognized that 10-year site plans submitted by an electric
144 utility are tentative information for planning purposes only and
145 may be amended at any time at the discretion of the utility upon
146 written notification to the commission. A complete application
147 for certification of an electrical power plant site under
148 chapter 403, when such site is not designated in the current 10-
149 year site plan of the applicant, shall constitute an amendment
150 to the 10-year site plan. In its preliminary study of each 10-
151 year site plan, the commission shall consider such plan as a
152 planning document and shall review:

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

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

156 (c) The anticipated environmental impact of each proposed
157 electrical power plant site.

158 (d) Possible alternatives to the proposed plan.

159 (e) The views of appropriate local, state, and federal
160 agencies, including the views of the appropriate water
161 management district as to the availability of water and its
162 recommendation as to the use by the proposed plant of salt water
163 or fresh water for cooling purposes.

164 (f) The extent to which the plan is consistent with the
165 state comprehensive plan.

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

168 (h) The amount of renewable energy resources the utility

169 produces or purchases.

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

174 (j) The utility's indication of how the production and
 175 purchase of renewable energy resources affect the utility's
 176 present and future capacity and energy needs.

177 Section 3. Paragraph (d) of subsection (2) of section
 178 212.055, Florida Statutes, is amended to read:

179 212.055 Discretionary sales surtaxes; legislative intent;
 180 authorization and use of proceeds.—It is the legislative intent
 181 that any authorization for imposition of a discretionary sales
 182 surtax shall be published in the Florida Statutes as a
 183 subsection of this section, irrespective of the duration of the
 184 levy. Each enactment shall specify the types of counties
 185 authorized to levy; the rate or rates which may be imposed; the
 186 maximum length of time the surtax may be imposed, if any; the
 187 procedure which must be followed to secure voter approval, if
 188 required; the purpose for which the proceeds may be expended;
 189 and such other requirements as the Legislature may provide.
 190 Taxable transactions and administrative procedures shall be as
 191 provided in s. 212.054.

192 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

193 (d) The proceeds of the surtax authorized by this
 194 subsection and any accrued interest shall be expended by the
 195 school district, within the county and municipalities within the
 196 county, or, in the case of a negotiated joint county agreement,

197 within another county, to finance, plan, and construct
 198 infrastructure; to acquire land for public recreation,
 199 conservation, or protection of natural resources; to provide
 200 loans, grants, or rebates to residential property owners, with
 201 preference given to low-income elders, Florida veterans of the
 202 Armed Forces of the United States, and disabled adults, who make
 203 energy efficiency improvements to their residential property, if
 204 a local government ordinance authorizing such use is approved by
 205 referendum; or to finance the closure of county-owned or
 206 municipally owned solid waste landfills that have been closed or
 207 are required to be closed by order of the Department of
 208 Environmental Protection. Any use of the proceeds or interest
 209 for purposes of landfill closure before July 1, 1993, is
 210 ratified. The proceeds and any interest may not be used for the
 211 operational expenses of infrastructure, except that a county
 212 that has a population of fewer than 75,000 and that is required
 213 to close a landfill may use the proceeds or interest for long-
 214 term maintenance costs associated with landfill closure.
 215 Counties, as defined in s. 125.011, and charter counties may, in
 216 addition, use the proceeds or interest to retire or service
 217 indebtedness incurred for bonds issued before July 1, 1987, for
 218 infrastructure purposes, and for bonds subsequently issued to
 219 refund such bonds. Any use of the proceeds or interest for
 220 purposes of retiring or servicing indebtedness incurred for
 221 refunding bonds before July 1, 1999, is ratified.

222 1. For the purposes of this paragraph, the term
 223 "infrastructure" means:

224 a. Any fixed capital expenditure or fixed capital outlay

225 associated with the construction, reconstruction, or improvement
226 of public facilities that have a life expectancy of 5 or more
227 years and any related land acquisition, land improvement,
228 design, and engineering costs.

229 b. A fire department vehicle, an emergency medical service
230 vehicle, a sheriff's office vehicle, a police department
231 vehicle, or any other vehicle, and the equipment necessary to
232 outfit the vehicle for its official use or equipment that has a
233 life expectancy of at least 5 years.

234 c. Any expenditure for the construction, lease, or
235 maintenance of, or provision of utilities or security for,
236 facilities, as defined in s. 29.008.

237 d. Any fixed capital expenditure or fixed capital outlay
238 associated with the improvement of private facilities that have
239 a life expectancy of 5 or more years and that the owner agrees
240 to make available for use on a temporary basis as needed by a
241 local government as a public emergency shelter or a staging area
242 for emergency response equipment during an emergency officially
243 declared by the state or by the local government under s.
244 252.38. Such improvements are limited to those necessary to
245 comply with current standards for public emergency evacuation
246 shelters. The owner must enter into a written contract with the
247 local government providing the improvement funding to make the
248 private facility available to the public for purposes of
249 emergency shelter at no cost to the local government for a
250 minimum of 10 years after completion of the improvement, with
251 the provision that the obligation will transfer to any
252 subsequent owner until the end of the minimum period.

253 e. Any land acquisition expenditure for a residential
254 housing project in which at least 30 percent of the units are
255 affordable to individuals or families whose total annual
256 household income does not exceed 120 percent of the area median
257 income adjusted for household size, if the land is owned by a
258 local government or by a special district that enters into a
259 written agreement with the local government to provide such
260 housing. The local government or special district may enter into
261 a ground lease with a public or private person or entity for
262 nominal or other consideration for the construction of the
263 residential housing project on land acquired pursuant to this
264 sub-subparagraph.

265 2. For the purposes of this paragraph, the term "energy
266 efficiency improvement" means any energy conservation and
267 efficiency measure that reduces energy consumption through
268 conservation or a more efficient use of electricity, natural
269 gas, propane, or other forms of energy on the property,
270 including, but not limited to, air sealing; installation of
271 insulation; installation of energy-efficient heating, cooling,
272 or ventilation systems; installation of solar panels; building
273 modifications to increase the use of daylight or shade;
274 replacement of windows; installation of energy controls or
275 energy recovery systems; installation of electric vehicle
276 charging equipment; and installation of efficient lighting
277 equipment.

278 ~~3.2.~~ Notwithstanding any other provision of this
279 subsection, a local government infrastructure surtax imposed or
280 extended after July 1, 1998, may allocate up to 15 percent of

281 the surtax proceeds for deposit in a trust fund within the
282 county's accounts created for the purpose of funding economic
283 development projects having a general public purpose of
284 improving local economies, including the funding of operational
285 costs and incentives related to economic development. The ballot
286 statement must indicate the intention to make an allocation
287 under the authority of this subparagraph.

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

290 212.08 Sales, rental, use, consumption, distribution, and
291 storage tax; specified exemptions.—The sale at retail, the
292 rental, the use, the consumption, the distribution, and the
293 storage to be used or consumed in this state of the following
294 are hereby specifically exempt from the tax imposed by this
295 chapter.

296 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
297 entity by this chapter do not inure to any transaction that is
298 otherwise taxable under this chapter when payment is made by a
299 representative or employee of the entity by any means,
300 including, but not limited to, cash, check, or credit card, even
301 when that representative or employee is subsequently reimbursed
302 by the entity. In addition, exemptions provided to any entity by
303 this subsection do not inure to any transaction that is
304 otherwise taxable under this chapter unless the entity has
305 obtained a sales tax exemption certificate from the department
306 or the entity obtains or provides other documentation as
307 required by the department. Eligible purchases or leases made
308 with such a certificate must be in strict compliance with this

309 subsection and departmental rules, and any person who makes an
310 exempt purchase with a certificate that is not in strict
311 compliance with this subsection and the rules is liable for and
312 shall pay the tax. The department may adopt rules to administer
313 this subsection.

314 (hhh) Equipment, machinery, and other materials for
315 renewable energy technologies.-

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

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

322 "Biodiesel" may refer to biodiesel blends designated BXX, where
323 XX represents the volume percentage of biodiesel fuel in the
324 blend.

325 b. "Ethanol" means an anhydrous denatured alcohol produced
326 by the conversion of carbohydrates meeting the specifications
327 for fuel ethanol and fuel ethanol blends with petroleum products
328 as adopted by rule of the Department of Agriculture and Consumer
329 Services. "Ethanol" may refer to fuel ethanol blends designated
330 EXX, where XX represents the volume percentage of fuel ethanol
331 in the blend.

332 c. "Renewable fuel" means a fuel produced from biomass
333 that is used to replace or reduce the quantity of fossil fuel
334 present in motor fuel or diesel fuel. "Biomass" means biomass as
335 defined in s. 366.91, "motor fuel" means motor fuel as defined
336 in s. 206.01, and "diesel fuel" means diesel fuel as defined in

337 s. 206.86.

338 2. The sale or use in the state of the following is exempt
339 from the tax imposed by this chapter. Materials used in the
340 distribution of biodiesel (B10-B100), ethanol (E10-E100), and
341 other renewable fuels, including fueling infrastructure,
342 transportation, and storage, up to a limit of \$1 million in tax
343 each state fiscal year for all taxpayers. Gasoline fueling
344 station pump retrofits for biodiesel (B10-B100), ethanol (E10-
345 E100), and other renewable fuel distribution qualify for the
346 exemption provided in this paragraph.

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

350 4.a. The exemption provided in this paragraph shall be
351 available to a purchaser only through a refund of previously
352 paid taxes. An eligible item is subject to refund one time. A
353 person who has received a refund on an eligible item shall
354 notify the next purchaser of the item that the item is no longer
355 eligible for a refund of paid taxes. The notification shall be
356 provided to each subsequent purchaser on the sales invoice or
357 other proof of purchase.

358 b. To be eligible to receive the exemption provided in
359 this paragraph, a purchaser shall file an application with the
360 Department of Agriculture and Consumer Services. The application
361 shall be developed by the Department of Agriculture and Consumer
362 Services, in consultation with the department, and shall
363 require:

364 (I) The name and address of the person claiming the

365 refund.

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

369 (III) The sales invoice or other proof of purchase showing
370 the amount of sales tax paid, the date of purchase, and the name
371 and address of the sales tax dealer from whom the property was
372 purchased.

373 (IV) A sworn statement that the information provided is
374 accurate and that the requirements of this paragraph have been
375 met.

376 c. Within 30 days after receipt of an application, the
377 Department of Agriculture and Consumer Services shall review the
378 application and notify the applicant of any deficiencies. Upon
379 receipt of a completed application, the Department of
380 Agriculture and Consumer Services shall evaluate the application
381 for the exemption and issue a written certification that the
382 applicant is eligible for a refund or issue a written denial of
383 such certification. The Department of Agriculture and Consumer
384 Services shall provide the department a copy of each
385 certification issued upon approval of an application.

386 d. Each certified applicant is responsible for applying
387 for the refund and forwarding the certification that the
388 applicant is eligible to the department within 6 months after
389 certification by the Department of Agriculture and Consumer
390 Services.

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

393 f. The Department of Agriculture and Consumer Services may
394 adopt by rule the form for the application for a certificate,
395 requirements for the content and format of information submitted
396 to the Department of Agriculture and Consumer Services in
397 support of the application, other procedural requirements, and
398 criteria by which the application will be determined. The
399 Department of Agriculture and Consumer Services may adopt other
400 rules pursuant to ss. 120.536(1) and 120.54 to administer this
401 paragraph, including rules establishing additional forms and
402 procedures for claiming the exemption.

403 g. The Department of Agriculture and Consumer Services
404 shall be responsible for ensuring that the total amount of the
405 exemptions authorized do not exceed the limits specified in
406 subparagraph 2.

407 5. Approval of the exemptions under this paragraph is on a
408 first-come, first-served basis, based upon the date complete
409 applications are received by the Department of Agriculture and
410 Consumer Services. Incomplete placeholder applications shall not
411 be accepted and shall not secure a place in the first-come,
412 first-served application line. The Department of Agriculture and
413 Consumer Services shall determine and publish on its website on
414 a regular basis the amount of sales tax funds remaining in each
415 fiscal year.

416 6. This paragraph expires July 1, 2016.

417 Section 5. Paragraph (w) of subsection (8) of section
418 213.053, Florida Statutes, is amended to read:

419 213.053 Confidentiality and information sharing.—

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

422 (w) Information relative to ss. 212.08(7)(hhh), 220.192,
 423 and 220.193 ~~s. 220.192~~ to the Department of Agriculture and
 424 Consumer Services for use in the conduct of its official
 425 business.

426
 427 Disclosure of information under this subsection shall be
 428 pursuant to a written agreement between the executive director
 429 and the agency. Such agencies, governmental or nongovernmental,
 430 shall be bound by the same requirements of confidentiality as
 431 the Department of Revenue. Breach of confidentiality is a
 432 misdemeanor of the first degree, punishable as provided by s.
 433 775.082 or s. 775.083.

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

436 220.192 Renewable energy technologies investment tax
 437 credit.—

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

439 (a) "Biodiesel" means biodiesel as defined in s.
 440 212.08(7)(hhh) ~~former s. 212.08(7)(ccc)~~.

441 (b) "Corporation" includes a general partnership, limited
 442 partnership, limited liability company, unincorporated business,
 443 or other business entity, including entities taxed as
 444 partnerships for federal income tax purposes.

445 (c) "Eligible costs" means—

446 ~~1. Seventy-five percent of all capital costs, operation~~
 447 ~~and maintenance costs, and research and development costs~~

448 ~~incurred between July 1, 2006, and June 30, 2010, up to a limit~~
 449 ~~of \$3 million per state fiscal year for all taxpayers, in~~
 450 ~~connection with an investment in hydrogen-powered vehicles and~~
 451 ~~hydrogen vehicle fueling stations in the state, including, but~~
 452 ~~not limited to, the costs of constructing, installing, and~~
 453 ~~equipping such technologies in the state.~~

454 ~~2. Seventy-five percent of all capital costs, operation~~
 455 ~~and maintenance costs, and research and development costs~~
 456 ~~incurred between July 1, 2006, and June 30, 2010, up to a limit~~
 457 ~~of \$1.5 million per state fiscal year for all taxpayers, and~~
 458 ~~limited to a maximum of \$12,000 per fuel cell, in connection~~
 459 ~~with an investment in commercial stationary hydrogen fuel cells~~
 460 ~~in the state, including, but not limited to, the costs of~~
 461 ~~constructing, installing, and equipping such technologies in the~~
 462 ~~state.~~

463 ~~3.~~ seventy-five percent of all capital costs, operation
 464 and maintenance costs, and research and development costs
 465 incurred between July 1, 2012 ~~2006~~, and June 30, 2016 ~~2010~~, not
 466 to exceed \$1 million per state fiscal year for each taxpayer and
 467 up to a limit of \$10 ~~\$6.5~~ million per state fiscal year for all
 468 taxpayers, in connection with an investment in the production,
 469 storage, and distribution of biodiesel (B10-B100), and ethanol
 470 (E10-E100), and other renewable fuel in the state, including the
 471 costs of constructing, installing, and equipping such
 472 technologies in the state. Gasoline fueling station pump
 473 retrofits for biodiesel (B10-B100), ethanol (E10-E100), and
 474 other renewable fuel distribution qualify as an eligible cost
 475 under this section ~~subparagraph~~.

476 (d) "Ethanol" means ethanol as defined in s.
477 212.08(7)(hhh) ~~former s. 212.08(7)(ccc)~~.

478 (e) "Renewable fuel" means a fuel produced from biomass
479 that is used to replace or reduce the quantity of fossil fuel
480 present in motor fuel or diesel fuel. "Biomass" means biomass as
481 defined in s. 366.91, "motor fuel" means motor fuel as defined
482 in s. 206.01, and "diesel fuel" means diesel fuel as defined in
483 s. 206.86.

484 ~~(e) "Hydrogen fuel cell" means hydrogen fuel cell as~~
485 ~~defined in former s. 212.08(7)(ccc).~~

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

488 (2) TAX CREDIT.—For tax years beginning on or after
489 January 1, 2013 ~~2007~~, a credit against the tax imposed by this
490 chapter shall be granted in an amount equal to the eligible
491 costs. Credits may be used in tax years beginning January 1,
492 2013 ~~2007~~, and ending December 31, 2016 ~~2010~~, after which the
493 credit shall expire. If the credit is not fully used in any one
494 tax year because of insufficient tax liability on the part of
495 the corporation, the unused amount may be carried forward and
496 used in tax years beginning January 1, 2013 ~~2007~~, and ending
497 December 31, 2018 ~~2012~~, after which the credit carryover expires
498 and may not be used. A taxpayer that files a consolidated return
499 in this state as a member of an affiliated group under s.
500 220.131(1) may be allowed the credit on a consolidated return
501 basis up to the amount of tax imposed upon the consolidated
502 group. Any eligible cost for which a credit is claimed and which
503 is deducted or otherwise reduces federal taxable income shall be

504 added back in computing adjusted federal income under s. 220.13.

505 (4) TAXPAYER APPLICATION PROCESS.—To claim a credit under
 506 this section, each taxpayer must apply to the Department of
 507 Agriculture and Consumer Services for an allocation of each type
 508 of annual credit by the date established by the Department of
 509 Agriculture and Consumer Services. The application form adopted
 510 by rule of the Department of Agriculture and Consumer Services
 511 must include an affidavit from each taxpayer certifying that all
 512 information contained in the application, including all records
 513 of eligible costs claimed as the basis for the tax credit, are
 514 true and correct. Approval of the credits under this section is
 515 on a first-come, first-served basis, based upon the date
 516 complete applications are received by the Department of
 517 Agriculture and Consumer Services. A taxpayer must submit only
 518 one complete application based upon eligible costs incurred
 519 within a particular state fiscal year. Incomplete placeholder
 520 applications will not be accepted and will not secure a place in
 521 the first-come, first-served application line. If a taxpayer
 522 does not receive a tax credit allocation due to the exhaustion
 523 of the annual tax credit authorizations, then such taxpayer may
 524 reapply in the following year for those eligible costs and will
 525 have priority over other applicants for the allocation of
 526 credits.

527 (6) TRANSFERABILITY OF CREDIT.—

528 (a) For tax years beginning on or after January 1, 2014
 529 ~~2009~~, any corporation or subsequent transferee allowed a tax
 530 credit under this section may transfer the credit, in whole or
 531 in part, to any taxpayer by written agreement without

532 transferring any ownership interest in the property generating
533 the credit or any interest in the entity owning such property.
534 The transferee is entitled to apply the credits against the tax
535 with the same effect as if the transferee had incurred the
536 eligible costs.

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

549 (c) A tax credit authorized under this section that is
550 held by a corporation and not transferred under this subsection
551 shall be passed through to the taxpayers designated as partners,
552 members, or owners, respectively, in the manner agreed to by
553 such persons regardless of whether such partners, members, or
554 owners are allocated or allowed any portion of the federal
555 energy tax credit for the eligible costs. A corporation that
556 passes the credit through to a partner, member, or owner must
557 comply with the notification requirements described in paragraph
558 (b). The partner, member, or owner must attach a copy of the
559 certificate to each tax return on which the partner, member, or

560 owner claims any portion of the credit.

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

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

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

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

578 Section 7. Section 220.193, Florida Statutes, is amended
 579 to read:

580 220.193 Florida renewable energy production credit.—

581 (1) The purpose of this section is to encourage the
 582 development and expansion of facilities that produce renewable
 583 energy in Florida.

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

585 (a) "Commission" means ~~shall mean~~ the Public Service
 586 Commission.

587 (b) "Department" means ~~shall mean~~ the Department of

588 Revenue.

589 (c) "Expanded facility" means ~~shall mean~~ a Florida
590 renewable energy facility that increases its electrical
591 production and sale by more than 5 percent above the facility's
592 electrical production and sale during the 2011 ~~2005~~ calendar
593 year.

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

597 (e) "New facility" means ~~shall mean~~ a Florida renewable
598 energy facility that is operationally placed in service after
599 May 1, 2006. "New facility" includes a Florida renewable energy
600 facility that has had an expansion operationally placed in
601 service after May 1, 2006, and whose cost exceeded 50 percent of
602 the assessed value of the facility immediately before the
603 expansion.

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

607 (g) "Taxpayer" includes a general partnership, limited
608 partnership, limited liability company, trust, or other
609 artificial entity in which a corporation, as defined in s.
610 220.03(1)(e), owns an interest and is taxed as a partnership or
611 is disregarded as a separate entity from the corporation under
612 this chapter.

613 (3) An annual credit against the tax imposed by this
614 section shall be allowed to a taxpayer, based on the taxpayer's
615 production and sale of electricity from a new or expanded

616 Florida renewable energy facility. For a new facility, the
617 credit shall be based on the taxpayer's sale of the facility's
618 entire electrical production. For an expanded facility, the
619 credit shall be based on the increases in the facility's
620 electrical production that are achieved after May 1, 2012 ~~2006~~.

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

624 (b) The credit may be claimed for electricity produced and
625 sold on or after January 1, 2013 ~~2007~~. Beginning in 2014 ~~2008~~
626 and continuing until 2017 ~~2011~~, each taxpayer claiming a credit
627 under this section must ~~first~~ apply to the Department of
628 Agriculture and Consumer Services by the date established by the
629 Department of Agriculture and Consumer Services by February 1 of
630 each year for an allocation of available credits for that year
631 credit. The application form shall be adopted by rule of the
632 Department of Agriculture and Consumer Services in consultation
633 with the commission. ~~The department, in consultation with the~~
634 ~~commission, shall develop an application form~~. The application
635 form shall, at a minimum, require a sworn affidavit from each
636 taxpayer certifying the increase in production and sales that
637 form the basis of the application and certifying that all
638 information contained in the application is true and correct.

639 (c) If the amount of credits applied for each year exceeds
640 \$5 million, the Department of Agriculture and Consumer Services
641 shall allocate credits to qualified applicants based on the
642 following priority: award to each applicant a prorated amount
643 ~~based on each applicant's increased production and sales and the~~

644 ~~increased production and sales of all applicants.~~

645 1. An applicant who places a new facility in operation
646 after May 1, 2012, shall be granted credits first, up to a
647 maximum of \$250,000 each, with remaining credits to be granted
648 pursuant to subparagraph 3., but if there are insufficient funds
649 authorized to grant all such credits, the credits granted under
650 this subparagraph shall be prorated based upon each applicant's
651 qualified production and sales as a percentage of total
652 qualified production and sales of all applicants in this
653 category for the year.

654 2. An applicant who does not qualify under subparagraph 1.
655 but who claims a credit of \$50,000 or less shall be granted
656 credits next, and if there are insufficient funds authorized to
657 grant all such credits, the credits shall be prorated based upon
658 each applicant's qualified production and sales as a percentage
659 of total qualified production and sales of all applicants in
660 this category for the year.

661 3. An applicant who does not qualify under subparagraph 1.
662 or subparagraph 2. and an applicant whose credits have not been
663 fully awarded under subparagraph 1. shall be awarded credits
664 from remaining authorized funds, and if there are insufficient
665 authorized funds to grant all such remaining credits, the
666 credits shall be prorated based upon each applicant's remaining
667 claims for qualified production and sales as a percentage of
668 total remaining claims for qualified production and sales of all
669 applicants in this category for the year.

670 (d) If the credit granted pursuant to this section is not
671 fully used in one year because of insufficient tax liability on

672 the part of the taxpayer, the unused amount may be carried
673 forward for a period not to exceed 5 years. The carryover credit
674 may be used in a subsequent year when the tax imposed by this
675 chapter for such year exceeds the credit for such year, after
676 applying the other credits and unused credit carryovers in the
677 order provided in s. 220.02(8).

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

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

686 2. The entity or its surviving or acquiring entity as
687 described in subparagraph 1. may transfer any unused credit in
688 whole or in units of no less than 25 percent of the remaining
689 credit. The entity acquiring such credit may use it in the same
690 manner and with the same limitations under this section. Such
691 transferred credits may not be transferred again although they
692 may succeed to a surviving or acquiring entity subject to the
693 same conditions and limitations as described in this section.

694 3. In the event the credit provided for under this section
695 is reduced as a result of an examination or audit by the
696 department, such tax deficiency shall be recovered from the
697 first entity or the surviving or acquiring entity to have
698 claimed such credit up to the amount of credit taken. Any
699 subsequent deficiencies shall be assessed against any entity

700 acquiring and claiming such credit, or in the case of multiple
 701 succeeding entities in the order of credit succession.

702 (g) Notwithstanding any other provision of this section,
 703 credits for the production and sale of electricity from a new or
 704 expanded Florida renewable energy facility may be earned between
 705 January 1, 2013 ~~2007~~, and June 30, 2016 ~~2010~~. The amount of tax
 706 credits that may be granted to each taxpayer under this section
 707 is limited to \$1 million per state fiscal year. The combined
 708 total amount of tax credits which may be granted for all
 709 taxpayers under this section is limited to \$5 million per state
 710 fiscal year.

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

716 (i) A taxpayer claiming credit under this section may not
 717 claim a credit under s. 220.192. A taxpayer claiming credit
 718 under s. 220.192 may not claim a credit under this section.

719 (j) When an entity treated as a partnership or a
 720 disregarded entity under this chapter produces and sells
 721 electricity from a new or expanded renewable energy facility,
 722 the credit earned by such entity shall pass through in the same
 723 manner as items of income and expense pass through for federal
 724 income tax purposes. When an entity applies for the credit and
 725 the entity has received the credit by a pass-through, the
 726 application must identify the taxpayer that passed the credit
 727 through, all taxpayers that received the credit, and the

728 percentage of the credit that passes through to each recipient
729 and must provide other information that the Department of
730 Agriculture and Consumer Services ~~department~~ requires.

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

734 (4) The Department of Agriculture and Consumer Services
735 shall make a determination on the eligibility of the applicant
736 for the credits sought and certify the determination to the
737 applicant and the Department of Revenue. The corporation must
738 attach the Department of Agriculture and Consumer Services'
739 certification to the tax return on which the credit is claimed.
740 The Department of Agriculture and Consumer Services is
741 responsible for ensuring that the corporate income tax credits
742 granted in each fiscal year do not exceed the limits provided
743 for in this section.

744 (5) (a) In addition to its existing audit and investigation
745 authority, the Department of Revenue may perform any additional
746 financial and technical audits and investigations, including
747 examining the accounts, books, and records of the tax credit
748 applicant, which are necessary to verify the information
749 included in the tax credit return and to ensure compliance with
750 this section. The Department of Agriculture and Consumer
751 Services shall provide technical assistance when requested by
752 the Department of Revenue on any technical audits or
753 examinations performed pursuant to this section.

754 (b) It is grounds for forfeiture of previously claimed and
755 received tax credits if the Department of Revenue determines, as

756 a result of an audit or examination or from information received
757 from the Department of Agriculture and Consumer Services, that a
758 taxpayer received tax credits pursuant to this section to which
759 the taxpayer was not entitled. The taxpayer is responsible for
760 returning forfeited tax credits to the Department of Revenue,
761 and such funds shall be paid into the General Revenue Fund of
762 the state.

763 (c) The Department of Agriculture and Consumer Services
764 may revoke or modify any written decision granting eligibility
765 for tax credits under this section if it is discovered that the
766 tax credit applicant submitted any false statement,
767 representation, or certification in any application, record,
768 report, plan, or other document filed in an attempt to receive
769 tax credits under this section. The Department of Agriculture
770 and Consumer Services shall immediately notify the Department of
771 Revenue of any revoked or modified orders affecting previously
772 granted tax credits. Additionally, the taxpayer must notify the
773 Department of Revenue of any change in its tax credit claimed.

774 (d) The taxpayer shall file with the Department of Revenue
775 an amended return or such other report as the Department of
776 Revenue prescribes by rule and shall pay any required tax and
777 interest within 60 days after the taxpayer receives notification
778 from the Department of Agriculture and Consumer Services that
779 previously approved tax credits have been revoked or modified.
780 If the revocation or modification order is contested, the
781 taxpayer shall file an amended return or other report as
782 provided in this paragraph within 60 days after a final order is
783 issued after proceedings.

784 (e) A notice of deficiency may be issued by the Department
 785 of Revenue at any time within 3 years after the taxpayer
 786 receives formal notification from the Department of Agriculture
 787 and Consumer Services that previously approved tax credits have
 788 been revoked or modified. If a taxpayer fails to notify the
 789 Department of Revenue of any changes to its tax credit claimed,
 790 a notice of deficiency may be issued at any time.

791 (6)-(4) The Department of Revenue and the Department of
 792 Agriculture and Consumer Services department may adopt rules to
 793 implement and administer this section, including rules
 794 prescribing forms, the documentation needed to substantiate a
 795 claim for the tax credit, and the specific procedures and
 796 guidelines for claiming the credit.

797 (7) The Department of Agriculture and Consumer Services
 798 shall determine and publish on its website on a regular basis
 799 the amount of available tax credits remaining in each fiscal
 800 year.

801 (8)-(5) This section shall take effect upon becoming law
 802 and shall apply to tax years beginning on and after January 1,
 803 2013 2007.

804 Section 8. Subsection (3) of section 255.257, Florida
 805 Statutes, is amended to read:

806 255.257 Energy management; buildings occupied by state
 807 agencies.—

808 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.—The
 809 Department of Management Services, in coordination with the
 810 Department of Agriculture and Consumer Services, shall further
 811 develop the a state energy management plan consisting of, but

812 not limited to, the following elements:

- 813 (a) Data-gathering requirements;
- 814 (b) Building energy audit procedures;
- 815 (c) Uniform data analysis and reporting procedures;
- 816 (d) Employee energy education program measures;
- 817 (e) Energy consumption reduction techniques;
- 818 (f) Training program for state agency energy management
- 819 coordinators; and
- 820 (g) Guidelines for building managers.

821

822 The plan shall include a description of actions that state
 823 agencies shall take to reduce consumption of electricity and
 824 nonrenewable energy sources used for space heating and cooling,
 825 ventilation, lighting, water heating, and transportation.

826 Section 9. Paragraph (q) of subsection (2) of section
 827 288.106, Florida Statutes, is amended to read:

828 288.106 Tax refund program for qualified target industry
 829 businesses.—

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

831 (q) "Target industry business" means a corporate
 832 headquarters business or any business that is engaged in one of
 833 the target industries identified pursuant to the following
 834 criteria developed by the department in consultation with
 835 Enterprise Florida, Inc.:

836 1. Future growth.—Industry forecasts should indicate
 837 strong expectation for future growth in both employment and
 838 output, according to the most recent available data. Special
 839 consideration should be given to businesses that export goods

840 to, or provide services in, international markets and businesses
841 that replace domestic and international imports of goods or
842 services.

843 2. Stability.—The industry should not be subject to
844 periodic layoffs, whether due to seasonality or sensitivity to
845 volatile economic variables such as weather. The industry should
846 also be relatively resistant to recession, so that the demand
847 for products of this industry is not typically subject to
848 decline during an economic downturn.

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

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

855 5. Industrial base diversification and strengthening.—The
856 industry should contribute toward expanding or diversifying the
857 state's or area's economic base, as indicated by analysis of
858 employment and output shares compared to national and regional
859 trends. Special consideration should be given to industries that
860 strengthen regional economies by adding value to basic products
861 or building regional industrial clusters as indicated by
862 industry analysis. Special consideration should also be given to
863 the development of strong industrial clusters that include
864 defense and homeland security businesses.

865 6. Positive economic impact.—The industry is expected to
866 have strong positive economic impacts on or benefits to the
867 state or regional economies. Special consideration should be

868 given to industries that facilitate the development of the state
869 as a hub for domestic and global trade and logistics.

870

871 The term does not include any business engaged in retail
872 industry activities; any electrical utility company as defined
873 in s. 366.02(2); any phosphate or other solid minerals
874 severance, mining, or processing operation; any oil or gas
875 exploration or production operation; or any business subject to
876 regulation by the Division of Hotels and Restaurants of the
877 Department of Business and Professional Regulation. Any business
878 within NAICS code 5611 or 5614, office administrative services
879 and business support services, respectively, may be considered a
880 target industry business only after the local governing body and
881 Enterprise Florida, Inc., make a determination that the
882 community where the business may locate has conditions affecting
883 the fiscal and economic viability of the local community or
884 area, including but not limited to, factors such as low per
885 capita income, high unemployment, high underemployment, and a
886 lack of year-round stable employment opportunities, and such
887 conditions may be improved by the location of such a business to
888 the community. By January 1 of every 3rd year, beginning January
889 1, 2011, the department, in consultation with Enterprise
890 Florida, Inc., economic development organizations, the State
891 University System, local governments, employee and employer
892 organizations, market analysts, and economists, shall review
893 and, as appropriate, revise the list of such target industries
894 and submit the list to the Governor, the President of the
895 Senate, and the Speaker of the House of Representatives.

896 Section 10. Paragraph (c) of subsection (5) of section
 897 20.60, Florida Statutes, is amended to read:

898 20.60 Department of Economic Opportunity; creation; powers
 899 and duties.—

900 (5) The divisions within the department have specific
 901 responsibilities to achieve the duties, responsibilities, and
 902 goals of the department. Specifically:

903 (c) The Division of Workforce Services shall:

904 1. Prepare and submit a unified budget request for
 905 workforce in accordance with chapter 216 for, and in conjunction
 906 with, Workforce Florida, Inc., and its board.

907 2. Ensure that the state appropriately administers federal
 908 and state workforce funding by administering plans and policies
 909 of Workforce Florida, Inc., under contract with Workforce
 910 Florida, Inc. The operating budget and midyear amendments
 911 thereto must be part of such contract.

912 a. All program and fiscal instructions to regional
 913 workforce boards shall emanate from the Department of Economic
 914 Opportunity pursuant to plans and policies of Workforce Florida,
 915 Inc., which shall be responsible for all policy directions to
 916 the regional workforce boards.

917 b. Unless otherwise provided by agreement with Workforce
 918 Florida, Inc., administrative and personnel policies of the
 919 Department of Economic Opportunity shall apply.

920 3. Implement the state's unemployment compensation
 921 program. The Department of Economic Opportunity shall ensure
 922 that the state appropriately administers the unemployment
 923 compensation program pursuant to state and federal law.

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

926 5. Prepare an independent economic impact study for each
927 renewable energy project submitted to the Public Service
928 Commission for a public interest determination and provided to
929 the department for review pursuant to s. 366.92. The study shall
930 include, but is not limited to, the impacts of the project on
931 regional employment, income, compensation, and output.

932 Section 11. Section 366.92, Florida Statutes, is amended
933 to read:

934 366.92 Florida renewable energy policy.—

935 (1) It is the intent of the Legislature to promote the
936 development of renewable energy; protect the economic viability
937 of Florida's existing renewable energy facilities; diversify the
938 types of fuel used to generate electricity in Florida; lessen
939 Florida's dependence on natural gas and fuel oil for the
940 production of electricity; minimize the volatility of fuel
941 costs; encourage investment within the state; improve
942 environmental conditions; and, at the same time, minimize the
943 costs of power supply to electric utilities and their customers.

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

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

948 ~~(b) "Provider" means a "utility" as defined in s.~~
949 ~~366.8255(1)(a).~~

950 (b)(c) "Renewable energy" means renewable energy as
951 defined in s. 366.91(2)(d) which is produced in this state.

952 (c) "Renewable energy project" means the construction of a
 953 new renewable energy generating facility, the conversion of an
 954 existing fossil fuel generating facility to a renewable energy
 955 generating facility, or a contract for the purchase of renewable
 956 energy from a nonutility generating facility.

957 (d) "Utility" means an electric utility as defined in s.
 958 366.8255 "Renewable energy credit" or "REC" means a product that
 959 ~~represents the unbundled, separable, renewable attribute of~~
 960 ~~renewable energy produced in Florida and is equivalent to 1~~
 961 ~~megawatt-hour of electricity generated by a source of renewable~~
 962 ~~energy located in Florida.~~

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

967 (3) (a) A utility may petition the commission to determine
 968 pursuant to this section that a proposed renewable energy
 969 project, selected as a result of competitive bidding, is in the
 970 public interest. Notwithstanding s. 366.91(3) and (4), the
 971 commission shall determine that a proposed project is in the
 972 public interest if the commission finds that the project
 973 provides an overall net benefit to the state. A public interest
 974 determination is available only for those renewable energy
 975 projects that are exempt from the requirement to obtain a
 976 determination of need pursuant to s. 403.519. A utility may seek
 977 approval of a renewable energy project pursuant to this section
 978 or, at its discretion, through any other available process.

979 (b) In evaluating whether a renewable energy project,

980 selected as a result of competitive bidding and proposed by a
 981 utility for consideration, is prudent and in the public
 982 interest, the commission shall consider:

983 1. The estimated cost and estimated rate impacts of the
 984 project;

985 2. The impact of the project on the reliability and
 986 integrity of the utility's system and the statewide electric
 987 grid;

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

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

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

994 6. The extent to which the project reduces the utility's
 995 regulatory costs associated with adverse environmental impacts;
 996 and

997 7. The regional and statewide net economic benefits
 998 associated with the project, taking into consideration an
 999 independent economic impact study of the project prepared by the
 1000 department.

1001 (c) The commission shall approve for recovery through the
 1002 environmental cost recovery clause all reasonable and prudent
 1003 costs incurred by a utility for a renewable energy project that
 1004 the commission determines to be in the public interest pursuant
 1005 to this section. For a new renewable energy generating facility,
 1006 recoverable costs include, but are not limited to, the siting,
 1007 licensing, engineering, design, permitting, construction,

1008 operation, and maintenance of such facilities, including any
1009 applicable taxes and a return based on the utility's last
1010 authorized rate of return. For conversion of an existing fossil
1011 fuel generating facility to a renewable energy generating
1012 facility, recoverable costs include reasonable and prudent
1013 conversion costs, including the costs of retirement of the
1014 fossil fuel plant that exceed any amounts accrued by the
1015 provider for such purposes through rates previously set by the
1016 commission. For purchase of renewable energy from a nonutility
1017 generating facility, recoverable costs include the reasonable
1018 and prudent costs associated with the purchase.

1019 ~~(3) The commission shall adopt rules for a renewable~~
1020 ~~portfolio standard requiring each provider to supply renewable~~
1021 ~~energy to its customers directly, by procuring, or through~~
1022 ~~renewable energy credits. In developing the RPS rule, the~~
1023 ~~commission shall consult the Department of Environmental~~
1024 ~~Protection and the Department of Agriculture and Consumer~~
1025 ~~Services. The rule shall not be implemented until ratified by~~
1026 ~~the Legislature. The commission shall present a draft rule for~~
1027 ~~legislative consideration by February 1, 2009.~~

1028 ~~(a) In developing the rule, the commission shall evaluate~~
1029 ~~the current and forecasted levelized cost in cents per kilowatt~~
1030 ~~hour through 2020 and current and forecasted installed capacity~~
1031 ~~in kilowatts for each renewable energy generation method through~~
1032 ~~2020.~~

1033 ~~(b) The commission's rule:~~

1034 ~~1. Shall include methods of managing the cost of~~
1035 ~~compliance with the renewable portfolio standard, whether~~

1036 ~~through direct supply or procurement of renewable power or~~
 1037 ~~through the purchase of renewable energy credits. The commission~~
 1038 ~~shall have rulemaking authority for providing annual cost~~
 1039 ~~recovery and incentive-based adjustments to authorized rates of~~
 1040 ~~return on common equity to providers to incentivize renewable~~
 1041 ~~energy. Notwithstanding s. 366.91(3) and (4), upon the~~
 1042 ~~ratification of the rules developed pursuant to this subsection,~~
 1043 ~~the commission may approve projects and power sales agreements~~
 1044 ~~with renewable power producers and the sale of renewable energy~~
 1045 ~~credits needed to comply with the renewable portfolio standard.~~
 1046 ~~In the event of any conflict, this subparagraph shall supersede~~
 1047 ~~s. 366.91(3) and (4). However, nothing in this section shall~~
 1048 ~~alter the obligation of each public utility to continuously~~
 1049 ~~offer a purchase contract to producers of renewable energy.~~

1050 ~~2. Shall provide for appropriate compliance measures and~~
 1051 ~~the conditions under which noncompliance shall be excused due to~~
 1052 ~~a determination by the commission that the supply of renewable~~
 1053 ~~energy or renewable energy credits was not adequate to satisfy~~
 1054 ~~the demand for such energy or that the cost of securing~~
 1055 ~~renewable energy or renewable energy credits was cost~~
 1056 ~~prohibitive.~~

1057 ~~3. May provide added weight to energy provided by wind and~~
 1058 ~~solar photovoltaic over other forms of renewable energy, whether~~
 1059 ~~directly supplied or procured or indirectly obtained through the~~
 1060 ~~purchase of renewable energy credits.~~

1061 ~~4. Shall determine an appropriate period of time for which~~
 1062 ~~renewable energy credits may be used for purposes of compliance~~
 1063 ~~with the renewable portfolio standard.~~

1064 ~~5. Shall provide for monitoring of compliance with and~~
 1065 ~~enforcement of the requirements of this section.~~

1066 ~~6. Shall ensure that energy credited toward compliance~~
 1067 ~~with the requirements of this section is not credited toward any~~
 1068 ~~other purpose.~~

1069 ~~7. Shall include procedures to track and account for~~
 1070 ~~renewable energy credits, including ownership of renewable~~
 1071 ~~energy credits that are derived from a customer-owned renewable~~
 1072 ~~energy facility as a result of any action by a customer of an~~
 1073 ~~electric power supplier that is independent of a program~~
 1074 ~~sponsored by the electric power supplier.~~

1075 ~~8. Shall provide for the conditions and options for the~~
 1076 ~~repeal or alteration of the rule in the event that new~~
 1077 ~~provisions of federal law supplant or conflict with the rule.~~

1078 ~~(c) Beginning on April 1 of the year following final~~
 1079 ~~adoption of the commission's renewable portfolio standard rule,~~
 1080 ~~each provider shall submit a report to the commission describing~~
 1081 ~~the steps that have been taken in the previous year and the~~
 1082 ~~steps that will be taken in the future to add renewable energy~~
 1083 ~~to the provider's energy supply portfolio. The report shall~~
 1084 ~~state whether the provider was in compliance with the renewable~~
 1085 ~~portfolio standard during the previous year and how it will~~
 1086 ~~comply with the renewable portfolio standard in the upcoming~~
 1087 ~~year.~~

1088 (4) The commission shall adopt rules to implement a public
 1089 interest determination process by which it shall determine
 1090 whether a renewable energy project, proposed by a utility for
 1091 purposes of supplying electrical energy to its retail customers,

1092 provides an overall net benefit to the state pursuant to the
1093 criteria in subsection (3). The commission's rules shall:

1094 (a) Provide a process for competitive bidding of a
1095 renewable energy project based on the type and technology of the
1096 renewable energy resource that the utility elects to use.

1097 (b) Provide minimum requirements and information that a
1098 utility must include in a request for proposals for a new
1099 renewable energy project and other information related to the
1100 request for proposal and competitive bidding processes.

1101 (c) Establish minimum requirements and information that a
1102 utility must include in a petition for a public interest
1103 determination for a renewable energy project, including
1104 information required by the department to conduct an economic
1105 impact study of the project as required by s. 20.60.

1106 (d) Provide for recovery through the environmental cost
1107 recovery clause of all reasonable and prudent costs incurred by
1108 a utility for a renewable energy project that the commission
1109 determines to be in the public interest pursuant to subsection
1110 (3).

1111 (e) Establish a mechanism for the sharing of revenues
1112 derived from any renewable energy credit, carbon credit, or
1113 other mechanism that attributes value to the production of
1114 renewable energy, either existing or hereafter devised, and
1115 received by a utility by virtue of the production or purchase of
1116 renewable energy found to be in the public interest pursuant to
1117 subsection (3). The utility shall be entitled to retain from
1118 these revenues no more than the amount deemed reasonable by the
1119 commission to cover the utility's transaction costs associated

1120 with the credit or other mechanism, plus 5 percent of the
1121 remaining revenues. The remainder of the revenues shall be
1122 credited to the utility's ratepayers.

1123 (f) Require a utility to report to the commission on an
1124 annual basis, with respect to any renewable energy project that
1125 the commission determines to be in the public interest, the
1126 status of the project, the economic impacts of the project on
1127 the region and the state, the amount and type of fuel displaced
1128 by the project, operational statistics, and any other
1129 information deemed relevant by the commission.

1130 (g) Require a seller of renewable energy, under a
1131 purchased power agreement approved pursuant to the commission's
1132 rules and this subsection, to surrender to the utility all
1133 renewable attributes of the renewable energy purchased.

1134
1135 Agency rules promulgated under the authority of this subsection
1136 shall not take effect before July 1, 2013.

1137 ~~(4) In order to demonstrate the feasibility and viability~~
1138 ~~of clean energy systems, the commission shall provide for full~~
1139 ~~cost recovery under the environmental cost-recovery clause of~~
1140 ~~all reasonable and prudent costs incurred by a provider for~~
1141 ~~renewable energy projects that are zero greenhouse gas emitting~~
1142 ~~at the point of generation, up to a total of 110 megawatts~~
1143 ~~statewide, and for which the provider has secured necessary~~
1144 ~~land, zoning permits, and transmission rights within the state.~~
1145 ~~Such costs shall be deemed reasonable and prudent for purposes~~
1146 ~~of cost recovery so long as the provider has used reasonable and~~
1147 ~~customary industry practices in the design, procurement, and~~

1148 ~~construction of the project in a cost-effective manner~~
1149 ~~appropriate to the location of the facility. The provider shall~~
1150 ~~report to the commission as part of the cost-recovery~~
1151 ~~proceedings the construction costs, in-service costs, operating~~
1152 ~~and maintenance costs, hourly energy production of the renewable~~
1153 ~~energy project, and any other information deemed relevant by the~~
1154 ~~commission. Any provider constructing a clean energy facility~~
1155 ~~pursuant to this section shall file for cost recovery no later~~
1156 ~~than July 1, 2009.~~

1157 (5) (a) Within 7 days after receipt of a petition for a
1158 public interest determination pursuant to subsection (3), the
1159 commission, through administrative review by its staff, shall
1160 determine whether the petition is complete. If the commission
1161 finds that the petition is not complete, it shall notify the
1162 petitioner of all deficiencies and provide the petitioner an
1163 opportunity to correct the deficiencies through an amended or
1164 supplemental filing.

1165 (b) When the commission determines that a petition is
1166 complete, the commission shall notify the department and forward
1167 a copy of the petition to the department within 3 days. After
1168 receipt and review of the petition, the department may request
1169 any additional information it deems necessary to complete an
1170 economic impact study of the project as required by s. 20.60.

1171 (c) Within 45 days after receipt of the complete petition
1172 or 30 days after receipt of all additional information
1173 requested, whichever is later, the department shall complete its
1174 economic impact study and submit a report reflecting the results
1175 of the study to the commission for consideration in the

1176 commission's public interest determination proceeding. The
 1177 department's study and report are not subject to the provisions
 1178 of ss. 120.569 and 120.57. Any party to the commission's public
 1179 interest determination proceeding may present evidence to the
 1180 commission concerning the regional and statewide net economic
 1181 benefits associated with the project.

1182 (d) The commission shall issue a final order within 180
 1183 days after receipt of a complete petition for a public interest
 1184 determination filed pursuant to subsection (3).

1185 (6)-(5) Each municipal electric utility and rural electric
 1186 cooperative shall develop standards for the promotion,
 1187 encouragement, and expansion of the use of renewable energy
 1188 resources and energy conservation and efficiency measures. On or
 1189 before April 1, 2009, and annually thereafter, each municipal
 1190 electric utility and electric cooperative shall submit to the
 1191 commission a report that identifies such standards.

1192 (7)-(6) Nothing in This section and any action taken under
 1193 this section may not shall be construed to impede or impair the
 1194 terms and conditions of, or serve as a basis for renegotiating
 1195 or repricing an existing contract contracts. This section may
 1196 not be construed to apply to purchases required pursuant to s.
 1197 366.051 or s. 366.91.

1198 (8)-(7) The commission may adopt rules to administer and
 1199 implement the provisions of this section.

1200 Section 12. Section 366.94, Florida Statutes, is created
 1201 to read:

1202 366.94 Electric vehicle charging stations.—

1203 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the

1204 provision of electric vehicle charging to the public by a
 1205 nonutility is a service and not the retail sale of electricity.
 1206 The rates, terms, and conditions of electric vehicle charging
 1207 services by a nonutility are not subject to regulation under
 1208 this chapter. Nothing in this section affects the ability of
 1209 individuals, businesses, or governmental entities to acquire,
 1210 install, or use an electric vehicle charger for their own
 1211 vehicles.

1212 (2) RULES.—The Department of Agriculture and Consumer
 1213 Services shall adopt rules to provide definitions, methods of
 1214 sale, labeling requirements, and price-posting requirements for
 1215 electric vehicle charging stations to allow for consistency for
 1216 consumers and the industry.

1217 (3) PARKING SPACES FOR ELECTRIC VEHICLE CHARGING
 1218 STATIONS.—

1219 (a) It is unlawful for a person to stop, stand, or park a
 1220 vehicle that is not capable of using an electrical recharging
 1221 station within any parking space specifically designated for
 1222 charging an electric vehicle.

1223 (b) If a law enforcement officer finds a motor vehicle in
 1224 violation of this subsection, the officer or specialist shall
 1225 charge the operator or other person in charge of the vehicle in
 1226 violation with a noncriminal traffic infraction, punishable as
 1227 provided in s. 316.008(4) or s. 318.18.

1228 Section 13. Paragraph (n) is added to subsection (2) of
 1229 section 377.703, Florida Statutes, to read:

1230 377.703 Additional functions of the Department of
 1231 Agriculture and Consumer Services.—

1232 (2) DUTIES.—The department shall perform the following
 1233 functions, unless as otherwise provided, consistent with the
 1234 development of a state energy policy:

1235 (n) On an annual basis, the department shall prepare an
 1236 assessment of the utilization of the tax exemption authorized in
 1237 s. 212.08(7) (hhh), the renewable energy technologies investment
 1238 tax credit authorized in s. 220.192, and the renewable energy
 1239 production credit authorized in s. 220.193, which the department
 1240 shall submit to the President of the Senate, the Speaker of the
 1241 House of Representatives, and the Executive Office of the
 1242 Governor by February 1 of each year. The assessment shall
 1243 include, at a minimum, the following information:

1244 1. For the tax exemption authorized in s. 212.08(7) (hhh):

1245 a. The name of each taxpayer receiving an exemption under
 1246 this section;

1247 b. The amount of the exemption received by each taxpayer;
 1248 and

1249 c. The type and description of each eligible item for
 1250 which each taxpayer is applying.

1251 2. For the renewable energy technologies investment tax
 1252 credit authorized in s. 220.192:

1253 a. The name of each taxpayer receiving an allocation under
 1254 this section;

1255 b. The amount of the credits allocated for that fiscal
 1256 year for each taxpayer; and

1257 c. The type of technology and a description of each
 1258 investment for which each taxpayer receives an allocation.

1259 3. For the renewable energy production credit authorized
 1260 in s. 220.193:

1261 a. The name of each taxpayer receiving an allocation under
 1262 this section;

1263 b. The amount of credits allocated for that fiscal year
 1264 for each taxpayer;

1265 c. The type and amount of renewable energy produced and
 1266 sold, whether the facility producing that energy is a new or
 1267 expanded facility, and the approximate date on which production
 1268 began; and

1269 d. The aggregate amount of credits allocated for all
 1270 taxpayers claiming credits under this section for the fiscal
 1271 year.

1272 Section 14. Subsection (3) of section 403.519, Florida
 1273 Statutes, is amended to read:

1274 403.519 Exclusive forum for determination of need.—

1275 (3) The commission is ~~shall be~~ the sole forum for the
 1276 determination of this matter, which accordingly may ~~shall~~ not be
 1277 raised in any other forum or in the review of proceedings in
 1278 such other forum. In making its determination, the commission
 1279 shall take into account the need for electric system reliability
 1280 and integrity, the need for adequate electricity at a reasonable
 1281 cost, the need for fuel diversity to foster fuel supply
 1282 reliability and fuel rate stability, the need for ~~and~~ supply
 1283 reliability, whether the proposed plant is the most cost-
 1284 effective alternative available, and whether renewable energy
 1285 sources and technologies, as well as conservation measures, are
 1286 used ~~utilized~~ to the extent reasonably available. The commission

1287 shall also expressly consider the conservation measures taken by
 1288 or reasonably available to the applicant or its members which
 1289 might mitigate the need for the proposed plant and other matters
 1290 within its jurisdiction which it deems relevant. The
 1291 commission's determination of need for an electrical power plant
 1292 creates ~~shall create~~ a presumption of public need and necessity
 1293 and serves ~~shall serve~~ as the commission's report required by s.
 1294 403.507(4). An order entered pursuant to this section
 1295 constitutes final agency action.

1296 Section 15. Subsection (1) of section 526.203, Florida
 1297 Statutes, is amended, and subsections (5) and (6) are added to
 1298 that section, to read:

1299 526.203 Renewable fuel standard.—

1300 (1) DEFINITIONS.—As used in this act:

1301 (a) "Alternative fuel" means a fuel produced from biomass,
 1302 as defined in s. 366.91, that is used to replace or reduce the
 1303 quantity of fossil fuel present in a petroleum fuel that meets
 1304 the specifications as adopted by the department.

1305 (b) ~~(a)~~ "Blender," "importer," "terminal supplier," and
 1306 "wholesaler" are defined as provided in s. 206.01.

1307 (c) ~~(b)~~ "Blended gasoline" means a mixture of 90 to 91
 1308 percent gasoline and 9 to 10 percent fuel ethanol or other
 1309 alternative fuel, by volume, that meets the specifications as
 1310 adopted by the department. The fuel ethanol or other alternative
 1311 fuel portion may be derived from any agricultural source.

1312 (d) ~~(c)~~ "Fuel ethanol" means an anhydrous denatured alcohol
 1313 produced by the conversion of carbohydrates that meets the
 1314 specifications as adopted by the department.

1315 (e)~~(d)~~ "Unblended gasoline" means gasoline that has not
 1316 been blended with fuel ethanol or other alternative fuel and
 1317 that meets the specifications as adopted by the department.

1318 (5) This section does not prohibit a retail dealer as
 1319 defined in s. 206.01 from selling or offering to sell unblended
 1320 gasoline.

1321 (6) The Department of Agriculture and Consumer Services
 1322 shall compile a list of retail fuel stations that sell or offer
 1323 to sell unblended gasoline. This information shall be compiled
 1324 by the department as part of its routine retail fuel station
 1325 inspections, authorized under s. 525.07, and from information
 1326 provided voluntarily by retail dealers. The Department of
 1327 Agriculture and Consumer Services shall provide this information
 1328 on its website to inform consumers of the options available for
 1329 unblended gasoline.

1330 Section 16. Subsection (4) of section 581.083, Florida
 1331 Statutes, is amended to read:

1332 581.083 Introduction or release of plant pests, noxious
 1333 weeds, or organisms affecting plant life; cultivation of
 1334 nonnative plants; special permit and security required.—

1335 (4) A person may not cultivate a nonnative plant, algae,
 1336 or blue-green algae, including a genetically engineered plant,
 1337 algae, or blue-green algae ~~or a plant that has been introduced,~~
 1338 ~~for purposes of fuel production or purposes other than~~
 1339 ~~agriculture~~ in plantings greater in size than 2 contiguous
 1340 acres, except under a special permit issued by the department
 1341 through the division, which is the sole agency responsible for
 1342 issuing such special permits. A permit is not required to

1343 cultivate any plant or group of plants that, based on experience
 1344 or research data, does not pose a threat of becoming an invasive
 1345 species and is commonly grown in this state for the purpose of
 1346 human food consumption, commercial feed, feedstuff, forage for
 1347 livestock, nursery stock, or silviculture. The department is
 1348 authorized to adopt additional exemptions to the permitting
 1349 requirements of this section if the department determines, after
 1350 consulting with the Institute of Food and Agricultural Sciences
 1351 at the University of Florida, that based on experience or
 1352 research data, the nonnative plant, algae, or blue-green algae
 1353 does not pose a threat of becoming an invasive species or a pest
 1354 of plants or native fauna under conditions in this state and
 1355 subsequently exempts the plant or group of plants by rule ~~Such a~~
 1356 ~~permit shall not be required if the department determines, in~~
 1357 ~~conjunction with the Institute of Food and Agricultural Sciences~~
 1358 ~~at the University of Florida, that the plant is not invasive and~~
 1359 ~~subsequently exempts the plant by rule.~~

1360 (a)1. Each application for a special permit must be
 1361 accompanied by a fee as described in subsection (2) and proof
 1362 that the applicant has obtained, on a form approved by the
 1363 department, ~~a bond in the form approved by the department and~~
 1364 ~~issued by a surety company admitted to do business in this state~~
 1365 ~~or a certificate of deposit,~~ or other type of security adopted
 1366 by rule of the department which provides a financial assurance
 1367 of cost recovery for the removal of a planting. The application
 1368 must include, on a form provided by the department, the name of
 1369 the applicant and the applicant's address or the address of the
 1370 applicant's principal place of business; a statement completely

1371 identifying the nonnative plant to be cultivated; and a
1372 statement of the estimated cost of removing and destroying the
1373 plant that is the subject of the special permit and the basis
1374 for calculating or determining that estimate. If the applicant
1375 is a corporation, partnership, or other business entity, the
1376 applicant must also provide in the application the name and
1377 address of each officer, partner, or managing agent. The
1378 applicant shall notify the department within 10 business days of
1379 any change of address or change in the principal place of
1380 business. The department shall mail all notices to the
1381 applicant's last known address.

1382 2. As used in this subsection, the term "certificate of
1383 deposit" means a certificate of deposit at any recognized
1384 financial institution doing business in the United States. The
1385 department may not accept a certificate of deposit in connection
1386 with the issuance of a special permit unless the issuing
1387 institution is properly insured by the Federal Deposit Insurance
1388 Corporation or the Federal Savings and Loan Insurance
1389 Corporation.

1390 (b) Upon obtaining a permit, the permitholder may annually
1391 cultivate and maintain the nonnative plants as authorized by the
1392 special permit. If the permitholder ceases to maintain or
1393 cultivate the plants authorized by the special permit, if the
1394 permit expires, or if the permitholder ceases to abide by the
1395 conditions of the special permit, the permitholder shall
1396 immediately remove and destroy the plants that are subject to
1397 the permit, if any remain. The permitholder shall notify the
1398 department of the removal and destruction of the plants within

1399 10 days after such event.

1400 (c) If the department:

1401 1. Determines that the permitholder is no longer
 1402 maintaining or cultivating the plants subject to the special
 1403 permit and has not removed and destroyed the plants authorized
 1404 by the special permit;

1405 2. Determines that the continued maintenance or
 1406 cultivation of the plants presents an imminent danger to public
 1407 health, safety, or welfare;

1408 3. Determines that the permitholder has exceeded the
 1409 conditions of the authorized special permit; or

1410 4. Receives a notice of cancellation of the surety bond,
 1411
 1412 the department may issue an immediate final order, which shall
 1413 be immediately appealable or enjoicable as provided by chapter
 1414 120, directing the permitholder to immediately remove and
 1415 destroy the plants authorized to be cultivated under the special
 1416 permit. A copy of the immediate final order must ~~shall~~ be mailed
 1417 to the permitholder and to the surety company or financial
 1418 institution that has provided security for the special permit,
 1419 if applicable.

1420 (d) If, upon issuance by the department of an immediate
 1421 final order to the permitholder, the permitholder fails to
 1422 remove and destroy the plants subject to the special permit
 1423 within 60 days after issuance of the order, or such shorter
 1424 period as is designated in the order as public health, safety,
 1425 or welfare requires, the department may enter the cultivated
 1426 acreage and remove and destroy the plants that are the subject

1427 of the special permit. If the permitholder makes a written
 1428 request to the department for an extension of time to remove and
 1429 destroy the plants that demonstrates specific facts showing why
 1430 the plants could not reasonably be removed and destroyed in the
 1431 applicable timeframe, the department may extend the time for
 1432 removing and destroying plants subject to a special permit. The
 1433 reasonable costs and expenses incurred by the department for
 1434 removing and destroying plants subject to a special permit shall
 1435 be reimbursed to the department by the permitholder within 21
 1436 days after the date the permitholder and the surety company or
 1437 financial institution are served a copy of the department's
 1438 invoice for the costs and expenses incurred by the department to
 1439 remove and destroy the cultivated plants, along with a notice of
 1440 administrative rights, unless the permitholder or the surety
 1441 company or financial institution object to the reasonableness of
 1442 the invoice. In the event of an objection, the permitholder or
 1443 surety company or financial institution is entitled to an
 1444 administrative proceeding as provided by chapter 120. Upon entry
 1445 of a final order determining the reasonableness of the incurred
 1446 costs and expenses, the permitholder has ~~shall have~~ 15 days
 1447 after ~~following~~ service of the final order to reimburse the
 1448 department. Failure of the permitholder to timely reimburse the
 1449 department for the incurred costs and expenses entitles the
 1450 department to reimbursement from the applicable bond or
 1451 certificate of deposit.

1452 (e) Each permitholder shall maintain for each separate
 1453 growing location a bond or a certificate of deposit in an amount
 1454 determined by the department, but not more ~~less~~ than 150 percent

1455 of the estimated cost of removing and destroying the cultivated
1456 plants. The bond or certificate of deposit may not exceed \$5,000
1457 per acre, unless a higher amount is determined by the department
1458 to be necessary to protect the public health, safety, and
1459 welfare or unless an exemption is granted by the department
1460 based on conditions specified in the application which would
1461 preclude the department from incurring the cost of removing and
1462 destroying the cultivated plants and would prevent injury to the
1463 public health, safety, and welfare. The aggregate liability of
1464 the surety company or financial institution to all persons for
1465 all breaches of the conditions of the bond or certificate of
1466 deposit may not exceed the amount of the bond or certificate of
1467 deposit. The original bond or certificate of deposit required by
1468 this subsection shall be filed with the department. A surety
1469 company shall give the department 30 days' written notice of
1470 cancellation, by certified mail, in order to cancel a bond.
1471 Cancellation of a bond does not relieve a surety company of
1472 liability for paying to the department all costs and expenses
1473 incurred or to be incurred for removing and destroying the
1474 permitted plants covered by an immediate final order authorized
1475 under paragraph (c). A bond or certificate of deposit must be
1476 provided or assigned in the exact name in which an applicant
1477 applies for a special permit. The penal sum of the bond or
1478 certificate of deposit to be furnished to the department by a
1479 permitholder in the amount specified in this paragraph must
1480 guarantee payment of the costs and expenses incurred or to be
1481 incurred by the department for removing and destroying the
1482 plants cultivated under the issued special permit. The bond or

1483 certificate of deposit assignment or agreement must be upon a
1484 form prescribed or approved by the department and must be
1485 conditioned to secure the faithful accounting for and payment of
1486 all costs and expenses incurred by the department for removing
1487 and destroying all plants cultivated under the special permit.
1488 The bond or certificate of deposit assignment or agreement must
1489 include terms binding the instrument to the Commissioner of
1490 Agriculture. Such certificate of deposit shall be presented with
1491 an assignment of the permitholder's rights in the certificate in
1492 favor of the Commissioner of Agriculture on a form prescribed by
1493 the department and with a letter from the issuing institution
1494 acknowledging that the assignment has been properly recorded on
1495 the books of the issuing institution and will be honored by the
1496 issuing institution. Such assignment is irrevocable while a
1497 special permit is in effect and for an additional period of 6
1498 months after termination of the special permit if operations to
1499 remove and destroy the permitted plants are not continuing and
1500 if the department's invoice remains unpaid by the permitholder
1501 under the issued immediate final order. If operations to remove
1502 and destroy the plants are pending, the assignment remains in
1503 effect until all plants are removed and destroyed and the
1504 department's invoice has been paid. The bond or certificate of
1505 deposit may be released by the assignee of the surety company or
1506 financial institution to the permitholder, or to the
1507 permitholder's successors, assignee, or heirs, if operations to
1508 remove and destroy the permitted plants are not pending and no
1509 invoice remains unpaid at the conclusion of 6 months after the
1510 last effective date of the special permit. The department may

1511 not accept a certificate of deposit that contains any provision
 1512 that would give to any person any prior rights or claim on the
 1513 proceeds or principal of such certificate of deposit. The
 1514 department shall determine by rule whether an annual bond or
 1515 certificate of deposit will be required. The amount of such bond
 1516 or certificate of deposit shall be increased, upon order of the
 1517 department, at any time if the department finds such increase to
 1518 be warranted by the cultivating operations of the permitholder.
 1519 In the same manner, the amount of such bond or certificate of
 1520 deposit may be adjusted downward or removed ~~decreased~~ when a
 1521 decrease in the cultivating operations of the permitholder
 1522 occurs or when research or practical field knowledge and
 1523 observations indicate a low risk of invasiveness by the
 1524 nonnative species ~~warrants such decrease~~. Factors that may be
 1525 considered for change include multiple years or cycles of
 1526 successful large-scale contained cultivation; no observation of
 1527 plant, algae, or blue-green algae escape from managed areas; or
 1528 science-based evidence that established or approved adjusted
 1529 cultivation practices provide a similar level of containment of
 1530 the nonnative plant, algae, or blue-green algae. This paragraph
 1531 applies to any bond or certificate of deposit, regardless of the
 1532 anniversary date of its issuance, expiration, or renewal.

1533 (f) In order to carry out the purposes of this subsection,
 1534 the department or its agents may require from any permitholder
 1535 verified statements of the cultivated acreage subject to the
 1536 special permit and may review the permitholder's business or
 1537 cultivation records at her or his place of business during
 1538 normal business hours in order to determine the acreage

1539 cultivated. The failure of a permit holder to furnish such
1540 statement, to make such records available, or to make and
1541 deliver a new or additional bond or certificate of deposit is
1542 cause for suspension of the special permit. If the department
1543 finds such failure to be willful, the special permit may be
1544 revoked.

1545 Section 17. The Department of Agriculture and Consumer
1546 Services shall conduct a comprehensive statewide forest
1547 inventory analysis and study, using a geographic information
1548 system, to identify where available biomass is located,
1549 determine the available biomass resources, and ensure forest
1550 sustainability within the state. The department shall submit the
1551 results of the study to the President of the Senate, the Speaker
1552 of the House of Representatives, and the Executive Office of the
1553 Governor by July 1, 2013.

1554 Section 18. The Department of Agriculture and Consumer
1555 Services, in consultation with the Public Service Commission,
1556 the Florida Building Commission, and the Florida Energy Systems
1557 Consortium, shall develop a clearinghouse of information
1558 regarding cost savings associated with various energy efficiency
1559 and conservation measures. The department shall post the
1560 information on its website by July 1, 2013.

1561 Section 19. The Public Service Commission is directed to
1562 conduct a study of the potential effects of public charging
1563 stations and privately owned electric vehicle charging on both
1564 energy consumption and the impact on the electric grid in the
1565 state. The Public Service Commission shall also investigate the
1566 feasibility of using off-grid solar photovoltaic power as a

1567 source of electricity for the electric vehicle charging
1568 stations. The commission shall submit the results of the study
1569 to the President of the Senate, the Speaker of the House of
1570 Representatives, and the Executive Office of the Governor by
1571 December 31, 2012.

1572 Section 20. For the 2012-2013 fiscal year, the
1573 nonrecurring sum of \$250,000 is appropriated from the Florida
1574 Public Service Regulatory Trust Fund for the purpose of the
1575 Public Service Commission, in consultation with the Department
1576 of Agriculture and Consumer Services, contracting for an
1577 independent evaluation of the effectiveness of the Florida
1578 Energy Efficiency and Conservation Act in achieving the
1579 statutory objectives of reducing and controlling the growth
1580 rates of electric consumption and reducing the growth rates of
1581 weather-sensitive peak demand, increasing the overall efficiency
1582 and cost-effectiveness of electricity and natural gas production
1583 and use, encouraging further development of demand-side
1584 renewable energy systems; and conserving expensive resources,
1585 particularly petroleum fuels.

1586 (1) The evaluation shall include an assessment of:

1587 (a) The effectiveness of the act in accomplishing
1588 statutory objectives in a cost-effective manner, taking into
1589 account short-term and long-term costs and benefits;

1590 (b) The models and methods used to establish conservation
1591 goals and programs to meet those goals;

1592 (c) The strengths and weaknesses of the act relative to
1593 alternative methods available to achieve statutory objectives;

1594 (d) The coordination between the goal-setting process in

1595 s. 366.82 and the determination of need process in s. 403.519,
1596 including the manner in which supply-side conservation and
1597 efficiency measures are addressed; and

1598 (e) The potential for time-based rates and advanced
1599 metering technology, or other mechanisms, to allow customers to
1600 manage their energy consumption and allow for peak load shaving.

1601 (f) The potential for a low-interest loan program to
1602 provide a cost-effective means to encourage the development of
1603 demand-side renewable energy systems to achieve the statutory
1604 objectives of reducing and controlling the growth rates of
1605 electric consumption and reducing the growth rates of weather-
1606 sensitive peak demand, including an evaluation of similar
1607 programs operating both within and outside of the state.

1608 (2) The findings and recommendations of the evaluation
1609 shall be submitted to the President of the Senate, the Speaker
1610 of the House of Representatives, and the Executive Office of the
1611 Governor by January 31, 2013.

1612 Section 21. This act shall take effect July 1, 2012.