

By Senator Polsky

29-00439-22

2022548__

1 A bill to be entitled
2 An act relating to energy; amending s. 213.053, F.S.;
3 authorizing the Department of Revenue to make
4 specified information available to the Department of
5 Agriculture and Consumer Services; amending s. 220.02,
6 F.S.; revising legislative intent; amending s. 220.13,
7 F.S.; revising the definition of the term "adjusted
8 federal income" to include certain tax credits taken
9 for farm renewable energy production; creating s.
10 220.1931, F.S.; providing legislative intent; defining
11 terms; establishing a tax credit for electricity
12 produced from a renewable energy source located on an
13 operational farm in this state; specifying the amount
14 of the tax credit; providing an application process
15 for the tax credit; specifying the priority the
16 Department of Agriculture and Consumer Services must
17 give to applicants under certain circumstances;
18 authorizing the tax credit to carry forward under
19 certain circumstances for a specified period of time;
20 authorizing the transfer of tax credits under certain
21 circumstances; specifying the timeframe during which
22 tax credits for operational farms may be earned;
23 requiring a taxpayer who claims a credit to make a
24 certain adjustment to net income under certain
25 circumstances; specifying that certain entities
26 producing and selling electricity may pass through the
27 credit earned to certain taxpayers; requiring the
28 Department of Agriculture and Consumer Services to
29 certify taxpayer eligibility for the credit; limiting

29-00439-22

2022548__

30 the total tax credits granted during a fiscal year to
31 a certain amount; authorizing the Department of
32 Agriculture and Consumer Services to perform specified
33 audits and investigations; requiring the department to
34 provide technical assistance to the Department of
35 Revenue under certain circumstances; establishing
36 grounds for forfeiting a credit if the taxpayer was
37 not entitled to receive the credit; requiring
38 forfeited credits returned to be paid into the General
39 Revenue Fund; providing requirements if a taxpayer's
40 eligibility for the credit is revoked or modified
41 under certain circumstances; requiring the Department
42 of Revenue and the Department of Agriculture and
43 Consumer Services to adopt rules; requiring the
44 Department of Agriculture and Consumer Services to
45 publish on its website updates on the amount of
46 available credits and provide an annual assessment of
47 the tax credit program to the Governor and the
48 Legislature by a specified date; providing
49 requirements for the assessment; amending s. 252.385,
50 F.S.; requiring the Division of Emergency Management's
51 statewide emergency shelter plan to identify the
52 capacity of backup power generation systems and fuel
53 types available at each shelter; creating s. 253.471,
54 F.S.; authorizing the Board of Trustees of the
55 Internal Improvement Trust Fund to lease manmade
56 stormwater management systems for floating solar
57 energy systems; providing requirements for such
58 leases; amending s. 255.257, F.S.; requiring the

29-00439-22

2022548__

59 Department of Management Services to establish a
60 program to measure and benchmark the energy efficiency
61 of buildings owned, leased, or controlled by the
62 state; providing requirements for such program;
63 requiring the Department of Management Services to
64 submit an annual report to the Legislature regarding
65 state building energy performance; requiring the
66 Department of Management Services to collaborate with
67 the Department of Agriculture and Consumer Services to
68 develop energy-saving strategies; creating s. 366.921,
69 F.S.; providing legislative intent; defining terms;
70 requiring the Public Service Commission, in
71 consultation with the Department of Agriculture and
72 Consumer Services and the Department of Environmental
73 Protection, to adopt rules for a renewable and energy
74 efficiency portfolio standard; prohibiting
75 implementation of the rules until ratification by the
76 Legislature; providing requirements for the rules;
77 requiring providers to report certain information to
78 the commission regarding their energy portfolios;
79 requiring the commission to provide for cost recovery
80 of certain renewable energy projects, up to a
81 specified amount; requiring municipal electric
82 utilities and rural electric cooperatives to develop
83 standards for renewable energy use and conservation
84 and efficiency measures and to annually report such
85 standards to the commission by a specified date;
86 providing construction; requiring the commission to
87 adopt rules; creating s. 377.7061, F.S.; establishing

29-00439-22

2022548__

88 the Residential Energy Efficiency Upgrades Program
89 within the Department of Agriculture and Consumer
90 Services for a specified purpose; defining terms;
91 requiring the department to provide grants for the
92 implementation of certain energy efficiency measures
93 that reduce energy usage and costs for low-income
94 households; providing eligibility requirements for the
95 program; requiring the department to publish on its
96 website updates on grant funds available; requiring
97 the department to provide an annual report on the
98 program to the Governor and the Legislature by a
99 specified date; providing requirements for the report;
100 requiring the department to adopt rules by a specified
101 date; creating s. 377.817, F.S.; providing legislative
102 findings and intent; defining terms; requiring the
103 Office of Energy within the Department of Agriculture
104 and Consumer Services, in consultation with certain
105 state entities and officers, to develop rules that
106 meet certain requirements for reducing greenhouse gas
107 emissions; requiring the office to submit a report to
108 the Governor and the Legislature at specified
109 intervals; specifying requirements for the report;
110 creating s. 377.818, F.S.; providing legislative
111 findings; requiring the Department of Agriculture and
112 Consumer Services, in coordination with the Department
113 of Management Services and the Department of
114 Environmental Protection, to develop and maintain a
115 greenhouse gas registry and inventory; requiring state
116 and local governmental entities, state universities,

29-00439-22

2022548__

117 Florida College System institutions, utilities, and
118 certain businesses to track and report greenhouse gas
119 emissions data to the Department of Agriculture and
120 Consumer Services beginning on specified dates;
121 requiring the department to submit an annual report to
122 the Governor and the Legislature by a specified date;
123 specifying requirements for the report; requiring the
124 department to adopt rules and authorizing the
125 department to implement certain methodologies;
126 creating s. 377.819, F.S.; establishing the Wastewater
127 Treatment Plant Energy Program within the Department
128 of Agriculture and Consumer Services for a specified
129 purpose; defining terms; requiring the department to
130 provide awards for projects that meet certain
131 requirements; providing requirements for the awards;
132 requiring eligible applicants to contribute a
133 specified cost share for projects; limiting the amount
134 that may be used on administrative costs; prohibiting
135 awards from exceeding a specified amount per fiscal
136 year; requiring the department to publish on its
137 website updates on funding availability; requiring the
138 department to provide an annual assessment of the
139 program to the Governor and the Legislature by a
140 specified date; providing requirements for the
141 assessment; requiring the department to adopt rules;
142 creating s. 377.8201, F.S.; establishing the Farm
143 Renewable and Efficiency Demonstrations Program within
144 the Department of Agriculture and Consumer Services
145 for a specified purpose; defining terms; requiring the

29-00439-22

2022548__

146 department to conduct onsite evaluations to determine
147 certain energy efficiency upgrades at individual farms
148 and agricultural producers in this state; requiring
149 the department to provide grants for the
150 implementation of its recommendations; authorizing the
151 department to give priority consideration to
152 historically underserved producers or projects that
153 serve certain areas; prohibiting awarded grants from
154 exceeding the appropriated funds per fiscal year for
155 the program; providing for an application process;
156 requiring the department to submit an annual
157 assessment of the program to the Governor and the
158 Legislature by a specified date; providing
159 requirements for the assessment; requiring the
160 department to adopt rules; creating s. 520.27, F.S.;
161 requiring the Department of Agriculture and Consumer
162 Services, in consultation with the Public Service
163 Commission and the Department of Business and
164 Professional Regulation, to take certain actions to
165 protect residential solar energy systems consumers;
166 authorizing the Department of Business and
167 Professional Regulation to electronically store
168 purchase agreements at the request of a consumer for a
169 specified timeframe; authorizing the department to
170 share such information with other state agencies;
171 providing a directive to the Division of Law Revision;
172 providing an appropriation; providing effective dates.

173

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

29-00439-22

2022548__

175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203

Section 1. Effective July 1, 2022, paragraph (v) of subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

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

(v) Information relative to s. 220.193 or s. 220.1931 to the Department of Agriculture and Consumer Services for use in the conduct of its official business.

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

Section 2. Effective July 1, 2022, subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19,

29-00439-22

2022548__

204 those enumerated in s. 220.185, those enumerated in s. 220.1875,
205 those enumerated in s. 220.1876, those enumerated in s.
206 220.1877, those enumerated in s. 220.193, those enumerated in s.
207 220.1931, those enumerated in s. 288.9916, those enumerated in
208 s. 220.1899, those enumerated in s. 220.194, those enumerated in
209 s. 220.196, and those enumerated in s. 220.198.

210 Section 3. Effective July 1, 2022, paragraph (a) of
211 subsection (1) of section 220.13, Florida Statutes, is amended
212 to read:

213 220.13 "Adjusted federal income" defined.—

214 (1) The term "adjusted federal income" means an amount
215 equal to the taxpayer's taxable income as defined in subsection
216 (2), or such taxable income of more than one taxpayer as
217 provided in s. 220.131, for the taxable year, adjusted as
218 follows:

219 (a) *Additions*.—There shall be added to such taxable income:

220 1.a. The amount of any tax upon or measured by income,
221 excluding taxes based on gross receipts or revenues, paid or
222 accrued as a liability to the District of Columbia or any state
223 of the United States which is deductible from gross income in
224 the computation of taxable income for the taxable year.

225 b. Notwithstanding sub-subparagraph a., if a credit taken
226 under s. 220.1875, s. 220.1876, or s. 220.1877 is added to
227 taxable income in a previous taxable year under subparagraph 11.
228 and is taken as a deduction for federal tax purposes in the
229 current taxable year, the amount of the deduction allowed may
230 ~~shall~~ not be added to taxable income in the current year. The
231 exception in this sub-subparagraph is intended to ensure that
232 the credit under s. 220.1875, s. 220.1876, or s. 220.1877 is

29-00439-22

2022548__

233 added in the applicable taxable year and does not result in a
234 duplicate addition in a subsequent year.

235 2. The amount of interest which is excluded from taxable
236 income under s. 103(a) of the Internal Revenue Code or any other
237 federal law, less the associated expenses disallowed in the
238 computation of taxable income under s. 265 of the Internal
239 Revenue Code or any other law, excluding 60 percent of any
240 amounts included in alternative minimum taxable income, as
241 defined in s. 55(b)(2) of the Internal Revenue Code, if the
242 taxpayer pays tax under s. 220.11(3).

243 3. In the case of a regulated investment company or real
244 estate investment trust, an amount equal to the excess of the
245 net long-term capital gain for the taxable year over the amount
246 of the capital gain dividends attributable to the taxable year.

247 4. That portion of the wages or salaries paid or incurred
248 for the taxable year which is equal to the amount of the credit
249 allowable for the taxable year under s. 220.181. This
250 subparagraph shall expire on the date specified in s. 290.016
251 for the expiration of the Florida Enterprise Zone Act.

252 5. That portion of the ad valorem school taxes paid or
253 incurred for the taxable year which is equal to the amount of
254 the credit allowable for the taxable year under s. 220.182. This
255 subparagraph shall expire on the date specified in s. 290.016
256 for the expiration of the Florida Enterprise Zone Act.

257 6. The amount taken as a credit under s. 220.195 which is
258 deductible from gross income in the computation of taxable
259 income for the taxable year.

260 7. That portion of assessments to fund a guaranty
261 association incurred for the taxable year which is equal to the

29-00439-22

2022548__

262 amount of the credit allowable for the taxable year.

263 8. In the case of a nonprofit corporation which holds a
264 pari-mutuel permit and which is exempt from federal income tax
265 as a farmers' cooperative, an amount equal to the excess of the
266 gross income attributable to the pari-mutuel operations over the
267 attributable expenses for the taxable year.

268 9. The amount taken as a credit for the taxable year under
269 s. 220.1895.

270 10. Up to nine percent of the eligible basis of any
271 designated project which is equal to the credit allowable for
272 the taxable year under s. 220.185.

273 11. Any amount taken as a credit for the taxable year under
274 s. 220.1875, s. 220.1876, or s. 220.1877. The addition in this
275 subparagraph is intended to ensure that the same amount is not
276 allowed for the tax purposes of this state as both a deduction
277 from income and a credit against the tax. This addition is not
278 intended to result in adding the same expense back to income
279 more than once.

280 12. The amount taken as a credit for the taxable year under
281 s. 220.193.

282 13. Any portion of a qualified investment, as defined in s.
283 288.9913, which is claimed as a deduction by the taxpayer and
284 taken as a credit against income tax pursuant to s. 288.9916.

285 14. The costs to acquire a tax credit pursuant to s.
286 288.1254(5) that are deducted from or otherwise reduce federal
287 taxable income for the taxable year.

288 15. The amount taken as a credit for the taxable year
289 pursuant to s. 220.194.

290 16. The amount taken as a credit for the taxable year under

29-00439-22

2022548__

291 s. 220.196. The addition in this subparagraph is intended to
292 ensure that the same amount is not allowed for the tax purposes
293 of this state as both a deduction from income and a credit
294 against the tax. The addition is not intended to result in
295 adding the same expense back to income more than once.

296 17. The amount taken as a credit for the taxable year
297 pursuant to s. 220.198.

298 18. The amount taken as a credit for the taxable year under
299 s. 220.1931.

300 Section 4. Effective July 1, 2022, section 220.1931,
301 Florida Statutes, is created to read:

302 220.1931 Florida farm renewable energy production credit.—

303 (1) The Legislature intends to encourage agricultural
304 producers to keep their farms operational while encouraging the
305 development and expansion of renewable energy in this state.

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

307 (a) "Commission" means the Public Service Commission.

308 (b) "Farm" has the same meaning as in s. 570.86.

309 (c) "Historically underserved producer," as defined by 7
310 C.F.R. s. 636.3, means an eligible person, a joint operation, or
311 a legal entity that is a beginning farmer or rancher, socially
312 disadvantaged farmer or rancher, or limited resource farmer or
313 rancher.

314 (d) "Renewable energy" has the same meaning as in s.
315 377.803.

316 (e) "Taxpayer" includes any general partnership, limited
317 partnership, limited liability company, trust, or other
318 artificial entity in which a corporation, as defined in s.
319 220.03(1)(e), owns an interest and is taxed as a partnership or

29-00439-22

2022548__

320 is disregarded as a separate entity from the corporation under
321 this chapter.

322 (3) An annual credit against the tax imposed by this
323 chapter must be allowed to a taxpayer that produces electricity
324 from a renewable energy source located on an operational farm in
325 this state.

326 (a) The credit is 1 cent for each kilowatt-hour of
327 electricity produced during a given fiscal year.

328 (b) A taxpayer may claim the credit for electricity
329 produced on or after July 1, 2022. Beginning in 2023 and
330 continuing until 2028, each taxpayer claiming a credit under
331 this section must apply to the Department of Agriculture and
332 Consumer Services by the date established by the Department of
333 Agriculture and Consumer Services for an allocation of available
334 credits for that year. The application form must be adopted by
335 Department of Agriculture and Consumer Services rule in
336 consultation with the commission. The application form must, at
337 a minimum, require a sworn affidavit from each taxpayer
338 certifying the electricity production that is the basis of the
339 application and certifying that all information contained in the
340 application is true and correct.

341 (c) If the amount of credits applied for each year exceeds
342 the amount authorized in paragraph (g), the Department of
343 Agriculture and Consumer Services must allocate credits to
344 qualified applicants based on the following priority:

345 1. An applicant who qualifies as a historically underserved
346 producer shall be allocated credits first, up to a maximum of
347 \$250,000 each, with any remaining credits to be granted pursuant
348 to subparagraph 3., but if the claims for credits under this

29-00439-22

2022548__

349 subparagraph exceed the state fiscal year cap in paragraph (g),
350 credits must be allocated pursuant to this subparagraph on a
351 prorated basis based upon each applicant's qualified production
352 and sales as a percentage of total production for all applicants
353 in this category for the fiscal year.

354 2. An applicant who does not qualify under subparagraph 1.
355 but who claims a credit of \$50,000 or less shall be allocated
356 credits next, but if the claims for credits under this
357 subparagraph, combined with credits allocated in subparagraph
358 1., exceed the state fiscal year cap in paragraph (g), credits
359 must be allocated pursuant to this subparagraph on a prorated
360 basis based upon each applicant's qualified production and sales
361 as a percentage of total qualified production for all applicants
362 in this category for the fiscal year.

363 3. An applicant who does not qualify under subparagraph 1.
364 or subparagraph 2. and an applicant whose credits have not been
365 fully allocated under subparagraph 1. shall be allocated credits
366 next. If there is insufficient capacity within the amount
367 authorized for the state fiscal year in paragraph (g), and after
368 allocations pursuant to subparagraphs 1. and 2., the credits
369 allocated under this subparagraph must be prorated based upon
370 each applicant's unallocated claims for qualified production as
371 a percentage of total unallocated claims for qualified
372 production of all applicants in this category.

373 (d) If the credit granted pursuant to this section is not
374 fully used in 1 year because of insufficient tax liability on
375 the part of the taxpayer, the unused amount may be carried
376 forward up to 5 years. The carryover credit may be used in a
377 subsequent year when the tax imposed by this chapter for such

29-00439-22

2022548__

378 year exceeds the credit for such year, after applying the other
379 credits and unused credit carryovers in the order provided in s.
380 220.02(8).

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

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

389 2. The entity or its surviving or acquiring entity as
390 described in subparagraph 1. may transfer any unused credit in
391 whole or in units of no less than 25 percent of the remaining
392 credit. The entity acquiring such credit may use it in the same
393 manner and with the same limitations under this section. Such
394 transferred credits may not be transferred again; however, they
395 may succeed to a surviving or acquiring entity, subject to the
396 same conditions and limitations as described in this section.

397 3. If the credit provided for under this section is reduced
398 as a result of an examination or audit by the Department of
399 Revenue, such tax deficiency must be recovered from the first
400 entity or the surviving or acquiring entity to have claimed such
401 credit up to the amount of credit taken. Any subsequent
402 deficiencies must be assessed against any entity acquiring and
403 claiming such credit or, in the case of multiple succeeding
404 entities, in the order of credit succession.

405 (g) Notwithstanding any other provision of this section,
406 credits for the production of electricity from a renewable

29-00439-22

2022548__

407 energy source located on an operational farm may be earned
408 between July 1, 2022, and June 30, 2027. The combined total
409 amount of tax credits which may be granted for all taxpayers
410 under this section is limited to \$10 million per fiscal year.

411 (h) A taxpayer claiming a credit under this section shall
412 add back to net income that portion of its business deductions
413 claimed on its federal return paid or incurred for the taxable
414 year which is equal to the amount of the credit allowable for
415 the taxable year under this section.

416 (i) When an entity treated as a partnership or a
417 disregarded entity under this chapter produces and sells
418 electricity from a renewable energy source located on an
419 operational farm, the credit earned by such entity shall pass
420 through in the same manner as items of income and expense pass
421 through for federal income tax purposes. When an entity applies
422 for the credit and the entity has received the credit by a pass-
423 through, the application must identify the taxpayer that passed
424 the credit through, all taxpayers that received the credit, and
425 the percentage of the credit which passes through to each
426 recipient and must provide other information that the Department
427 of Agriculture and Consumer Services requires.

428 (j) A taxpayer's use of the credit granted pursuant to this
429 section does not reduce the amount of any credit available to
430 such taxpayer under s. 220.186.

431 (4) The Department of Agriculture and Consumer Services
432 shall determine the eligibility of the applicant for the credits
433 sought and certify the determination to the applicant and the
434 Department of Revenue. The Department of Agriculture and
435 Consumer Services may perform any financial and technical audits

29-00439-22

2022548__

436 and investigations, including examining the accounts, books, and
437 records of the tax credit applicant, that are necessary to
438 verify that the information included in the application is true
439 and accurate. The taxpayer shall attach the Department of
440 Agriculture and Consumer Services' certification to the tax
441 return on which the credit is claimed. The Department of
442 Agriculture and Consumer Services shall ensure that the
443 corporate income tax credits granted in each fiscal year do not
444 exceed the limits provided for in this section.

445 (5) (a) In addition to its existing audit and investigation
446 authority, the Department of Revenue may perform any additional
447 financial and technical audits and investigations, including
448 examining the accounts, books, and records of the tax credit
449 applicant, which are necessary to verify the information
450 included in the tax credit return and to ensure compliance with
451 this section. The Department of Agriculture and Consumer
452 Services shall provide technical assistance when requested by
453 the Department of Revenue on the technical audits or
454 examinations.

455 (b) It is grounds for forfeiture of previously claimed and
456 received tax credits if the Department of Revenue determines, as
457 a result of an audit or examination or from information received
458 from the Department of Agriculture and Consumer Services, that a
459 taxpayer received tax credits pursuant to this section to which
460 the taxpayer was not entitled. The taxpayer is responsible for
461 returning forfeited tax credits to the Department of Revenue,
462 and such funds must be paid into the General Revenue Fund of the
463 state.

464 (c) The Department of Agriculture and Consumer Services may

29-00439-22

2022548__

465 revoke or modify any written decision granting eligibility for
466 tax credits under this section if it is discovered that the tax
467 credit applicant submitted any false statement, representation,
468 or certification in any application, record, report, plan, or
469 other document filed in an attempt to receive tax credits under
470 this section. The Department of Agriculture and Consumer
471 Services shall immediately notify the Department of Revenue of
472 any revoked or modified orders affecting previously granted tax
473 credits. Additionally, the taxpayer shall notify the Department
474 of Revenue of any change in its tax credit claimed.

475 (d) The taxpayer shall file with the Department of Revenue
476 an amended return or such other report as the Department of
477 Revenue prescribes by rule and shall pay any required tax and
478 interest within 60 days after the taxpayer receives notification
479 from the Department of Agriculture and Consumer Services that
480 previously approved tax credits have been revoked or modified.
481 If the revocation or modification order is contested, the
482 taxpayer must file an amended return or other report as provided
483 in this paragraph within 60 days after a final order is issued
484 after proceedings.

485 (e) A notice of deficiency may be issued by the Department
486 of Revenue at any time within 3 years after the taxpayer
487 receives formal notification from the Department of Agriculture
488 and Consumer Services that previously approved tax credits have
489 been revoked or modified. If a taxpayer fails to notify the
490 Department of Revenue of any changes to its tax credit claimed,
491 a notice of deficiency may be issued at any time.

492 (6) The Department of Revenue and the Department of
493 Agriculture and Consumer Services shall adopt rules to implement

29-00439-22

2022548__

494 and administer this section, including rules prescribing forms,
495 the documentation needed to substantiate a claim for the tax
496 credit, and the specific procedures and guidelines for claiming
497 the credit.

498 (7) The Department of Agriculture and Consumer Services
499 shall determine and publish on its website on a regular basis
500 the amount of available tax credits remaining in each fiscal
501 year.

502 (8) By November 1, 2024, and each year thereafter that the
503 program is funded, the Department of Agriculture and Consumer
504 Services shall provide an annual assessment of the use of the
505 tax credit program during the previous fiscal year to the
506 Governor, the President of the Senate, and the Speaker of the
507 House of Representatives. The assessment must include, at a
508 minimum, the following information:

509 (a) The name of each taxpayer receiving an allocation under
510 this section.

511 (b) The amount of credits allocated for that fiscal year
512 for each taxpayer.

513 (c) The type and amount of renewable energy produced and
514 sold and the approximate date on which production began.

515 (d) The aggregate amount of credits allocated for all
516 taxpayers claiming credits under this section for the fiscal
517 year.

518 Section 5. Paragraph (b) of subsection (2) of section
519 252.385, Florida Statutes, is amended to read:

520 252.385 Public shelter space; public records exemption.—

521 (2)

522 (b) By January 31 of each even-numbered year, the division

29-00439-22

2022548__

523 shall prepare and submit a statewide emergency shelter plan to
524 the Governor and Cabinet for approval, subject to the
525 requirements for approval in s. 1013.37(2).

526 1. The emergency shelter plan must:

527 a. Project, for each of the next 5 years, the hurricane
528 shelter needs of the state, including periods of time during
529 which a concurrent public health emergency may necessitate more
530 space for each individual to accommodate physical distancing.

531 b. In addition to information on the general shelter needs
532 throughout this state, ~~the plan must~~ identify the general
533 location and square footage of special needs shelters, by
534 regional planning council region. ~~The plan must also~~

535 c. Include information on the availability of shelters that
536 accept pets.

537 d. Identify the capacity of all backup power generation
538 systems and fuel types available at each shelter.

539 2. The Department of Health shall assist the division in
540 determining the estimated need for special needs shelter space
541 and the adequacy of facilities to meet the needs of persons with
542 special needs based on information from the registries of
543 persons with special needs and other information.

544 Section 6. Section 253.471, Florida Statutes, is created to
545 read:

546 253.471 Board of trustees may lease manmade stormwater
547 management systems for floating solar energy systems.-

548 (1) The Board of Trustees of the Internal Improvement Trust
549 Fund may lease for royalties or for other agreed-upon
550 compensation the use within this state of manmade stormwater
551 management systems, as defined in s. 403.031(16), owned by the

29-00439-22

2022548__

552 state in its sovereign capacity, for floating solar energy
553 systems; however, such leases may not confer upon the person
554 acquiring the lease the right to enter upon any private property
555 of another.

556 (2) The leases must convey to the lessee the rights of
557 ingress and egress to, from, and over the bottoms leased, and
558 the right to construct and maintain on and over such leased
559 bottoms, in such manner as not to obstruct transportation, any
560 structures, tanks, docks, stations, or other equipment that is
561 required for the proper development of leases for floating solar
562 energy systems and the purposes for which the leases are made.

563 Section 7. Present paragraphs (b) and (c) of subsection (4)
564 of section 255.257, Florida Statutes, are redesignated as
565 paragraphs (c) and (d), respectively, and a new paragraph (b) is
566 added to that subsection, to read:

567 255.257 Energy management; buildings occupied by state
568 agencies.—

569 (4) ADOPTION OF STANDARDS.—

570 (b) The department shall establish a program to measure and
571 benchmark the energy efficiency, including electricity, natural
572 gas, fuel oil, and steam, of all buildings owned, leased, or
573 controlled by the state.

574 1. The program must use the United States Environmental
575 Protection Agency's benchmarking tool ENERGY STAR Portfolio
576 Manager. By October 1, 2023, and each year thereafter, the
577 department shall compile and submit energy usage data for all
578 state buildings. Each state agency shall report to the
579 department the energy information necessary to rate state-owned
580 buildings under the benchmarking tool. The department shall

29-00439-22

2022548__

581 annually report to the President of the Senate and the Speaker
582 of the House of Representatives regarding the building energy
583 performance compared to similar buildings, as determined by the
584 benchmarking tool.

585 2. The department shall collaborate with the Department of
586 Agriculture and Consumer Services to develop energy-saving
587 strategies and improve energy efficiency in state buildings
588 under the control and care of the Department of Management
589 Services.

590 Section 8. Effective July 1, 2022, section 366.921, Florida
591 Statutes, is created to read:

592 366.921 Renewable energy resource and energy efficiency
593 policy.—

594 (1) The Legislature intends to promote the development of
595 renewable energy sources; improve this state's energy
596 efficiency; protect the economic viability of this state's
597 existing renewable energy facilities; diversify the types of
598 fuel used to generate electricity in this state; lessen this
599 state's dependence on natural gas and fuel oil to produce
600 electricity; minimize the volatility of fuel costs; encourage
601 investment within this state; improve environmental conditions;
602 and, at the same time, minimize the costs of supplying power to
603 electric utilities and their customers.

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

605 (a) "Energy credit" means a product that represents the
606 unbundled, separable, renewable attribute of renewable energy
607 produced in this state and is equivalent to 1 megawatt-hour of
608 electricity generated either by a source of renewable energy
609 located in this state or by reduced demand due to efficiency

29-00439-22

2022548__

610 measures.

611 (b) "Historically economically disadvantaged communities"
612 means areas disproportionately impacted by a combination of
613 economic-, health-, and energy-related burdens, including high
614 energy costs, poverty, high unemployment, air and water
615 pollution, the presence of hazardous wastes, and a high
616 incidence of asthma and heart disease, and which have
617 historically lacked the benefits of energy resources afforded to
618 other communities. The term includes:

619 1. Communities of low-income residents, including any
620 locality or community within a locality with a median household
621 income that is not greater than 80 percent of the local median
622 household income, or any area designated as a qualified
623 opportunity zone by the United States Secretary of the Treasury
624 pursuant to s. 1400Z-1(b)(1)(B) of the Internal Revenue Code;
625 and

626 2. Communities of people of color, as determined by a
627 United States Census tract, where more than 50 percent of the
628 population consists of individuals who identify as belonging to
629 one or more of the following groups: African American, Asian,
630 Black, Hispanic, Latino, linguistically isolated, mixed race,
631 Native American, Pacific Islander, or any other nonwhite race.

632 (c) "Provider" means a utility as that term is defined in
633 s. 366.8255(1)(a).

634 (d) "Renewable and energy efficiency portfolio standard"
635 means the minimum percentage of total annual retail electricity
636 sales by a provider to consumers in this state which are
637 supplied by renewable energy produced in this state, combined
638 with the reduced demand due to energy efficiency measures.

29-00439-22

2022548__

639 (e) "Renewable energy" has the same meaning as in s.
640 366.91(2).

641 (f) "Renewable energy resources" means renewable energy
642 that is produced in this state.

643 (3) The commission, in consultation with the Department of
644 Agriculture and Consumer Services and the Department of
645 Environmental Protection, shall adopt rules for a renewable and
646 energy efficiency portfolio standard requiring each provider to
647 reduce its demand for nonrenewable energies and to supply
648 renewable energy to its customers directly through the
649 procurement of renewable power or through the purchase of energy
650 credits. The rules may not be implemented until ratified by the
651 Legislature. The commission shall present draft rules to the
652 Legislature by February 1, 2023.

653 (a) In developing the rules, the commission shall evaluate
654 the current and forecasted levelized cost in cents per kilowatt-
655 hour through 2035 and current and forecasted installed capacity
656 in kilowatts for each renewable energy generation method through
657 2035.

658 (b) The rules:

659 1. Must include methods of managing the cost of compliance
660 with the renewable and energy efficiency portfolio standard,
661 whether through direct supply, procurement of renewable power,
662 or the purchase of energy credits. The commission has rulemaking
663 authority to provide annual cost recovery and incentive-based
664 adjustments to authorized rates of return on common equity to
665 providers to incentivize renewable energy. Notwithstanding s.
666 366.91(3) and (4), upon the ratification of the rules developed
667 pursuant to this section, the commission may approve projects

29-00439-22

2022548__

668 and power sales agreements with renewable power producers and
669 the sale of energy credits needed to comply with the renewable
670 and energy efficiency portfolio standard. In the event of any
671 conflict, this subparagraph supersedes s. 366.91(3) and (4).
672 However, this section may not be construed to alter each public
673 utility's obligation to continuously offer a purchase contract
674 to producers of renewable energy.

675 2. Must provide for appropriate compliance measures and the
676 conditions under which noncompliance is excused due to the
677 commission determining that the supply of renewable energy or
678 energy credits was not adequate to satisfy the demand for such
679 energy or credits or that securing renewable energy or energy
680 credits was cost prohibitive.

681 3. May provide added weight to electricity saved during
682 peak periods as a result of efficiency measures over electricity
683 saved during nonpeak hours as a result of efficiency measures,
684 whether directly supplied or procured or indirectly obtained
685 through the purchase of energy credits.

686 4. May provide added weight to energy provided by offshore
687 wind, rooftop solar photovoltaic, and solar photovoltaics that
688 provide an additional purpose, such as parking shade structures
689 or walkway covers, or that are colocated with agriculture over
690 other forms of renewable energy, whether directly supplied or
691 procured or indirectly obtained through the purchase of energy
692 credits.

693 5. Must include methods to determine the social cost of
694 compliance with the renewable and energy efficiency portfolio
695 standard to ensure that the supply of renewable energy or energy
696 credits does not have a disproportionate adverse impact on

29-00439-22

2022548__

697 historically economically disadvantaged communities. The
698 commission shall have rulemaking authority to determine the
699 social cost associated with the development of new or the
700 expansion of existing Florida renewable energy resources.

701 6. Must include a determination of an appropriate timeframe
702 during which energy credits may be used to comply with the
703 renewable and energy efficiency portfolio standard.

704 7. Must provide for monitoring of compliance with and
705 enforcement of this section.

706 8. Must ensure that energy credited toward compliance with
707 this section is not credited toward any other purpose.

708 9. Must include procedures to track and account for energy
709 credits, including ownership of energy credits that are derived
710 from a customer-owned renewable energy facility as a result of
711 any action by a customer of an electric power supplier which is
712 independent of a program sponsored by the electric power
713 supplier.

714 10. Must provide conditions and options for the repeal or
715 alteration of a rule if new federal law supplants or conflicts
716 with the rule.

717 (c) Beginning April 1 of the year the rules are ratified
718 and adopted, each provider shall submit a report to the
719 commission describing the steps it took during the previous year
720 and the steps it will take in the future to add renewable energy
721 to the provider's energy supply portfolio. The report must state
722 whether the provider was in compliance with the renewable and
723 energy efficiency portfolio standard during the previous year
724 and how it will comply with the renewable and energy efficiency
725 portfolio standard in the upcoming year.

29-00439-22

2022548__

726 (4) In order to demonstrate the feasibility and viability
727 of clean energy systems, the commission shall provide for full
728 cost recovery under the environmental cost-recovery clause under
729 this chapter of all reasonable and prudent costs incurred by a
730 provider for renewable energy projects that are zero greenhouse
731 gas-emitting at the point of generation, up to a total of 110
732 megawatts statewide, and for which the provider has secured
733 necessary land and zoning permits and transmission rights within
734 this state.

735 (a) For purposes of cost recovery, costs are deemed
736 reasonable and prudent so long as the provider has used
737 reasonable and customary industry practices in the design,
738 procurement, and construction of the project in a cost-effective
739 manner appropriate to the location of the facility.

740 (b) The provider shall report to the commission as part of
741 the cost-recovery proceedings the construction costs, in-service
742 costs, operating and maintenance costs, hourly energy production
743 of the renewable energy project, and any other information
744 deemed relevant by the commission. Any provider constructing a
745 clean energy facility pursuant to this section shall file for
746 cost recovery by July 1, 2023.

747 (5) Each municipal electric utility and rural electric
748 cooperative shall develop standards to promote, encourage, and
749 expand the use of renewable energy resources and energy
750 conservation and efficiency measures. On or before April 1,
751 2023, and annually thereafter, each municipal electric utility
752 and rural electric cooperative shall submit to the commission a
753 report that identifies such standards.

754 (6) This section may not be construed to impede or impair

29-00439-22

2022548__

755 terms and conditions of existing contracts.

756 (7) The commission shall adopt rules to administer and
757 implement this section.

758 Section 9. Effective July 1, 2022, section 377.7061,
759 Florida Statutes, is created to read:

760 377.7061 Residential Energy Efficiency Upgrades Program.—

761 (1) CREATION AND PURPOSE OF PROGRAM.—The Residential Energy
762 Efficiency Upgrades Program is established within the Department
763 of Agriculture and Consumer Services to provide financial
764 assistance to qualified recipients to make energy efficiency
765 improvements at the residences of low-income households. The
766 purpose of the program is to improve energy efficiency
767 throughout this state and to create cost savings for low-income
768 households while reducing the environmental impact associated
769 with energy production.

770 (2) DEFINITIONS.—For purposes of this section, the term:

771 (a) "Department" means the Department of Agriculture and
772 Consumer Services.

773 (b) "Household" has the same meaning as in s. 409.509.

774 (c) "Low-income household" means a household with an income
775 equal to or below 125 percent of the federally established
776 poverty level.

777 (d) "Nonprofit organization" means a private nonprofit
778 organization that is exempt from federal income taxation under
779 s. 501(c)(3) of the United States Internal Revenue Code and that
780 has among its principal goals the promotion, deployment, or
781 implementation of energy efficiency measures or energy
782 affordability, the conservation of natural resources, or the
783 protection of the environment.

29-00439-22

2022548__

784 (e) "Recipient" means any municipality, county,
785 consolidated government, special district, or nonprofit
786 organization that has been qualified by the department to
787 implement energy efficiency measures.

788 (f) "Residence" means a dwelling unit as that term is
789 defined by the department.

790 (3) RESIDENTIAL ENERGY EFFICIENCY UPGRADES PROGRAM.—The
791 department shall provide grants to recipients to implement
792 eligible energy efficiency measures that assist in reducing
793 energy usage and costs for the residences of low-income
794 households.

795 (4) ELIGIBLE ENERGY EFFICIENCY MEASURES.—Eligible
796 efficiency measures include all of the following:

797 (a) Heating, ventilation, and air conditioning systems.

798 (b) Energy-efficient lighting.

799 (c) Insulation.

800 (d) Duct work.

801 (e) Other qualified measures as determined by the
802 department.

803 (5) PUBLICATION.—The department shall publish on its
804 website on an ongoing basis an update of the amount of available
805 grant funding remaining for financial assistance in each fiscal
806 year.

807 (6) ANNUAL REPORT.—By October 1, 2023, and each year
808 thereafter that the program is funded, the department shall
809 provide an annual report on the use of the program during the
810 previous fiscal year to the Governor, the President of the
811 Senate, and the Speaker of the House of Representatives. The
812 report must include, at a minimum, all of the following

29-00439-22

2022548__

813 information:

814 (a) The amount and type of financial assistance provided,
 815 by county.

816 (b) The type and description of each eligible energy
 817 efficiency measure for which each applicant applied for
 818 financial assistance.

819 (c) The estimated energy savings for each applicant.

820 (7) RULES.—By December 31, 2022, the department shall adopt
 821 rules to implement and administer this section, including rules
 822 relating to the forms required to apply for financial assistance
 823 under this section, the required documentation and basis for
 824 establishing eligibility for financial assistance, procedures
 825 and guidelines for receiving financial assistance, and the
 826 collection of programmatic data.

827 Section 10. Section 377.817, Florida Statutes, is created
 828 to read:

829 377.817 Greenhouse gas reduction goals.—

830 (1) LEGISLATIVE FINDINGS AND INTENT.—

831 (a) The Legislature finds that:

832 1. Climate change adversely affects this state’s economy,
 833 air quality and public health, ecosystems, natural resources,
 834 and quality of life for its residents, and this state is already
 835 experiencing harmful climate impacts, including increased
 836 frequency and intensity of hurricanes, prolonged drought, more
 837 extreme heat, elevated wildfire risk and risk to first
 838 responders, increased risk of vector-borne diseases, more
 839 frequent and severe flooding, more severe ground-level ozone
 840 pollution causing respiratory illness and loss of life, and
 841 decreased economic activity from outdoor recreation and

29-00439-22

2022548

842 agriculture.

843 2. Many of these impacts disproportionately affect rural
844 communities, communities of color, youth and the elderly, and
845 working families. Reducing statewide greenhouse gas pollution
846 will help protect these communities, first responders, and all
847 residents from these and other climate impacts.

848 3. Residents of this state must work together to reduce
849 statewide greenhouse gas pollution in order to limit the
850 increase in the global average temperature to 1.5 degrees
851 Celsius, which scientists agree would provide a more stable and
852 hospitable climate for current and future generations and
853 mitigate the risk of catastrophic climate impacts in this state.

854 4. The reduction of greenhouse gas pollution in this state
855 will also reduce other harmful air pollutants, which will, in
856 turn, improve public health, reduce health care costs, improve
857 air quality, and help sustain the environment. Reducing
858 greenhouse gas pollution will create new markets, spur
859 innovation, drive investments in low-carbon technologies, and
860 put this state squarely on the path to a modern, resilient, 100
861 percent clean economy.

862 5. To delay pursuing and securing greenhouse gas reductions
863 would prevent communities in this state from capturing the
864 benefits of these new jobs and markets, in addition to
865 exacerbating the climate impacts that harm residents of this
866 state.

867 6. Modern technology in the food and fiber production
868 sector contributes to reductions in greenhouse gas emissions by
869 sequestering carbon in the soil and enhancing sustainability
870 through techniques that reduce methane emissions and produce

29-00439-22

2022548__

871 renewable energy. Continuing to encourage these types of
872 achievements is beneficial to this state.

873 (b) The Legislature intends to increase renewable energy
874 generation and set goals to reduce greenhouse gas pollution and,
875 by the middle of this century, eliminate greenhouse gas
876 pollution statewide.

877 (2) DEFINITIONS.—As used in this section, the term:

878 (a) "Disproportionately impacted communities" means
879 communities that experience disproportionate environmental harms
880 and risks as a result of increased vulnerability to
881 environmental and socioeconomic stressors acting cumulatively to
882 contribute to persistent environmental health disparities for
883 residents of the communities.

884 (b) "Office" means the Office of Energy within the
885 Department of Agriculture and Consumer Services.

886 (c) "Statewide greenhouse gas pollution" means the total
887 net statewide anthropogenic emissions of carbon dioxide,
888 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,
889 nitrogen trifluoride, and sulfur hexafluoride, expressed as
890 carbon dioxide equivalents and calculated using a methodology
891 and data on radiative forcing and atmospheric persistence
892 determined by the office.

893 (3) POWERS AND DUTIES FOR STATEWIDE GREENHOUSE GAS
894 POLLUTION ABATEMENT.—

895 (a) The office, in consultation with the Public Service
896 Commission, the Department of Environmental Protection, the
897 Chief Resiliency Officer, and the Chief Science Officer, shall
898 develop rules to reduce greenhouse gas emissions. In developing
899 the rules, the office:

29-00439-22

2022548__

900 1. Shall solicit input from stakeholders and the public on
901 the advantages of different statewide greenhouse gas pollution
902 mitigation measures. In doing so, the office shall identify and
903 solicit input from communities most impacted by climate change,
904 including disproportionately impacted communities; large
905 emissions sources; workers in relevant industries, including
906 advanced energy and fuel delivery; and communities that are
907 currently economically dependent upon industries with high
908 levels of greenhouse gas emissions.

909 2. May consider other relevant laws and rules, as well as
910 voluntary actions taken by local communities and the private
911 sector, to enhance efficiency and cost-effectiveness in reducing
912 greenhouse gas emissions.

913 3. Shall revise the rules as necessary to ensure timely
914 progress toward, at a minimum, the following statewide
915 greenhouse gas reduction goals, measured relative to 2005
916 statewide greenhouse gas pollution levels:

917 a. By 2030, a 50 percent reduction.

918 b. By 2050, a 90 percent reduction.

919 c. By 2055, a 100 percent reduction.

920 4. Shall provide for ongoing tracking of emissions sources
921 that adversely affect disproportionately impacted communities
922 and provide strategies designed to achieve reductions in harmful
923 air pollution affecting those communities. The office shall
924 identify disproportionately impacted communities in this state
925 by taking into consideration minority, low-income, tribal, or
926 indigenous populations that experience disproportionate
927 environmental harms and risks. The disproportionality may be a
928 result of increased vulnerability to environmental degradation,

29-00439-22

2022548__

929 lack of opportunity for public participation, or other factors.
930 Increased vulnerability may be attributable to an accumulation
931 of negative impacts or a lack of positive environmental, health,
932 economic, or social conditions within the populations.

933 5. Shall consider rules, policies, and regulatory
934 strategies that have been deployed by other jurisdictions using
935 a multi-sector approach to reduce greenhouse gas emissions and
936 facilitate adoption of technologies that have very low or zero
937 emissions and that enhance cost-effectiveness, compliance
938 flexibility, and transparency in compliance costs.

939 6. May coordinate with other jurisdictions to secure
940 emissions reductions, including to satisfy future federal
941 regulations. The office may account for reductions in net
942 greenhouse gas emissions that occur under coordinated
943 jurisdictions' programs if the office finds that the
944 implementing regulations of each coordinated jurisdiction are of
945 sufficient rigor to ensure the integrity of reductions in
946 greenhouse gas emissions in this state and may account for
947 emissions from electricity consumption in this state which are
948 emitted elsewhere.

949 (b) In carrying out its duties, the office shall consider
950 the benefits of compliance, including improved public health,
951 environmental protection, and enhanced air quality; the costs of
952 compliance; economic and job impacts and opportunities; the time
953 necessary for compliance; the relative contribution of each
954 emissions source or source category to statewide greenhouse gas
955 pollution based on current data updated at reasonable intervals
956 as determined by the office; harmonizing emissions reporting
957 requirements with existing federal requirements as the office

29-00439-22

2022548__

958 deems appropriate; the importance of striving to equitably
959 distribute the benefits of compliance; opportunities to
960 incentivize renewable energy resources and pollution abatement
961 opportunities in disproportionately impacted communities;
962 opportunities to encourage clean energy in transitioning
963 communities; issues related to the beneficial use of electricity
964 to reduce greenhouse gas emissions; whether program design could
965 enhance the reliability of electric service; the potential to
966 enhance the resilience of communities and natural resources in
967 this state with regard to climate impacts; and whether greater
968 or more cost-effective emissions reductions are available
969 through program design.

970 (4) REPORTING.—The office shall submit a report to the
971 President of the Senate and the Speaker of the House of
972 Representatives every odd-numbered year after the effective date
973 of this act. The report must include information on the progress
974 toward attaining the statewide greenhouse gas reduction goals,
975 any newly available cost-benefit or regulatory analysis for
976 rules adopted to attain the goals, and any recommendations on
977 future legislative action to address climate change, such as
978 implementation of climate adaptation policies or accelerating
979 deployment of cleaner technologies.

980 Section 11. Effective July 1, 2022, section 377.818,
981 Florida Statutes, is created to read:

982 377.818 Greenhouse gas registry and inventory.—

983 (1) The Legislature supports sound policies and efforts
984 based on scientific evidence to benefit and protect this state,
985 its residents, and its resources and, therefore, finds it
986 prudent to develop and manage a greenhouse gas reporting system

29-00439-22

2022548__

987 with high integrity which will provide a basis for various
988 greenhouse gas emissions reporting and reduction polices to
989 safeguard this state's financial and environmental well-being.
990 The Legislature further finds that a greenhouse gas reporting
991 system must provide an accurate, transparent, and verified set
992 of greenhouse gas emissions data from reporting entities,
993 supported by a robust accounting and verification
994 infrastructure.

995 (2) The Department of Agriculture and Consumer Services, in
996 coordination with the Department of Management Services and the
997 Department of Environmental Protection, shall develop and
998 maintain a greenhouse gas registry and inventory.

999 (a) The following state and local entities shall track and
1000 report their greenhouse gas emissions data to the department:

1001 1. Beginning January 1, 2023, all state governmental
1002 entities.

1003 2. Beginning January 1, 2024, all local governmental
1004 entities, state universities, and Florida College System
1005 institutions.

1006 3. Beginning January 1, 2025, all electric utilities,
1007 natural gas utilities, businesses operating in this state with
1008 fleets of more than 1,000 vehicles, and businesses operating in
1009 this state with more than 500,000 square feet of heated and
1010 cooled building space.

1011 (b) The department shall seek ways to assist, as necessary,
1012 local governmental entities, state universities, Florida College
1013 System institutions, and businesses participating in the
1014 department's greenhouse gas registry and inventory.

1015 (3) By August 31, 2023, and annually thereafter, the

29-00439-22

2022548__

1016 department shall submit a report to the Governor, the President
1017 of the Senate, and the Speaker of the House of Representatives
1018 which includes all of the following:

1019 (a) An annual inventory that details the greenhouse gases
1020 emitted by each reporting entity.

1021 (b) An assessment of current policy tools available to
1022 address greenhouse gas emissions, including carbon pricing, and
1023 how this state may use those policy tools to reduce greenhouse
1024 gas emissions.

1025 (c) Recommendations to lower greenhouse gas emissions in
1026 each participating group.

1027 (d) Recommended greenhouse gas reduction targets for this
1028 state.

1029 (4) The department shall adopt rules and may implement
1030 methodologies for the recording and monitoring of greenhouse gas
1031 emissions and for maintaining a ledger to record emissions
1032 reductions.

1033 Section 12. Effective July 1, 2022, section 377.819,
1034 Florida Statutes, is created to read:

1035 377.819 Wastewater Treatment Plant Energy Program.—

1036 (1) CREATION AND PURPOSE OF PROGRAM.—There is established
1037 within the Department of Agriculture and Consumer Services a
1038 Wastewater Treatment Plant Energy Program. The purpose of the
1039 program is to reduce the total energy consumption and costs of
1040 wastewater treatment within this state.

1041 (2) DEFINITIONS.—For purposes of this section, the term:

1042 (a) "Cost share" means actual cash outlays and noncash
1043 contributions paid by the subrecipient for products and services
1044 related to the program.

29-00439-22

2022548__

1045 (b) "Department" means the Department of Agriculture and
1046 Consumer Services.

1047 (c) "Eligible applicant" means publicly owned wastewater
1048 treatment plants owned and operated by state or local
1049 governmental entities within this state.

1050 (d) "Eligible projects" means projects identified in an
1051 energy efficiency assessment within the previous 5-year period.

1052 (e) "Energy efficiency assessment" means a review of
1053 wastewater treatment equipment and processes conducted by
1054 someone other than facility staff which resulted in facility-
1055 specific written recommendations for improving energy efficiency
1056 or reducing energy costs. The term includes all of the following
1057 information:

1058 1. A description of and information about existing relevant
1059 wastewater treatment plant equipment or processes.

1060 2. A description of new equipment or processes that would
1061 improve energy efficiency or reduce energy costs.

1062 3. An estimate of energy savings and monetary savings
1063 resulting from the equipment or process change.

1064 (f) "Local governmental entity" means a county government;
1065 a municipality, including an incorporated city, town, or
1066 village; a school district; or an independent special district.

1067 (g) "Program" means the Wastewater Treatment Plant Energy
1068 Program.

1069 (3) WASTEWATER TREATMENT PLANT ENERGY PROGRAM.—

1070 (a) The department shall provide awards for eligible
1071 projects to eligible applicants.

1072 (b) The department shall issue awards on a competitive
1073 basis. The department shall consider, at a minimum, the

29-00439-22

2022548__

1074 following factors:

1075 1. The net annual energy saved at the facility in kilowatt-
1076 hours per year.

1077 2. Energy saved per dollar funded in kilowatt-hours per
1078 dollar.

1079 3. The amount of energy used to process 1 million gallons
1080 of wastewater in kilowatt-hours per million gallons.

1081 (c) Eligible applicants must contribute a minimum cost
1082 share of 15 percent of the total project cost.

1083 (d) Eligible applicants may use up to 10 percent of the
1084 total project funding for administrative costs.

1085 (e) An award may not exceed \$500,000 per wastewater
1086 treatment plant per fiscal year.

1087 (f) The department shall determine applicant eligibility in
1088 accordance with this section and department rule. The total
1089 amount of awards issued to eligible applicants in each fiscal
1090 year may not exceed the amount appropriated for the program in a
1091 fiscal year.

1092 (4) PUBLICATION.—The department shall publish on its
1093 website on an ongoing basis the amount of available funding for
1094 awards remaining in each fiscal year.

1095 (5) ANNUAL ASSESSMENT.—By October 1, 2023, and each year
1096 thereafter that the program is funded, the department shall
1097 provide an annual assessment of the use of the program during
1098 the previous fiscal year to the Governor, the President of the
1099 Senate, and the Speaker of the House of Representatives. The
1100 assessment must include, at a minimum:

1101 (a) The name of each applicant issued an award.

1102 (b) The amount of the award issued to each applicant.

29-00439-22

2022548__

- 1103 (c) A description of each eligible project.
- 1104 (d) The net annual energy saved at the facility in
1105 kilowatt-hours per year.
- 1106 (e) The energy saved per dollar funded in kilowatt-hours
1107 per dollar.
- 1108 (f) The amount of energy used to process 1 million gallons
1109 of wastewater in kilowatt-hours per million gallons.
- 1110 (g) The aggregate amount of funding awarded to all
1111 applicants.
- 1112 (6) RULES.—The department shall adopt rules to implement
1113 and administer this section, including rules to provide for
1114 application requirements, forms to be used, ranking of
1115 applications, and issuance of awards under this program.
- 1116 Section 13. Section 377.8201, Florida Statutes, is created
1117 to read:
- 1118 377.8201 Farm Renewable and Efficiency Demonstrations
1119 Program.—
- 1120 (1) CREATION AND PURPOSE OF PROGRAM.—The Farm Renewable and
1121 Efficiency Demonstrations Program is established within the
1122 Department of Agriculture and Consumer Services to promote the
1123 adoption of technologies and practices that increase energy
1124 efficiency and use of renewable energy and encourage water
1125 conservation in agriculture in this state.
- 1126 (2) DEFINITIONS.—As used in this section, the term:
- 1127 (a) "Agricultural producer" means a person, legal entity,
1128 or joint operation that has an interest in an agricultural
1129 operation or that is engaged in agricultural production or
1130 forestry management.
- 1131 (b) "Department" means the Department of Agriculture and

29-00439-22

2022548__

1132 Consumer Services.

1133 (c) "Energy and water evaluation" means a baseline of the
1134 agricultural producer's current energy and water usage,
1135 including electricity and fuel; current energy and water
1136 expenditures; an inventory and analysis of energy-consuming
1137 devices present; an analysis of other factors affecting energy
1138 and water use; an assessment of the potential to use renewable
1139 energy generation; and a recommendation of specific
1140 implementable energy efficiency and water conservation measures,
1141 renewable energy devices, and their estimated cost and projected
1142 savings and payback period.

1143 (d) "Historically underserved producer," as defined in 7
1144 C.F.R. s. 636.3, means an eligible person, a joint operation, or
1145 a legal entity that is a beginning farmer or rancher, socially
1146 disadvantaged farmer or rancher, or limited resource farmer or
1147 rancher.

1148 (e) "Renewable energy" has the same meaning as in s.
1149 366.91(2).

1150 (3) FARM RENEWABLE AND EFFICIENCY EVALUATIONS AND
1151 DEMONSTRATIONS.—

1152 (a) The department shall conduct onsite evaluations to
1153 determine the potential for energy efficiency, renewable energy,
1154 and water conservation upgrades at individual farms and
1155 agricultural producers in this state.

1156 (b) The department shall provide grants for the
1157 implementation of any recommendations made under paragraph (a).
1158 A grant may cover up to 80 percent of the cost to implement some
1159 or all of the recommendations from the energy and water
1160 evaluation, up to \$25,000.

29-00439-22

2022548__

1161 (c) The department may give priority consideration to a
1162 historically underserved producer or project that serves
1163 communities in counties with high poverty levels compared to the
1164 state average.

1165 (d) The total for the energy and water evaluations provided
1166 and the amount of grants awarded in each fiscal year may not
1167 exceed the amount appropriated for the program in that fiscal
1168 year.

1169 (4) APPLICATION PROCESS.—

1170 (a) An applicant seeking to obtain an evaluation and a
1171 grant must submit an application to the department by a
1172 specified date each year as established by department rule.

1173 (b) The department shall allocate grants to eligible
1174 applicants on a first-come, first-served basis, as determined by
1175 the date the application is received, until all appropriated
1176 funds for the fiscal year are expended or the program ends,
1177 whichever comes first. Incomplete applications submitted to the
1178 department may not be accepted and do not secure a place in the
1179 application process.

1180 (c) In order to evaluate energy, water, and monetary
1181 savings, applicants must submit monthly utility data for a
1182 period of 1 year before any improvements are made and monthly
1183 utility data for a period of 1 year after any improvements are
1184 made.

1185 (5) ANNUAL ASSESSMENT.—By October 1, 2023, and annually
1186 thereafter, the department shall provide an annual assessment of
1187 the use of the program during the previous fiscal year to the
1188 Governor, the President of the Senate, and the Speaker of the
1189 House of Representatives. The assessment must include, at a

29-00439-22

2022548__

1190 minimum, all of the following information:

1191 (a) The name of each applicant that received an energy and
1192 water evaluation under this section.

1193 (b) The name of each applicant that received a grant to
1194 implement recommendations from an energy and water evaluation
1195 under this section.

1196 (c) The amount of the grant awarded to each applicant.

1197 (d) A description of each improvement made.

1198 (e) The applicant's utility data 1 year before any
1199 improvements were made, as required under paragraph (4) (c).

1200 (f) The applicant's utility data 1 year after any
1201 improvements were made, as required under paragraph (4) (c).

1202 (g) Each applicant's energy, water, and monetary savings as
1203 a result of an energy and water evaluation and a grant under
1204 this section.

1205 (h) The aggregate amount of funding awarded for all
1206 applicants under this section.

1207 (6) RULES.—The department shall adopt rules pursuant to ss.
1208 120.536(1) and 120.54 to administer this section, including
1209 rules governing application requirements, the ranking of
1210 applications, and the awarding of grants under the program.

1211 Section 14. Effective July 1, 2022, section 520.27, Florida
1212 Statutes, is created to read:

1213 520.27 Solar consumer protections.—

1214 (1) The Department of Agriculture and Consumer Services, in
1215 consultation with the Public Service Commission and the
1216 Department of Business and Professional Regulation, shall ensure
1217 consumer protections of residential solar energy systems
1218 consumers, as follows:

29-00439-22

2022548__

1219 (a) The Department of Business and Professional Regulation
1220 shall receive and review complaints and consumer questions
1221 regarding solar energy system companies and solar contractors,
1222 receive complaints obtained by other state agencies regarding
1223 solar energy system companies and solar contractors, and share
1224 any data gathered with other state agencies.

1225 (b) The Department of Agriculture and Consumer Services
1226 shall document consumer complaints relating to solar contractors
1227 by making specified information available publicly on the
1228 department's Division of Consumer Services website. The public
1229 information must contain all of the following:

1230 1. The number and types of complaints.

1231 2. The zip code from which each consumer complaint
1232 originated.

1233 3. The disposition of all complaints received against a
1234 solar contractor.

1235 (c) The Public Service Commission shall develop
1236 standardized inputs and assumptions by vendors, installers, or
1237 financing entities to be used in the calculation and
1238 presentation of electric utility bill savings a consumer can
1239 expect to receive by using a solar energy system and shall post
1240 the standardized inputs and assumptions on its website. For the
1241 purposes of this section, the Public Service Commission shall
1242 receive input from municipal utilities and instrumentalities
1243 thereof and cooperatives organized under the Rural Electric
1244 Cooperative Law.

1245 (2) Records of any completed, fully executed agreement and
1246 any disclosures entered into between a solar installer and the
1247 purchaser of a solar energy system for residential use may, at

29-00439-22

2022548__

1248 the option of the customer, be stored electronically by the
1249 Department of Business and Professional Regulation. In the
1250 process of submitting an application for interconnection with
1251 the transmission grid or distribution system of a solar energy
1252 system, a solar installer must affirm that it has informed the
1253 solar customer of the option to have the records of the
1254 agreement and any disclosures stored electronically. The
1255 Department of Business and Professional Regulation shall
1256 maintain any such records for 5 years and share the information
1257 broadly with other state agencies.

1258 Section 15. The Division of Law Revision is directed to
1259 replace the phrase "the effective date of this act" wherever it
1260 occurs in this act with the date this act becomes a law.

1261 Section 16. For the 2022-2023 fiscal year, the sum of
1262 \$250,000 in nonrecurring funds is appropriated from the General
1263 Revenue Fund to the Office of Energy within the Department of
1264 Agriculture and Consumer Services to implement s. 377.817,
1265 Florida Statutes, as created by this act.

1266 Section 17. Except as otherwise expressly provided in this
1267 act, this act shall take effect upon becoming a law.