

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 or commercial property owners  
11          who make energy efficiency improvements to their  
12          residential or commercial property, subject to  
13          referendum; defining the term "energy efficiency  
14          improvement"; amending s. 212.08, F.S.; providing  
15          definitions for the terms "biodiesel," "ethanol," and  
16          "renewable fuel"; providing for tax exemptions in the  
17          form of a rebate for the sale or use of certain  
18          equipment, machinery, and other materials for  
19          renewable energy technologies; providing eligibility  
20          requirements and tax credit limits; authorizing the  
21          Department of Revenue and the Department of  
22          Agriculture and Consumer Services to adopt rules;  
23          directing the Department of Agriculture and Consumer  
24          Services to determine and publish certain information  
25          relating to exemptions; providing for expiration of  
26          the exemption; amending s. 213.053, F.S.; expanding  
27          the authority of the Department of Revenue to disclose  
28          certain information; amending s. 220.192, F.S.;

29 providing definitions; reestablishing a corporate tax  
30 credit for certain costs related to renewable energy  
31 technologies; providing eligibility requirements and  
32 credit limits; providing for use of authorized but  
33 unallocated credit amounts; providing rulemaking  
34 authority to the Department of Revenue and the  
35 Department of Agriculture and Consumer Services;  
36 directing the Department of Agriculture and Consumer  
37 Services to determine and publish certain information;  
38 providing for expiration of the tax credit; amending  
39 s. 220.193, F.S.; reestablishing a corporate tax  
40 credit for renewable energy production; providing  
41 definitions; providing a tax credit for the production  
42 and sale of renewable energy; providing requirements  
43 relating to the priority and proration of such tax  
44 credits under certain circumstances; providing for the  
45 use and transfer of the tax credit; limiting the  
46 amount of tax credits that may be granted to an  
47 individual taxpayer per state fiscal year and for all  
48 taxpayers per state fiscal year; increasing the cap  
49 for all taxpayers during a specified period; providing  
50 for use of authorized but unallocated credit amounts;  
51 providing rulemaking authority to the Department of  
52 Revenue and the Department of Agriculture and Consumer  
53 Services; directing the Department of Agriculture and  
54 Consumer Services to provide certain information on  
55 its website; providing for expiration of the tax  
56 credit; amending s. 255.257, F.S.; directing the

57 Department of Management Services in coordination with  
58 the Department of Agriculture and Consumer Services to  
59 further develop the state energy management plan;  
60 amending s. 288.106, F.S.; clarifying the definition  
61 of "target industry business" for purposes of the tax  
62 refund program for qualified target industry  
63 businesses; amending s. 20.60, F.S.; requiring the  
64 Department of Economic Opportunity to prepare an  
65 independent economic impact study for certain  
66 renewable energy projects; amending s. 366.92, F.S.;  
67 providing and revising definitions; authorizing a  
68 utility to petition the Public Service Commission to  
69 determine that a proposed renewable energy project is  
70 in the public interest; providing standards and  
71 criteria for review; providing for cost recovery for  
72 reasonable and prudent costs incurred by a utility for  
73 an approved renewable energy project; requiring the  
74 Public Service Commission to adopt rules to establish  
75 a public interest determination process for renewable  
76 energy projects; establishing procedural guidelines  
77 for public interest determination; creating s. 366.94,  
78 F.S., relating to electric vehicle charging stations;  
79 providing legislative findings; providing that the  
80 rates, terms, and conditions of electric vehicle  
81 charging services by a nonutility are not subject to  
82 regulation by the Public Service Commission; providing  
83 construction; providing rulemaking authority to the  
84 Department of Agriculture and Consumer Services;

85 | prohibiting parking in spaces specifically designated  
86 | for charging an electric vehicle under specified  
87 | circumstances; providing penalties; amending s.  
88 | 377.703, F.S.; requiring the Department of Agriculture  
89 | and Consumer Services to annually prepare an  
90 | assessment of the use of specified energy-related tax  
91 | credits; requiring specified information to be  
92 | included in such assessment; amending s. 403.519,  
93 | F.S.; requiring the Public Service Commission, in an  
94 | electrical power plant need determination, to consider  
95 | the need for fuel diversity to foster fuel supply  
96 | reliability and fuel rate stability; amending s.  
97 | 526.203, F.S.; revising the definitions of the terms  
98 | "blended gasoline" and "unblended gasoline"; defining  
99 | the term "alternative fuel"; authorizing the sale of  
100 | unblended fuels for certain uses; directing the  
101 | Department of Agriculture and Consumer Services to  
102 | compile a list of retail fuel stations that sell or  
103 | offer to sell unblended gasoline and provide that  
104 | information on the department's website; amending s.  
105 | 581.083, F.S.; prohibiting the cultivation of certain  
106 | algae in plantings greater in size than 2 contiguous  
107 | acres; providing exceptions; providing for exemption  
108 | from special permitting requirements by rule; revising  
109 | certain bonding requirements; requiring the Department  
110 | of Agriculture and Consumer Services to conduct a  
111 | statewide forest inventory analysis; requiring the  
112 | Department of Agriculture and Consumer Services, in

113 |       consultation with other state agencies, to develop a  
 114 |       clearinghouse of information regarding cost savings  
 115 |       associated with energy efficiency and conservation  
 116 |       measures; requiring such information to be posted on  
 117 |       its website; directing the Public Service Commission  
 118 |       to conduct a study on the potential effects of  
 119 |       electric vehicle charging stations on both energy  
 120 |       consumption and the electric grid; providing an  
 121 |       appropriation for the purpose of the Public Service  
 122 |       Commission, in consultation with the Department of  
 123 |       Agriculture and Consumer Services, contracting for an  
 124 |       independent evaluation of the effectiveness of the  
 125 |       Florida Energy Efficiency and Conservation Act;  
 126 |       providing an effective date.

127 |  
 128 | Be It Enacted by the Legislature of the State of Florida:  
 129 |

130 |       Section 1. Paragraph (a) of subsection (2) of section  
 131 |       163.08, Florida Statutes, is amended to read:

132 |       163.08 Supplemental authority for improvements to real  
 133 |       property.—

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

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

138 |       Section 2. Subsection (2) of section 186.801, Florida  
 139 |       Statutes, is amended to read:

140 |       186.801 Ten-year site plans.—

141           (2) Within 9 months after the receipt of the proposed  
142 plan, the commission shall make a preliminary study of such plan  
143 and classify it as "suitable" or "unsuitable." The commission  
144 may suggest alternatives to the plan. All findings of the  
145 commission shall be made available to the Department of  
146 Environmental Protection for its consideration at any subsequent  
147 electrical power plant site certification proceedings. It is  
148 recognized that 10-year site plans submitted by an electric  
149 utility are tentative information for planning purposes only and  
150 may be amended at any time at the discretion of the utility upon  
151 written notification to the commission. A complete application  
152 for certification of an electrical power plant site under  
153 chapter 403, when such site is not designated in the current 10-  
154 year site plan of the applicant, shall constitute an amendment  
155 to the 10-year site plan. In its preliminary study of each 10-  
156 year site plan, the commission shall consider such plan as a  
157 planning document and shall review:

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

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

161           (c) The anticipated environmental impact of each proposed  
162 electrical power plant site.

163           (d) Possible alternatives to the proposed plan.

164           (e) The views of appropriate local, state, and federal  
165 agencies, including the views of the appropriate water  
166 management district as to the availability of water and its  
167 recommendation as to the use by the proposed plant of salt water  
168 or fresh water for cooling purposes.

169 (f) The extent to which the plan is consistent with the  
170 state comprehensive plan.

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

173 (h) The amount of renewable energy resources the utility  
174 produces or purchases.

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

179 (j) The utility's indication of how the production and  
180 purchase of renewable energy resources affect the utility's  
181 present and future capacity and energy needs.

182 Section 3. Paragraph (d) of subsection (2) of section  
183 212.055, Florida Statutes, is amended to read:

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

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



225 | proceeds or interest for purposes of retiring or servicing  
 226 | indebtedness incurred for refunding bonds before July 1, 1999,  
 227 | is ratified.

228 |         1. For the purposes of this paragraph, the term  
 229 | "infrastructure" means:

230 |             a. Any fixed capital expenditure or fixed capital outlay  
 231 | associated with the construction, reconstruction, or improvement  
 232 | of public facilities that have a life expectancy of 5 or more  
 233 | years and any related land acquisition, land improvement,  
 234 | design, and engineering costs.

235 |             b. A fire department vehicle, an emergency medical service  
 236 | vehicle, a sheriff's office vehicle, a police department  
 237 | vehicle, or any other vehicle, and the equipment necessary to  
 238 | outfit the vehicle for its official use or equipment that has a  
 239 | life expectancy of at least 5 years.

240 |             c. Any expenditure for the construction, lease, or  
 241 | maintenance of, or provision of utilities or security for,  
 242 | facilities, as defined in s. 29.008.

243 |             d. Any fixed capital expenditure or fixed capital outlay  
 244 | associated with the improvement of private facilities that have  
 245 | a life expectancy of 5 or more years and that the owner agrees  
 246 | to make available for use on a temporary basis as needed by a  
 247 | local government as a public emergency shelter or a staging area  
 248 | for emergency response equipment during an emergency officially  
 249 | declared by the state or by the local government under s.  
 250 | 252.38. Such improvements are limited to those necessary to  
 251 | comply with current standards for public emergency evacuation  
 252 | shelters. The owner must enter into a written contract with the

253 | local government providing the improvement funding to make the  
 254 | private facility available to the public for purposes of  
 255 | emergency shelter at no cost to the local government for a  
 256 | minimum of 10 years after completion of the improvement, with  
 257 | the provision that the obligation will transfer to any  
 258 | subsequent owner until the end of the minimum period.

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

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

281 energy recovery systems; installation of electric vehicle  
282 charging equipment; and installation of efficient lighting  
283 equipment.

284 ~~3.2.~~ Notwithstanding any other provision of this  
285 subsection, a local government infrastructure surtax imposed or  
286 extended after July 1, 1998, may allocate up to 15 percent of  
287 the surtax proceeds for deposit in a trust fund within the  
288 county's accounts created for the purpose of funding economic  
289 development projects having a general public purpose of  
290 improving local economies, including the funding of operational  
291 costs and incentives related to economic development. The ballot  
292 statement must indicate the intention to make an allocation  
293 under the authority of this subparagraph.

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

296 212.08 Sales, rental, use, consumption, distribution, and  
297 storage tax; specified exemptions.—The sale at retail, the  
298 rental, the use, the consumption, the distribution, and the  
299 storage to be used or consumed in this state of the following  
300 are hereby specifically exempt from the tax imposed by this  
301 chapter.

302 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
303 entity by this chapter do not inure to any transaction that is  
304 otherwise taxable under this chapter when payment is made by a  
305 representative or employee of the entity by any means,  
306 including, but not limited to, cash, check, or credit card, even  
307 when that representative or employee is subsequently reimbursed  
308 by the entity. In addition, exemptions provided to any entity by

309 | this subsection do not inure to any transaction that is  
 310 | otherwise taxable under this chapter unless the entity has  
 311 | obtained a sales tax exemption certificate from the department  
 312 | or the entity obtains or provides other documentation as  
 313 | required by the department. Eligible purchases or leases made  
 314 | with such a certificate must be in strict compliance with this  
 315 | subsection and departmental rules, and any person who makes an  
 316 | exempt purchase with a certificate that is not in strict  
 317 | compliance with this subsection and the rules is liable for and  
 318 | shall pay the tax. The department may adopt rules to administer  
 319 | this subsection.

320 |       (hhh) Equipment, machinery, and other materials for  
 321 | renewable energy technologies.-

322 |       1. As used in this paragraph, the term:

323 |       a. "Biodiesel" means the mono-alkyl esters of long-chain  
 324 | fatty acids derived from plant or animal matter for use as a  
 325 | source of energy and meeting the specifications for biodiesel  
 326 | and biodiesel blends with petroleum products as adopted by rule  
 327 | of the Department of Agriculture and Consumer Services.

328 | "Biodiesel" may refer to biodiesel blends designated BXX, where  
 329 | XX represents the volume percentage of biodiesel fuel in the  
 330 | blend.

331 |       b. "Ethanol" means an anhydrous denatured alcohol produced  
 332 | by the conversion of carbohydrates meeting the specifications  
 333 | for fuel ethanol and fuel ethanol blends with petroleum products  
 334 | as adopted by rule of the Department of Agriculture and Consumer  
 335 | Services. "Ethanol" may refer to fuel ethanol blends designated  
 336 | EXX, where XX represents the volume percentage of fuel ethanol

337 in the blend.

338 c. "Renewable fuel" means a fuel produced from biomass  
339 that is used to replace or reduce the quantity of fossil fuel  
340 present in motor fuel or diesel fuel. "Biomass" means biomass as  
341 defined in s. 366.91, "motor fuel" means motor fuel as defined  
342 in s. 206.01, and "diesel fuel" means diesel fuel as defined in  
343 s. 206.86.

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

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

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

364 b. To be eligible to receive the exemption provided in

365 this paragraph, a purchaser shall file an application with the  
366 Department of Agriculture and Consumer Services. The application  
367 shall be developed by the Department of Agriculture and Consumer  
368 Services, in consultation with the department, and shall  
369 require:

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

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

375 (III) The sales invoice or other proof of purchase showing  
376 the amount of sales tax paid, the date of purchase, and the name  
377 and address of the sales tax dealer from whom the property was  
378 purchased.

379 (IV) A sworn statement that the information provided is  
380 accurate and that the requirements of this paragraph have been  
381 met.

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

392 d. Each certified applicant is responsible for applying

393 for the refund and forwarding the certification that the  
394 applicant is eligible to the department within 6 months after  
395 certification by the Department of Agriculture and Consumer  
396 Services.

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

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

409 g. The Department of Agriculture and Consumer Services  
410 shall be responsible for ensuring that the total amount of the  
411 exemptions authorized do not exceed the limits specified in  
412 subparagraph 2.

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

421 fiscal year.

422 6. This paragraph expires July 1, 2016.

423 Section 5. Paragraph (w) of subsection (8) of section  
424 213.053, Florida Statutes, is amended to read:

425 213.053 Confidentiality and information sharing.—

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

428 (w) Information relative to ss. 212.08(7)(hhh), 220.192,  
429 and 220.193 ~~s. 220.192~~ to the Department of Agriculture and  
430 Consumer Services for use in the conduct of its official  
431 business.

432  
433 Disclosure of information under this subsection shall be  
434 pursuant to a written agreement between the executive director  
435 and the agency. Such agencies, governmental or nongovernmental,  
436 shall be bound by the same requirements of confidentiality as  
437 the Department of Revenue. Breach of confidentiality is a  
438 misdemeanor of the first degree, punishable as provided by s.  
439 775.082 or s. 775.083.

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

442 220.192 Renewable energy technologies investment tax  
443 credit.—

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

445 (a) "Biodiesel" means biodiesel as defined in s.  
446 212.08(7)(hhh) ~~former s. 212.08(7)(ccc)~~.

447 (b) "Corporation" includes a general partnership, limited  
448 partnership, limited liability company, unincorporated business,



449 or other business entity, including entities taxed as  
450 partnerships for federal income tax purposes.

451 (c) "Eligible costs" means:

452 ~~1. Seventy-five percent of all capital costs, operation~~  
453 ~~and maintenance costs, and research and development costs~~  
454 ~~incurred between July 1, 2006, and June 30, 2010, up to a limit~~  
455 ~~of \$3 million per state fiscal year for all taxpayers, in~~  
456 ~~connection with an investment in hydrogen-powered vehicles and~~  
457 ~~hydrogen vehicle fueling stations in the state, including, but~~  
458 ~~not limited to, the costs of constructing, installing, and~~  
459 ~~equipping such technologies in the state.~~

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

469 ~~3. seventy-five percent of all capital costs, operation~~  
470 ~~and maintenance costs, and research and development costs~~  
471 ~~incurred between July 1, 2012 ~~2006~~, and June 30, 2016 ~~2010~~, not~~  
472 ~~to exceed \$1 million per state fiscal year for each taxpayer and~~  
473 ~~up to a limit of \$10 ~~\$6.5~~ million per state fiscal year for all~~  
474 ~~taxpayers, in connection with an investment in the production,~~  
475 ~~storage, and distribution of biodiesel (B10-B100), and ethanol~~  
476 ~~(E10-E100), and other renewable fuel in the state, including the~~

477 costs of constructing, installing, and equipping such  
478 technologies in the state. Gasoline fueling station pump  
479 retrofits for biodiesel (B10-B100), ethanol (E10-E100), and  
480 other renewable fuel distribution qualify as an eligible cost  
481 under this section subparagraph.

482 (d) "Ethanol" means ethanol as defined in s.  
483 212.08(7)(hhh) former s. 212.08(7)(ccc).

484 (e) "Renewable fuel" means a fuel produced from biomass  
485 that is used to replace or reduce the quantity of fossil fuel  
486 present in motor fuel or diesel fuel. "Biomass" means biomass as  
487 defined in s. 366.91, "motor fuel" means motor fuel as defined  
488 in s. 206.01, and "diesel fuel" means diesel fuel as defined in  
489 s. 206.86.

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

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

494 (2) TAX CREDIT.—For tax years beginning on or after  
495 January 1, 2013 ~~2007~~, a credit against the tax imposed by this  
496 chapter shall be granted in an amount equal to the eligible  
497 costs. Credits may be used in tax years beginning January 1,  
498 2013 ~~2007~~, and ending December 31, 2016 ~~2010~~, after which the  
499 credit shall expire. If the credit is not fully used in any one  
500 tax year because of insufficient tax liability on the part of  
501 the corporation, the unused amount may be carried forward and  
502 used in tax years beginning January 1, 2013 ~~2007~~, and ending  
503 December 31, 2018 ~~2012~~, after which the credit carryover expires  
504 and may not be used. A taxpayer that files a consolidated return

505 in this state as a member of an affiliated group under s.  
506 220.131(1) may be allowed the credit on a consolidated return  
507 basis up to the amount of tax imposed upon the consolidated  
508 group. Any eligible cost for which a credit is claimed and which  
509 is deducted or otherwise reduces federal taxable income shall be  
510 added back in computing adjusted federal income under s. 220.13.

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

533 exhausted by allocations of credits within that particular state  
 534 fiscal year, any authorized but unallocated credit amounts may  
 535 be used to grant credits that were earned pursuant to s. 220.193  
 536 but unallocated due to a lack of authorized funds.

537 (6) TRANSFERABILITY OF CREDIT.—

538 (a) For tax years beginning on or after January 1, 2014  
 539 ~~2009~~, any corporation or subsequent transferee allowed a tax  
 540 credit under this section may transfer the credit, in whole or  
 541 in part, to any taxpayer by written agreement without  
 542 transferring any ownership interest in the property generating  
 543 the credit or any interest in the entity owning such property.  
 544 The transferee is entitled to apply the credits against the tax  
 545 with the same effect as if the transferee had incurred the  
 546 eligible costs.

547 (b) To perfect the transfer, the transferor shall provide  
 548 the Department of Revenue with a written transfer statement  
 549 notifying the Department of Revenue of the transferor's intent  
 550 to transfer the tax credits to the transferee; the date the  
 551 transfer is effective; the transferee's name, address, and  
 552 federal taxpayer identification number; the tax period; and the  
 553 amount of tax credits to be transferred. The Department of  
 554 Revenue shall, upon receipt of a transfer statement conforming  
 555 to the requirements of this section, provide the transferee with  
 556 a certificate reflecting the tax credit amounts transferred. A  
 557 copy of the certificate must be attached to each tax return for  
 558 which the transferee seeks to apply such tax credits.

559 (c) A tax credit authorized under this section that is  
 560 held by a corporation and not transferred under this subsection

561 shall be passed through to the taxpayers designated as partners,  
562 members, or owners, respectively, in the manner agreed to by  
563 such persons regardless of whether such partners, members, or  
564 owners are allocated or allowed any portion of the federal  
565 energy tax credit for the eligible costs. A corporation that  
566 passes the credit through to a partner, member, or owner must  
567 comply with the notification requirements described in paragraph  
568 (b). The partner, member, or owner must attach a copy of the  
569 certificate to each tax return on which the partner, member, or  
570 owner claims any portion of the credit.

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

575 (a) The forms required to claim a tax credit under this  
576 section, the requirements and basis for establishing an  
577 entitlement to a credit, and the examination and audit  
578 procedures required to administer this section.

579 (b) The implementation and administration of the  
580 provisions allowing a transfer of a tax credit, including rules  
581 prescribing forms, reporting requirements, and specific  
582 procedures, guidelines, and requirements necessary to transfer a  
583 tax credit.

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

588 Section 7. Section 220.193, Florida Statutes, is amended

589 to read:

590 220.193 Florida renewable energy production credit.—

591 (1) The purpose of this section is to encourage the  
 592 development and expansion of facilities that produce renewable  
 593 energy in Florida.

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

595 (a) "Commission" means ~~shall mean~~ the Public Service  
 596 Commission.

597 (b) "Department" means ~~shall mean~~ the Department of  
 598 Revenue.

599 (c) "Expanded facility" means ~~shall mean~~ a Florida  
 600 renewable energy facility that increases its electrical  
 601 production and sale by more than 5 percent above the facility's  
 602 electrical production and sale during the 2011 ~~2005~~ calendar  
 603 year.

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

607 (e) "New facility" means ~~shall mean~~ a Florida renewable  
 608 energy facility that is operationally placed in service after  
 609 May 1, 2006. "New facility" includes a Florida renewable energy  
 610 facility that has had an expansion operationally placed in  
 611 service after May 1, 2006, and whose cost exceeded 50 percent of  
 612 the assessed value of the facility immediately before the  
 613 expansion.

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

617 (g) "Taxpayer" includes a general partnership, limited  
 618 partnership, limited liability company, trust, or other  
 619 artificial entity in which a corporation, as defined in s.  
 620 220.03(1)(e), owns an interest and is taxed as a partnership or  
 621 is disregarded as a separate entity from the corporation under  
 622 this chapter.

623 (3) An annual credit against the tax imposed by this  
 624 section shall be allowed to a taxpayer, based on the taxpayer's  
 625 production and sale of electricity from a new or expanded  
 626 Florida renewable energy facility. For a new facility, the  
 627 credit shall be based on the taxpayer's sale of the facility's  
 628 entire electrical production. For an expanded facility, the  
 629 credit shall be based on the increases in the facility's  
 630 electrical production that are achieved after May 1, 2012 ~~2006~~.

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

634 (b) The credit may be claimed for electricity produced and  
 635 sold on or after January 1, 2013 ~~2007~~. Beginning in 2014 ~~2008~~  
 636 and continuing until 2017 ~~2011~~, each taxpayer claiming a credit  
 637 under this section must ~~first~~ apply to the Department of  
 638 Agriculture and Consumer Services by the date established by the  
 639 Department of Agriculture and Consumer Services by February 1 of  
 640 each year for an allocation of available credits for that year  
 641 credit. The application form shall be adopted by rule of the  
 642 Department of Agriculture and Consumer Services in consultation  
 643 with the commission. The department, in consultation with the  
 644 commission, shall develop an application form. The application

645 form shall, at a minimum, require a sworn affidavit from each  
646 taxpayer certifying the increase in production and sales that  
647 form the basis of the application and certifying that all  
648 information contained in the application is true and correct.

649 (c) If the amount of credits applied for each year exceeds  
650 the amount authorized in paragraph (g) ~~\$5 million~~, the  
651 Department of Agriculture and Consumer Services shall allocate  
652 credits to qualified applicants based on the following priority:  
653 ~~award to each applicant a prorated amount based on each~~  
654 ~~applicant's increased production and sales and the increased~~  
655 ~~production and sales of all applicants.~~

656 1. An applicant who places a new facility in operation  
657 after May 1, 2012, shall be allocated credits first, up to a  
658 maximum of \$250,000 each, with any remaining credits to be  
659 granted pursuant to subparagraph 3., but if the claims for  
660 credits under this subparagraph exceed the state fiscal year cap  
661 in paragraph (g), credits shall be allocated pursuant to this  
662 subparagraph on a prorated basis based upon each applicant's  
663 qualified production and sales as a percentage of total  
664 production and sales for all applicants in this category for the  
665 fiscal year.

666 2. An applicant who does not qualify under subparagraph 1.  
667 but who claims a credit of \$50,000 or less shall be allocated  
668 credits next, but if the claims for credits under this  
669 subparagraph combined with credits allocated in subparagraph 1.  
670 exceed the state fiscal year cap in paragraph (g), credits shall  
671 be allocated pursuant to this subparagraph on a prorated basis  
672 based upon each applicant's qualified production and sales as a



673 percentage of total qualified production and sales for all  
674 applicants in this category for the fiscal year.

675 3. An applicant who does not qualify under subparagraph 1.  
676 or subparagraph 2. and an applicant whose credits have not been  
677 fully allocated under subparagraph 1. shall be allocated credits  
678 next. If there is insufficient capacity within the amount  
679 authorized for the state fiscal year in paragraph (g) and after  
680 allocations pursuant to subparagraphs 1. and 2., the credits  
681 allocated under this subparagraph shall be prorated based upon  
682 each applicant's unallocated claims for qualified production and  
683 sales as a percentage of total unallocated claims for qualified  
684 production and sales of all applicants in this category, up to a  
685 maximum of \$1 million per taxpayer per state fiscal year. If,  
686 after application of this \$1 million cap, there is excess  
687 capacity under the state fiscal year cap in paragraph (g) in any  
688 state fiscal year, that remaining capacity shall be used to  
689 allocate additional credits with priority given in the order set  
690 forth in this paragraph and without regard to the cap of \$1  
691 million per taxpayer per state fiscal year.

692 (d) If the credit granted pursuant to this section is not  
693 fully used in one year because of insufficient tax liability on  
694 the part of the taxpayer, the unused amount may be carried  
695 forward for a period not to exceed 5 years. The carryover credit  
696 may be used in a subsequent year when the tax imposed by this  
697 chapter for such year exceeds the credit for such year, after  
698 applying the other credits and unused credit carryovers in the  
699 order provided in s. 220.02(8).

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

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

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

708 2. The entity or its surviving or acquiring entity as  
709 described in subparagraph 1. may transfer any unused credit in  
710 whole or in units of no less than 25 percent of the remaining  
711 credit. The entity acquiring such credit may use it in the same  
712 manner and with the same limitations under this section. Such  
713 transferred credits may not be transferred again although they  
714 may succeed to a surviving or acquiring entity subject to the  
715 same conditions and limitations as described in this section.

716 3. In the event the credit provided for under this section  
717 is reduced as a result of an examination or audit by the  
718 department, such tax deficiency shall be recovered from the  
719 first entity or the surviving or acquiring entity to have  
720 claimed such credit up to the amount of credit taken. Any  
721 subsequent deficiencies shall be assessed against any entity  
722 acquiring and claiming such credit, or in the case of multiple  
723 succeeding entities in the order of credit succession.

724 (g) Notwithstanding any other provision of this section,  
725 credits for the production and sale of electricity from a new or  
726 expanded Florida renewable energy facility may be earned between  
727 January 1, 2013 ~~2007~~, and June 30, 2016 ~~2010~~. The amount of tax  
728 credits that may be granted to each taxpayer under this section

729 is limited to \$1 million per state fiscal year. The combined  
730 total amount of tax credits which may be granted for all  
731 taxpayers under this section is limited to \$5 million in state  
732 fiscal year 2012-2013 and \$10 million per state fiscal year in  
733 state fiscal years 2013-2014 through 2016-2017. If the annual  
734 tax credit authorization amount is not exhausted by allocations  
735 of credits within that particular state fiscal year, any  
736 authorized but unallocated credit amounts may be used to grant  
737 credits that were earned pursuant to s. 220.192 but unallocated  
738 due to a lack of authorized funds.

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

744 (i) A taxpayer claiming credit under this section may not  
745 claim a credit under s. 220.192. A taxpayer claiming credit  
746 under s. 220.192 may not claim a credit under this section.

747 (j) When an entity treated as a partnership or a  
748 disregarded entity under this chapter produces and sells  
749 electricity from a new or expanded renewable energy facility,  
750 the credit earned by such entity shall pass through in the same  
751 manner as items of income and expense pass through for federal  
752 income tax purposes. When an entity applies for the credit and  
753 the entity has received the credit by a pass-through, the  
754 application must identify the taxpayer that passed the credit  
755 through, all taxpayers that received the credit, and the  
756 percentage of the credit that passes through to each recipient

757 and must provide other information that the Department of  
758 Agriculture and Consumer Services ~~department~~ requires.

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

762 (4) The Department of Agriculture and Consumer Services  
763 shall make a determination on the eligibility of the applicant  
764 for the credits sought and certify the determination to the  
765 applicant and the Department of Revenue. The corporation must  
766 attach the Department of Agriculture and Consumer Services'  
767 certification to the tax return on which the credit is claimed.  
768 The Department of Agriculture and Consumer Services is  
769 responsible for ensuring that the corporate income tax credits  
770 granted in each fiscal year do not exceed the limits provided  
771 for in this section.

772 (5) (a) In addition to its existing audit and investigation  
773 authority, the Department of Revenue may perform any additional  
774 financial and technical audits and investigations, including  
775 examining the accounts, books, and records of the tax credit  
776 applicant, which are necessary to verify the information  
777 included in the tax credit return and to ensure compliance with  
778 this section. The Department of Agriculture and Consumer  
779 Services shall provide technical assistance when requested by  
780 the Department of Revenue on any technical audits or  
781 examinations performed pursuant to this section.

782 (b) It is grounds for forfeiture of previously claimed and  
783 received tax credits if the Department of Revenue determines, as  
784 a result of an audit or examination or from information received

785 from the Department of Agriculture and Consumer Services, that a  
786 taxpayer received tax credits pursuant to this section to which  
787 the taxpayer was not entitled. The taxpayer is responsible for  
788 returning forfeited tax credits to the Department of Revenue,  
789 and such funds shall be paid into the General Revenue Fund of  
790 the state.

791 (c) The Department of Agriculture and Consumer Services  
792 may revoke or modify any written decision granting eligibility  
793 for tax credits under this section if it is discovered that the  
794 tax credit applicant submitted any false statement,  
795 representation, or certification in any application, record,  
796 report, plan, or other document filed in an attempt to receive  
797 tax credits under this section. The Department of Agriculture  
798 and Consumer Services shall immediately notify the Department of  
799 Revenue of any revoked or modified orders affecting previously  
800 granted tax credits. Additionally, the taxpayer must notify the  
801 Department of Revenue of any change in its tax credit claimed.

802 (d) The taxpayer shall file with the Department of Revenue  
803 an amended return or such other report as the Department of  
804 Revenue prescribes by rule and shall pay any required tax and  
805 interest within 60 days after the taxpayer receives notification  
806 from the Department of Agriculture and Consumer Services that  
807 previously approved tax credits have been revoked or modified.  
808 If the revocation or modification order is contested, the  
809 taxpayer shall file an amended return or other report as  
810 provided in this paragraph within 60 days after a final order is  
811 issued after proceedings.

812        (e) A notice of deficiency may be issued by the Department  
 813 of Revenue at any time within 3 years after the taxpayer  
 814 receives formal notification from the Department of Agriculture  
 815 and Consumer Services that previously approved tax credits have  
 816 been revoked or modified. If a taxpayer fails to notify the  
 817 Department of Revenue of any changes to its tax credit claimed,  
 818 a notice of deficiency may be issued at any time.

819        (6)~~(4)~~ The Department of Revenue and the Department of  
 820 Agriculture and Consumer Services ~~department~~ may adopt rules to  
 821 implement and administer this section, including rules  
 822 prescribing forms, the documentation needed to substantiate a  
 823 claim for the tax credit, and the specific procedures and  
 824 guidelines for claiming the credit.

825        (7) The Department of Agriculture and Consumer Services  
 826 shall determine and publish on its website on a regular basis  
 827 the amount of available tax credits remaining in each fiscal  
 828 year.

829        (8)~~(5)~~ This section shall take effect upon becoming law  
 830 and shall apply to tax years beginning on and after January 1,  
 831 2013 ~~2007~~.

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

834        255.257 Energy management; buildings occupied by state  
 835 agencies.—

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

840 not limited to, the following elements:

- 841 (a) Data-gathering requirements;
- 842 (b) Building energy audit procedures;
- 843 (c) Uniform data analysis and reporting procedures;
- 844 (d) Employee energy education program measures;
- 845 (e) Energy consumption reduction techniques;
- 846 (f) Training program for state agency energy management
- 847 coordinators; and
- 848 (g) Guidelines for building managers.

849  
 850 The plan shall include a description of actions that state  
 851 agencies shall take to reduce consumption of electricity and  
 852 nonrenewable energy sources used for space heating and cooling,  
 853 ventilation, lighting, water heating, and transportation.

854 Section 9. Paragraph (q) of subsection (2) of section  
 855 288.106, Florida Statutes, is amended to read:

856 288.106 Tax refund program for qualified target industry  
 857 businesses.—

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

859 (q) "Target industry business" means a corporate  
 860 headquarters business or any business that is engaged in one of  
 861 the target industries identified pursuant to the following  
 862 criteria developed by the department in consultation with  
 863 Enterprise Florida, Inc.:

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

868 to, or provide services in, international markets and businesses  
869 that replace domestic and international imports of goods or  
870 services.

871 2. Stability.—The industry should not be subject to  
872 periodic layoffs, whether due to seasonality or sensitivity to  
873 volatile economic variables such as weather. The industry should  
874 also be relatively resistant to recession, so that the demand  
875 for products of this industry is not typically subject to  
876 decline during an economic downturn.

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

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

883 5. Industrial base diversification and strengthening.—The  
884 industry should contribute toward expanding or diversifying the  
885 state's or area's economic base, as indicated by analysis of  
886 employment and output shares compared to national and regional  
887 trends. Special consideration should be given to industries that  
888 strengthen regional economies by adding value to basic products  
889 or building regional industrial clusters as indicated by  
890 industry analysis. Special consideration should also be given to  
891 the development of strong industrial clusters that include  
892 defense and homeland security businesses.

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



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

898  
899 The term does not include any business engaged in retail  
900 industry activities; any electrical utility company as defined  
901 in s. 366.02(2); any phosphate or other solid minerals  
902 severance, mining, or processing operation; any oil or gas  
903 exploration or production operation; or any business subject to  
904 regulation by the Division of Hotels and Restaurants of the  
905 Department of Business and Professional Regulation. Any business  
906 within NAICS code 5611 or 5614, office administrative services  
907 and business support services, respectively, may be considered a  
908 target industry business only after the local governing body and  
909 Enterprise Florida, Inc., make a determination that the  
910 community where the business may locate has conditions affecting  
911 the fiscal and economic viability of the local community or  
912 area, including but not limited to, factors such as low per  
913 capita income, high unemployment, high underemployment, and a  
914 lack of year-round stable employment opportunities, and such  
915 conditions may be improved by the location of such a business to  
916 the community. By January 1 of every 3rd year, beginning January  
917 1, 2011, the department, in consultation with Enterprise  
918 Florida, Inc., economic development organizations, the State  
919 University System, local governments, employee and employer  
920 organizations, market analysts, and economists, shall review  
921 and, as appropriate, revise the list of such target industries  
922 and submit the list to the Governor, the President of the  
923 Senate, and the Speaker of the House of Representatives.

924 Section 10. Paragraph (c) of subsection (5) of section  
925 20.60, Florida Statutes, is amended to read:

926 20.60 Department of Economic Opportunity; creation; powers  
927 and duties.—

928 (5) The divisions within the department have specific  
929 responsibilities to achieve the duties, responsibilities, and  
930 goals of the department. Specifically:

931 (c) The Division of Workforce Services shall:

932 1. Prepare and submit a unified budget request for  
933 workforce in accordance with chapter 216 for, and in conjunction  
934 with, Workforce Florida, Inc., and its board.

935 2. Ensure that the state appropriately administers federal  
936 and state workforce funding by administering plans and policies  
937 of Workforce Florida, Inc., under contract with Workforce  
938 Florida, Inc. The operating budget and midyear amendments  
939 thereto must be part of such contract.

940 a. All program and fiscal instructions to regional  
941 workforce boards shall emanate from the Department of Economic  
942 Opportunity pursuant to plans and policies of Workforce Florida,  
943 Inc., which shall be responsible for all policy directions to  
944 the regional workforce boards.

945 b. Unless otherwise provided by agreement with Workforce  
946 Florida, Inc., administrative and personnel policies of the  
947 Department of Economic Opportunity shall apply.

948 3. Implement the state's unemployment compensation  
949 program. The Department of Economic Opportunity shall ensure  
950 that the state appropriately administers the unemployment  
951 compensation program pursuant to state and federal law.

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

954 5. Prepare an independent economic impact study for each  
 955 renewable energy project submitted to the Public Service  
 956 Commission for a public interest determination and provided to  
 957 the department for review pursuant to s. 366.92. The study shall  
 958 include, but is not limited to, the impacts of the project on  
 959 regional employment, income, compensation, and output.

960 Section 11. Section 366.92, Florida Statutes, is amended  
 961 to read:

962 366.92 Florida renewable energy policy.—

963 (1) It is the intent of the Legislature to promote the  
 964 development of renewable energy; protect the economic viability  
 965 of Florida's existing renewable energy facilities; diversify the  
 966 types of fuel used to generate electricity in Florida; lessen  
 967 Florida's dependence on natural gas and fuel oil for the  
 968 production of electricity; minimize the volatility of fuel  
 969 costs; encourage investment within the state; improve  
 970 environmental conditions; and, at the same time, minimize the  
 971 costs of power supply to electric utilities and their customers.

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

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

976 ~~(b) "Provider" means a "utility" as defined in s.~~  
 977 ~~366.8255(1)(a).~~

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

980 (c) "Renewable energy project" means the construction of a  
 981 new renewable energy generating facility, the conversion of an  
 982 existing fossil fuel generating facility to a renewable energy  
 983 generating facility, or a contract for the purchase of renewable  
 984 energy from a nonutility generating facility.

985 (d) "Utility" means an electric utility as defined in s.  
 986 366.8255 "Renewable energy credit" or "REC" means a product that  
 987 ~~represents the unbundled, separable, renewable attribute of~~  
 988 ~~renewable energy produced in Florida and is equivalent to 1~~  
 989 ~~megawatt-hour of electricity generated by a source of renewable~~  
 990 ~~energy located in Florida.~~

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

995 (3) (a) A utility may petition the commission to determine  
 996 pursuant to this section that a proposed renewable energy  
 997 project, selected as a result of competitive bidding, is in the  
 998 public interest. Notwithstanding s. 366.91(3) and (4), the  
 999 commission shall determine that a proposed project is in the  
 1000 public interest if the commission finds that the project  
 1001 provides an overall net benefit to the state. A public interest  
 1002 determination is available only for those renewable energy  
 1003 projects that are exempt from the requirement to obtain a  
 1004 determination of need pursuant to s. 403.519. A utility may seek  
 1005 approval of a renewable energy project pursuant to this section  
 1006 or, at its discretion, through any other available process.

1007 (b) In evaluating whether a renewable energy project,

1008 selected as a result of competitive bidding and proposed by a  
 1009 utility for consideration, is prudent and in the public  
 1010 interest, the commission shall consider:

- 1011 1. The estimated cost and estimated rate impacts of the  
 1012 project;
- 1013 2. The impact of the project on the reliability and  
 1014 integrity of the utility's system and the statewide electric  
 1015 grid;
- 1016 3. The extent to which the project strengthens fuel supply  
 1017 reliability to the utility and the state;
- 1018 4. The extent to which the project promotes rate stability  
 1019 by reducing the risk of fuel cost volatility;
- 1020 5. The extent to which the project retains energy  
 1021 expenditures in the state or regional economy;
- 1022 6. The extent to which the project reduces the utility's  
 1023 regulatory costs associated with adverse environmental impacts;  
 1024 and
- 1025 7. The regional and statewide net economic benefits  
 1026 associated with the project, taking into consideration an  
 1027 independent economic impact study of the project prepared by the  
 1028 department.

1029 (c) The commission shall approve for recovery through the  
 1030 environmental cost recovery clause all reasonable and prudent  
 1031 costs incurred by a utility for a renewable energy project that  
 1032 the commission determines to be in the public interest pursuant  
 1033 to this section. For a new renewable energy generating facility,  
 1034 recoverable costs include, but are not limited to, the siting,  
 1035 licensing, engineering, design, permitting, construction,

1036 operation, and maintenance of such facilities, including any  
1037 applicable taxes and a return based on the utility's last  
1038 authorized rate of return. For conversion of an existing fossil  
1039 fuel generating facility to a renewable energy generating  
1040 facility, recoverable costs include reasonable and prudent  
1041 conversion costs, including the costs of retirement of the  
1042 fossil fuel plant that exceed any amounts accrued by the  
1043 provider for such purposes through rates previously set by the  
1044 commission. For purchase of renewable energy from a nonutility  
1045 generating facility, recoverable costs include the reasonable  
1046 and prudent costs associated with the purchase.

1047 ~~(3) The commission shall adopt rules for a renewable~~  
1048 ~~portfolio standard requiring each provider to supply renewable~~  
1049 ~~energy to its customers directly, by procuring, or through~~  
1050 ~~renewable energy credits. In developing the RPS rule, the~~  
1051 ~~commission shall consult the Department of Environmental~~  
1052 ~~Protection and the Department of Agriculture and Consumer~~  
1053 ~~Services. The rule shall not be implemented until ratified by~~  
1054 ~~the Legislature. The commission shall present a draft rule for~~  
1055 ~~legislative consideration by February 1, 2009.~~

1056 ~~(a) In developing the rule, the commission shall evaluate~~  
1057 ~~the current and forecasted levelized cost in cents per kilowatt~~  
1058 ~~hour through 2020 and current and forecasted installed capacity~~  
1059 ~~in kilowatts for each renewable energy generation method through~~  
1060 ~~2020.~~

1061 ~~(b) The commission's rule:~~

1062 ~~1. Shall include methods of managing the cost of~~  
1063 ~~compliance with the renewable portfolio standard, whether~~

1064 ~~through direct supply or procurement of renewable power or~~  
 1065 ~~through the purchase of renewable energy credits. The commission~~  
 1066 ~~shall have rulemaking authority for providing annual cost~~  
 1067 ~~recovery and incentive-based adjustments to authorized rates of~~  
 1068 ~~return on common equity to providers to incentivize renewable~~  
 1069 ~~energy. Notwithstanding s. 366.91(3) and (4), upon the~~  
 1070 ~~ratification of the rules developed pursuant to this subsection,~~  
 1071 ~~the commission may approve projects and power sales agreements~~  
 1072 ~~with renewable power producers and the sale of renewable energy~~  
 1073 ~~credits needed to comply with the renewable portfolio standard.~~  
 1074 ~~In the event of any conflict, this subparagraph shall supersede~~  
 1075 ~~s. 366.91(3) and (4). However, nothing in this section shall~~  
 1076 ~~alter the obligation of each public utility to continuously~~  
 1077 ~~offer a purchase contract to producers of renewable energy.~~

1078 ~~2. Shall provide for appropriate compliance measures and~~  
 1079 ~~the conditions under which noncompliance shall be excused due to~~  
 1080 ~~a determination by the commission that the supply of renewable~~  
 1081 ~~energy or renewable energy credits was not adequate to satisfy~~  
 1082 ~~the demand for such energy or that the cost of securing~~  
 1083 ~~renewable energy or renewable energy credits was cost~~  
 1084 ~~prohibitive.~~

1085 ~~3. May provide added weight to energy provided by wind and~~  
 1086 ~~solar photovoltaic over other forms of renewable energy, whether~~  
 1087 ~~directly supplied or procured or indirectly obtained through the~~  
 1088 ~~purchase of renewable energy credits.~~

1089 ~~4. Shall determine an appropriate period of time for which~~  
 1090 ~~renewable energy credits may be used for purposes of compliance~~  
 1091 ~~with the renewable portfolio standard.~~

1092           5. ~~Shall provide for monitoring of compliance with and~~  
 1093 ~~enforcement of the requirements of this section.~~

1094           6. ~~Shall ensure that energy credited toward compliance~~  
 1095 ~~with the requirements of this section is not credited toward any~~  
 1096 ~~other purpose.~~

1097           7. ~~Shall include procedures to track and account for~~  
 1098 ~~renewable energy credits, including ownership of renewable~~  
 1099 ~~energy credits that are derived from a customer-owned renewable~~  
 1100 ~~energy facility as a result of any action by a customer of an~~  
 1101 ~~electric power supplier that is independent of a program~~  
 1102 ~~sponsored by the electric power supplier.~~

1103           8. ~~Shall provide for the conditions and options for the~~  
 1104 ~~repeal or alteration of the rule in the event that new~~  
 1105 ~~provisions of federal law supplant or conflict with the rule.~~

1106           (c) ~~Beginning on April 1 of the year following final~~  
 1107 ~~adoption of the commission's renewable portfolio standard rule,~~  
 1108 ~~each provider shall submit a report to the commission describing~~  
 1109 ~~the steps that have been taken in the previous year and the~~  
 1110 ~~steps that will be taken in the future to add renewable energy~~  
 1111 ~~to the provider's energy supply portfolio. The report shall~~  
 1112 ~~state whether the provider was in compliance with the renewable~~  
 1113 ~~portfolio standard during the previous year and how it will~~  
 1114 ~~comply with the renewable portfolio standard in the upcoming~~  
 1115 ~~year.~~

1116           (4) The commission shall adopt rules to implement a public  
 1117 interest determination process by which it shall determine  
 1118 whether a renewable energy project, proposed by a utility for  
 1119 purposes of supplying electrical energy to its retail customers,



1120 provides an overall net benefit to the state pursuant to the  
1121 criteria in subsection (3). The commission's rules shall:

1122 (a) Provide a process for competitive bidding of a  
1123 renewable energy project based on the type and technology of the  
1124 renewable energy resource that the utility elects to use.

1125 (b) Provide minimum requirements and information that a  
1126 utility must include in a request for proposals for a new  
1127 renewable energy project and other information related to the  
1128 request for proposal and competitive bidding processes.

1129 (c) Establish minimum requirements and information that a  
1130 utility must include in a petition for a public interest  
1131 determination for a renewable energy project, including  
1132 information required by the department to conduct an economic  
1133 impact study of the project as required by s. 20.60.

1134 (d) Provide for recovery through the environmental cost  
1135 recovery clause of all reasonable and prudent costs incurred by  
1136 a utility for a renewable energy project that the commission  
1137 determines to be in the public interest pursuant to subsection  
1138 (3).

1139 (e) Establish a mechanism for the sharing of revenues  
1140 derived from any renewable energy credit, carbon credit, or  
1141 other mechanism that attributes value to the production of  
1142 renewable energy, either existing or hereafter devised, and  
1143 received by a utility by virtue of the production or purchase of  
1144 renewable energy found to be in the public interest pursuant to  
1145 subsection (3). The utility shall be entitled to retain from  
1146 these revenues no more than the amount deemed reasonable by the  
1147 commission to cover the utility's transaction costs associated

1148 with the credit or other mechanism, plus 5 percent of the  
1149 remaining revenues. The remainder of the revenues shall be  
1150 credited to the utility's ratepayers.

1151 (f) Require a utility to report to the commission on an  
1152 annual basis, with respect to any renewable energy project that  
1153 the commission determines to be in the public interest, the  
1154 status of the project, the economic impacts of the project on  
1155 the region and the state, the amount and type of fuel displaced  
1156 by the project, operational statistics, and any other  
1157 information deemed relevant by the commission.

1158 (g) Require a seller of renewable energy, under a  
1159 purchased power agreement approved pursuant to the commission's  
1160 rules and this subsection, to surrender to the utility all  
1161 renewable attributes of the renewable energy purchased.

1162  
1163 Agency rules promulgated under the authority of this subsection  
1164 shall not take effect before July 1, 2013.

1165 ~~(4) In order to demonstrate the feasibility and viability~~  
1166 ~~of clean energy systems, the commission shall provide for full~~  
1167 ~~cost recovery under the environmental cost-recovery clause of~~  
1168 ~~all reasonable and prudent costs incurred by a provider for~~  
1169 ~~renewable energy projects that are zero greenhouse gas emitting~~  
1170 ~~at the point of generation, up to a total of 110 megawatts~~  
1171 ~~statewide, and for which the provider has secured necessary~~  
1172 ~~land, zoning permits, and transmission rights within the state.~~  
1173 ~~Such costs shall be deemed reasonable and prudent for purposes~~  
1174 ~~of cost recovery so long as the provider has used reasonable and~~  
1175 ~~customary industry practices in the design, procurement, and~~

1176 ~~construction of the project in a cost-effective manner~~  
 1177 ~~appropriate to the location of the facility. The provider shall~~  
 1178 ~~report to the commission as part of the cost-recovery~~  
 1179 ~~proceedings the construction costs, in-service costs, operating~~  
 1180 ~~and maintenance costs, hourly energy production of the renewable~~  
 1181 ~~energy project, and any other information deemed relevant by the~~  
 1182 ~~commission. Any provider constructing a clean energy facility~~  
 1183 ~~pursuant to this section shall file for cost recovery no later~~  
 1184 ~~than July 1, 2009.~~

1185 (5) (a) Within 7 days after receipt of a petition for a  
 1186 public interest determination pursuant to subsection (3), the  
 1187 commission, through administrative review by its staff, shall  
 1188 determine whether the petition is complete. If the commission  
 1189 finds that the petition is not complete, it shall notify the  
 1190 petitioner of all deficiencies and provide the petitioner an  
 1191 opportunity to correct the deficiencies through an amended or  
 1192 supplemental filing.

1193 (b) When the commission determines that a petition is  
 1194 complete, the commission shall notify the department and forward  
 1195 a copy of the petition to the department within 3 days. After  
 1196 receipt and review of the petition, the department may request  
 1197 any additional information it deems necessary to complete an  
 1198 economic impact study of the project as required by s. 20.60.

1199 (c) Within 45 days after receipt of the complete petition  
 1200 or 30 days after receipt of all additional information  
 1201 requested, whichever is later, the department shall complete its  
 1202 economic impact study and submit a report reflecting the results  
 1203 of the study to the commission for consideration in the

1204 commission's public interest determination proceeding. The  
 1205 department's study and report are not subject to the provisions  
 1206 of ss. 120.569 and 120.57. Any party to the commission's public  
 1207 interest determination proceeding may present evidence to the  
 1208 commission concerning the regional and statewide net economic  
 1209 benefits associated with the project.

1210 (d) The commission shall issue a final order within 180  
 1211 days after receipt of a complete petition for a public interest  
 1212 determination filed pursuant to subsection (3).

1213 (6)-(5) Each municipal electric utility and rural electric  
 1214 cooperative shall develop standards for the promotion,  
 1215 encouragement, and expansion of the use of renewable energy  
 1216 resources and energy conservation and efficiency measures. On or  
 1217 before April 1, 2009, and annually thereafter, each municipal  
 1218 electric utility and electric cooperative shall submit to the  
 1219 commission a report that identifies such standards.

1220 (7)-(6) Nothing in This section and any action taken under  
 1221 this section may not shall be construed to impede or impair the  
 1222 terms and conditions of, or serve as a basis for renegotiating  
 1223 or repricing an existing contract contracts. This section may  
 1224 not be construed to apply to purchases required pursuant to s.  
 1225 366.051 or s. 366.91.

1226 (8)-(7) The commission may adopt rules to administer and  
 1227 implement the provisions of this section.

1228 Section 12. Section 366.94, Florida Statutes, is created  
 1229 to read:

1230 366.94 Electric vehicle charging stations.-

1231 (1) LEGISLATIVE FINDINGS.-The Legislature finds that the

1232 provision of electric vehicle charging to the public by a  
 1233 nonutility is a service and not the retail sale of electricity.  
 1234 The rates, terms, and conditions of electric vehicle charging  
 1235 services by a nonutility are not subject to regulation under  
 1236 this chapter. Nothing in this section affects the ability of  
 1237 individuals, businesses, or governmental entities to acquire,  
 1238 install, or use an electric vehicle charger for their own  
 1239 vehicles.

1240 (2) RULES.—The Department of Agriculture and Consumer  
 1241 Services shall adopt rules to provide definitions, methods of  
 1242 sale, labeling requirements, and price-posting requirements for  
 1243 electric vehicle charging stations to allow for consistency for  
 1244 consumers and the industry.

1245 (3) PARKING SPACES FOR ELECTRIC VEHICLE CHARGING  
 1246 STATIONS.—

1247 (a) It is unlawful for a person to stop, stand, or park a  
 1248 vehicle that is not capable of using an electrical recharging  
 1249 station within any parking space specifically designated for  
 1250 charging an electric vehicle.

1251 (b) If a law enforcement officer finds a motor vehicle in  
 1252 violation of this subsection, the officer or specialist shall  
 1253 charge the operator or other person in charge of the vehicle in  
 1254 violation with a noncriminal traffic infraction, punishable as  
 1255 provided in s. 316.008(4) or s. 318.18.

1256 Section 13. Paragraph (n) is added to subsection (2) of  
 1257 section 377.703, Florida Statutes, to read:

1258 377.703 Additional functions of the Department of  
 1259 Agriculture and Consumer Services.—

1260 (2) DUTIES.—The department shall perform the following  
 1261 functions, unless as otherwise provided, consistent with the  
 1262 development of a state energy policy:

1263 (n) On an annual basis, the department shall prepare an  
 1264 assessment of the utilization of the tax exemption authorized in  
 1265 s. 212.08(7) (hhh), the renewable energy technologies investment  
 1266 tax credit authorized in s. 220.192, and the renewable energy  
 1267 production credit authorized in s. 220.193, which the department  
 1268 shall submit to the President of the Senate, the Speaker of the  
 1269 House of Representatives, and the Executive Office of the  
 1270 Governor by February 1 of each year. The assessment shall  
 1271 include, at a minimum, the following information:

1272 1. For the tax exemption authorized in s. 212.08(7) (hhh):

1273 a. The name of each taxpayer receiving an exemption under  
 1274 this section;

1275 b. The amount of the exemption received by each taxpayer;  
 1276 and

1277 c. The type and description of each eligible item for  
 1278 which each taxpayer is applying.

1279 2. For the renewable energy technologies investment tax  
 1280 credit authorized in s. 220.192:

1281 a. The name of each taxpayer receiving an allocation under  
 1282 this section;

1283 b. The amount of the credits allocated for that fiscal  
 1284 year for each taxpayer; and

1285 c. The type of technology and a description of each  
 1286 investment for which each taxpayer receives an allocation.

1287 3. For the renewable energy production credit authorized  
 1288 in s. 220.193:

1289 a. The name of each taxpayer receiving an allocation under  
 1290 this section;

1291 b. The amount of credits allocated for that fiscal year  
 1292 for each taxpayer;

1293 c. The type and amount of renewable energy produced and  
 1294 sold, whether the facility producing that energy is a new or  
 1295 expanded facility, and the approximate date on which production  
 1296 began; and

1297 d. The aggregate amount of credits allocated for all  
 1298 taxpayers claiming credits under this section for the fiscal  
 1299 year.

1300 Section 14. Subsection (3) of section 403.519, Florida  
 1301 Statutes, is amended to read:

1302 403.519 Exclusive forum for determination of need.—

1303 (3) The commission is ~~shall be~~ the sole forum for the  
 1304 determination of this matter, which accordingly may ~~shall~~ not be  
 1305 raised in any other forum or in the review of proceedings in  
 1306 such other forum. In making its determination, the commission  
 1307 shall take into account the need for electric system reliability  
 1308 and integrity, the need for adequate electricity at a reasonable  
 1309 cost, the need for fuel diversity to foster fuel supply  
 1310 reliability and fuel rate stability, the need for ~~and~~ supply  
 1311 reliability, whether the proposed plant is the most cost-  
 1312 effective alternative available, and whether renewable energy  
 1313 sources and technologies, as well as conservation measures, are  
 1314 used ~~utilized~~ to the extent reasonably available. The commission

1315 shall also expressly consider the conservation measures taken by  
 1316 or reasonably available to the applicant or its members which  
 1317 might mitigate the need for the proposed plant and other matters  
 1318 within its jurisdiction which it deems relevant. The  
 1319 commission's determination of need for an electrical power plant  
 1320 creates ~~shall create~~ a presumption of public need and necessity  
 1321 and serves ~~shall serve~~ as the commission's report required by s.  
 1322 403.507(4). An order entered pursuant to this section  
 1323 constitutes final agency action.

1324 Section 15. Subsection (1) of section 526.203, Florida  
 1325 Statutes, is amended, and subsections (5) and (6) are added to  
 1326 that section, to read:

1327 526.203 Renewable fuel standard.—

1328 (1) DEFINITIONS.—As used in this act:

1329 (a) "Alternative fuel" means a fuel produced from biomass,  
 1330 as defined in s. 366.91, that is used to replace or reduce the  
 1331 quantity of fossil fuel present in a petroleum fuel that meets  
 1332 the specifications as adopted by the department.

1333 (b) ~~(a)~~ "Blender," "importer," "terminal supplier," and  
 1334 "wholesaler" are defined as provided in s. 206.01.

1335 (c) ~~(b)~~ "Blended gasoline" means a mixture of 90 to 91  
 1336 percent gasoline and 9 to 10 percent fuel ethanol or other  
 1337 alternative fuel, by volume, that meets the specifications as  
 1338 adopted by the department. The fuel ethanol or other alternative  
 1339 fuel portion may be derived from any agricultural source.

1340 (d) ~~(c)~~ "Fuel ethanol" means an anhydrous denatured alcohol  
 1341 produced by the conversion of carbohydrates that meets the  
 1342 specifications as adopted by the department.



1343 (e)~~(d)~~ "Unblended gasoline" means gasoline that has not  
 1344 been blended with fuel ethanol or other alternative fuel and  
 1345 that meets the specifications as adopted by the department.

1346 (5) This section does not prohibit a retail dealer as  
 1347 defined in s. 206.01 from selling or offering to sell unblended  
 1348 gasoline.

1349 (6) The Department of Agriculture and Consumer Services  
 1350 shall compile a list of retail fuel stations that sell or offer  
 1351 to sell unblended gasoline. This information shall be compiled  
 1352 by the department as part of its routine retail fuel station  
 1353 inspections, authorized under s. 525.07, and from information  
 1354 provided voluntarily by retail dealers. The Department of  
 1355 Agriculture and Consumer Services shall provide this information  
 1356 on its website to inform consumers of the options available for  
 1357 unblended gasoline.

1358 Section 16. Subsection (4) of section 581.083, Florida  
 1359 Statutes, is amended to read:

1360 581.083 Introduction or release of plant pests, noxious  
 1361 weeds, or organisms affecting plant life; cultivation of  
 1362 nonnative plants; special permit and security required.—

1363 (4) A person may not cultivate a nonnative plant, algae,  
 1364 or blue-green algae, including a genetically engineered plant,  
 1365 algae, or blue-green algae ~~or a plant that has been introduced,~~  
 1366 ~~for purposes of fuel production or purposes other than~~  
 1367 agriculture in plantings greater in size than 2 contiguous  
 1368 acres, except under a special permit issued by the department  
 1369 through the division, which is the sole agency responsible for  
 1370 issuing such special permits. A permit is not required to

1371 cultivate any plant or group of plants that, based on experience  
 1372 or research data, does not pose a threat of becoming an invasive  
 1373 species and is commonly grown in this state for the purpose of  
 1374 human food consumption, commercial feed, feedstuff, forage for  
 1375 livestock, nursery stock, or silviculture. The department is  
 1376 authorized to adopt additional exemptions to the permitting  
 1377 requirements of this section if the department determines, after  
 1378 consulting with the Institute of Food and Agricultural Sciences  
 1379 at the University of Florida, that based on experience or  
 1380 research data, the nonnative plant, algae, or blue-green algae  
 1381 does not pose a threat of becoming an invasive species or a pest  
 1382 of plants or native fauna under conditions in this state and  
 1383 subsequently exempts the plant or group of plants by rule ~~Such a~~  
 1384 ~~permit shall not be required if the department determines, in~~  
 1385 ~~conjunction with the Institute of Food and Agricultural Sciences~~  
 1386 ~~at the University of Florida, that the plant is not invasive and~~  
 1387 ~~subsequently exempts the plant by rule.~~

1388 (a)1. Each application for a special permit must be  
 1389 accompanied by a fee as described in subsection (2) and proof  
 1390 that the applicant has obtained, on a form approved by the  
 1391 department, ~~a bond in the form approved by the department and~~  
 1392 issued by a surety company admitted to do business in this state  
 1393 or a certificate of deposit, or other type of security adopted  
 1394 by rule of the department which provides a financial assurance  
 1395 of cost recovery for the removal of a planting. The application  
 1396 must include, on a form provided by the department, the name of  
 1397 the applicant and the applicant's address or the address of the  
 1398 applicant's principal place of business; a statement completely

1399 identifying the nonnative plant to be cultivated; and a  
1400 statement of the estimated cost of removing and destroying the  
1401 plant that is the subject of the special permit and the basis  
1402 for calculating or determining that estimate. If the applicant  
1403 is a corporation, partnership, or other business entity, the  
1404 applicant must also provide in the application the name and  
1405 address of each officer, partner, or managing agent. The  
1406 applicant shall notify the department within 10 business days of  
1407 any change of address or change in the principal place of  
1408 business. The department shall mail all notices to the  
1409 applicant's last known address.

1410 2. As used in this subsection, the term "certificate of  
1411 deposit" means a certificate of deposit at any recognized  
1412 financial institution doing business in the United States. The  
1413 department may not accept a certificate of deposit in connection  
1414 with the issuance of a special permit unless the issuing  
1415 institution is properly insured by the Federal Deposit Insurance  
1416 Corporation or the Federal Savings and Loan Insurance  
1417 Corporation.

1418 (b) Upon obtaining a permit, the permitholder may annually  
1419 cultivate and maintain the nonnative plants as authorized by the  
1420 special permit. If the permitholder ceases to maintain or  
1421 cultivate the plants authorized by the special permit, if the  
1422 permit expires, or if the permitholder ceases to abide by the  
1423 conditions of the special permit, the permitholder shall  
1424 immediately remove and destroy the plants that are subject to  
1425 the permit, if any remain. The permitholder shall notify the  
1426 department of the removal and destruction of the plants within

1427 10 days after such event.

1428 (c) If the department:

1429 1. Determines that the permitholder is no longer  
 1430 maintaining or cultivating the plants subject to the special  
 1431 permit and has not removed and destroyed the plants authorized  
 1432 by the special permit;

1433 2. Determines that the continued maintenance or  
 1434 cultivation of the plants presents an imminent danger to public  
 1435 health, safety, or welfare;

1436 3. Determines that the permitholder has exceeded the  
 1437 conditions of the authorized special permit; or

1438 4. Receives a notice of cancellation of the surety bond,

1439  
 1440 the department may issue an immediate final order, which shall  
 1441 be immediately appealable or enjoicable as provided by chapter  
 1442 120, directing the permitholder to immediately remove and  
 1443 destroy the plants authorized to be cultivated under the special  
 1444 permit. A copy of the immediate final order must ~~shall~~ be mailed  
 1445 to the permitholder and to the surety company or financial  
 1446 institution that has provided security for the special permit,  
 1447 if applicable.

1448 (d) If, upon issuance by the department of an immediate  
 1449 final order to the permitholder, the permitholder fails to  
 1450 remove and destroy the plants subject to the special permit  
 1451 within 60 days after issuance of the order, or such shorter  
 1452 period as is designated in the order as public health, safety,  
 1453 or welfare requires, the department may enter the cultivated  
 1454 acreage and remove and destroy the plants that are the subject

1455 of the special permit. If the permitholder makes a written  
 1456 request to the department for an extension of time to remove and  
 1457 destroy the plants that demonstrates specific facts showing why  
 1458 the plants could not reasonably be removed and destroyed in the  
 1459 applicable timeframe, the department may extend the time for  
 1460 removing and destroying plants subject to a special permit. The  
 1461 reasonable costs and expenses incurred by the department for  
 1462 removing and destroying plants subject to a special permit shall  
 1463 be reimbursed to the department by the permitholder within 21  
 1464 days after the date the permitholder and the surety company or  
 1465 financial institution are served a copy of the department's  
 1466 invoice for the costs and expenses incurred by the department to  
 1467 remove and destroy the cultivated plants, along with a notice of  
 1468 administrative rights, unless the permitholder or the surety  
 1469 company or financial institution object to the reasonableness of  
 1470 the invoice. In the event of an objection, the permitholder or  
 1471 surety company or financial institution is entitled to an  
 1472 administrative proceeding as provided by chapter 120. Upon entry  
 1473 of a final order determining the reasonableness of the incurred  
 1474 costs and expenses, the permitholder has ~~shall have~~ 15 days  
 1475 after ~~following~~ service of the final order to reimburse the  
 1476 department. Failure of the permitholder to timely reimburse the  
 1477 department for the incurred costs and expenses entitles the  
 1478 department to reimbursement from the applicable bond or  
 1479 certificate of deposit.

1480 (e) Each permitholder shall maintain for each separate  
 1481 growing location a bond or a certificate of deposit in an amount  
 1482 determined by the department, but not more ~~less~~ than 150 percent

1483 of the estimated cost of removing and destroying the cultivated  
1484 plants. The bond or certificate of deposit may not exceed \$5,000  
1485 per acre, unless a higher amount is determined by the department  
1486 to be necessary to protect the public health, safety, and  
1487 welfare or unless an exemption is granted by the department  
1488 based on conditions specified in the application which would  
1489 preclude the department from incurring the cost of removing and  
1490 destroying the cultivated plants and would prevent injury to the  
1491 public health, safety, and welfare. The aggregate liability of  
1492 the surety company or financial institution to all persons for  
1493 all breaches of the conditions of the bond or certificate of  
1494 deposit may not exceed the amount of the bond or certificate of  
1495 deposit. The original bond or certificate of deposit required by  
1496 this subsection shall be filed with the department. A surety  
1497 company shall give the department 30 days' written notice of  
1498 cancellation, by certified mail, in order to cancel a bond.  
1499 Cancellation of a bond does not relieve a surety company of  
1500 liability for paying to the department all costs and expenses  
1501 incurred or to be incurred for removing and destroying the  
1502 permitted plants covered by an immediate final order authorized  
1503 under paragraph (c). A bond or certificate of deposit must be  
1504 provided or assigned in the exact name in which an applicant  
1505 applies for a special permit. The penal sum of the bond or  
1506 certificate of deposit to be furnished to the department by a  
1507 permitholder in the amount specified in this paragraph must  
1508 guarantee payment of the costs and expenses incurred or to be  
1509 incurred by the department for removing and destroying the  
1510 plants cultivated under the issued special permit. The bond or

1511 certificate of deposit assignment or agreement must be upon a  
1512 form prescribed or approved by the department and must be  
1513 conditioned to secure the faithful accounting for and payment of  
1514 all costs and expenses incurred by the department for removing  
1515 and destroying all plants cultivated under the special permit.  
1516 The bond or certificate of deposit assignment or agreement must  
1517 include terms binding the instrument to the Commissioner of  
1518 Agriculture. Such certificate of deposit shall be presented with  
1519 an assignment of the permitholder's rights in the certificate in  
1520 favor of the Commissioner of Agriculture on a form prescribed by  
1521 the department and with a letter from the issuing institution  
1522 acknowledging that the assignment has been properly recorded on  
1523 the books of the issuing institution and will be honored by the  
1524 issuing institution. Such assignment is irrevocable while a  
1525 special permit is in effect and for an additional period of 6  
1526 months after termination of the special permit if operations to  
1527 remove and destroy the permitted plants are not continuing and  
1528 if the department's invoice remains unpaid by the permitholder  
1529 under the issued immediate final order. If operations to remove  
1530 and destroy the plants are pending, the assignment remains in  
1531 effect until all plants are removed and destroyed and the  
1532 department's invoice has been paid. The bond or certificate of  
1533 deposit may be released by the assignee of the surety company or  
1534 financial institution to the permitholder, or to the  
1535 permitholder's successors, assignee, or heirs, if operations to  
1536 remove and destroy the permitted plants are not pending and no  
1537 invoice remains unpaid at the conclusion of 6 months after the  
1538 last effective date of the special permit. The department may

1539 not accept a certificate of deposit that contains any provision  
1540 that would give to any person any prior rights or claim on the  
1541 proceeds or principal of such certificate of deposit. The  
1542 department shall determine by rule whether an annual bond or  
1543 certificate of deposit will be required. The amount of such bond  
1544 or certificate of deposit shall be increased, upon order of the  
1545 department, at any time if the department finds such increase to  
1546 be warranted by the cultivating operations of the permitholder.  
1547 In the same manner, the amount of such bond or certificate of  
1548 deposit may be adjusted downward or removed ~~decreased~~ when a  
1549 decrease in the cultivating operations of the permitholder  
1550 occurs or when research or practical field knowledge and  
1551 observations indicate a low risk of invasiveness by the  
1552 nonnative species ~~warrants such decrease~~. Factors that may be  
1553 considered for change include multiple years or cycles of  
1554 successful large-scale contained cultivation; no observation of  
1555 plant, algae, or blue-green algae escape from managed areas; or  
1556 science-based evidence that established or approved adjusted  
1557 cultivation practices provide a similar level of containment of  
1558 the nonnative plant, algae, or blue-green algae. This paragraph  
1559 applies to any bond or certificate of deposit, regardless of the  
1560 anniversary date of its issuance, expiration, or renewal.

1561 (f) In order to carry out the purposes of this subsection,  
1562 the department or its agents may require from any permitholder  
1563 verified statements of the cultivated acreage subject to the  
1564 special permit and may review the permitholder's business or  
1565 cultivation records at her or his place of business during  
1566 normal business hours in order to determine the acreage



1567 cultivated. The failure of a permitholder to furnish such  
1568 statement, to make such records available, or to make and  
1569 deliver a new or additional bond or certificate of deposit is  
1570 cause for suspension of the special permit. If the department  
1571 finds such failure to be willful, the special permit may be  
1572 revoked.

1573       Section 17. The Department of Agriculture and Consumer  
1574 Services shall conduct a comprehensive statewide forest  
1575 inventory analysis and study, using a geographic information  
1576 system, to identify where available biomass is located,  
1577 determine the available biomass resources, and ensure forest  
1578 sustainability within the state. The department shall submit the  
1579 results of the study to the President of the Senate, the Speaker  
1580 of the House of Representatives, and the Executive Office of the  
1581 Governor by July 1, 2013.

1582       Section 18. The Department of Agriculture and Consumer  
1583 Services, in consultation with the Public Service Commission,  
1584 the Florida Building Commission, and the Florida Energy Systems  
1585 Consortium, shall develop a clearinghouse of information  
1586 regarding cost savings associated with various energy efficiency  
1587 and conservation measures. The department shall post the  
1588 information on its website by July 1, 2013.

1589       Section 19. The Public Service Commission is directed to  
1590 conduct a study of the potential effects of public charging  
1591 stations and privately owned electric vehicle charging on both  
1592 energy consumption and the impact on the electric grid in the  
1593 state. The Public Service Commission shall also investigate the  
1594 feasibility of using off-grid solar photovoltaic power as a

1595 source of electricity for the electric vehicle charging  
 1596 stations. The commission shall submit the results of the study  
 1597 to the President of the Senate, the Speaker of the House of  
 1598 Representatives, and the Executive Office of the Governor by  
 1599 December 31, 2012.

1600 Section 20. For the 2012-2013 fiscal year, the  
 1601 nonrecurring sum of \$250,000 is appropriated from the Florida  
 1602 Public Service Regulatory Trust Fund for the purpose of the  
 1603 Public Service Commission, in consultation with the Department  
 1604 of Agriculture and Consumer Services, contracting for an  
 1605 independent evaluation of the effectiveness of the Florida  
 1606 Energy Efficiency and Conservation Act in achieving the  
 1607 statutory objectives of reducing and controlling the growth  
 1608 rates of electric consumption and reducing the growth rates of  
 1609 weather-sensitive peak demand, increasing the overall efficiency  
 1610 and cost-effectiveness of electricity and natural gas production  
 1611 and use, encouraging further development of demand-side  
 1612 renewable energy systems; and conserving expensive resources,  
 1613 particularly petroleum fuels.

1614 (1) The evaluation shall include an assessment of:

1615 (a) The effectiveness of the act in accomplishing  
 1616 statutory objectives in a cost-effective manner, taking into  
 1617 account short-term and long-term costs and benefits;

1618 (b) The models and methods used to establish conservation  
 1619 goals and programs to meet those goals;

1620 (c) The strengths and weaknesses of the act relative to  
 1621 alternative methods available to achieve statutory objectives;

1622 (d) The coordination between the goal-setting process in

1623 s. 366.82 and the determination of need process in s. 403.519,  
1624 including the manner in which supply-side conservation and  
1625 efficiency measures are addressed; and

1626 (e) The potential for time-based rates and advanced  
1627 metering technology, or other mechanisms, to allow customers to  
1628 manage their energy consumption and allow for peak load shaving.

1629 (f) The potential for a low-interest loan program to  
1630 provide a cost-effective means to encourage the development of  
1631 demand-side renewable energy systems to achieve the statutory  
1632 objectives of reducing and controlling the growth rates of  
1633 electric consumption and reducing the growth rates of weather-  
1634 sensitive peak demand, including an evaluation of similar  
1635 programs operating both within and outside of the state.

1636 (2) The findings and recommendations of the evaluation  
1637 shall be submitted to the President of the Senate, the Speaker  
1638 of the House of Representatives, and the Executive Office of the  
1639 Governor by January 31, 2013.

1640 Section 21. This act shall take effect July 1, 2012.