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LEGISLATIVE ACTION

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|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/11/2014 | . | |
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The Committee on Communications, Energy, and Public Utilities (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (f) through (i) of subsection (2) of section 377.6015, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, and present paragraph (e) of that section is amended to read:

377.6015 Department of Agriculture and Consumer Services; powers and duties.-



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11 (2) The department shall:

12 ~~(c) Represent Florida in the Southern States Energy Compact~~
13 ~~pursuant to ss. 377.71-377.712.~~

14 Section 2. Paragraphs (f), (h), and (i) of subsection (2)
15 of section 377.703, Florida Statutes, are amended to read:

16 377.703 Additional functions of the Department of
17 Agriculture and Consumer Services.—

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

21 (f) The department shall submit an annual report to the
22 Governor and the Legislature reflecting its activities and
23 making recommendations for ~~of~~ policies for improvement of the
24 state's response to energy supply and demand and its effect on
25 the health, safety, and welfare of the residents of this state
26 ~~people of Florida~~. The report must ~~shall~~ include a report from
27 the Florida Public Service Commission on electricity and natural
28 gas and information on energy conservation programs conducted
29 and underway in the past year and ~~shall~~ include recommendations
30 for energy efficiency and conservation programs for the state,
31 including, ~~but not limited to, the following factors:~~

32 1. Formulation of specific recommendations for improvement
33 in the efficiency of energy utilization in governmental,
34 residential, commercial, industrial, and transportation sectors.

35 2. Collection and dissemination of information relating to
36 energy efficiency and conservation.

37 3. Development and conduct of educational and training
38 programs relating to energy efficiency and conservation.

39 4. An analysis of the ways in which state agencies are



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40 seeking to implement s. 377.601(2), the state energy policy, and
41 recommendations for better fulfilling this policy.

42 (h) The department shall promote the development and use of
43 renewable energy resources, in conformance with chapter 187 and
44 s. 377.601, by:

45 1. Establishing goals and strategies for increasing the use
46 of renewable ~~solar~~ energy in this state.

47 2. Aiding and promoting the commercialization of renewable
48 energy resources ~~solar energy technology~~, in cooperation with
49 the Florida Energy Systems Consortium, the Florida Solar Energy
50 Center, Enterprise Florida, Inc., and any other federal, state,
51 or local governmental agency that ~~which~~ may seek to promote
52 research, development, and the demonstration of renewable ~~solar~~
53 energy equipment and technology.

54 3. Identifying barriers to greater use of renewable energy
55 resources ~~solar energy systems~~ in this state, and developing
56 specific recommendations for overcoming identified barriers,
57 with findings and recommendations to be submitted annually in
58 the report to the Governor and Legislature required under
59 paragraph (f).

60 4. In cooperation with the Department of Environmental
61 Protection, the Department of Transportation, the Department of
62 Economic Opportunity, Enterprise Florida, Inc., the Florida
63 Energy Systems Consortium, the Florida Solar Energy Center, and
64 the Florida Solar Energy Industries Association, investigating
65 opportunities, pursuant to the national Energy Policy Act of
66 1992, the Housing and Community Development Act of 1992, and any
67 subsequent federal legislation, for renewable energy resources,
68 ~~solar~~ electric vehicles, and other renewable ~~solar~~ energy



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69 manufacturing, distribution, installation, and financing efforts
70 that ~~which will~~ enhance this state's position as the leader in
71 renewable solar energy research, development, and use.

72 5. Undertaking other initiatives to advance the development
73 and use of renewable energy resources in this state.

74
75 In the exercise of its responsibilities under this paragraph,
76 the department shall seek the assistance of the renewable solar
77 energy industry in this state and other interested parties and
78 may ~~is authorized to~~ enter into contracts, retain professional
79 consulting services, and expend funds appropriated by the
80 Legislature for such purposes.

81 (i) The department shall promote energy efficiency and
82 conservation in all energy use sectors throughout the state and
83 be ~~shall constitute~~ the state agency primarily responsible for
84 this function. The Department of Management Services, in
85 consultation with the department, shall coordinate the energy
86 conservation programs of all state agencies and review and
87 comment on the energy conservation programs of all state
88 agencies.

89 Section 3. Subsection (4) of section 377.705, Florida
90 Statutes, is amended to read:

91 377.705 Solar Energy Center; development of solar energy
92 standards.—

93 (4) AUTHORITY OF THE FLORIDA SOLAR ENERGY CENTER TO SET
94 ~~STANDARDS, REQUIRE DISCLOSURE, SET TESTING FEES.—~~

95 (a) The center may ~~shall~~ develop and adopt promulgate
96 standards for solar energy systems manufactured or sold in this
97 state based on the best currently available information and may



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98 ~~shall~~ consult with scientists, engineers, or persons in research
99 centers who are engaged in the construction of, experimentation
100 with, and research of solar energy systems to properly identify
101 the most reliable designs and types of solar energy systems.

102 (b) The center may ~~shall~~ establish criteria for testing the
103 performance of solar energy systems and may ~~shall~~ maintain the
104 necessary capability for testing or evaluating the performance
105 of solar energy systems. The center may accept results of tests
106 on solar energy systems made by other organizations, companies,
107 or persons if ~~when~~ such tests are conducted according to the
108 criteria established by the center and when the testing entity
109 has no vested interest in the manufacture, distribution, or sale
110 of solar energy systems.

111 (c) The center may establish and collect ~~shall be entitled~~
112 ~~to receive~~ a testing fee sufficient to cover the costs of such
113 testing. ~~All testing fees shall be transmitted by the center to~~
114 ~~the Chief Financial Officer to be deposited in the Solar Energy~~
115 ~~Center Testing Trust Fund, which is hereby created in the State~~
116 ~~Treasury, and disbursed for the payment of expenses incurred in~~
117 ~~testing solar energy systems.~~

118 (d) ~~All solar energy systems manufactured or sold in the~~
119 ~~state must meet the standards established by the center and~~
120 ~~shall display accepted results of approved performance tests in~~
121 ~~a manner prescribed by the center.~~

122 Section 4. Section 377.712, Florida Statutes, is amended to
123 read:

124 377.712 Florida participation.—

125 (1) (a) The Governor shall appoint one member of the
126 Southern States Energy Board. The member or the Governor may



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127 designate another person as the deputy or assistant to such
128 member.

129 (b) The Commissioner of Agriculture may appoint one member
130 of the Southern States Energy Board. The member or the
131 commissioner may designate another person as the assistant or
132 deputy to such member.

133 (c) ~~(b)~~ The President of the Senate shall appoint one member
134 of the Southern States Energy Board. The member or the president
135 may designate another person as the assistant or deputy to such
136 member.

137 (d) ~~(c)~~ The Speaker of the House of Representatives shall
138 appoint one member of the Southern States Energy Board. The
139 member or the speaker may designate another person as the
140 assistant or deputy to such member.

141 (2) Any supplementary agreement entered into under s.
142 377.711(6) requiring the expenditure of funds may ~~shall~~ not
143 become effective as to Florida until the required funds are
144 appropriated by the Legislature.

145 (3) Departments, agencies, and officers of this state, and
146 its subdivisions are authorized to cooperate with the board in
147 the furtherance of ~~any of~~ its activities pursuant to the
148 compact, provided such proposed activities have been made known
149 to, and have the approval of, ~~either~~ the Governor or the
150 Department of Agriculture and Consumer Services ~~Department of~~
151 ~~Health.~~

152 Section 5. Section 377.801, Florida Statutes, is amended to
153 read:

154 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~
155 ~~377.807~~ may be cited as the "Florida Energy and Climate



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156 Protection Act.”

157 Section 6. Section 377.802, Florida Statutes, is amended to
158 read:

159 377.802 Purpose.—This act is intended to provide incentives
160 for Florida’s citizens, businesses, school districts, and local
161 governments to take action to diversify the state’s energy
162 supplies, reduce dependence on foreign oil, and mitigate the
163 effects of climate change by providing funding for activities
164 designed to achieve these goals. The grant programs in this act
165 are intended to stimulate capital investment in and enhance the
166 market for renewable energy technologies and technologies
167 intended to diversify Florida’s energy supplies, reduce
168 dependence on foreign oil, and combat or limit climate change
169 impacts. ~~This act is also intended to provide incentives for the~~
170 ~~purchase of energy-efficient appliances and rebates for solar~~
171 ~~energy equipment installations for residential and commercial~~
172 ~~buildings.~~

173 Section 7. Section 377.803, Florida Statutes, is amended to
174 read:

175 377.803 Definitions.—As used in ss. 377.801-377.804 ~~ss.~~
176 ~~377.801-377.807~~, the term:

177 (1) “Act” means the Florida Energy and Climate Protection
178 Act.

179 (2) “Department” means the Department of Agriculture and
180 Consumer Services.

181 (3) “Person” means an individual, partnership, joint
182 venture, private or public corporation, association, firm,
183 public service company, or any other public or private entity.

184 (4) “Renewable energy” means electrical, mechanical, or



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185 thermal energy produced from a method that uses one or more of
186 the following fuels or energy sources: hydrogen, biomass, as
187 defined in s. 366.91, solar energy, geothermal energy, wind
188 energy, ocean energy, waste heat, or hydroelectric power.

189 (5) "Renewable energy technology" means any technology that
190 generates or utilizes a renewable energy resource.

191 ~~(6) "Solar energy system" means equipment that provides for~~
192 ~~the collection and use of incident solar energy for water~~
193 ~~heating, space heating or cooling, or other applications that~~
194 ~~would normally require a conventional source of energy such as~~
195 ~~petroleum products, natural gas, or electricity that performs~~
196 ~~primarily with solar energy. In other systems in which solar~~
197 ~~energy is used in a supplemental way, only those components that~~
198 ~~collect and transfer solar energy shall be included in this~~
199 ~~definition.~~

200 ~~(7) "Solar photovoltaic system" means a device that~~
201 ~~converts incident sunlight into electrical current.~~

202 ~~(8) "Solar thermal system" means a device that traps heat~~
203 ~~from incident sunlight in order to heat water.~~

204 Section 8. Section 377.815, Florida Statutes, is created to
205 read:

206 377.815 Alternative fueling stations and electric vehicle
207 charging stations.—The Department of Agriculture and Consumer
208 Services may post information on its website relating to
209 alternative fueling stations or electric vehicle charging
210 stations that are available for public use in this state.

211 (1) As used in this section, the term "alternative fuel"
212 means nontraditional transportation fuel, such as pure methanol,
213 ethanol, and other alcohols; blends of 85 percent or more of



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214 alcohol with gasoline; natural gas and liquid fuels domestically
215 produced from natural gas; liquefied petroleum gas; coal-derived
216 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,
217 other than alcohol, derived from biological materials; and P-
218 series fuels.

219 (2) An owner or operator of an alternative fueling station
220 that is available in this state may report the following
221 information to the department:

222 (a) The type of alternative fuel available;

223 (b) The station's name, address, or location; or

224 (c) The fees or costs associated with the alternative fuel
225 that is available for purchase.

226 (3) The owner or operator of an electric vehicle charging
227 station that is available in this state may report the following
228 information to the department:

229 (a) The station's name, address, or location; or

230 (b) The fees or costs, if any, associated with the electric
231 vehicle charging services provided by the station.

232 Section 9. Subsection (1) of section 553.74, Florida
233 Statutes, is amended to read:

234 553.74 Florida Building Commission.—

235 (1) The Florida Building Commission is created and located
236 within the Department of Business and Professional Regulation
237 for administrative purposes. Members are appointed by the
238 Governor subject to confirmation by the Senate. The commission
239 is composed of 27 ~~26~~ members, consisting of the following:

240 (a) One architect registered to practice in this state and
241 actively engaged in the profession. The American Institute of
242 Architects, Florida Section, is encouraged to recommend a list



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243 of candidates for consideration.

244 (b) One structural engineer registered to practice in this
245 state and actively engaged in the profession. The Florida
246 Engineering Society is encouraged to recommend a list of
247 candidates for consideration.

248 (c) One air-conditioning or mechanical contractor certified
249 to do business in this state and actively engaged in the
250 profession. The Florida Air Conditioning Contractors
251 Association, the Florida Refrigeration and Air Conditioning
252 Contractors Association, and the Mechanical Contractors
253 Association of Florida are encouraged to recommend a list of
254 candidates for consideration.

255 (d) One electrical contractor certified to do business in
256 this state and actively engaged in the profession. The Florida
257 Association of Electrical Contractors Association and the
258 National Electrical Contractors Association, Florida Chapter,
259 are encouraged to recommend a list of candidates for
260 consideration.

261 (e) One member from fire protection engineering or
262 technology who is actively engaged in the profession. The
263 Florida Chapter of the Society of Fire Protection Engineers and
264 the Florida Fire Marshals and Inspectors Association are
265 encouraged to recommend a list of candidates for consideration.

266 (f) One general contractor certified to do business in this
267 state and actively engaged in the profession. The Associated
268 Builders and Contractors of Florida, the Florida Associated
269 General Contractors Council, and the Union Contractors
270 Association are encouraged to recommend a list of candidates for
271 consideration.



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272 (g) One plumbing contractor licensed to do business in this
273 state and actively engaged in the profession. The Florida
274 Association of Plumbing, Heating, and Cooling Contractors is
275 encouraged to recommend a list of candidates for consideration.

276 (h) One roofing or sheet metal contractor certified to do
277 business in this state and actively engaged in the profession.
278 The Florida Roofing, Sheet Metal, and Air Conditioning
279 Contractors Association and the Sheet Metal and Air Conditioning
280 Contractors' Contractors National Association are encouraged to
281 recommend a list of candidates for consideration.

282 (i) One residential contractor licensed to do business in
283 this state and actively engaged in the profession. The Florida
284 Home Builders Association is encouraged to recommend a list of
285 candidates for consideration.

286 (j) Three members who are municipal or district codes
287 enforcement officials, one of whom is also a fire official. The
288 Building Officials Association of Florida and the Florida Fire
289 Marshals and Inspectors Association are encouraged to recommend
290 a list of candidates for consideration.

291 (k) One member who represents the Department of Financial
292 Services.

293 (l) One member who is a county codes enforcement official.
294 The Building Officials Association of Florida is encouraged to
295 recommend a list of candidates for consideration.

296 (m) One member of a Florida-based organization of persons
297 with disabilities or a nationally chartered organization of
298 persons with disabilities with chapters in this state.

299 (n) One member of the manufactured buildings industry who
300 is licensed to do business in this state and is actively engaged



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301 in the industry. The Florida Manufactured Housing Association is
302 encouraged to recommend a list of candidates for consideration.

303 (o) One mechanical or electrical engineer registered to
304 practice in this state and actively engaged in the profession.
305 The Florida Engineering Society is encouraged to recommend a
306 list of candidates for consideration.

307 (p) One member who is a representative of a municipality or
308 a charter county. The Florida League of Cities and the Florida
309 Association of Counties are encouraged to recommend a list of
310 candidates for consideration.

311 (q) One member of the building products manufacturing
312 industry who is authorized to do business in this state and is
313 actively engaged in the industry. The Florida Building Material
314 Association, the Florida Concrete and Product ~~Products~~
315 Association, and the Fenestration Manufacturers Association are
316 encouraged to recommend a list of candidates for consideration.

317 (r) One member who is a representative of the building
318 owners and managers industry who is actively engaged in
319 commercial building ownership or management. The Building Owners
320 and Managers Association is encouraged to recommend a list of
321 candidates for consideration.

322 (s) One member who is a representative of the insurance
323 industry. The Florida Insurance Council is encouraged to
324 recommend a list of candidates for consideration.

325 (t) One member who is a representative of public education.

326 (u) One member who is a swimming pool contractor licensed
327 to do business in this state and actively engaged in the
328 profession. The Florida Swimming Pool Association and the United
329 Pool and Spa Association are encouraged to recommend a list of



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330 candidates for consideration.

331 (v) One member who is a representative of the green
332 building industry and who is a third-party commission agent, a
333 Florida board member of the United States Green Building Council
334 or Green Building Initiative, a professional who is accredited
335 under the International Green Construction Code (IGCC), or a
336 professional who is accredited under Leadership in Energy and
337 Environmental Design (LEED).

338 (w) One member who is a representative of a natural gas
339 distribution system and who is actively engaged in the
340 distribution of natural gas in this state. The Florida Natural
341 Gas Association is encouraged to recommend a list of candidates
342 for consideration.

343 (x) One member who is a representative of the Department of
344 Agriculture and Consumer Services' Office of Energy who is
345 appointed from a list of three nominees provided by the
346 Commissioner of Agriculture. If the Governor refuses to appoint
347 a nominee within 60 days after receipt of such list, the
348 Governor shall inform the commissioner and the commissioner
349 shall submit a new list of three nominees.

350 (y)~~(x)~~ One member who shall be the chair.

351
352 ~~Any person serving on the commission under paragraph (c) or~~
353 ~~paragraph (h) on October 1, 2003, and who has served less than~~
354 ~~two full terms is eligible for reappointment to the commission~~
355 ~~regardless of whether he or she meets the new qualification.~~

356 Section 10. Sections 377.806 and 377.807, Florida Statutes,
357 are repealed.

358 Section 11. This act shall take effect July 1, 2014.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to energy policies; amending s.
377.6015, F.S.; removing a provision relating to
representation in the Southern States Energy Compact;
amending s. 377.703, F.S.; requiring the Department of
Agriculture and Consumer Services to include in its
annual report recommendations for energy efficiency;
expanding the promotion of the development and use of
renewable energy resources from goals related to solar
energy to renewable energy in general; requiring the
department to cooperate with the Florida Energy
Systems Consortium in the development and use of
renewable energy resources; amending s. 377.705, F.S.;
providing that the Solar Energy Center may, rather
than must, develop standards for solar energy systems
manufactured or sold in this state; providing that the
center may, rather than must, establish criteria for
testing the performance of solar energy systems;
providing that the center may, rather than must,
receive a fee for testing the performance of solar
energy systems; removing the requirement that all
solar energy systems manufactured or sold in this
state must meet the standards established by the Solar
Energy Center; amending s. 377.712, F.S.; authorizing



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388 the Commissioner of Agriculture to appoint a member to
389 the Southern States Energy Board; authorizing the
390 department to approve proposed activities relating to
391 furtherance of the Southern States Energy Compact;
392 amending s. 377.801, F.S.; conforming a cross-
393 reference; amending s. 377.802, F.S.; amending the
394 purpose of the Florida Energy and Climate Protection
395 Act; amending s. 377.803, F.S.; conforming provisions
396 to changes made by the act; creating s. 377.815, F.S.;
397 authorizing the department to post on its website
398 information relating to alternative fueling stations
399 or electric vehicle charging stations; defining the
400 term "alternative fuel"; authorizing the owner or
401 operator of an alternative fueling station or an
402 electric vehicle charging station to report certain
403 information; amending s. 553.74, F.S.; adding a member
404 to the Florida Building Commission as a representative
405 of the Department of Agriculture and Consumer
406 Services' Office of Energy; deleting obsolete
407 provisions; repealing ss. 377.806 and 377.807, F.S.,
408 relating to the Solar Energy System Incentives Program
409 and the Energy-Efficient Appliance Rebate Program,
410 respectively; providing an effective date.