
Senate Committee on Environmental Preservation and Conservation

CS/SB 192 — State Parks/Violations

by Environmental Preservation and Conservation Committee and Senators Baker and Dockery

This bill decriminalizes certain state park violations by establishing misdemeanor of the second degree penalties for those violations in accordance with ss. 775.082 and 775.083, F.S. Such violations, without expressed permission from the Division of Recreation and Parks, include:

- Damaging any water-bottom formation of coral;
- Capturing, trapping or injuring wild animals;
- Collecting plant or animal specimens;
- Leaving designated public roads in a vehicle; or
- Hunting.

The bill also provides for the use of golf carts and utility vehicles by state park employees, state park volunteers, and state park visitors on public roads within the boundaries of state parks under certain conditions.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 38-0; House 117-0

CS/CS/SB's 1094 and 326 — Releases From Gambling Vessels

by Regulated Industries Committee; Environmental Preservation and Conservation Committee; and Senators Haridopolos, Constantine, Gaetz, Justice, Baker, Jones, Lynn, Posey, Dockery, Deutch, and Crist

The bill creates the "Clean Ocean Act." It provides definitions and requires the owner or operator of a gambling vessel to register with the Department of Environmental Protection (DEP). The registration is required to be executed under oath and transmitted electronically.

Each waterfront-landing facility that is registered as a gambling vessel's berth is required to establish procedures for the release of waste from gambling vessels at the facility; make available a waste-management service; and collect a fee for the associated costs. The DEP shall consider certain information when estimating a facility's minimum waste-service demand. It requires a gambling vessel to report releases immediately.

Penalties are provided for violations of the act. The DEP is required to establish and collect fees to cover the costs associated with administering the Clean Ocean Act. Certain releases are exempt from the act's provisions.

The act does not apply to vessels of any branch of the U.S. Armed Services. This act also does not apply to any gambling vessel that annually verifies to DEP that it operates a marine waste treatment system that produces sterile, clear, and odorless reuse water without generating solid waste and that eliminates the need to pump out or dump wastewater.

The DEP is required to request certain amendments to Florida's Coastal Zone Management Program. Also, the DEP is required to request the appropriate federal agencies to prohibit the release of waste from any gambling vessel within the federal territorial waters off the shores of Florida.

The DEP must adopt rules to carry out the provisions of this act.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 36-1; House 118-0

SB 432 — Artificial Reefs/Placement of Vessels

by Senators Bennett, Gaetz, Saunders, Jones, Dockery, and Lynn.

This bill authorizes the Fish and Wildlife Conservation Commission to establish the Florida Ships-2-Reefs Program, a matching grant program, for the securing and placement of United States Maritime Administration, commonly referred to as MARAD, and United States Navy decommissioned vessels in state or federal waters to serve as artificial reefs. Each grant awarded under the program shall be matched by nonstate funds and state funds are limited to 33 percent of the total cost for securing and placement of each vessel. The commission is required to submit a report each January 1 detailing the expenditure of funds appropriated under this program to the Governor, President of the Senate and Speaker of the House of Representatives.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 118-0

CS/CS/SB 542 — Land Acquisition and Management

by General Government Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Saunders, Baker, Lynn, and Bullard

This bill increases the bonding capacity for Florida Forever to \$5.3 billion and extends the authority for issuing such bonds for an additional 10 years. Additionally, an increased emphasis is placed on less-than-fee acquisitions and land management reporting requirements including the development of short-term and long-term goals in the terms of measurable objectives to be reviewed and presented to the Acquisition and Restoration Council and the Board of Trustees. The bill also requires that any single project exceeding \$100 million in any one fiscal year must be approved by the Legislative Budget Commission.

The bill recognizes the value of state lands for the purposes of carbon sequestration or carbon capture and directs the Division of State Lands to conduct an inventory of all state-owned lands to determine which lands are suitable for carbon sequestration or capture. Furthermore, the Legislature authorizes the Board of Trustees to develop rules that pertain to the use of state-owned lands for carbon sequestration or mitigation that provide for climate-change-related benefits.

The bill increases the membership of the Acquisition and Restoration Council from nine to eleven members to allow for additional appointments from the Commissioner of Agriculture and the Fish and Wildlife Conservation Commission. Additionally, of the Governor's four appointments to the council, the bill requires that one of them shall have at least 5-years of experience in managing lands for both active and passive recreation.

The bill requires the Acquisition and Restoration Council to develop rules defining specific numeric criteria and performance measures for the acquisition of state lands. All agencies that receive Florida Forever funds are required to assist in the development of such rules which shall be adopted by the Board of Trustees and submitted to the Legislature for consideration by February 1, 2010.

The bill recognizes the value of allowing for imperiled species and habitat mitigation on state-owned lands and provides that all existing lands and lands to be acquired be identified for such use. The bill directs the lead managing agency, in consultation with the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, to develop land management plans that advance the goals of imperiled species and habitat management through the restoration, enhancement and repopulation of the imperiled species or habitat. The bill allows for the collection of fees associated with such mitigation and directs that such fees shall be used for the acquisition and management of lands for those purposes. The bill also designates the Gopher Tortoise as the official state tortoise.

The bill redistributes Florida Forever funds as follows:

- Reduces the distribution to water management districts from 35 percent to 30 percent of total funds.
- Reduces the distribution to the Florida Communities Trust from 22 percent to 21 percent of total funds.
- Provides a distribution of 3.5 percent of the total funds to the Rural and Family Lands program within the Department of Agriculture and Consumer Services to be used as specified in s. 570.71, F.S.
- Provides a distribution of 2.5 percent of the total funds to the Stan Mayfield Working Waterfronts program to be used as specified in s. 380.5105, F.S.

The bill also increases the amount of funds that shall be used for land management purposes to at least 1.5 percent of the total funds allocated for the Florida Forever program.

The bill requires the Division of State Lands to develop an annual workplan that prioritizes projects on the Florida Forever List and sets forth funding available in the upcoming fiscal year. Categories considered in the workplan shall include:

- A critical natural lands category;
- A partnership or regional incentive category;
- A substantially complete projects category;
- A climate change category; and
- A less-than-fee working agricultural lands category.

Projects within each category shall be ranked in order of priority, and submitted on an annual basis to the Acquisition and Restoration Council for adoption.

Finally, the bill establishes the Stan Mayfield Working Waterfronts program to be administered by the Florida Communities Trust. The bill provides a definition for working waterfronts as well as specific criteria that lands shall meet to be considered for funding under this program. Furthermore, the bill provides rule making authority for the Department of Agriculture and Consumer Services and the Florida Communities Trust to establish an application, evaluation, scoring and ranking process as well as providing specific criteria for identifying priority projects. Annually, the Trust shall present the ranking list to the Board of Trustees for approval of projects for funding.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 38-0; House 116-0

CS/SB 758 — Inland Navigation

by Environmental Preservation and Conservation Committee and Senators Bennett, Gaetz, and Haridopolos

This bill makes a number of changes to existing statutes relating to inland navigation districts and exemptions from dredging permits for certain projects. The bill includes the following provisions.

- Provides that it is in the public interest for inland navigation districts to operate and maintain the Intracoastal Waterway and any other public navigation channels authorized by the Board of Trustees of the Internal Improvement Trust Fund.

- Allows the inland navigation districts to aid and cooperate with nonmember counties that contain any part of the intracoastal waterway within their boundaries, inland navigation districts, and the seaports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina for certain waterway activities.
- Specifies that the Fish and Wildlife Conservation Commission instead of the inland navigation districts will be responsible for posting and maintaining manatee protection speed zone signs. Allows the commission to request funding from the inland navigation districts in order to carry out this responsibility.
- Clarifies that a permit from the Department of Environmental Protection (DEP) is not required for maintenance dredging by seaports and the inland navigation districts.
- Provides for mixing zones to address turbidity created by dredging projects.
- Authorizes the DEP to develop and maintain a list of permitted flocculants.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 37-0; House 113-0

CS/HB 547 — Water Pollution Control

by Environment and Natural Resources Council and Rep. Kreegel (CS/CS/SB 1208 by Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senator Gaetz)

This bill establishes a pilot project for the trading of water quality credits in the Lower St. Johns River Basin. The Department of Environmental Protection (department) is authorized to develop rules to implement the pilot program that should include:

- The process to be used to determine how credits are generated, quantified and validated;
- A publicly accessible water quality credit trading registry that tracks water quality credits, trading activities, and prices paid for credits;
- Limitations on the availability and use of water quality credits, including a list of eligible pollutants or parameters and minimum water quality requirements;
- The timing and duration of credits and allowance for credit transferability; and
- Mechanisms for determining and ensuring compliance with trading procedures, including recordkeeping, monitoring, reporting, and inspections.

Draft rules shall be submitted to the United States Environmental Protection Agency for review.

Under this pilot program, basin management actions plans may allow point or nonpoint sources that will achieve greater pollutant reductions than required by a total maximum daily load or wasteload allocation to generate, register and trade water quality credits to enable other sources to achieve their allocation. The generation of such credits does not remove the obligation of a source to meet technology requirements or adopted best management practices.

Water quality credit trading must:

- Be consistent with federal law and regulation;
- Be implemented through permits or other legally binding agreements established by department rule.

The department shall establish the pollutant load reduction value of water quality credits and shall be responsible for authorizing their use. Water quality credit buyers shall submit an affidavit to the department signed by the buyer and seller disclosing the term of acquisition, number of credits, until credit price paid, and any state funding received for the facilities or activities that generate the credits. The department shall not participate in the establishment of credit prices. The department is responsible for ensuring that both sellers and buyers of credits achieve all applicable pollutant load reductions required under the total maximum daily load or wasteload allocations goals.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 38-0; House 116-0

CS/HB 7059 — Protection of Wild and Aquatic Life

by Policy and Budget Council; Environment and Natural Resources Council; and Reps. Mayfield and Kendrick (CS/SB 1300 by Environmental Preservation and Conservation Committee and Senators Saunders and Baker)

This bill authorizes the Board of Trustees of the Internal Improvement Trust Fund (board) to establish seagrass mitigation banks to offset the impacts to seagrasses that meet the public interest test of chapters 253 and 259, F.S. The bill creates definitions for "seagrasses" and "seagrass scarring" and provides civil penalties for persons that carelessly operate a vessel outside of a marked channel that causes damage to seagrasses within aquatic preserves.

The bill also establishes a land management review team consisting of the Executive Director of the Fish and Wildlife Conservation Commission or their designee, the Secretary of the Department of Environmental Protection or their designee, and the Commissioner of Agriculture or their designee for the purpose of reviewing land management plan operational reports submitted by each managing agency every three years. The review team shall prepare a monitoring report that assesses the progress towards achieving short-term and long-term land

management goals and proposes corrective actions for any deficiencies identified in the operational report. The monitoring report shall be submitted to the Acquisition and Restoration Council and the board for review.

The bill provides for the disposition of illegally taken fish or wildlife and establishes procedures for introducing photographs of such fish or wildlife as evidence for prosecution in lieu of submitting such fish or wildlife as evidence.

Finally, the bill authorizes the type two transfer of the Bureau of Invasive Plant Management within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission with additional statutory powers, duties and administrative functions transferred to the Department of Agriculture and Consumer Services. Furthermore, the Boating Advisory Council under s. 327.803, F.S., and the Federal Law Enforcement Trust Fund under s. 372.107, F.S., are repealed.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 40-0; House 119-0

CS/CS/SB 1302 — Ocean Outfalls

by General Government Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Saunders, Dockery, Lynn, and Bullard

This bill provides for the prohibition of newly constructed ocean outfalls and the timely elimination of the six active ocean outfalls located in Broward, Palm Beach and Miami-Dade counties. Active outfalls are limited to the discharge capacity specified in the permit authorizing the outfall on July 1, 2008 and shall not be increased. The bill does allow, however, for the maintenance of existing permitted outfalls and all associated pumping and piping.

The bill provides the timeline as follows:

- By December 31, 2018, the discharge of domestic wastewater through the existing ocean outfalls shall meet advanced wastewater treatment and management requirements. Such advanced wastewater treatment includes:
 - A reduction in the baseline loadings, established by the Department of Environmental Protection (department), of total nitrogen and total phosphorus that would be achieved by advanced wastewater treatment requirements; or
 - A reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008 and December 31, 2025 equivalent to that which would be achieved if advanced wastewater requirements were fully implemented on December 31, 2018 and continued through December 31, 2025.

- By December 31, 2025, each facility that discharges through an ocean outfall on July 1, 2008 shall install a functioning reuse system that provides a minimum of 60 percent reuse of the facilities actual flow on an annual basis for irrigation, aquifer recharge, groundwater recharge, industrial cooling or other acceptable purposes defined by the department.
- By December 31, 2025, discharge through an ocean outfall is prohibited except as a backup to a functioning reuse system. Backup discharge may only occur during wet weather periods or periods of reduced demand for reuse.

Each utility that discharges through an ocean outfall is required to submit a detailed plan to meet the requirements of the bill, including a cost benefit and financing plan, to the department by July 1, 2013. Additional, reporting requirements are provided in the bill to ensure that the schedule for the reduction in pollutant loads and the elimination of discharge to the outfalls is met. By July 1, 2010 and each 5 years after, the department is required to submit a report on the implementation of this act to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill also creates the Leah Schad Memorial Ocean Outfall Program as a funding mechanism that may assist local governments with the implementation of this act. Funds may be received from the General Appropriations Act, gifts from individuals, corporations, or other entities, or from federal funds appropriated by Congress.

Finally, the bill directs the South Florida Water Management District (district) to require the use of reclaimed water, made available from the elimination of ocean outfalls, in lieu of surface water or ground water, or other alternative sources. The district shall include in its regional supply plan, water resource and water supply development projects that promote the elimination of wastewater ocean outfalls.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 118-0

HB 7091 — Fish and Wildlife Conservation

by Environment and Natural Resources Council and Reps. Mayfield and Kendrick (CS/SB 1304 by Environmental Preservation and Conservation Committee and Senator Saunders)

This bill consolidates chapters 370 and 372, F.S., into chapter 379, F.S., entitled "Fish and Wildlife Protection." The bill renumbers, amends and repeals sections of current statute to conform to the consolidation into one chapter. Chapter 379, F.S., is created with eight parts as follows:

- Part I – General Provisions;

- Part II – Marine Life;
- Part III – Fresh Water Aquatic Life;
- Part IV – Wild Animal Life;
- Part V – Law Enforcement;
- Part VI – Licenses for Recreational Activities;
- Part VII – Licenses for Non-recreational Activities; and
- Part VIII – Penalties.

The bill repeals obsolete provisions of law including statutory provisions clearly under the purview of the Fish and Wildlife Conservation Commission's constitutional authority and provisions that have expired pursuant to specific dates.

Finally, the bill provides legislative intent language stating it is not the intent of this bill to make substantive changes to law.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 40-0; House 119-0

HB 7135 — Energy

by Environment and Natural Resources Council and Reps. Mayfield and Kreegel (CS/CS/CS/SB 1544, by General Government Appropriations Committee; Communications and Public Utilities Committee; Environmental Preservation and Conservation Committee; and Senators Saunders, Constantine, Bennett, Lynn, and Baker)

This is a comprehensive bill dealing with a number of energy issues.

Governance and State Energy Policy

The bill creates the Florida Energy and Climate Commission in the Executive Office of the Governor. The commission is comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer. Appointees are to be selected from a list of persons nominated by the Florida Public Service Commission Nominating Council. The chair of the commission may designate eight ex officio nonvoting members to provide information and advice to the commission at the request of the chair. Those eight ex-officio members include:

- The chair of the Public Service Commission, or a designee.
- The Public Counsel, or a designee.
- A representative of the Department of Agriculture and Consumer Services.
- A representative of the Department of Financial Services.
- A representative of the Department of Environmental Protection.

- A representative of the Department of Community Affairs.
- A representative of the Board of Governors of the State University System.
- A representative of the Department of Transportation.

Duties of the commission include:

- Administering the Florida Renewable Energy and Energy Efficient Technologies Grants Program.
- Developing policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a grant program.
- Administering the Florida Green Government Grants Act.
- Gathering and reporting relevant energy information and studies.
- Administering petroleum planning and emergency contingency planning.
- Representing Florida in the Southern States Energy Compact.
- Completing the annual assessment of the efficacy of Florida's Energy and Climate Change Action Plan upon completion by the Governor's Action Team on Energy and Climate Change.
- Administering the provisions of the Florida Energy and Climate Protection Act.
- Advocating for energy and climate change issues and providing educational outreach and technical assistance in cooperation with the state's academic institutions.

The bill transfers all of the powers, duties, functions, personnel, and records associated with the State Energy Office in the Department of Environmental Protection to the Florida Energy and Climate Commission.

The bill further abolishes the Florida Energy Commission and provides that all of the records, property, unexpended balances of appropriations, and personnel related to the commission are transferred from the Office of Legislative Services to the Florida Energy and Climate Commission which is created in the Executive Office of the Governor. The Executive Office of the Governor is authorized to establish four full-time equivalent positions to staff the Florida Energy and Climate Commission.

Florida Energy Systems Consortium

The bill creates the Florida Energy Systems Consortium to promote collaboration among experts in the State University System for the purpose of sharing energy-related expertise and assisting

in the development and implementation of a comprehensive, long-term, environmentally compatible, sustainable, and efficient energy strategic plan for the state.

The consortium consists of the state universities and shall be administered at the University of Florida by a director who shall be appointed by the President of the University of Florida. The director shall report to the Florida Energy and Climate Commission.

An oversight board shall consist of the Vice President for research or other appropriate representative appointed by the university president of each member of the consortium.

A steering committee shall consist of the university representatives included in the Centers of Excellence proposal for the Florida Energy Systems Consortium and the Center of Excellence in the Ocean Energy Technology-Phase II which were reviewed during FY 2007-2008 by the Florida Technology, Research, and Scholarship Board; a university representative appointed by the President of Florida International University; and the Florida Energy and Climate Commission. The steering committee shall be responsible for establishing and ensuring the success of the consortium's mission.

Public Service Commission/Nominating Council

The bill removes the Joint Committee on Public Service Commission Oversight from the Public Service Commission appointment process, thereby returning the function of screening applicants and making recommendations on appointment to the Public Service Commission Nominating Council. To preserve an increased level of participation by legislators in the appointment process, the bill revises the membership and method of appointment of the council. The number of members is increased from nine to twelve. The President of the Senate and the Speaker of the House of Representatives are each to appoint six members, including three legislators, one of whom must be a member of the minority party. Further, the bill authorizes a successor Governor to recall an appointment to the Public Service Commission made by the predecessor Governor under certain specified circumstances and conditions.

Transmission Line Siting

Several provisions of the Transmission Line Siting Act are revised to clarify and streamline the act and the various notice provisions.

- Public utilities may be granted fee simple title, easements, or other interests in state-owned lands for electric transmission and distribution lines, gas pipelines, and other linear facilities.
- For less than fee simple interest, the utility must pay fair market value for the initial grant of interest, the utility must vest fee simple interest in other available uplands 1.5 times the size of the easement granted. Priority for replacement uplands shall be given to parcels

identified as in-holdings and additions to public lands and lands on a Florida Forever acquisition list.

- Provision is made for the use of alternate corridors.
- Allows for the placement of transmission line facilities on Department of Transportation rights-of-way.

Renewable Portfolio Standard

The Public Service Commission is required to adopt rules for a renewable portfolio standard (RPS) requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Florida Energy and Climate Commission. The rule cannot be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009. The bill specifies what the rule must include.

Beginning on April 1 of the year following final adoption of the RPS rule, each provider must submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. Each municipal electric utility and rural electric cooperative shall develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures. On or before April 1, 2009, and annually thereafter, each municipal electric utility and electric cooperative shall submit to the commission a report that identifies such standards.

Cap and Trade

The bill creates the Florida Climate Protection Act. The Department of Environmental Protection may adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters. When developing the rules, the department shall consult with the Florida Energy and Climate Commission and the Public Service Commission, and may consult with the Governor's Action Team for Energy and Climate Change. The department shall not adopt rules until after January 1, 2010, and the rules shall not become effective until ratified by the Legislature.

The bill specifies what the cap-and-trade rules must contain.

Renewable Fuel Standard

Ethanol-blended fuels which contain unleaded gasoline and up to 10 percent denatured ethanol by volume may be sold at retail service stations for use in motor vehicles. Flexibility is provided to retail service stations during the transition period to ethanol-blended fuels.

Beginning December 31, 2010, all gasoline sold or offered for sale in Florida by a terminal supplier, importer, blender, or wholesaler shall be blended gasoline. These provisions do not apply to fuel:

- Used in aircraft;
- Sold for use in boats;
- Sold to a blender;
- Sold for use in collector vehicles; for use in off-road vehicles, motorcycles, off-road vehicles, or small engines;
- Unable to comply due to requirements of the U.S. Environmental Protection Agency;
- Transferred between terminals;
- Exported from the state;
- Qualifying for any exemption in accordance with ch. 206, F.S.;
- For a railroad locomotive; and
- For equipment, including vehicle or vessel, covered by warranty that would be voided, if explicitly stated in writing by the vehicle or vessel manufacturer, if the equipment were to be operated using blended fuel.

The bill provides for waivers and exemptions as well as for penalties and enforcement of violations.

Green Buildings and Building Codes and Standards

The bill provides that it is state policy for state buildings to be constructed to comply with the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the Department of Management Services (DMS). Further, renovations of state buildings are to comply with these standards.

No state agency shall ease, construct, or have constructed, a facility without having secured from the DMS an evaluation of life-cycle costs based on sustainable building ratings. A sustainable building rating is a rating established by the USGBC LEED rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the DMS.

The bill further provides that all county, municipal, school district, water management district, state university, community college, and Florida state court buildings shall be constructed to meet the USGBC LEED rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the DMS

St. Petersburg College may work with the Florida Community College System and may consult with the University of Florida to provide training and educational opportunities that will ensure that green building rating system certifying agents are available.

The DMS shall develop the "Florida Climate-Friendly Preferred Products List." When procuring products from state term contracts, state agencies shall first consult the Florida Climate-Friendly Preferred Products List and procure such products if the price is comparable.

The bill provides a schedule of increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction. The Florida Building Commission is required to periodically update the Florida Building Code.

The bill also requires that the Florida Energy Efficiency Code for Building Construction set the minimum requirements for commercial or residential swimming pool pumps, swimming pool water heaters and water heaters used to heat potable water.

Demand-Side Renewable Energy

The Public Service Commission shall adopt appropriate goals for increasing the efficiency of energy consumption and increasing and encouraging the development of demand-side renewable energy systems. The commission may allow efficiency investments across generation, transmission, and distribution as well as efficiencies within the user base. In establishing the goals, the commission must take into consideration certain specified elements.

"Demand-side renewable energy" means a system located on a customer's premises generating thermal or electric energy using Florida renewable energy resources and primarily intended to offset all or part of the customer's electricity requirements provided such system does not exceed 2 megawatts.

The commission may authorize financial rewards for those utilities over which it has rate-setting authority that exceed their goals and may authorize financial penalties for those utilities that fail to meet their goals. The commission may allow an investor-owned electric utility an additional return on equity of up to 50 basis points for exceeding 20 percent of their annual load-growth through energy efficiency and conservation measures.

Net Metering

On or before January 1, 2009, each public utility shall develop a standardized interconnection agreement and net metering program for customer-owned renewable generation. "Net metering" means metering and billing methodology whereby customer-owned renewable generation is allowed to offset the customer's electricity consumption on site.

Recycling

By 2020, the long-term goal for the recycling efforts of state and local governmental entities, private companies and organization, and the general public is to reduce the amount of recyclable solid waste disposed of in waste management facilities, landfills, or incineration facilities by a statewide average of at least 75 percent. However, any solid waste used for the production of renewable energy shall count toward the long-term recycling goal.

The Department of Environmental Protection is directed to undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. Until such time as the Legislature adopts any recommendation of the department as a result of the analysis, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

By July 1, 2010, each county shall develop and implement a plan to achieve a goal to compost organic material that would otherwise be disposed of in a landfill.

Each county is encouraged to form multicounty regional solutions to the capture and reuse or sale of methane gas from landfills and wastewater treatment facilities.

Miscellaneous Provisions

- The bill provides for telecommuting for public employees.
- The Governor is allowed to include goals and policies relating to energy and global climate change in the state comprehensive plan. The state comprehensive plan should encourage the development of low-carbon-emitting electric power plants, including nuclear power plants.
- Each metropolitan planning organization is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions.
- No deed restriction or covenant may prohibit the installation of solar or other energy devices based on renewable resources from being erected on property covered by the

deed restriction or covenant. This provision includes the boundaries of a condominium unit.

- The tax exemption for renewable energy sources installed on real property is extended to January 1, 2009.
- The state's energy performance contracting processes are clarified.
- Alternative and renewable energy projects are eligible for innovation incentive grants from the Office of Tourism, Trade, and Economic Development.
- A public utility may recover certain costs related to the construction and reconstruction of nuclear power facilities.
- Utilities may recover certain costs for scientific research and geological assessments of carbon capture and storage, and costs related to verification of greenhouse gas emissions by third parties.
- The Florida Energy and Climate Commission shall conduct a study to evaluate and recommend the life-cycle greenhouse gas emissions associated with all renewable fuels, including, but not limited to, biodiesel, renewable diesel, biobutanol, and ethanol derived from any source. The commission may also evaluate and recommend any benefits associated with the creation, banking, transfer, and sale of credits among fuel refiners, blenders, and importers.
- The Public Service Commission shall analyze utility revenue decoupling and provide a report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2009.
- If the Department of Environmental Protection proposes to adopt the California motor vehicle emission standards, the standards shall not be implemented until ratified by the Legislature.
- The Department of Environmental Protection shall develop a program to provide awards or recognition for outstanding efforts or achievements concerning conservation, reductions in energy and water use, green cleaning solutions, green pest management, recycling efforts, and curriculum development that is consistent with efforts that enhance the quality of education while preserving the environment.
- Various tax credit and tax exemption provisions are clarified to specify who is eligible for the credits or exemptions and the process for transferring tax credits. A capital investment tax credit is available for a qualifying business that establishes a qualifying project that includes locating a new solar panel manufacturing facility in this state that generates a minimum of 400 jobs with an average salary of at least \$50,000.
- By July 1, 2009, the Agency for Enterprise Information Technology shall provide standards for measuring data center energy consumption and efficiency, and calculating total cost of ownership of energy-efficient information technology products.

If approved by the Governor, these provisions take effect July 1, 2008, except as otherwise provided in the act.

Vote: Senate 40-0; House 117-0

CS/SB 1552 — Everglades Restoration Bonds

by Finance and Tax Committee and Senators Saunders, Bullard, and Baker

This bill extends the term for issuance of Everglades Restoration Bonds by an additional 10 years from 2009-2010 to 2019-2020. In addition to funding the implementation of the Comprehensive Everglades Restoration Plan, the Lake Okeechobee Watershed Protection Plan, the Caloosahatchee River Watershed Protection Plan, and the St. Lucie River Watershed Protection Plan, the bill allows for the use of Everglades Restoration Bonds to fund the implementation of water management projects, including wastewater management projects identified in the "Keys Wastewater Plan," under the Florida Keys Area of Critical State Concern protection program.

Finally, the bill provides an additional \$50 million in authorized Everglades Restoration Bonds, for no more than four years, for the purpose of funding the Florida Keys Area of Critical State Concern protection program.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 40-0; House 116-0

CS/HB 1427 — Beach Management

by Environment and Natural Resources Council and Rep. Mayfield (CS/CS/SB 1672 by Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senators Jones and Gaetz)

This bill provides that it is in the public interest to replicate the natural drift of sand which is interrupted or altered by inlets. It is also in the public interest for each level of government to undertake all reasonable efforts to maximize inlet sand bypassing to ensure that beach-quality sand is placed on adjacent eroding beaches.

The Department of Environmental Protection (DEP) is required to maintain an estimate of beach-quality sand that is available for inlet management projects, and such sand placed on a beach as part of a project must be suitable for marine turtle nesting. Deepwater ports must demonstrate reasonable efforts to place beach-quality sand from port-dredging and port-development projects on adjacent eroding beaches, and may sponsor or co-sponsor inlet management projects that are fully eligible for state cost sharing. The DEP may consider permitting nearshore or upland disposal of beach-quality sand under emergency conditions.

If federal investigations and reports or state-approved inlet management plans do not specify the entity or entities responsible for the extent of erosion caused by an inlet, the DEP or local government, with the assistance of university-based or other contractual resources that they may employ or call upon is encouraged to undertake assessments that aid in specifying the responsible entity or entities and in more accurately determining cost-sharing responsibilities for measures to correct such erosion. If the beneficiaries of the inlet, the local governments having jurisdiction of lands adjacent to the inlet, or the owners of property adjacent to the inlet are involved in a dispute concerning how much sand should be bypassed, the DEP shall protect its monetary investment in beach nourishment projects within the inlet's physical zone of influence by taking all reasonable actions to balance the sediment budget of the inlet and adjacent beaches, including implementation of inlet sand bypassing and other inlet management projects.

The bill provides for inlet management by requiring the DEP to establish funding priorities for studies, activities, or other projects that mitigate the erosive effect of inlets. A portion of legislative appropriations for beach nourishment and restoration projects may be used to cost-share studies, activities, and other inlet management projects with local governments or special districts. The DEP is authorized to contract for studies consistent with the legislative declarations in the bill, and must provide an inlet management project list in priority order as part of the department's legislative budget request. A funding formula for inlet management projects and studies is provided. The Legislature is authorized to annually designate an "Inlet of the Year," and the DEP must provide annual updates on the success of projects relating to the designated inlet. The DEP is provided with rulemaking authority.

If approved by the Governor, these provisions take effect July 1, 2008

Vote: Senate 38-0; House 117-0

HB 961 — Cleanup of Sites Contaminated by Petroleum

by Rep. Machek (SB 1982 by Senator Baker)

This bill increases the statutory cap amounts for Petroleum Cleanup Participation Program sites and Petroleum Liability and Restoration Insurance Program sites that are eligible for state funding assistance. The increases in the cap amounts only apply to sites in these programs where the Department of Environmental Protection has not issued a site rehabilitation completion order prior to June 1, 2008, indicating that the discharge has been remediated.

The bill requires a remediation preapproval contractor to submit an invoice within a certain time, and requires prompt payment by a contractor to subcontractors.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 37-1; House 116-0

CS/HB 527 — Environmental Site Redevelopment

by Environment and Natural Resources Council and Rep. Williams (CS/CS/SB 2018 by General Government Appropriations Committee; Judiciary Committee; and Senators Posey, Jones, and Baker; CS/CS/SB 2594 by Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senator Constantine)

Innocent Victims Petroleum Storage Systems

This bill provides that a contaminated petroleum site acquired by the *current owner* prior to July 1, 1990, which has ceased operating as a petroleum storage or retail business prior to January 1, 1985, is eligible for financial cleanup assistance. Further, the bill clarifies that a transfer of property to a spouse, a surviving spouse in trust or free of trust, or a revocable trust created for the benefit of the settler does not disqualify the site from participating in the program.

Brownfield Areas

This bill also makes a number of changes to the brownfields program. Specifically, the bill:

- Provides definitions relating to the costs of solid waste removal at brownfield sites;
- Clarifies the tax credit for the costs of solid waste removal at brownfield sites;
- Provides an additional tax credit for rehabilitation costs that result in the construction and operation of a health care facility or health care provider on a brownfield site;
- Revises the procedures for applying for a tax credit and provides additional limitations on the amount of credits claimed;
- Revises the provisions relating to the administration of the brownfield program at the local level;
- Deletes the requirement that professional engineers and geologists must maintain certain liability insurance;
- Deletes the requirement that contractors maintain certain liability insurance. Provides for the evaluation of the health effects of brownfield site rehabilitation;
- Provides that the Brownfield Areas Loan Guarantee Program may guarantee 75 percent of a loan for the construction and operation of a new health care facility or health care provider; and
- Revises the membership of the Brownfield Areas Loan Guarantee Council to include the State Surgeon General.

If approved by the Governor, these provisions take effect upon becoming law and shall operate retroactively to January 1, 2008.

Vote: Senate 39-0; House 108-6

