



Committee on Energy

**Wednesday, March 12, 2008
3:45 PM – 6:00 PM
Morris Hall (17 HOB)**

COMMITTEE MEETING PACKET

REVISED



The Florida House of Representatives
Environment & Natural Resources Council
Committee on Energy

Marco Rubio
Speaker

Paige Kreegel
Chair

AGENDA
Morris Hall
March 12, 2008
3:45 p.m. – 6:00 p.m.

- I. Opening Remarks by Chair Kreegel
- II. Workshop on potential issues for inclusion in PCB ENRC 08-01 – Relating to Energy
- III. Closing Remarks by Chair Kreegel
- IV. Adjournment

INDEX OF POTENTIAL ISSUES FOR INCLUSION IN PCB ENRC 08-01 – ENERGY

- A** - Energy PCB workshopped in committee on March 5, 2008
- B** - Proposal relating to Electric Power Plant Siting and Transmission Power Plant Siting by the Florida Electric Power Coordinating Group, Inc.
- C** - Proposal relating to Governance of Energy Policy to establish a 7-member Florida Energy and Climate Commission within the Executive Office of the Governor
- D** - Discussion of Cap and Trade Regulatory Program
- E** - Discussion of Policy Options for Renewable Portfolio Standards
- F** - Discussion of Renewable Fuel Standards
- G** - Proposal relating to increased Thermal Efficiency Standards and Appliance Standards as proposed in the Governor's Bill C
- H** - Proposal relating to the State Comprehensive Plan and the inclusion of energy and global climate change as program areas as proposed in the Governor's Bill B
- I** - Proposal relating to Metropolitan Planning Organizations (MPOs) as they relate to minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions as proposed in the Governor's Bill B
- J** - Proposal relating to Environmental Cost Recovery as proposed in the Governor's Bill B
- K** - Proposal relating to Florida Green Government Grants Act as proposed in the Governor's Bill D
- L** - Proposal relating to Public Employee Telecommuting Programs as proposed in the Governor's Bill A
- M** - Proposal relating to the sales tax exemption for wind energy or wind turbines and the investment tax credit for wind energy as proposed by the Governor's Bill C
- N** - Proposal relating the Public Service Commission adopting a "net metering" rule that applies to municipal electric utilities and rural electric cooperatives

A – Energy PCB workshopped in committee on March 5, 2008

**Section-by-Section Summary of Selected Provisions of
Proposed Council Bill ENRC 08-01 relating to
Energy
March 5, 2008**

Section 1. Amends s. 196.175, F.S. – Renewable Energy Source Device Exemption

- Removes the expiration date of the property tax exemption for real property on which a renewable energy source device is installed and is being operated, thereby allowing property owners to once again apply for the exemption. The period of each exemption, however, remains at 10 years.
- Revises the options for calculating the property assessments for those properties with renewable energy source devices by limiting the exemption to the amount of the original cost of the device, including the installation cost, but not including the cost of replacing previously existing property.

Section 2. Amends s. 212.08(7)(ccc), F.S. – Sales, Rental, Use, Consumption, Distribution and Storage Tax Exemption for Renewable Energy Technologies

- Revises the definition of “ethanol” to mean anhydrous denatured alcohol produced by the *conversion of carbohydrates* rather than produced by the *fermentation of plant sugars*.
- Specifies that eligible items for the sales tax exemption are limited to one refund and requires a purchaser who receives a refund to notify a subsequent purchaser that the item is no longer eligible for a tax refund.
- Grants rule-making authority to the Department of Environmental Protection for certificate requirements.

Section 3. Amends s. 220.192, F.S. - Renewable Energy Technologies Investment Tax Credit

- Provides a definition of “corporation” to expand the types of business entities that may apply for and receive an allocation of the renewable energy technologies investment tax credit.
- Authorizes tax credits to be transferred to underlying partners, members, and owners, or to any taxpayer by written agreement.
- Grants rule-making authority to the Department of Revenue relating to prescribing forms, reporting requirements, and procedures necessary to transfer a tax credit and the pass through of a tax credit to the partner, member, or owner of a corporation.

Sections 4-5. Amend ss. 255.251 and 255.252, F.S. – Energy Conservation and Sustainable Buildings

- Renames the short title so that those statutes focus on both energy conservation and sustainable buildings.
- Provides intent language relating to the need to build energy-efficient, state-owned buildings that meet environmental standards using sustainable materials.
- Provides that new construction and renovations of existing state facilities attain Leadership in Energy and Environmental Design (LEED) rating, LEED-EB for smaller renovations, and LEED-NC for major renovations;
- Provides that state buildings be constructed to meet the LEED rating system and that existing state-owned buildings be retrofitted to minimize energy consumption.
- Requires each state government entity to compile a list of state-owned buildings (that are over 5,000 square feet in area) suitable for a Guaranteed Energy Performance Saving Contract (GEPSCA). Requires the list to be submitted to the Department of Management Services (DMS) by December 31, 2008.
- Requires the DMS to consult with governmental entities and create a schedule to prioritize state-owned buildings suitable for energy conservation projects by July 1, 2009.

Section 6. Amends s. 255.253, F.S. - Definitions Relating to Sustainable Buildings

- “Sustainable building” means a building that is healthy and comfortable for its occupants and is economical to operate while conserving resources, including energy, water, raw materials and land, and minimizing the generation and use of toxic materials and waste in its design, construction, landscaping, and operation.
- “Sustainable building rating” means a rating established by the United States Green Building Council’s LEED rating system.
- “State government entity” means any state government entity listed in chapter 20 or the Florida Constitution and also includes water management districts, the Florida Court System, the State University System, the Community College System, or any other agency, commission, council, office, board, authority, department, or official of state government.

Sections 7-8. Amend ss. 255.254 and 255.255, F.S. – Facility Constructed or Leased without Life-Cycle Costs

- Provides that no state government entity shall lease, construct, or have constructed a facility, within prescribed limits, without having secured from the department an evaluation of life-cycle costs based on sustainable building ratings.

- Requires that an energy performance analysis (projection of annual energy consumption in dollars per square foot of major energy consuming equipment and systems) be provided for leased buildings of 5,000 square feet or greater.
- Provides that any building leased by the state from the private sector include monthly energy use data and that the owner of the building provide that data to the DMS on a monthly basis.
- Requires the DMS to promulgate rules and procedures, including energy conservation performance guidelines, based on sustainable building ratings.

Section 9. Amends s. 255.257, F.S. - Energy Management in State Buildings

- Provides that data be gathered on energy consumption and cost for each state-owned facility over 5,000 net square feet and that the data be reported annually to the DMS.
- Requires each state government entity to appoint a coordinator to advise the head of the entity on matters of energy consumption in that entity's facilities, vehicles operated by that entity, and other energy-consuming activities of the state. The bill further requires the coordinator to assist the DMS in the development of the State Energy Management Plan.
- Requires all state government entities to adopt the LEED-NC (new construction) standards for all new construction of state buildings.
- Requires all state government entities to implement the LEED-EB (existing building) rating for all buildings currently owned and operated by the DMS for client agencies. Further provides that the state government entity can prioritize implementation of LEED-EB to gain the greatest environmental benefit.
- Provides that leasing agreements entered into by state government entities meet Energy Star building standards and provides an exception if no other cost-effective alternative exists.
- Provides that state government entities develop energy conservation measures for new and existing office space where the state government entity occupies more 5,000 square feet.

Section 10. Undesignated section – Mandatory Compliance for New Construction

- Declares that the construction of energy efficient and sustainable buildings is an important state interest.
- Requires that all county, municipal, and school district buildings be constructed to meet the LEED rating system. This requirement would only apply to buildings whose architectural plans are started after July 1, 2008.

Section 11. Creates s. 286.28, F.S. - Climate Friendly Public Business

- Requires the DMS to develop a "Florida Climate Friendly Preferred Products List." Requires products of comparable cost that have clear energy efficiency or other environmental benefits over competing products to be purchased under State Term Contracts.

- Provides that effective July 1, 2008, state government entities shall only contract for meeting and conference space with hotels or conference facilities that have received the “Green Lodging” designation from the DEP and authorizes the DEP to adopt rules to implement the “Green Lodging” program.
- Specifies that each state government entity shall meet vehicle maintenance schedules shown to reduce fuel consumption and shall measure and report compliance to the DMS through the Equipment Management Information System.
- Provides that when procuring new vehicles, state government entities shall define the intended purpose for a vehicle and determine which “use classes” the vehicle is being procured. Further requires that the vehicle with the highest fuel efficiency available be selected. The bill provides for exceptions for emergency response vehicles and approval of exception requests by the entity’s chief executive officer.
- Requires state government entities to use ethanol and biodiesel blended fuels, when available, and requires entities administering central fueling operations for state-owned vehicles to procure biofuels for fleet needs to the greatest extent practicable.
- Defines “state government entity” to mean any state government entity listed in chapter 20 or the Florida Constitution and also includes water management districts, the Florida Court System, the State University System, the Community College System, or any other agency, commission, council, office, board, authority, department, or official of state government.

Section 12. Amends s. 287.063, F.S. - Deferred-Payment Commodity Contracts

- Deletes an obsolete subsection relating to deferred payment purchases.
- Provides that the payment term for the deferred payment purchase may not exceed the useful life of the equipment unless the contract provides for replacement or extension of the useful life of the equipment.

Section 13. Amends s. 287.064, F.S. – Consolidated Financing of Deferred-Payment Purchases

- Increases the period of time for repayment of funds drawn pursuant to the master equipment financing agreement from 10 to 20 years for energy conservation measures.
- Provides that the guaranteed energy performance savings contractor provide for the replacement or extension of the useful life of the equipment during the term of the contract.

Section 14. Amends s. 377.803, F.S. – Definitions under the Renewable Energy Technologies Grant Program

- Removes the definition of an “approved metering device,” which is a cost-prohibitive device that is no longer used to measure British thermal units produced by commercial-sized systems.

Sections 15-32. Amend ss. 403.502, 403.503, 403.504, 403.506, 403.5065, 403.50663, 403.50665, 403.507, 403.508, 403.509, 403.511, 403.5112, 403.5113, 403.5115, 403.516, 403.517, 403.5175, and 403.518, F.S – Power Plant Siting Act (PPSA)

- Clarifies legislative intent regarding an electrical power plant's associated facilities in order to be consistent with the changes to the definition of an "electric power plant."
- Revises the definitions for "associated facilities," "electrical power plant," and "site" and creates a new definition for "electrical generating facility." Amending these terms provides conformity to other revisions made throughout the PPSA. These changes also conform to legislative changes made to the definition of "electrical power plant" in 2006.
- Amends the definition of "Certification" to specify that the term refers to not only the Final Order of the Siting Board, but, when applicable, the Final Order of the Secretary of DEP.
- Revises the definition of "ultimate site capacity" to clarify that unless otherwise specified, "ultimate site capacity" is calculated on a "gross" capacity basis rather than "net."
- Provides that steam generating facilities that do not produce electricity are not subject to the act. This section also specifies that the PPSA does not apply to power plants of less than 75 MWs in "gross" capacity, and this includes all "associated facilities," not just substations. This section also increases the exemption from the act for expansions of generation capacity for an existing exothermic reaction cogeneration electrical generating facility from 35 MW to 75 MW.
- Decreases the public notice requirement for local government informational meetings from 15 days to 5 days prior to the meeting, and specifies that the "general public" along with all parties must be provided notice. Provides the manner in which the notice is to be made and how to get reimbursed for providing such notice.
- Requires applicants to include, within the required consistency statement, the "identification of associated facilities that the applicant believes are exempt from land use requirements and zoning ordinances."
- Provides that local governments only have to file a Consistency Determination for facilities that are not exempt from land use plans and zoning ordinances. Provides that this requirement to file a consistency determination by local governments does not apply to any new electrical generation unit proposed to be operated on the site of a previously certified electric power plant or on the site of a power plant that was not previously certified that will be wholly contained within the boundaries of the existing site.
- Increases the amount of time beyond the 45 day time limit from 35 to 55 days that a local government has to issue its land use consistency determination if the application has been determined incomplete based in whole or part upon a local government request for additional information. Provides that incompleteness of information can be claimed by the local government as cause for a statement of inconsistency with existing land use plans zoning ordinances.

- Establishes a deadline for the local government to initiate the proceeding to rule upon a request to address inconsistencies.
- Provides that petitions on land use consistency determinations should be filed with the Administrative law Judge (ALJ), rather than the DEP, since a case has already been opened at the Division of Administrative Hearings and an ALJ has already been assigned to the case.
- Provides that certain reports and agency reviews must be provided to DEP, unless a final order denying the Determination of Need has been issued.
- Requires that when an Administrative Law Judge receives a petition on land use consistency determinations, a hearing date shall be set within 5 days.
- Clarifies that since no determinations are required for exempt facilities, no hearing is required.
- Conforms to the revisions made in s. 403.50665, F.S., providing that the administrative law judge and not the DEP receives petitions disputing a local land use consistency determination.
- Relocates a provision on the completeness of information for local governments to make a land use consistency determination into the section on the land use consistency determination from the section on hearings, where it is more germane.
- Specifies that property rights will be handled as part of the stipulation filed among all parties that there are no disputed issues of fact or law, and requires that such property rights be issued within 30 days of issuance of the final order.
- Revises the sizing requirements for the various newspaper notices to make them more consistent with the map and text requirements for each notice.
- Clarifies that when “interested persons” have been requested to be placed on a list for information about power plants being reviewed by the department, such notice shall be issued for each case, rather than for all cases.
- Adds a public notice provision for the local government informational public meetings, to be issued 7 days before the meetings, and specifies publication requirements
- Revises exemption from land use and zoning determination for existing power plant sites if there will be no expansion in site boundaries to include additional offsite associated facilities if they are exempt from Ch. 163, F.S., requirements.
- Provides that the department may issue the certification, as well as the Siting Board. Specifies that Regional Planning Councils may hold Informational Public Meetings instead of a local government.
- Deletes the word “hearing” because no part of the act states that local governments must provide notice of hearings (as opposed to meetings).
- Establishes a benchmark for timing in relation to fee disbursements for projects placed in abeyance.

- Provides that DEP may take into account the number of agencies involved in the review when determining the amount of the certification modification fee.

Sections 33-40. Amend ss. 403.5252, 403.526, 403.527, 403.5271, 403.5272, 403.5312, 403.5363, and 403.5365, F.S. - Transmission Line Siting Act (TLSA)

- Clarifies that agency completeness statements are due 30 days after the application is filed, rather than after it is distributed. Provides that the deadline for the issuance of the determination of completeness by DEP is “37 days” after the “filing of the application” rather than “7 days” after the “filing of agency completeness statements”.
- Provides that a preliminary statement of issues must be submitted no later than “the submittal of each agency’s recommendation that the application is complete” rather than “50 days after the filing of the application.”
- Provides that agency reviews and reporting requirements are halted if a final order denying the Determination of Need has been issued.
- Clarifies that there shall be a public hearing component held in conjunction with the main hearing, in addition to those that may be optionally requested by a local government.
- Extends the local government public hearing notification deadline from “21 days after the application has been determined complete” to “50 days after the filing of the application.”
- Revises the deadline for the cancellation of the certification hearing and clarifies that any stipulation regarding cancellation of the hearing must also state that there are no disputed issues of law.
- Requires that notice must be published providing that the certification hearing has been deferred due to the acceptance of the alternate corridor.
- Provides for automatic withdrawal of an alternate proposal if the alternate proponent does not meet its obligations regarding notice. Provides a deadline for agency comments on alternate proposals.
- Increases notification requirement to parties for informational public meetings from 5 to 15 days and adds a requirement for public notice of the meeting.
- Specifies various size and content requirements for several categories of public notices, such as the notice of filing an application, the notice of the certification hearing, and the notice of the cancellation of the certification hearing.
- Makes deadline changes in various notices to match other changes in the bill, in order to enable DEP to have the time to publish such notice under the new, lengthier Florida Administrative Weekly publication requirements set out in 2006.

- Specifies that there may be more than one alternate proponent. Allows for a combined notice of alternates to avoid confusing the public when a number of notices are published about different alternate proposals for the same transmission line.
- Adds a notice to assure public knowledge of an informational public meeting.
- Provides that agencies may submit to DEP, within 90 days after “the written notification of” withdrawal of the application, requests for reimbursement of expenses incurred during the certification process.
- Clarifies that the 1 year in abeyance provision is to be measured from the date the applicant has provided written notification to the department that it desires to have the application review process placed on hold.
- Provides that if the certification application is withdrawn, the remaining sums are to be refunded to the applicant within 90 days after “submittal of the written notification” of withdrawal.

Section 41. Amends s. 489.145, F.S. - Guaranteed Energy Performance Savings Contracting Act (GEPSCA)

- Clarifies language for greater flexibility for facility improvements that produce an energy-related cost savings to minimize energy consumption. Provides for agency shared savings that result from savings generated under the GEPSCA.
- Revises the definition of “energy conservation measure” to exclude training progress programs and include measures that reduce British thermal units, kilowatts, or kilowatt hours consumed.
- Expands the definition of “guaranteed energy performance savings contract” to include energy-related operational saving measures.
- Allows GEPSCA financing to include “allowable cost avoidance” in the amount of actual annual budgeted cost savings accrued under the GEPSCA.
- Requires that actual computed cost savings meet or exceed the cost savings estimated for a GEPSCA contract and that any baseline adjustments must be specified in the contract.
- Provides that financing for GEPSCA contracts may be provided under authority of consolidated financing of deferred payment purchases.
- Requires the Chief Financial Officer (CFO) to review proposals to ensure the most effective financing is used for GEPSCA contracts.
- Requires that GEPSCA financing payments under a contract are equal throughout the life of the financing.
- Requires the DMS to provide state agencies assistance with technical content of contracts.
- Requires the CFO to develop a model GEPSCA contract.

- Requires that a proposed GEPSCA contract include certain information when submitted to the CFO for review and approval.

Section 42. Provides an effective date of July 1, 2008.

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 PCB ENRC 08-01

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A bill to be entitled
 An act relating to Energy; providing an effective date.

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

Section 1. Section 196.175, Florida Statutes, is amended to read:

196.175 Renewable energy source exemption.--

(1) Improved real property upon which a renewable energy source device is installed and operated shall be entitled to an exemption in the amount of ~~not greater than the lesser of:~~

~~(a) The assessed value of such real property less any other exemptions applicable under this chapter;~~

~~(b) the original cost of the device, including the installation cost thereof, but excluding the cost of replacing previously existing property removed or improved in the course of such installation; or~~

~~(c) Eight percent of the assessed value of such property immediately following installation.~~

(2) The exempt amount authorized under subsection (1) shall apply in full if the device was installed and operative throughout the 12-month period preceding January 1 of the year of application for this exemption. If the device was operative for a portion of that period, the exempt amount authorized under this section shall be reduced proportionally.

(3) It shall be the responsibility of the applicant for an exemption pursuant to this section to demonstrate affirmatively

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

29 to the satisfaction of the property appraiser that he or she
 30 meets the requirements for exemption under this section and that
 31 the original cost pursuant to paragraph (1)(b) and the period
 32 for which the device was operative, as indicated on the
 33 exemption application, are correct.

34 (4) No exemption authorized pursuant to this section shall
 35 be granted for a period of more than 10 years. No exemption
 36 shall be granted with respect to renewable energy source devices
 37 installed before July 1, 2008 ~~January 1, 1980, or after December~~
 38 ~~31, 1990.~~

39 Section 2. Paragraph (ccc) of subsection (7) of section
 40 212.08, Florida Statutes, is amended to read:

41 212.08 Sales, rental, use, consumption, distribution, and
 42 storage tax; specified exemptions.--The sale at retail, the
 43 rental, the use, the consumption, the distribution, and the
 44 storage to be used or consumed in this state of the following
 45 are hereby specifically exempt from the tax imposed by this
 46 chapter.

47 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 48 entity by this chapter do not inure to any transaction that is
 49 otherwise taxable under this chapter when payment is made by a
 50 representative or employee of the entity by any means,
 51 including, but not limited to, cash, check, or credit card, even
 52 when that representative or employee is subsequently reimbursed
 53 by the entity. In addition, exemptions provided to any entity by
 54 this subsection do not inure to any transaction that is
 55 otherwise taxable under this chapter unless the entity has
 56 obtained a sales tax exemption certificate from the department

57 or the entity obtains or provides other documentation as
58 required by the department. Eligible purchases or leases made
59 with such a certificate must be in strict compliance with this
60 subsection and departmental rules, and any person who makes an
61 exempt purchase with a certificate that is not in strict
62 compliance with this subsection and the rules is liable for and
63 shall pay the tax. The department may adopt rules to administer
64 this subsection.

65 (ccc) Equipment, machinery, and other materials for
66 renewable energy technologies.--

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

68 a. "Biodiesel" means the mono-alkyl esters of long-chain
69 fatty acids derived from plant or animal matter for use as a
70 source of energy and meeting the specifications for biodiesel
71 and biodiesel blends with petroleum products as adopted by the
72 Department of Agriculture and Consumer Services. Biodiesel may
73 refer to biodiesel blends designated BXX, where XX represents
74 the volume percentage of biodiesel fuel in the blend.

75 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
76 alcohol produced by the conversion of carbohydrates ~~fermentation~~
77 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
78 fuel ethanol blends with petroleum products as adopted by the
79 Department of Agriculture and Consumer Services. Ethanol may
80 refer to fuel ethanol blends designated EXX, where XX represents
81 the volume percentage of fuel ethanol in the blend.

82 c. "Hydrogen fuel cells" means equipment using hydrogen or
83 a hydrogen-rich fuel in an electrochemical process to generate
84 energy, electricity, or the transfer of heat.

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

85 2. The sale or use of the following in the state is exempt
86 from the tax imposed by this chapter:

87 a. Hydrogen-powered vehicles, materials incorporated into
88 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
89 a limit of \$2 million in tax each state fiscal year for all
90 taxpayers.

91 b. Commercial stationary hydrogen fuel cells, up to a
92 limit of \$1 million in tax each state fiscal year for all
93 taxpayers.

94 c. Materials used in the distribution of biodiesel (B10-
95 B100) and ethanol (E10-E100), including fueling infrastructure,
96 transportation, and storage, up to a limit of \$1 million in tax
97 each state fiscal year for all taxpayers. Gasoline fueling
98 station pump retrofits for ethanol (E10-E100) distribution
99 qualify for the exemption provided in this sub-subparagraph.

100 3. The Department of Environmental Protection shall
101 provide to the department a list of items eligible for the
102 exemption provided in this paragraph.

103 4.a. The exemption provided in this paragraph shall be
104 available to a purchaser only through a refund of previously
105 paid taxes. Only the initial purchase of an eligible item from
106 the manufacturer is subject to refund. A purchaser who has
107 received a refund on an eligible item must notify any subsequent
108 purchaser of the item that the item is no longer eligible for a
109 refund of tax paid. This notification must be provided to the
110 subsequent purchaser on the sales invoice or other proof of
111 purchase.

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

112 b. To be eligible to receive the exemption provided in
113 this paragraph, a purchaser shall file an application with the
114 Department of Environmental Protection. The application shall be
115 developed by the Department of Environmental Protection, in
116 consultation with the department, and shall require:

117 (I) The name and address of the person claiming the
118 refund.

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

122 (III) The sales invoice or other proof of purchase showing
123 the amount of sales tax paid, the date of purchase, and the name
124 and address of the sales tax dealer from whom the property was
125 purchased.

126 (IV) A sworn statement that the information provided is
127 accurate and that the requirements of this paragraph have been
128 met.

129 c. Within 30 days after receipt of an application, the
130 Department of Environmental Protection shall review the
131 application and shall notify the applicant of any deficiencies.
132 Upon receipt of a completed application, the Department of
133 Environmental Protection shall evaluate the application for
134 exemption and issue a written certification that the applicant
135 is eligible for a refund or issue a written denial of such
136 certification within 60 days after receipt of the application.
137 The Department of Environmental Protection shall provide the
138 department with a copy of each certification issued upon
139 approval of an application.

140 d. Each certified applicant shall be responsible for
 141 forwarding a certified copy of the application and copies of all
 142 required documentation to the department within 6 months after
 143 certification by the Department of Environmental Protection.

144 e. The provisions of s. 212.095 do not apply to any refund
 145 application made pursuant to this paragraph. A refund approved
 146 under ~~pursuant to~~ this paragraph shall be made within 30 days
 147 after formal approval by the department.

148 f. The Department of Environmental Protection may adopt
 149 the form for the application for a certificate, requirements for
 150 the content and format of information submitted to the
 151 department in support of the application, other procedural
 152 requirements, and criteria by which the application will be
 153 determined by rule. The department may adopt all rules pursuant
 154 to ss. 120.536(1) and 120.54 to administer this paragraph,
 155 including rules establishing forms and procedures for claiming
 156 this exemption.

157 g. The Department of Environmental Protection shall ensure
 158 ~~be responsible for ensuring~~ that the total amounts of the
 159 exemptions authorized do not exceed the limits as specified in
 160 subparagraph 2.

161 5. The Department of Environmental Protection shall
 162 determine and publish on a regular basis the amount of sales tax
 163 funds remaining in each fiscal year.

164 6. This paragraph expires July 1, 2010.

165 Section 3. Subsection (1) of section 220.192, Florida
 166 Statutes, is amended, present subsection (6) is renumbered as
 167 subsection (7) and amended, present subsection (7) is renumbered

168 as subsection (8), and a new subsection (6) is added to that
 169 section, to read:

170 220.192 Renewable energy technologies investment tax credit.--

171 (1) DEFINITIONS.--For purposes of this section, the term:

172 (a) "Biodiesel" means biodiesel as defined in s.

173 212.08(7)(ccc).

174 (b) "Corporation" means a general partnership, limited
 175 partnership, limited liability company, unincorporated business,
 176 or other business entity in which a taxpayer owns an interest
 177 and that is taxed as a partnership or is disregarded as a
 178 separate entity from the taxpayer for tax purposes.

179 (c)~~(b)~~ "Eligible costs" means:

180 1. Seventy-five percent of all capital costs, operation
 181 and maintenance costs, and research and development costs
 182 incurred between July 1, 2006, and June 30, 2010, up to a limit
 183 of \$3 million per state fiscal year for all taxpayers, in
 184 connection with an investment in hydrogen-powered vehicles and
 185 hydrogen vehicle fueling stations in the state, including, but
 186 not limited to, the costs of constructing, installing, and
 187 equipping such technologies in the state.

188 2. Seventy-five percent of all capital costs, operation
 189 and maintenance costs, and research and development costs
 190 incurred between July 1, 2006, and June 30, 2010, up to a limit
 191 of \$1.5 million per state fiscal year for all taxpayers, and
 192 limited to a maximum of \$12,000 per fuel cell, in connection
 193 with an investment in commercial stationary hydrogen fuel cells
 194 in the state, including, but not limited to, the costs of
 195 constructing, installing, and equipping such technologies in the

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

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197 3. Seventy-five percent of all capital costs, operation
198 and maintenance costs, and research and development costs
199 incurred between July 1, 2006, and June 30, 2010, up to a limit
200 of \$6.5 million per state fiscal year for all taxpayers, in
201 connection with an investment in the production, storage, and
202 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
203 the state, including the costs of constructing, installing, and
204 equipping such technologies in the state. Gasoline fueling
205 station pump retrofits for ethanol (E10-E100) distribution
206 qualify as an eligible cost under this subparagraph.

207 ~~(d)~~ "Ethanol" means ethanol as defined in s.
208 212.08(7)(ccc).

209 ~~(e)~~ "Hydrogen fuel cell" means hydrogen fuel cell as
210 defined in s. 212.08(7)(ccc).

211 (6) TRANSFERABILITY OF CREDIT.--

212 (a) Any corporation or subsequent transferee allowed a tax
213 credit under this section may transfer the credit, in whole or
214 in part, to any taxpayer by written agreement without
215 transferring any ownership interest in the property generating
216 the credit or any interest in the entity owning such property.
217 The transferee is entitled to apply the credits against the tax
218 with the same effect as if the transferee had incurred the
219 eligible costs.

220 (b) To perfect the transfer, the transferor shall provide
221 the department with a written transfer statement notifying the
222 department of the transferor's intent to transfer the tax
223 credits to the transferee; the date the transfer is effective;

224 the transferee's name, address, and federal taxpayer
 225 identification number; the tax period; and the amount of tax
 226 credits to be transferred. The department shall, upon receipt of
 227 a transfer statement conforming to the requirements of this
 228 section, provide the transferee with a certificate reflecting
 229 the tax credit amounts transferred. A copy of the certificate
 230 must be attached to each tax return for which the transferee
 231 seeks to apply such tax credits.

232 (c) A tax credit authorized under this section that is
 233 held by a corporation and not transferred under this subsection
 234 shall be passed through to the taxpayers designated as
 235 partners, members, or owners, respectively, in the manner agreed
 236 to by such persons whether or not such partners, members, or
 237 owners are allocated or allowed any portion of the federal
 238 energy tax credit for the eligible costs.

239 (7)+(6) RULES.--The Department of Revenue shall have the
 240 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 241 to administer this section, including rules relating to:

242 (a) The forms required to claim a tax credit under this
 243 section, the requirements and basis for establishing an
 244 entitlement to a credit, and the examination and audit
 245 procedures required to administer this section.

246 (b) The implementation and administration of the
 247 provisions allowing a transfer of a tax credit, including rules
 248 prescribing forms, reporting requirements, and specific
 249 procedures, guidelines, and requirements necessary to transfer a
 250 tax credit.

251 Section 4. Section 255.251, Florida Statutes, is amended

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

252 to read:

253 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 254 Act; short title.--This act shall be cited as the "Florida
 255 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

256 Section 5. Section 255.252, Florida Statutes, is amended
 257 to read:

258 255.252 Findings and intent.--

259 (1) Operating and maintenance expenditures associated with
 260 energy equipment and with energy consumed in state-financed and
 261 leased buildings represent a significant cost over the life of a
 262 building. Energy conserved by appropriate building design not
 263 only reduces the demand for energy but also reduces costs for
 264 building operation. ~~For example, commercial buildings are~~
 265 ~~estimated to use from 20 to 80 percent more energy than would be~~
 266 ~~required if energy conserving designs were used.~~ The size,
 267 design, orientation, and operability of windows, the ratio of
 268 ventilating air to air heated or cooled, the level of lighting
 269 consonant with space-use requirements, the handling of occupancy
 270 loads, and the ability to zone off areas not requiring
 271 equivalent levels of heating or cooling are but a few of the
 272 considerations necessary to conserving energy.

273 (2) Significant efforts are needed to build energy-
 274 efficient state-owned buildings that meet environmental
 275 standards and underway by the General Services Administration,
 276 ~~the National Institute of Standards and Technology, and others~~
 277 ~~to detail the considerations and practices for energy~~
 278 ~~conservation in buildings. Most important is that energy-~~
 279 ~~efficient designs provide energy savings over the life of the~~

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

280 building structure. ~~Conversely, energy inefficient designs cause~~
281 ~~excess and wasteful energy use and high costs over that life.~~
282 With buildings lasting many decades and with energy costs
283 escalating rapidly, it is essential that the costs of operation
284 and maintenance for energy-using equipment and sustainable
285 materials be included in all design proposals for state-owned
286 state buildings.

287 (3) In order that such energy-efficiency and sustainable
288 materials considerations become a function of building design,
289 and also a model for future application in the private sector,
290 it shall be the policy of the state that buildings constructed
291 and financed by the state be designed and constructed to meet
292 the United States Green Building Council (USGBC) Leadership in
293 Energy and Environmental Design (LEED) rating system in a manner
294 ~~which will minimize the consumption of energy used in the~~
295 ~~operation and maintenance of such buildings~~. It is further the
296 policy of the state, when economically feasible, to retrofit
297 existing state-owned buildings in a manner which will minimize
298 the consumption of energy used in the operation and maintenance
299 of such buildings.

300 (4) In addition to designing and constructing new
301 buildings to be energy-efficient, it shall be the policy of the
302 state to operate, maintain, and renovate existing state
303 facilities, or provide for their renovation, in accordance with
304 the United States Green Building Council's Leadership in Energy
305 and Environmental Design for Existing Buildings (LEED-EB) for
306 smaller renovations, or the United States Green Building
307 Council's Leadership in Energy and Environmental Design for New

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

308 Construction (LEED-NC) for major renovations in order to a
 309 manner which will minimize energy consumption and maximize
 310 building sustainability as well as ensure that facilities leased
 311 by the state are operated so as to minimize energy use. State
 312 government entities ~~Agencies~~ are encouraged to consider shared
 313 savings financing of such energy efficiency and conservation
 314 projects, using contracts which split the resulting savings for
 315 a specified period of time between the state government entity
 316 agency and the private firm or cogeneration contracts that which
 317 otherwise permit the state to lower its net energy costs. Such
 318 energy contracts may be funded from the operating budget.

319 (5) Each state government entity must identify and compile
 320 a list of all state-owned buildings within its inventory that it
 321 determines are suitable for a guaranteed energy performance
 322 savings contract pursuant to s. 489.145. The list of all state-
 323 owned buildings identified and compiled by each state government
 324 entity shall be submitted to the Department of Management
 325 Services by December 31, 2008, and shall include any criteria
 326 used to determine suitability. The list of suitable buildings
 327 shall be developed from the list of state-owned facilities over
 328 5,000 square feet in area and for which the state government
 329 entity is responsible for paying the expenses of utilities and
 330 other operating expenses as they relate to energy use. In
 331 consultation with each state government entity executive
 332 officer, by July 1, 2009, the Department of Management Services
 333 shall prioritize all facilities owned by a state government
 334 entity deemed suitable for energy conservation projects by each
 335 state government entity and shall develop an energy efficiency

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

336 project schedule based on factors such as project magnitude,
337 efficiency and effectiveness of energy conservation measures to
338 be implemented, and other factors that may prove to be
339 advantageous to pursue. Such schedule shall provide the deadline
340 for guaranteed energy performance savings contract improvements
341 to be made to the state-owned buildings.

342 Section 6. Subsections (6), (7), and (8) are added to
343 section 255.253, Florida Statutes, to read:

344 255.253 Definitions; ss. 255.251-255.258.--

345 (6) "Sustainable building" means a building that is
346 healthy and comfortable for its occupants and is economical to
347 operate while conserving resources, including energy, water, raw
348 materials and land, and minimizing the generation and use of
349 toxic materials and waste in its design, construction,
350 landscaping, and operation.

351 (7) "Sustainable building rating" means a rating
352 established by the United States Green Building Council (USGBC)
353 Leadership in Energy and Environmental Design (LEED) rating
354 system.

355 (8) "State government entity" means any state government entity
356 listed in chapter 20 or the Florida State Constitution and also
357 includes water management districts, the Florida State Court
358 System, the State University System, the Community College
359 System, or any other agency, commission, council, office, board,
360 authority, department or official of state government.

361 Section 7. Section 255.254, Florida Statutes, is amended
362 to read:

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

363 255.254 No facility constructed or leased without life-
364 cycle costs.--

365 (1) No state government entity ~~agency~~ shall lease,
366 construct, or have constructed, within limits prescribed herein,
367 a facility without having secured from the department an a
368 ~~proper~~ evaluation of life-cycle costs based on sustainable
369 building ratings, ~~as computed by an architect or engineer.~~
370 Furthermore, construction shall proceed only upon disclosing to
371 the department, for the facility chosen, the life-cycle costs as
372 determined in s. 255.255, its sustainable building rating goal,
373 and the capitalization of the initial construction costs of the
374 building. The life-cycle costs and the sustainable building
375 rating goal shall be a primary considerations ~~consideration~~ in
376 the selection of a building design. ~~Such analysis shall be~~
377 ~~required only for construction of buildings with an area of~~
378 5,000 square feet or greater. For leased buildings 5,000 square
379 feet or greater areas of 20,000 square feet or greater within a
380 given building boundary, an energy performance analysis a life-
381 cycle analysis consisting of a projection of the annual energy
382 consumption costs in dollars per square foot of major energy-
383 consuming equipment and systems based on actual expenses, from
384 the last three years, and projected forward for the term of the
385 proposed lease shall be performed. ~~and a~~ The lease shall only
386 be made where there is a showing that the energy life-cycle
387 costs incurred by the state are minimal compared to available
388 like facilities. Any building leased by the state from a
389 private sector entity shall include, as a part of the lease,
390 provisions for monthly energy use data to be collected and

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

391 submitted monthly to the department by the owner of the
392 building.

393 (2) On and after January 1, 1979, no state government
394 entity ~~agency~~ shall initiate construction or have construction
395 initiated, prior to approval thereof by the department, on a
396 facility or self-contained unit of any facility, the design and
397 construction of which incorporates or contemplates the use of an
398 energy system other than a solar energy system when the life-
399 cycle costs analysis prepared by the department has determined
400 that a solar energy system is the most cost-efficient energy
401 system for the facility or unit.

402 (3) After September 30, 1985, when any state government
403 entity ~~agency~~ must replace or supplement major items of energy-
404 consuming equipment in existing state-owned or leased facilities
405 or any self-contained unit of any facility with other major
406 items of energy-consuming equipment, the selection of such items
407 shall be made on the basis of a life-cycle cost analysis of
408 alternatives in accordance with rules promulgated by the
409 department under s. 255.255.

410 Section 8. Subsection (1) of section 255.255, Florida
411 Statutes, is amended to read:

412 255.255 Life-cycle costs.--

413 (1) The department shall promulgate rules and procedures,
414 including energy conservation performance guidelines based on
415 sustainable building ratings, for conducting a life-cycle cost
416 analysis of alternative architectural and engineering designs
417 and alternative major items of energy-consuming equipment to be
418 retrofitted in existing state-owned ~~or leased~~ facilities and for

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

419 developing energy performance indices to evaluate the efficiency
420 of energy utilization for competing designs in the construction
421 of state-financed and leased facilities.

422 Section 9. Section 255.257, Florida Statutes, is amended
423 to read:

424 255.257 Energy management; buildings occupied by state
425 government entities ~~agencies~~.--

426 (1) ENERGY CONSUMPTION AND COST DATA.--Each state
427 government entity ~~agency~~ shall collect data on energy
428 consumption and cost. The data gathered shall be on state-owned
429 facilities and metered state-leased facilities of 5,000 net
430 square feet or more. These data will be used in the computation
431 of the effectiveness of the state energy management plan and the
432 effectiveness of the energy management program of each of the
433 state government entities ~~agencies~~. Collected data shall be
434 reported annually to the department in a format prescribed by
435 the department.

436 (2) ENERGY MANAGEMENT COORDINATORS.--Each state government
437 entity ~~agency, the Florida Public Service Commission, the~~
438 ~~Department of Military Affairs, and the judicial branch~~ shall
439 appoint a coordinator whose responsibility shall be to advise
440 the head of the state government entity ~~agency~~ on matters
441 relating to energy consumption in facilities under the control
442 of that head or in space occupied by the various units
443 comprising that state government entity ~~agency~~, in vehicles
444 operated by that state government entity ~~agency~~, and in other
445 energy-consuming activities of the state ~~agency~~. The coordinator
446 shall implement the energy management program agreed upon by the

447 state government entity agency concerned and assist the
 448 department in the development of the State Energy Management
 449 Plan.

450 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
 451 Department of Management Services shall ~~may~~ develop a state
 452 energy management plan consisting of, but not limited to, the
 453 following elements:

- 454 (a) Data-gathering requirements;
- 455 (b) Building energy audit procedures;
- 456 (c) Uniform data analysis procedures;
- 457 (d) Employee energy education program measures;
- 458 (e) Energy consumption reduction techniques;
- 459 (f) Training program for state government entity agency
 460 energy management coordinators; and
- 461 (g) Guidelines for building managers.

462
 463 The plan shall include a description of actions that state
 464 government entities shall take to reduce consumption of
 465 electricity and nonrenewable energy sources used for space
 466 heating and cooling, ventilation, lighting, water heating, and
 467 transportation.

468 (4) All state government entities shall adopt the United
 469 States Green Building Council's Leadership in Energy and
 470 Environmental Design for New Construction (LEED-NC) standards
 471 for all new buildings.

472 (5) All state government entities shall implement the
 473 United States Green Building Council's Leadership in Energy and
 474 Environmental Design for Existing Buildings (LEED-EB) for all

475 buildings currently owned and operated by the department on
 476 behalf of client agencies. State governmental entities may
 477 prioritize implementation of LEED-EB standards in order to gain
 478 the greatest environmental benefit within existing budget for
 479 property management.

480 (6) No state government entity shall enter into new
 481 leasing agreements for office space that does not meet Energy
 482 Star building standards, except when determined by the
 483 appropriate state government entity executive that no other
 484 viable or cost-effective alternative exists.

485 (7) All state government entities shall develop energy
 486 conservation measures and guidelines for new and existing office
 487 space where state government entities occupy more than 5,000
 488 square feet. These conservation measures shall focus on
 489 programs that may reduce energy consumption and when
 490 established, provide a net reduction in occupancy costs.

491 Section 10. (1) The Legislature declares that there is an
 492 important state interest in promoting the construction of
 493 energy-efficient and sustainable buildings. Government
 494 leadership in promoting these standards is vital to demonstrate
 495 the state's commitment to energy conservation, saving taxpayers
 496 money, and raising public awareness of energy-rating systems.

497 (2) All county, municipal, and school district buildings
 498 shall be constructed to meet the United States Green Building
 499 Council (USGBC) Leadership in Energy and Environmental Design
 500 (LEED) rating system. This section shall apply to all county,
 501 municipal, and school district buildings whose architectural
 502 plans are started after July 1, 2008.

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

503 Section 11. Section 286.28, Florida Statutes, is created
 504 to read:

505 286.28 Climate Friendly Public Business.-

506 (1) The Legislature recognizes the importance of
 507 leadership by state government in the area of energy efficiency
 508 and in reducing the greenhouse gas emissions of state government
 509 operations. The following shall pertain to all state government
 510 entities, as defined in this section, when conducting public
 511 business:

512 (a) The Department of Management Services shall develop
 513 the "Florida Climate Friendly Preferred Products List." In
 514 maintaining that list, the department, in consultation with the
 515 Department of Environmental Protection, will continually assess
 516 products currently available for purchase under State Term
 517 Contracts to identify specific products and vendors that have
 518 clear energy efficiency or other environmental benefit over
 519 competing products. When procuring products from state term
 520 contracts, state government entities shall first consult the
 521 Florida Climate Friendly Preferred Products List and procure
 522 such products if the price is comparable.

523 (b) Effective July 1, 2008, state government entities shall
 524 only contract for meeting and conference space with hotels or
 525 conference facilities that have received the "Green Lodging"
 526 designation from the Department of Environmental Protection for
 527 best practices in water, energy and waste efficiency standards,
 528 unless the responsible state government entity's chief executive
 529 officer makes a determination that no other viable alternative
 530 exists. The Department of Environmental Protection is

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

531 authorized to adopt rules to implement the "Green Lodging"
532 program.

533 (c) Each state government entity shall assure that all
534 maintained vehicles meet minimum maintenance schedules shown to
535 reduce fuel consumption which include: assuring appropriate
536 tire pressures and tread depth; replacing fuel filters and
537 emission filters at recommended intervals; using proper motor
538 oils; and performing timely motor maintenance. Each state
539 government entity will measure and report compliance to the
540 Department of Management Services through the Equipment
541 Management Information System database.

542 (d) When procuring new vehicles, all state government
543 entities shall first define the intended purpose for a vehicle
544 and determine which of the following use classes the vehicle is
545 being procured for:

- 546 1. State business travel, designated operator;
- 547 2. State business travel, pool operators;
- 548 3. Construction, agricultural or maintenance work;
- 549 4. Conveyance of passengers;
- 550 5. Conveyance of building or maintenance materials and
551 supplies;
- 552 6. Off-road vehicles, motorcycles and all-terrain
553 vehicles;
- 554 7. Emergency response; or
- 555 8. Other.

556
557 Vehicles in subparagraphs 1. through 8., when being processed
558 for purchase or leasing agreements, must be selected for the

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

559 greatest fuel efficiency available for a given use class when
560 fuel economy data are available. Exceptions may be made for
561 certain individual vehicles in subparagraph 7., when
562 accompanied, during the procurement process, by documentation
563 indicating that the operator or operators will exclusively be
564 emergency first responders or have special documented need for
565 exceptional vehicle performance characteristics. Any request
566 for an exception must be approved by the purchasing entity's
567 chief executive officer and any exceptional performance
568 characteristics denoted as a part of the procurement process
569 prior to purchase.

570 (f) All state government entities shall use ethanol and
571 biodiesel blended fuels, when available. State government
572 entities administering central fueling operations for state-
573 owned vehicles shall procure biofuels for fleet needs to the
574 greatest extent practicable.

575 (2) When used in this section, the term "state government
576 entity" means any state government entity listed in chapter 20
577 or the Florida State Constitution and also includes water
578 management districts, the Florida State Court System, the State
579 University System, the Community College System, or any other
580 agency, commission, council, office, board, authority,
581 department or official of state government.

582 . Section 12. Paragraph (b) of subsection (2) and subsection
583 (5) of section 287.063, Florida Statutes, are amended to read:

584 287.063 Deferred-payment commodity contracts; preaudit
585 review.--

586 (b) The Chief Financial Officer shall establish, by rule,
587 criteria for approving purchases made under deferred-payment
588 contracts which require the payment of interest. Criteria shall
589 include, but not be limited to, the following provisions:

590 1. No contract shall be approved in which interest exceeds
591 the statutory ceiling contained in this section. However, the
592 interest component of any master equipment financing agreement
593 entered into for the purpose of consolidated financing of a
594 deferred-payment, installment sale, or lease-purchase shall be
595 deemed to comply with the interest rate limitation of this
596 section so long as the interest component of every interagency
597 agreement under such master equipment financing agreement
598 complies with the interest rate limitation of this section.

599 2. No deferred-payment purchase for less than \$30,000
600 shall be approved, unless it can be satisfactorily demonstrated
601 and documented to the Chief Financial Officer that failure to
602 make such deferred-payment purchase would adversely affect an
603 agency in the performance of its duties. However, the Chief
604 Financial Officer may approve any deferred-payment purchase if
605 the Chief Financial Officer determines that such purchase is
606 economically beneficial to the state.

607 ~~3. No agency shall obligate an annualized amount of~~
608 ~~payments for deferred payment purchases in excess of current~~
609 ~~operating capital outlay appropriations, unless specifically~~
610 ~~authorized by law or unless it can be satisfactorily~~
611 ~~demonstrated and documented to the Chief Financial Officer that~~
612 ~~failure to make such deferred payment purchase would adversely~~
613 ~~affect an agency in the performance of its duties.~~

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

614 3. ~~4.~~ No contract shall be approved which extends payment
615 beyond 5 years, unless it can be satisfactorily demonstrated and
616 documented to the Chief Financial Officer that failure to make
617 such deferred-payment purchase would adversely affect an agency
618 in the performance of its duties. The payment term may not
619 exceed the useful life of the equipment unless the contract
620 provides for the replacement or the extension of the useful life
621 of the equipment during the term of the deferred payment
622 contract.

623 (c) The Chief Financial Officer shall require written
624 justification based on need, usage, size of the purchase, and
625 financial benefit to the state for deferred-payment purchases
626 made pursuant to this subsection.

627 (3) This section does not apply to the Legislature.

628 (4) For purposes of this section, deferred-payment
629 commodity contracts for replacing the state accounting and cash
630 management systems may include equipment, accounting software,
631 and implementation and project management services.

632 (5) For purposes of this section, the annualized amount of
633 any such deferred payment commodity contract must be supported
634 from available recurring funds appropriated to the agency in an
635 appropriation category, ~~other than the expense appropriation~~
636 ~~category~~ as defined in chapter 216, that the Chief Financial
637 Officer has determined is appropriate or that the Legislature
638 has designated for payment of the obligation incurred under this
639 section.

640 Section 13. Subsections (10) and (11) of section 287.064,
641 Florida Statutes, are amended to read:

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

642 287.064 Consolidated financing of deferred-payment
643 purchases.--

644 (10) Costs incurred pursuant to a guaranteed energy
645 performance savings contract, including the cost of energy
646 conservation measures, each as defined in s. 489.145, may be
647 financed pursuant to a master equipment financing agreement;
648 however, the costs of training, operation, and maintenance may
649 not be financed. The period of time for repayment of the funds
650 drawn pursuant to the master equipment financing agreement under
651 this subsection may exceed 5 years but may not exceed 20 ~~10~~
652 years for energy conservation measures pursuant to s. 489.145,
653 excluding the costs of training, operation, and maintenance. The
654 guaranteed energy performance savings contractor shall provide
655 for the replacement or the extension of the useful life of the
656 equipment during the term of the contract.

657 (11) For purposes of consolidated financing of deferred
658 payment commodity contracts under this section by a state
659 agency, the annualized amount any such contract must be
660 supported from available recurring funds appropriated to the
661 agency in an appropriation category, ~~other than the expense~~
662 ~~appropriation category~~ as defined in chapter 216, that the Chief
663 Financial Officer has determined is appropriate or that the
664 Legislature has designated for payment of the obligation
665 incurred under this section.

666 Section 14. Subsection (2) of section 377.803, Florida
667 Statutes, is amended, and subsections (3) through (10) of that
668 section are renumbered as subsections (2) through (9),
669 respectively, to read:

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

670 377.803 Definitions.--As used in ss. 377.801-377.806, the
 671 term:

672 ~~(2) "Approved metering equipment" means a device capable~~
 673 ~~of measuring the energy output of a solar thermal system that~~
 674 ~~has been approved by the commission.~~

675 Section 15. Section 403.502, Florida Statutes, is amended
 676 to read:

677 403.502 Legislative intent.--The Legislature finds that
 678 the present and predicted growth in electric power demands in
 679 this state requires the development of a procedure for the
 680 selection and utilization of sites for electrical generating
 681 facilities and the identification of a state position with
 682 respect to each proposed site and its associated facilities. The
 683 Legislature recognizes that the selection of sites and the
 684 routing of associated facilities including transmission lines
 685 will have a significant impact upon the welfare of the
 686 population, the location and growth of industry, and the use of
 687 the natural resources of the state. The Legislature finds that
 688 the efficiency of the permit application and review process at
 689 both the state and local level would be improved with the
 690 implementation of a process whereby a permit application would
 691 be centrally coordinated and all permit decisions could be
 692 reviewed on the basis of standards and recommendations of the
 693 deciding agencies. It is the policy of this state that, while
 694 recognizing the pressing need for increased power generation
 695 facilities, the state shall ensure through available and
 696 reasonable methods that the location and operation of electrical
 697 power plants will produce minimal adverse effects on human

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

698 health, the environment, the ecology of the land and its
699 wildlife, and the ecology of state waters and their aquatic life
700 and will not unduly conflict with the goals established by the
701 applicable local comprehensive plans. It is the intent to seek
702 courses of action that will fully balance the increasing demands
703 for electrical power plant location and operation with the broad
704 interests of the public. Such action will be based on these
705 premises:

706 (1) To assure the citizens of Florida that operation
707 safeguards are technically sufficient for their welfare and
708 protection.

709 (2) To effect a reasonable balance between the need for
710 the facility and the environmental impact resulting from
711 construction and operation of the facility, including air and
712 water quality, fish and wildlife, and the water resources and
713 other natural resources of the state.

714 (3) To meet the need for electrical energy as established
715 pursuant to s. 403.519.

716 (4) To assure the citizens of Florida that renewable
717 energy sources and technologies, as well as conservation
718 measures, are utilized to the extent reasonably available.

719 Section 16. Subsections (6), (8), (13), (27), and (29) of
720 section 403.503, Florida Statutes, are amended, a new subsection
721 (13) is added, and subsequent subsections are renumbered to
722 read:

723 403.503 Definitions relating to Florida Electrical Power
724 Plant Siting Act.--

725 (6) "Associated facilities" means, for the purpose of

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

726 certification, those on-site and off-site facilities which
727 directly support the construction and operation of the
728 electrical generating facility ~~power plant~~ such as electrical
729 transmission lines, substations, fuel unloading facilities;
730 pipelines necessary for transporting fuel for the operation of
731 the facility or other fuel transportation facilities; water or
732 wastewater transport pipelines; construction, maintenance, and
733 access roads; and railway lines necessary for transport of
734 construction equipment or fuel for the operation of the
735 facility.

736 (8) "Certification" means the written order of the board,
737 or Secretary when applicable, approving an application for the
738 licensing of an electrical power plant, in whole or with such
739 changes or conditions as the board may deem appropriate.

740 (13) "Electrical generating facility" means that portion
741 of the electrical power plant where fuel or solar energy is
742 transformed into electrical energy, Typical components include
743 steam-generation boilers, combustion turbines, heat-recovery
744 equipment, fluidized bed equipment, solar collectors, steam
745 turbines, smoke-stacks, cooling towers, air-pollution control
746 equipment, generators and exciters, containment buildings, and
747 main plus auxiliary transformers. The term does not include on-
748 site associated facilities such as cooling ponds, coal piles,
749 fuel tanks or related support equipment, or off-site associated
750 facilities.

751 (14) ~~(13)~~ "Electrical power plant" means, for the purpose
752 of certification, any steam or solar electrical generating
753 facility using any process or fuel, including nuclear materials,

754 except that this term does not include any steam or solar
 755 electrical generating facility of less than 75 megawatts in
 756 capacity unless the applicant for such a facility elects to
 757 apply for certification under this act. This term also includes
 758 the site, all associated facilities that will ~~to~~ be owned by the
 759 applicant that ~~which~~ are physically connected to the ~~electrical~~
 760 ~~power plant site~~; all associated facilities that ~~or which~~ are
 761 indirectly ~~directly~~ connected to the ~~electrical power plant~~ site
 762 by other proposed associated facilities that will ~~to~~ be owned by
 763 the applicant; ~~7~~ and associated transmission lines that will ~~to~~
 764 be owned by the applicant that ~~which~~ connect the electrical
 765 generating facility ~~power plant~~ to an existing transmission
 766 network or rights-of-way to ~~of~~ which the applicant intends to
 767 connect. At the applicant's option, this term may include any
 768 offsite associated facilities that ~~which~~ will not be owned by
 769 the applicant; offsite associated facilities that ~~which~~ are
 770 owned by the applicant but which are not directly connected to
 771 the ~~electrical power plant~~ site; any proposed terminal or
 772 intermediate substations or substation expansions connected to
 773 the associated transmission line; or new transmission lines,
 774 upgrades, or improvements of an existing transmission line on
 775 any portion of the applicant's electrical transmission system
 776 necessary to support the generation injected into the system
 777 from the proposed electrical generating facility ~~power plant~~.

778 (28) ~~(27)~~ "Site" means any proposed location within which
 779 will be located ~~wherein~~ an electrical power plant's ~~generating~~
 780 facility and on-site support facilities ~~plant~~, or an ~~electrical~~
 781 ~~power plant~~ alteration or addition of electrical generating

782 facilities and on-location support facilities resulting in an
783 increase in generating capacity, ~~will be located,~~ including
784 offshore sites within state jurisdiction.

785 (30) (29) "Ultimate site capacity" means the maximum gross
786 generating capacity for a site as certified by the board, unless
787 otherwise specified as net generating capacity.

788 Section 17. Subsections (2), (3), (4), (5), and (11) of
789 section 403.504, Florida Statutes, are amended to read:

790 403.504 Department of Environmental Protection; powers and
791 duties enumerated.—The department shall have the following
792 powers and duties in relation to this act:

793 (2) To prescribe the form and content of the public
794 notices and the notice of intent and the form, content, and
795 necessary supporting documentation and studies to be prepared by
796 the applicant for electrical power plant ~~site~~ certification
797 applications.

798 (3) To receive applications for electrical power plant
799 ~~site~~ certifications and to determine the completeness and
800 sufficiency thereof.

801 (4) To make, or contract for, studies of electrical power
802 plant ~~site~~ certification applications.

803 (5) To administer the processing of applications for
804 electric power plant ~~site~~ certifications and to ensure that the
805 applications are processed as expeditiously as possible.

806 (11) To administer and manage the terms and conditions of
807 the certification order and supporting documents and records for
808 the life of the electrical power plant facility.

809 Section 18. Subsection (1) of section 403.506, Florida

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

810 Statutes, is amended to read:

811 403.506 Applicability, thresholds, and certification.--

812 (1) The provisions of this act shall apply to any
813 electrical power plant as defined herein, except that the
814 provisions of this act shall not apply to any electrical power
815 plant ~~or steam generating plant~~ of less than 75 megawatts in
816 gross capacity including its or to any associated facilities
817 ~~substation to be constructed as part of an associated~~
818 ~~transmission line~~ unless the applicant has elected to apply for
819 certification of such electrical power plant or substation under
820 this act. The provisions of this act shall not apply to ~~any unit~~
821 capacity expansions expansion of 75 35 megawatts or less, in the
822 aggregate, of an existing exothermic reaction cogeneration
823 electrical generating facility unit that was exempt from this
824 act when it was originally built; however, this exemption shall
825 not apply if the unit uses oil or natural gas for purposes other
826 than unit startup. No construction of any new electrical power
827 plant or expansion in steam generating capacity as measured by
828 an increase in the maximum electrical generator rating of any
829 existing electrical power plant may be undertaken after October
830 1, 1973, without first obtaining certification in the manner as
831 herein provided, except that this act shall not apply to any
832 such electrical power plant which is presently operating or
833 under construction or which has, upon the effective date of
834 chapter 73-33, Laws of Florida, applied for a permit or
835 certification under requirements in force prior to the effective
836 date of such act.

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

837 Section 19. Subsection (1) of section 403.5065, Florida
 838 Statutes, is amended to read:

839 403.5065 Appointment of administrative law judge; powers
 840 and duties.—

841 (1) Within 7 days after receipt of an application, the
 842 department shall request the Division of Administrative Hearings
 843 to designate an administrative law judge to conduct the hearings
 844 required by this act. The division director shall designate an
 845 administrative law judge within 7 days after receipt of the
 846 request from the department. In designating an administrative
 847 law judge for this purpose, the division director shall,
 848 whenever practicable, assign an administrative law judge who has
 849 had prior experience or training in electrical power plant site
 850 certification proceedings. Upon being advised that an
 851 administrative law judge has been appointed, the department
 852 shall immediately file a copy of the application and all
 853 supporting documents with the designated administrative law
 854 judge, who shall docket the application.

855 Section 20. Subsection (3) of section 403.50663, Florida
 856 Statutes, is amended to read:

857 403.50663 Informational public meetings.--

858 (3) A local government or regional planning council that
 859 intends to conduct an informational public meeting must provide
 860 notice of the meeting to all parties not less than 5 days prior
 861 to the meeting and to the general public, in accordance with the
 862 provisions of s. 403.5115(5). The expense for such notice is
 863 eligible for reimbursement under the provisions of s.
 864 403.518(2)(c)1.

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

865 Section 21. Section 403.50665, Florida Statutes, is amended
 866 to read:

867 403.50665 Land use consistency.--

868 (1) The applicant shall include in the application a
 869 statement on the consistency of the site and ~~or~~ any ~~directly~~
 870 associated facilities with existing land use plans and zoning
 871 ordinances that were in effect on the date the application was
 872 filed and a full description of such consistency. This
 873 information shall include an identification of those associated
 874 facilities that the applicant believes are exempt from the
 875 requirements of land use plans and zoning ordinances under the
 876 provisions of the Local Government Comprehensive Planning and
 877 Land Development Regulation Act provisions of Chapter 163 and s.
 878 380.04(3).

879 (2) (a) Within 45 days after the filing of the application,
 880 each local government shall file a determination with the
 881 department, the applicant, the administrative law judge, and all
 882 parties on the consistency of the site, and ~~or~~ any ~~directly~~
 883 associated facilities that are not exempt from the requirements
 884 of land use plans and zoning ordinances under the provisions of
 885 Chapter 163 and s. 380.04(3), with existing land use plans and
 886 zoning ordinances that were in effect on the date the
 887 application was filed, based on the information provided in the
 888 application. However, this requirement does not apply to any
 889 new electrical generation unit proposed to be constructed and
 890 operated:

891 1. On the site of a previously certified electrical power
 892 plant; or

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

893 2. On the site of a power plant that was not previously
894 certified that will be wholly contained within the boundaries of
895 the existing site.

896 (b) The local government may issue its determination up to
897 55 ~~35~~ days later if the application has been determined
898 incomplete based in whole or part upon a local government
899 request for ~~has requested~~ additional information on land use and
900 zoning consistency as part of the local government's statement
901 on completeness of the application submitted pursuant to s.
902 403.5066(1)(a). Incompleteness of information necessary for a
903 local government to evaluate an application may be claimed by
904 the local government as cause for a statement of inconsistency
905 with existing land use plans and zoning ordinances.

906 (c) Notice of the consistency determination shall be
907 published in accordance with the requirements of s. 403.5115.

908 (3) If the local government issues a determination that
909 the proposed site and any non-exempt associated facilities are
910 ~~electrical power plant is~~ not consistent or in compliance with
911 local land use plans and zoning ordinances, the applicant may
912 apply to the local government for the necessary local approval
913 to address the inconsistencies identified in the local
914 government's determination.

915 (a) If the applicant makes such an application to the
916 local government, the time schedules under this act shall be
917 tolled until the local government issues its revised
918 determination on land use and zoning or the applicant otherwise
919 withdraws its application to the local government.

920 (b) If the applicant applies to the local government for

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

921 necessary local land use or zoning approval, the local
 922 government shall commence a proceeding to consider the
 923 application for land use or zoning approval within 45 days of
 924 receipt of the complete request, and shall issue a revised
 925 determination within 30 days following the conclusion of that
 926 local proceeding. ~~and~~ The time schedules and notice
 927 requirements under this act shall apply to such revised
 928 determination.

929 (4) If any substantially affected person wishes to dispute
 930 the local government's determination, he or she shall file a
 931 petition with the designated administrative law judge department
 932 within 21 days after the publication of notice of the local
 933 government's determination. If a hearing is requested, the
 934 provisions of s. 403.508(1) shall apply.

935 (5) The dates in this section may be altered upon
 936 agreement between the applicant, the local government, and the
 937 department pursuant to s. 403.5095.

938 (6) If it is determined by the local government that the
 939 proposed site or non-exempt ~~directly~~ associated facility does
 940 conform with existing land use plans and zoning ordinances in
 941 effect as of the date of the application and no petition has
 942 been filed, the responsible zoning or planning authority shall
 943 not thereafter change such land use plans or zoning ordinances
 944 so as to foreclose construction and operation of the proposed
 945 site or ~~directly~~ associated facilities unless certification is
 946 subsequently denied or withdrawn.

947 Section 22. Paragraph (a) of subsection (2) of section
 948 403.507, Florida Statutes, is amended to read:

949 403.507 Preliminary statements of issues, reports,
 950 project analyses, and studies.--

951 (2) (a) ~~The No later than 100 days after the certification~~
 952 ~~application has been determined complete,~~ the following agencies
 953 shall prepare reports as provided below and shall submit them to
 954 the department and the applicant no later than 100 days after
 955 the certification application has been determined complete,
 956 unless a final order denying the Determination of Need has been
 957 issued under the provisions of s. 403.519:

958 Section 23. Subsection (1) and paragraph (a) of subsection
 959 (2) of section 403.508, Florida Statutes, are amended to read:

960 403.508 Land use and certification hearings, parties,
 961 participants.--

962 (1) (a) Within 5 days after the filing of ~~If~~ a petition for
 963 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
 964 the designated administrative law judge shall schedule ~~conduct~~ a
 965 land use hearing to be conducted in the county of the proposed
 966 site, ~~or directly~~ associated facility that is not exempt from
 967 the requirements of land use plans and zoning ordinances under
 968 the provisions of Chapter 163 and s. 380.04(3), as applicable,
 969 as expeditiously as possible, but not later than 30 days after
 970 the designated administrative law judge's ~~department's~~ receipt
 971 of the petition. The place of such hearing shall be as close as
 972 possible to the proposed site or ~~directly~~ associated facility.
 973 If a petition is filed, the hearing shall be held regardless of
 974 the status of the completeness of the application. ~~However,~~
 975 ~~incompleteness of information necessary for a local government~~
 976 ~~to evaluate an application may be claimed by the local~~

977 ~~government as cause for a statement of inconsistency with~~
 978 ~~existing land use plans and zoning ordinances under s.~~
 979 ~~403.50665.~~

980 (b) Notice of the land use hearing shall be published in
 981 accordance with the requirements of s. 403.5115.

982 (c) The sole issue for determination at the land use
 983 hearing shall be whether or not the proposed site or non-exempt
 984 associated facility is consistent and in compliance with
 985 existing land use plans and zoning ordinances. If the
 986 administrative law judge concludes that the proposed site or
 987 non-exempt associated facility is not consistent or in
 988 compliance with existing land use plans and zoning ordinances,
 989 the administrative law judge shall receive at the hearing
 990 evidence on, and address in the recommended order any changes to
 991 or approvals or variances under, the applicable land use plans
 992 or zoning ordinances which will render the proposed site or non-
 993 exempt associated facility consistent and in compliance with the
 994 local land use plans and zoning ordinances.

995 (d) The designated administrative law judge's recommended
 996 order shall be issued within 30 days after completion of the
 997 hearing and shall be reviewed by the board within 60 days after
 998 receipt of the recommended order by the board.

999 (e) If it is determined by the board that the proposed
 1000 site or non-exempt associate facility does conform with existing
 1001 land use plans and zoning ordinances in effect as of the date of
 1002 the application, or as otherwise provided by this act, the
 1003 responsible zoning or planning authority shall not thereafter
 1004 change such land use plans or zoning ordinances so as to

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1005 foreclose construction and operation of the proposed electrical
1006 power plant on the proposed site or ~~directly~~ associated
1007 facilities unless certification is subsequently denied or
1008 withdrawn.

1009 (f) If it is determined by the board that the proposed
1010 site or non-exempt associated facility does not conform with
1011 existing land use plans and zoning ordinances, the board may, if
1012 it determines after notice and hearing and upon consideration of
1013 the recommended order on land use and zoning issues that it is
1014 in the public interest to authorize the use of the land ~~as a~~
1015 ~~site~~ for a site or associated facility ~~an electrical power~~
1016 ~~plant~~, authorize a variance or other necessary approval to the
1017 adopted land use plan and zoning ordinances required to render
1018 the proposed site or associated facility consistent with local
1019 land use plans and zoning ordinances. The board's action shall
1020 not be controlled by any other procedural requirements of law.
1021 In the event a variance or other approval is denied by the
1022 board, it shall be the responsibility of the applicant to make
1023 the necessary application for any approvals determined by the
1024 board as required to make the proposed site or associated
1025 facility consistent and in compliance with local land use plans
1026 and zoning ordinances. No further action may be taken on the
1027 complete application until the proposed site or associated
1028 facility conforms to the adopted land use plan or zoning
1029 ordinances or the board grants relief as provided under this
1030 act.

1031 (2) (a) A certification hearing shall be held by the
1032 designated administrative law judge no later than 265 days after

1033 the application is filed with the department. The certification
 1034 hearing shall be held at a location in proximity to the proposed
 1035 site. ~~At the conclusion of the certification hearing, the~~
 1036 ~~designated administrative law judge shall, after consideration~~
 1037 ~~of all evidence of record, submit to the board a recommended~~
 1038 ~~order no later than 45 days after the filing of the hearing~~
 1039 ~~transcript.~~

1040 Section 24. Subsections (3) and (5) of section 403.509,
 1041 Florida Statutes, are amended to read:

1042 403.509 Final disposition of application.--

1043 (3) In determining whether an application should be
 1044 approved in whole, approved with modifications or conditions, or
 1045 denied, the board, or secretary when applicable, shall consider
 1046 whether, and the extent to which, the location, construction and
 1047 operation of the electrical power plant ~~and directly associated~~
 1048 ~~facilities and their construction and operation~~ will:

1049 (a) Provide reasonable assurance that operational
 1050 safeguards are technically sufficient for the public welfare and
 1051 protection.

1052 (b) Comply with applicable nonprocedural requirements of
 1053 agencies.

1054 (c) Be consistent with applicable local government
 1055 comprehensive plans and land development regulations.

1056 (d) Meet the electrical energy needs of the state in an
 1057 orderly and timely fashion.

1058 (e) Effect a reasonable balance between the need for the
 1059 facility as established pursuant to s. 403.519 and the impacts
 1060 upon air and water quality, fish and wildlife, water resources,

1061 and other natural resources of the state resulting from the
 1062 construction and operation of the facility.

1063 (f) Minimize, through the use of reasonable and available
 1064 methods, the adverse effects on human health, the environment,
 1065 and the ecology of the land and its wildlife and the ecology of
 1066 state waters and their aquatic life.

1067 (g) Serve and protect the broad interests of the public.

1068 (5) For certifications issued by the board in regard to
 1069 the properties and works of any agency which is a party to the
 1070 certification hearing, the board shall have the authority to
 1071 decide issues relating to the use, the connection thereto, or
 1072 the crossing thereof, for the electrical power plant ~~and~~
 1073 ~~directly associated facilities~~ and to direct any such agency to
 1074 execute, within 30 days after the entry of certification, the
 1075 necessary license or easement for such use, connection, or
 1076 crossing, subject only to the conditions set forth in such
 1077 certification. For certifications issued by the department in
 1078 regard to the properties and works of any agency which is a
 1079 party to the proceeding, any stipulation filed pursuant to s.
 1080 403.508(6)(a) must include a stipulation regarding any issues
 1081 relating to the use, the connection thereto, or the crossing
 1082 thereof, for the electrical power plant. Any agency stipulating
 1083 to the use, connection to, or crossing of its property must
 1084 agree to execute, within 30 days after the entry of
 1085 certification, the necessary license or easement for such use,
 1086 connection, or crossing, subject only to the conditions set
 1087 forth in such certification.

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1088 Section 25. Subsections (1) and (6) of section 403.511,
 1089 Florida Statutes, are amended to read:

1090 403.511 Effect of certification.--

1091 (1) Subject to the conditions set forth therein, any
 1092 certification shall constitute the sole license of the state and
 1093 any agency as to the approval of the location of the site and
 1094 any associated facility and the construction and operation of
 1095 the proposed electrical power plant, except for the issuance of
 1096 department licenses required under any federally delegated or
 1097 approved permit program and except as otherwise provided in
 1098 subsection (4).

1099 (6) No term or condition of an electrical power plant a
 1100 ~~site~~ certification shall be interpreted to supersede or control
 1101 the provisions of a final operation permit for a major source of
 1102 air pollution issued by the department pursuant to s. 403.0872
 1103 to a facility certified under this part.

1104 Section 26. Subsection (1) of section 403.5112, Florida
 1105 Statutes, is amended to read:

1106 403.5112 Filing of notice of certified corridor route.--

1107 (1) Within 60 days after certification of an ~~a directly~~
 1108 associated linear facility pursuant to this act, the applicant
 1109 shall file, in accordance with s. 28.222, with the department
 1110 and the clerk of the circuit court for each county through which
 1111 the corridor will pass, a notice of the certified route.

1112 Section 27. Subsections (1) and (4) of section 403.5113,
 1113 Florida Statutes, are amended to read:

1114 403.5113 Postcertification amendments and review.--

1115 (1) POSTCERTIFICATION AMENDMENTS.--

1116 (a) If, subsequent to certification by the board, a
 1117 licensee proposes any material change to the application and
 1118 revisions or amendments thereto, as certified, the licensee
 1119 shall submit a written request for amendment and a description
 1120 of the proposed change to the application to the department.
 1121 Within 30 days after the receipt of the request for the
 1122 amendment, the department shall determine whether the proposed
 1123 change to the application requires a modification of the
 1124 conditions of certification.

1125 (b) ~~(2)~~ If the department concludes that the change would
 1126 not require a modification of the conditions of certification,
 1127 the department shall provide written notification of the
 1128 approval of the proposed amendment to the licensee, all
 1129 agencies, and all other parties.

1130 (c) ~~(3)~~ If the department concludes that the change would
 1131 require a modification of the conditions of certification, the
 1132 department shall provide written notification to the licensee
 1133 that the proposed change to the application requires a request
 1134 for modification pursuant to s. 403.516.

1135 (2) ~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
 1136 submittals filed by the licensee with one or more agencies are
 1137 for the purpose of monitoring for compliance with the issued
 1138 certification and must be reviewed by the agencies on an
 1139 expedited and priority basis because each facility certified
 1140 under this act is a critical infrastructure facility. In no
 1141 event shall a postcertification review be completed in more than
 1142 90 days after complete information is submitted to the reviewing
 1143 agencies.

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1144 Section 28. Section 403.5115, Florida Statutes, is amended
 1145 to read:

1146 403.5115 Public notice.--

1147 (1) The following notices are to be published by the
 1148 applicant for all applications:

1149 (a) Notice of the filing of a notice of intent under s.
 1150 403.5063, which shall be published within 21 days after the
 1151 filing of the notice. The notice shall be published as specified
 1152 by subsection (2), except that the newspaper notice shall be
 1153 one-fourth page in size in a standard size newspaper or one-half
 1154 page in size in a tabloid size newspaper.

1155 (b) Notice of filing of the application, which shall
 1156 include a description of the proceedings required by this act,
 1157 within 21 days after the date of the application filing. Such
 1158 notice shall give notice of the provisions of s. 403.511(1) and
 1159 (2).

1160 (c) If applicable, notice of the land use determination
 1161 made pursuant to s. 403.50665(2) ~~(1)~~ within 21 days after the
 1162 deadline for the filing of the determination is filed.

1163 (d) If applicable, notice of the land use hearing, which
 1164 shall be published as specified in subsection (2), no later than
 1165 15 days before the hearing.

1166 (e) Notice of the certification hearing and notice of the
 1167 deadline for filing notice of intent to be a party, which shall
 1168 be published as specified in subsection (2), at least 65 days
 1169 before the date set for the certification hearing.

1170 (f) Notice of the cancellation of the certification
 1171 hearing, if applicable, no later than 3 days before the date of

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1172 the originally scheduled certification hearing. The newspaper
1173 notice shall be one-fourth page in size in a standard size
1174 newspaper or one-half page in size in a tabloid size newspaper.

1175 (g) Notice of modification when required by the
1176 department, based on whether the requested modification of
1177 certification will significantly increase impacts to the
1178 environment or the public. Such notice shall be published as
1179 specified under subsection (2):

1180 1. Within 21 days after receipt of a request for
1181 modification. The newspaper notice shall be of a size as
1182 directed by the department commensurate with the scope of the
1183 modification.

1184 2. If a hearing is to be conducted in response to the
1185 request for modification, then notice shall be published no
1186 later than 30 days before the hearing.

1187 ~~(h) Notice of a supplemental application, which shall be~~
1188 ~~published as specified in paragraph (b) and subsection (2).~~

1189 ~~(i) Notice of existing site certification pursuant to s.~~
1190 ~~403.5175. Notices shall be published as specified in paragraph~~
1191 ~~(b) and subsection (2).~~

1192 (2) Notices provided by the applicant shall be published
1193 in newspapers of general circulation within the county or
1194 counties in which the proposed electrical power plant will be
1195 located. The newspaper notices, unless otherwise specified,
1196 shall be at least one-half page in size in a standard size
1197 newspaper or a full page in a tabloid size newspaper. These
1198 notices shall include a map generally depicting the project and
1199 all associated facilities corridors. A newspaper of general

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1200 circulation shall be the newspaper which has the largest daily
 1201 circulation in that county and has its principal office in that
 1202 county. If the newspaper with the largest daily circulation has
 1203 its principal office outside the county, the notices shall
 1204 appear in both the newspaper having the largest circulation in
 1205 that county and in a newspaper authorized to publish legal
 1206 notices in that county.

1207 (3) All notices published by the applicant shall be paid
 1208 for by the applicant and shall be in addition to the application
 1209 fee.

1210 (4) The department shall arrange for publication of the
 1211 following notices in the manner specified by chapter 120 and
 1212 provide copies of those notices to any persons who have
 1213 requested to be placed on the departmental mailing list for this
 1214 purpose for each case for which an application has been received
 1215 by the department:

1216 (a) Notice of the filing of the notice of intent within 15
 1217 days after receipt of the notice.

1218 (b) Notice of the filing of the application, no later than
 1219 21 days after the application filing.

1220 (c) Notice of the land use determination made pursuant to
 1221 s. 403.50665(2) ~~(1)~~ within 21 days after the deadline for the
 1222 filing of the determination is filed.

1223 (d) Notice of the land use hearing before the
 1224 administrative law judge, if applicable, no later than 15 days
 1225 before the hearing.

1226 (e) Notice of the land use hearing before the board, if
 1227 applicable.

1228 (f) Notice of the certification hearing at least 45 days
1229 before the date set for the certification hearing.

1230 (g) Notice of the cancellation of the certification
1231 hearing, if applicable, no later than 3 days prior to the date
1232 of the originally scheduled certification hearing.

1233 (h) Notice of the hearing before the board, if applicable.

1234 (i) Notice of stipulations, proposed agency action, or
1235 petitions for modification.

1236 (5) A local government or regional planning council that
1237 proposes to conduct an informational public meeting pursuant to
1238 s. 403.50663 must publish notice of the meeting in a newspaper
1239 of general circulation within the county or counties in which
1240 the proposed electrical power plant will be located no later
1241 than 7 days prior to the meeting. A newspaper of general
1242 circulation shall be the newspaper which has the largest daily
1243 circulation in that county and has its principal office in that
1244 county. If the newspaper with the largest daily circulation has
1245 its principal office outside the county, the notices shall
1246 appear in both the newspaper having the largest circulation in
1247 that county and in a newspaper authorized to publish legal
1248 notices in that county.

1249 Section 29. Subparagraph 1. of paragraph (b) of subsection
1250 (1) of section 403.516, Florida Statutes, is amended to read:

1251 403.516. Modification of certification.--

1252 (1) A certification may be modified after issuance in any
1253 one of the following ways:

1254 (b)1. The department may modify specific conditions of a
1255 ~~site~~ certification which are inconsistent with the terms of any

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1256 federally delegated or approved permit for the certified
 1257 electrical power plant.

1258 Section 30. Paragraphs (a) and (c) of subsection (1) of
 1259 section 403.517, Florida Statutes, are amended to read:

1260 403.517 Supplemental applications for sites certified for
 1261 ultimate site capacity.--

1262 (1) (a) Supplemental applications may be submitted for
 1263 certification of the construction and operation of electrical
 1264 power plants to be located at sites which have been previously
 1265 certified for an ultimate site capacity pursuant to this act.
 1266 Supplemental applications shall be limited to electrical power
 1267 plants using the fuel type previously certified for that site.
 1268 Such applications shall include all new ~~directly~~ associated
 1269 facilities that support the construction and operation of the
 1270 electrical power plant.

1271 (c) The time limits for the processing of a complete
 1272 supplemental application shall be designated by the department
 1273 commensurate with the scope of the supplemental application, but
 1274 shall not exceed any time limitation governing the review of
 1275 initial applications for ~~site~~ certification pursuant to this
 1276 act, it being the legislative intent to provide shorter time
 1277 limitations for the processing of supplemental applications for
 1278 electrical power plants to be constructed and operated at sites
 1279 which have been previously certified for an ultimate site
 1280 capacity.

1281 Section 31. Subsections (1) and (3), and paragraphs (a),
 1282 (b), and (c) of subsection (2) of section 403.5175, Florida
 1283 Statutes, are amended to read:

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1284 403.5175 Existing electrical power plant site
1285 certification.--

1286 (1) An electric utility that owns or operates an existing
1287 electrical power plant as defined in s. 403.503(13) may apply
1288 for certification of an existing power plant and its site in
1289 order to obtain all agency licenses necessary to ensure
1290 compliance with federal or state environmental laws and
1291 regulation using the centrally coordinated, one-stop licensing
1292 process established by this part. An application for ~~site~~
1293 certification under this section must be in the form prescribed
1294 by department rule. Applications must be reviewed and processed
1295 using the same procedural steps and notices as for an
1296 application for a new facility, except that a determination of
1297 need by the Public Service Commission is not required.

1298 (2) An application for certification under this section
1299 must include:

1300 (a) A description of the site and existing power plant
1301 installations, and associated facilities;

1302 (b) A description of all proposed changes or alterations
1303 to the site and ~~or electrical power plant, including~~ all new
1304 associated facilities that are the subject of the application;

1305 (c) A description of the environmental and other impacts
1306 caused by the existing utilization of the site and ~~directly~~
1307 associated facilities, and the operation of the electrical power
1308 plant that is the subject of the application, and of the
1309 environmental and other benefits, if any, to be realized as a
1310 result of the proposed changes or alterations if certification
1311 is approved and such other information as is necessary for the

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1312 reviewing agencies to evaluate the proposed changes and the
 1313 expected impacts;

1314 (3) The land use and zoning determination requirements of
 1315 s. 403.50665 do not apply to an application under this section
 1316 if the applicant does not propose to expand the boundaries of
 1317 the existing site or to add additional offsite associated
 1318 facilities that are not exempt from the provisions of s.
 1319 403.50665. If the applicant proposes to expand the boundaries of
 1320 the existing site or to add additional offsite facilities that
 1321 are not exempt from the provisions of s. 403.50665 to
 1322 accommodate portions of the electrical generation facility plant
 1323 or associated facilities, a land use and zoning determination
 1324 shall be made as specified in s. 403.50665; provided, however,
 1325 that the sole issue for determination is whether the proposed
 1326 site expansion or additional non-exempt associated facilities
 1327 are ~~is~~ consistent and in compliance with the existing land use
 1328 plans and zoning ordinances.

1329 Section 32. Section 403.518, Florida Statutes, is amended
 1330 to read:

1331 403.518 Fees; disposition.--The department shall charge
 1332 the applicant the following fees, as appropriate, which, unless
 1333 otherwise specified, shall be paid into the Florida Permit Fee
 1334 Trust Fund:

1335 (1) A fee for a notice of intent pursuant to s. 403.5063,
 1336 in the amount of \$2,500, to be submitted to the department at
 1337 the time of filing of a notice of intent. The notice-of-intent
 1338 fee shall be used and disbursed in the same manner as the
 1339 application fee.

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1340 (2) An application fee, which shall not exceed \$200,000.
1341 The fee shall be fixed by rule on a sliding scale related to the
1342 size, type, ultimate site capacity, or increase in electrical
1343 generating capacity proposed by the application.

1344 (a) Sixty percent of the fee shall go to the department to
1345 cover any costs associated with coordinating the review and
1346 acting upon the application, to cover any field services
1347 associated with monitoring construction and operation of the
1348 facility, and to cover the costs of the public notices published
1349 by the department.

1350 (b) The following percentages shall be transferred to the
1351 Operating Trust Fund of the Division of Administrative Hearings
1352 of the Department of Management Services:

1353 1. Five percent to compensate expenses from the initial
1354 exercise of duties associated with the filing of an application.

1355 2. An additional 5 percent if a land use hearing is held
1356 pursuant to s. 403.508.

1357 3. An additional 10 percent if a certification hearing is
1358 held pursuant to s. 403.508.

1359 (c)1. Upon written request with proper itemized accounting
1360 within 90 days after final agency action by the board or
1361 department, or withdrawal of the application, the agencies that
1362 prepared reports pursuant to s. 403.507 or participated in a
1363 hearing pursuant to s. 403.508 may submit a written request to
1364 the department for reimbursement of expenses incurred during the
1365 certification proceedings. The request shall contain an
1366 accounting of expenses incurred which may include time spent
1367 reviewing the application, preparation of any studies required

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1368 of the agencies by this act, agency travel and per diem to
1369 attend any hearing held pursuant to this act, and for any ~~agency~~
1370 ~~or~~ local government's or regional planning council's provision
1371 of notice of public meetings ~~or hearings~~ required as a result of
1372 the application for certification. The department shall review
1373 the request and verify that the expenses are valid. Valid
1374 expenses shall be reimbursed; however, in the event the amount
1375 of funds available for reimbursement is insufficient to provide
1376 for full compensation to the agencies requesting reimbursement,
1377 reimbursement shall be on a prorated basis.

1378 2. If the application review is held in abeyance for more
1379 than 1 year, the agencies may submit a request for
1380 reimbursement. This time period shall be measured from the date
1381 the applicant has provided written notification to the
1382 department that it desires to have application review process
1383 placed on hold. The fee disbursement shall be processed in
1384 accordance with subparagraph 1.

1385 (d) If any sums are remaining, the department shall retain
1386 them for its use in the same manner as is otherwise authorized
1387 by this act; provided, however, that if the certification
1388 application is withdrawn, the remaining sums shall be refunded
1389 to the applicant within 90 days after the submittal of the
1390 written notification of withdrawal.

1391 (3) (a) A certification modification fee, which shall not
1392 exceed \$30,000. The department shall establish rules for
1393 determining such a fee based on the number of agencies involved
1394 in the review, equipment redesign, change in site size, type,
1395 increase in generating capacity proposed, or change in an

1396 associated ~~linear~~ facility location.

1397 (b) The fee shall be submitted to the department with a
 1398 petition for modification pursuant to s. 403.516. This fee shall
 1399 be established, disbursed, and processed in the same manner as
 1400 the application fee in subsection (2), except that the Division
 1401 of Administrative Hearings shall not receive a portion of the
 1402 fee unless the petition for certification modification is
 1403 referred to the Division of Administrative Hearings for hearing.
 1404 If the petition is so referred, only \$10,000 of the fee shall be
 1405 transferred to the Operating Trust Fund of the Division of
 1406 Administrative Hearings of the Department of Management
 1407 Services.

1408 (4) A supplemental application fee, not to exceed \$75,000,
 1409 to cover all reasonable expenses and costs of the review,
 1410 processing, and proceedings of a supplemental application. This
 1411 fee shall be established, disbursed, and processed in the same
 1412 manner as the certification application fee in subsection (2).

1413 (5) An existing ~~site~~ certification application fee, not to
 1414 exceed \$200,000, to cover all reasonable costs and expenses of
 1415 the review processing and proceedings for certification of an
 1416 existing power plant site under s. 403.5175. This fee must be
 1417 established, disbursed, and processed in the same manner as the
 1418 certification application fee in subsection (2).

1419 Section 33. Subsection (1) of section 403.5252, Florida
 1420 Statutes, is amended to read:

1421 403.5252 Determination of completeness.--

1422 (1) (a) Within 30 days after the filing ~~distribution~~ of an
 1423 application, the affected agencies shall file a statement with

1424 the department containing the recommendations of each agency
 1425 concerning the completeness of the application for
 1426 certification.

1427 (b) Within 37 ~~7~~ days after the filing receipt of the
 1428 application ~~completeness statements of each agency~~, the
 1429 department shall file a statement with the Division of
 1430 Administrative Hearings, with the applicant, and with all
 1431 parties declaring its position with regard to the completeness
 1432 of the application. The statement of the department shall be
 1433 based upon its consultation with the affected agencies.

1434 Section 34. Subsection (1) and paragraph (a) of subsection
 1435 (2) of section 403.526, Florida Statutes, are amended to read:

1436 403.526 Preliminary statements of issues, reports, and
 1437 project analyses; studies.--

1438 (1) Each affected agency that is required to file a report
 1439 in accordance with this section shall submit a preliminary
 1440 statement of issues to the department and all parties no later
 1441 than the submittal of each agency's recommendation that the
 1442 application is complete ~~50 days after the filing of the~~
 1443 ~~application. Such statements of issues shall be made available~~
 1444 ~~to each local government for use as information for public~~
 1445 ~~meetings held under s. 403.5272. The failure to raise an issue~~
 1446 in this preliminary statement of issues does not preclude the
 1447 issue from being raised in the agency's report.

1448 (2) (a) The following agencies shall prepare reports as
 1449 provided below and shall submit them to the department and the
 1450 applicant no later than 90 days after the filing of the

1451 application, unless a final order denying the Determination of
1452 Need has been issued under the provisions of s. 403.537:

1453 Section 35. Subsection (4) and paragraph (a) of subsection
1454 (6) of section 403.527, Florida Statutes, are amended to read:

1455 403.527 Certification hearing, parties, participants.--

1456 (4) (a) One public hearing where members of the public who
1457 are not parties to the certification hearing may testify shall
1458 be held in conjunction with the certification hearing.

1459 (b) Upon the request of the local government, one public
1460 hearing where members of the public who are not parties to the
1461 certification hearing and who reside within the jurisdiction of
1462 the local government may testify shall be held within the
1463 boundaries of each county in which a local government that made
1464 such a request is located, ~~at the option of any local~~
1465 ~~government.~~

1466 1. (a) A local government shall notify the administrative
1467 law judge and all parties not later than 50 days after the
1468 filing of the application ~~21 days after the application has been~~
1469 ~~determined complete~~ as to whether the local government wishes to
1470 have a public hearing within the boundaries of its county. ~~If a~~
1471 ~~filing for an alternate corridor is accepted for consideration~~
1472 ~~under s. 403.5271(1) by the department and the applicant, any~~
1473 ~~newly affected local government must notify the administrative~~
1474 ~~law judge and all parties not later than 10 days after the data~~
1475 ~~concerning the alternate corridor has been determined complete~~
1476 ~~as to whether the local government wishes to have such a public~~
1477 ~~hearing.~~ The local government is responsible for providing the
1478 location of the public hearing if held separately from the

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1479 certification hearing.

1480 2. ~~(b)~~ Within 5 days after notification, the
 1481 administrative law judge shall determine the date of the public
 1482 hearing, which shall be held before or during the certification
 1483 hearing. If two or more local governments within one county
 1484 request a public hearing, the hearing shall be consolidated so
 1485 that only one public hearing is held in any county. The location
 1486 of a consolidated hearing shall be determined by the
 1487 administrative law judge.

1488 3. ~~(e)~~ If a local government does not request a public
 1489 hearing within 50 days after the filing of the application 21
 1490 ~~days after the application has been determined complete, then~~
 1491 members of the public who are not parties to the certification
 1492 hearing and who reside persons residing within the jurisdiction
 1493 of the local government may testify during the ~~that portion of~~
 1494 ~~the certification hearing held under the provisions of paragraph~~
 1495 (4) (a) at which public testimony is heard.

1496 (6) (a) No later than 29 ~~25~~ days before the certification
 1497 hearing, the department or the applicant may request that the
 1498 administrative law judge cancel the certification hearing and
 1499 relinquish jurisdiction to the department if all parties to the
 1500 proceeding stipulate that there are no disputed issues of
 1501 material fact or law ~~to be raised at the certification hearing.~~

1502 Section 36. Paragraphs (b), (c) and (e) of subsection (1)
 1503 of section 403.5271, Florida Statutes, are amended to read:

1504 403.5271 Alternate corridors.--

1505 (1) No later than 45 days before the originally scheduled
 1506 certification hearing, any party may propose alternate

1507 transmission line corridor routes for consideration under the
1508 provisions of this act.

1509 (b)1. Within 7 days after receipt of the notice, the
1510 applicant and the department shall file with the administrative
1511 law judge and all parties a notice of acceptance or rejection of
1512 a proposed alternate corridor for consideration. If the
1513 alternate corridor is rejected by the applicant or the
1514 department, the certification hearing and the public hearings
1515 shall be held as scheduled. If both the applicant and the
1516 department accept a proposed alternate corridor for
1517 consideration, the certification hearing and the public hearings
1518 shall be rescheduled, if necessary. If a filing for an alternate
1519 corridor is accepted for consideration by the department and the
1520 applicant, any newly affected local government must notify the
1521 administrative law judge and all parties not later than 10 days
1522 after the data concerning the alternate corridor has been
1523 determined complete as to whether the local government wishes to
1524 have such a public hearing. The local government is responsible
1525 for providing the location of the public hearing if held
1526 separately from the certification hearing. The provisions of s.
1527 403.527(4)(b) and (c) shall apply. Notice of the local hearings
1528 shall be published in accordance with s. 403.5363.

1529 2. If rescheduled, the certification hearing shall be held
1530 no more than 90 days after the previously scheduled
1531 certification hearing, unless the data submitted under paragraph
1532 (d) is determined to be incomplete, in which case the
1533 rescheduled certification hearing shall be held no more than 105
1534 days after the previously scheduled certification hearing. If

1535 additional time is needed due to the alternate corridor crossing
 1536 a local government jurisdiction that was not previously
 1537 affected, the remainder of the schedule listed below shall be
 1538 appropriately adjusted by the administrative law judge to allow
 1539 that local government to prepare a report pursuant to s.
 1540 403.526(2)(a)5. Notice that the certification hearing has been
 1541 deferred due to the acceptance of the alternate corridor shall
 1542 be published in accordance with s. 403.5363.

1543 (c) ~~Notice of the filing of the alternate corridor, of the~~
 1544 ~~revised time schedules, of the deadline for newly affected~~
 1545 ~~persons and agencies to file notice of intent to become a party,~~
 1546 ~~of the rescheduled hearing date, and of the proceedings shall be~~
 1547 ~~published by the alternate proponent in accordance with s.~~
 1548 403.5363(2). If the notice is not timely published or does not
 1549 meet the notice requirements, the alternate shall be deemed
 1550 withdrawn.

1551 (e)1. Reviewing agencies shall advise the department of
 1552 any issues concerning completeness no later than 15 days after
 1553 the submittal of the data required by paragraph (d). Within 22
 1554 days after receipt of the data, the department shall issue a
 1555 determination of completeness.

1556 2. If the department determines that the data required by
 1557 paragraph (d) is not complete, the party proposing the alternate
 1558 corridor must file such additional data to correct the
 1559 incompleteness. This additional data must be submitted within 14
 1560 days after the determination by the department.

1561 3. Reviewing agencies may advise the department of any
 1562 issues concerning completeness of the additional data within 10

1563 days after the filing by the party proposing the alternate
 1564 corridor. If the department, within 14 days after receiving the
 1565 additional data, determines that the data remains incomplete,
 1566 the incompleteness of the data is deemed a withdrawal of the
 1567 proposed alternate corridor. The department may make its
 1568 determination based on recommendations made by other affected
 1569 agencies.

1570 Section 37. Subsection (3) of section 403.5272, Florida
 1571 Statutes, is amended to read:

1572 403.5272 Informational public meetings.--

1573 (3) A local government or regional planning council that
 1574 intends to conduct an informational public meeting must provide
 1575 notice of the meeting, with notice sent to all parties listed in
 1576 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting and
 1577 to the general public, in accordance with the provisions of s.
 1578 403.5363(4).

1579 Section 38. Subsection (1) of section 403.5312, Florida
 1580 Statutes, is amended to read:

1581 403.5312 Filing of notice of certified corridor route.--

1582 (1) Within 60 days after certification of a ~~directly~~
 1583 ~~associated transmission line under ss. 403.501-403.518 or a~~
 1584 transmission line corridor under ss. 403.52-403.5365, the
 1585 applicant shall file with the department and, in accordance with
 1586 s. 28.222, with the clerk of the circuit court for each county
 1587 through which the corridor will pass, a notice of the certified
 1588 route.

1589 Section 39. Section 403.5363, Florida Statutes, is amended
 1590 to read:

1591 403.5363 Public notices; requirements.--

1592 (1) (a) The applicant shall arrange for the publication of

1593 the notices specified in paragraph (b).

1594 1. The notices shall be published in newspapers of general

1595 circulation within counties crossed by the transmission line

1596 corridors proper for certification. The required newspaper

1597 notices ~~for filing of an application and for the certification~~

1598 ~~hearing shall be one half page in size in a standard size~~

1599 ~~newspaper or a full page in a tabloid size newspaper and~~

1600 published in a section of the newspaper other than the section

1601 for legal notices. ~~These two notices must include a map~~

1602 ~~generally depicting all transmission corridors proper for~~

1603 ~~certification.~~ A newspaper of general circulation shall be the

1604 newspaper within a county crossed by a transmission line

1605 corridor proper for certification which newspaper has the

1606 largest daily circulation in that county and has its principal

1607 office in that county. If the newspaper having the largest daily

1608 circulation has its principal office outside the county, the

1609 notices must appear in both the newspaper having the largest

1610 circulation in that county and in a newspaper authorized to

1611 publish legal notices in that county.

1612 2. The department shall adopt rules specifying the content

1613 of the newspaper notices.

1614 3. All notices published by the applicant shall be paid

1615 for by the applicant and shall be in addition to the application

1616 fee.

1617 (b) Public notices that must be published under this

1618 section include:

1619 1. The notice of the filing of an application, which must
 1620 include a description of the proceedings required by this act.
 1621 The notice must describe the provisions of s. 403.531(1) and (2)
 1622 and give the date by which notice of intent to be a party or a
 1623 petition to intervene in accordance with s. 403.527(2) must be
 1624 filed. This notice must be published no more than 21 days after
 1625 the application is filed. The notice shall, at a minimum, be
 1626 one-half page in size in a standard-size newspaper or a full
 1627 page in a tabloid-size newspaper. The notice must include a map
 1628 generally depicting all transmission corridors proper for
 1629 certification.

1630 2. The notice of the certification hearing and any ~~other~~
 1631 public hearing held ~~permitted~~ under s. 403.527(4). The notice
 1632 must include the date by which a person wishing to appear as a
 1633 party must file the notice to do so. The notice of the
 1634 originally scheduled certification hearing must be published at
 1635 least 65 days before the date set for the certification hearing.
 1636 The notice shall meet the same size and map requirements
 1637 required in subparagraph 1.

1638 3. The notice of the cancellation of the certification
 1639 hearing under s. 403.527(6), if applicable. The notice must be
 1640 published at least 3 days before the date of the originally
 1641 scheduled certification hearing. The notice shall, at a
 1642 minimum, be one-quarter page in size in a standard-size
 1643 newspaper or one-half page in a tabloid-size newspaper. The
 1644 notice shall not require a map to be included.

1645 4. The notice of the deferment of the certification
 1646 hearing due to the acceptance of an alternate corridor under s.

1647 403.5272(1)(b)2. The notice must be published at least 7 days
 1648 before the date of the originally scheduled certification
 1649 hearing. The notice shall, at a minimum, be one-eighth page in
 1650 size in a standard-size newspaper or one-quarter page in a
 1651 tabloid-size newspaper. The notice shall not require a map to be
 1652 included.

1653 5. If the notice of the rescheduled certification hearing
 1654 required of an alternate proponent under s. 403.5271(1)(c) is
 1655 not timely published or does not meet the notice requirements
 1656 such that an alternate corridor is withdrawn under the
 1657 provisions of s. 403.5271(1)(c), the notice of rescheduled
 1658 hearing and any local hearings shall be provided by the
 1659 applicant at least 30 days prior to the rescheduled
 1660 certification hearing.

1661 6. 4. The notice of the filing of a proposal to modify the
 1662 certification submitted under s. 403.5315, if the department
 1663 determines that the modification would require relocation or
 1664 expansion of the transmission line right-of-way or a certified
 1665 substation.

1666 (2) Each The proponent of an alternate corridor shall
 1667 arrange for newspaper notice of the publication of the filing of
 1668 the proposal for an alternate corridor. If there is more than
 1669 one alternate proponent, the proponents may jointly publish
 1670 notice, so long as the content requirements below are met and
 1671 the maps are legible.

1672 (a) The notice shall specify, the revised time schedules,
 1673 the date by which newly affected persons or agencies may file
 1674 the notice of intent to become a party, and the date of the

1675 rescheduled hearing, and any public hearing held under s.
1676 403.5271(1)(b)1.

1677 (b) A notice listed in this subsection must be published
1678 in a newspaper of general circulation within the county or
1679 counties crossed by the proposed alternate corridor and comply
1680 with the content, size, and map requirements set forth in this
1681 section paragraph (1)(a).

1682 (c) The notice of the alternate corridor proposal must be
1683 published not less than 45 ~~50~~ days before the rescheduled
1684 certification hearing.

1685 (3) The department shall arrange for the publication of
1686 the following notices in the manner specified by chapter 120:

1687 (a) The notice of the filing of an application and the
1688 date by which a person intending to become a party must file a
1689 petition to intervene or a notice of intent to be a party. The
1690 notice must be published no later than 21 days after the
1691 application has been filed.

1692 (b) The notice of any administrative hearing for
1693 certification, if applicable. The notice must be published not
1694 less than 65 days before the date set for a hearing, except that
1695 notice for a rescheduled certification hearing after acceptance
1696 of an alternative corridor must be published not less than 40 ~~50~~
1697 days before the date set for the hearing.

1698 (c) The notice of the cancellation of a certification
1699 hearing under s. 403.527(6), if applicable. The notice must be
1700 published not later than 7 days before the date of the
1701 originally scheduled certification hearing.

1702 (d) The notice of the deferment of the certification

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1703 hearing due to the acceptance of an alternate corridor under s.
 1704 403.5272(1)(b)2. The notice must be published at least 7 days
 1705 before the date of the originally scheduled certification
 1706 hearing.

1707 (e) ~~(d)~~ The notice of the hearing before the siting board,
 1708 if applicable.

1709 (f) ~~(e)~~ The notice of stipulations, proposed agency
 1710 action, or a petition for modification.

1711 (4) A local government or regional planning council
 1712 that proposes to conduct an informational public meeting
 1713 pursuant to s. 403.5272 must publish notice of the meeting in a
 1714 newspaper of general circulation within the county or counties
 1715 in which the proposed electrical transmission line will be
 1716 located no later than 7 days prior to the meeting. A newspaper
 1717 of general circulation shall be the newspaper which has the
 1718 largest daily circulation in that county and has its principal
 1719 office in that county. If the newspaper with the largest daily
 1720 circulation has its principal office outside the county, the
 1721 notices shall appear in both the newspaper having the largest
 1722 circulation in that county and in a newspaper authorized to
 1723 publish legal notices in that county.

1724 Section 40. Paragraphs (d) and (e) of subsection (1) of
 1725 section 403.5365, Florida Statutes, are amended to read:

1726 403.5365 Fees; disposition.--The department shall charge
 1727 the applicant the following fees, as appropriate, which, unless
 1728 otherwise specified, shall be paid into the Florida Permit Fee
 1729 Trust Fund:

1730 (d)1. Upon written request with proper itemized accounting

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1731 within 90 days after final agency action by the siting board or
1732 the department or the written notification of the withdrawal of
1733 the application, the agencies that prepared reports under s.
1734 403.526 or s. 403.5271 or participated in a hearing under s.
1735 403.527 or s. 403.5271 may submit a written request to the
1736 department for reimbursement of expenses incurred during the
1737 certification proceedings. The request must contain an
1738 accounting of expenses incurred, which may include time spent
1739 reviewing the application, preparation of any studies required
1740 of the agencies by this act, agency travel and per diem to
1741 attend any hearing held under this act, and for the local
1742 government or regional planning council providing additional
1743 notice of the informational public meeting. The department shall
1744 review the request and verify whether a claimed expense is
1745 valid. Valid expenses shall be reimbursed; however, if the
1746 amount of funds available for reimbursement is insufficient to
1747 provide for full compensation to the agencies, reimbursement
1748 shall be on a prorated basis.

1749 2. If the application review is held in abeyance for more
1750 than 1 year, the agencies may submit a request for reimbursement
1751 under subparagraph 1. This time period shall be measured from
1752 the date the applicant has provided written notification to the
1753 department that it desires to have the application review
1754 process placed on hold. The fee disbursement shall be processed
1755 in accordance with subparagraph 1.

1756 (e) If any sums are remaining, the department shall retain
1757 them for its use in the same manner as is otherwise authorized
1758 by this section; however, if the certification application is

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1759 withdrawn, the remaining sums shall be refunded to the applicant
1760 within 90 days after submittal of the written notification of
1761 withdrawal.

1762 Section 41. Section 489.145, Florida Statutes, is amended
1763 to read:

1764 489.145 Guaranteed energy performance savings
1765 contracting.--

1766 (1) SHORT TITLE.--This section may be cited as the
1767 "Guaranteed Energy Performance Savings Contracting Act."

1768 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
1769 investment in energy conservation measures in agency facilities
1770 can reduce the amount of energy consumed and produce immediate
1771 and long-term savings. It is the policy of this state to
1772 encourage agencies to invest in energy conservation measures
1773 ~~that reduce energy consumption, produce a cost savings for the~~
1774 ~~agency, and improve the quality of indoor air in public~~
1775 ~~facilities and to operate, maintain, and, when economically~~
1776 ~~feasible, build or renovate existing agency facilities in such a~~
1777 ~~manner as to minimize energy consumption and maximize energy~~
1778 savings. It is further the policy of this state that agencies
1779 share in the monetary savings resulting from energy performance
1780 contracting and to encourage agencies to reinvest any energy
1781 savings resulting from energy conservation measures in
1782 additional energy conservation efforts.

1783 (3) DEFINITIONS.--As used in this section, the term:

1784 (a) "Agency" means the state, a municipality, or a
1785 political subdivision.

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1786 (b) "Energy conservation measure" means a ~~training~~
 1787 ~~program~~, facility alteration, or an equipment purchase to be
 1788 used in new construction, including an addition to an existing
 1789 facility, which reduces energy or energy-related operating costs
 1790 and includes, but is not limited to:

1791 1. Insulation of the facility structure and systems within
 1792 the facility.

1793 2. Storm windows and doors, caulking or weatherstripping,
 1794 multiglazed windows and doors, heat-absorbing, or heat-
 1795 reflective, glazed and coated window and door systems,
 1796 additional glazing, reductions in glass area, and other window
 1797 and door system modifications that reduce energy consumption.

1798 3. Automatic energy control systems.

1799 4. Heating, ventilating, or air-conditioning system
 1800 modifications or replacements.

1801 5. Replacement or modifications of lighting fixtures to
 1802 increase the energy efficiency of the lighting system, which, at
 1803 a minimum, must conform to the applicable state or local
 1804 building code.

1805 6. Energy recovery systems.

1806 7. Cogeneration systems that produce steam or forms of
 1807 energy such as heat, as well as electricity, for use primarily
 1808 within a facility or complex of facilities.

1809 8. Energy conservation measures that reduce British
 1810 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)
 1811 consumed or provide long-term operating cost reductions ~~or~~
 1812 ~~significantly reduce Btu consumed.~~

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1813 9. Renewable energy systems, such as solar, biomass, or
 1814 wind systems.

1815 10. Devices that reduce water consumption or sewer
 1816 charges.

1817 11. Storage systems, such as fuel cells and thermal
 1818 storage.

1819 12. Generating technologies, such as microturbines.

1820 13. Any other repair, replacement, or upgrade of existing
 1821 equipment.

1822 (c) "Energy cost savings" means a measured reduction in
 1823 the cost of fuel, energy consumption, and stipulated operation
 1824 and maintenance created from the implementation of one or more
 1825 energy conservation measures when compared with an established
 1826 baseline for the previous cost of fuel, energy consumption, and
 1827 stipulated operation and maintenance.

1828 (d) "Guaranteed energy performance savings contract" means
 1829 a contract for the evaluation, recommendation, and
 1830 implementation of energy conservation measures or energy-related
 1831 operational saving measures, which, at a minimum, shall include:

1832 1. The design and installation of equipment to implement
 1833 one or more of such measures and, if applicable, operation and
 1834 maintenance of such measures.

1835 2. The amount of any actual annual savings that meet or
 1836 exceed total annual contract payments made by the agency for the
 1837 contract and may include allowable cost avoidance. As used in
 1838 this section, allowable cost avoidance calculations include, but
 1839 are not limited to, avoided provable budgeted costs contained in
 1840 a capital replacement plan less the current undepreciated value

1841 of replaced equipment and the replacement cost of the new
 1842 equipment.

1843 3. The finance charges incurred by the agency over the
 1844 life of the contract.

1845 (e) "Guaranteed energy performance savings contractor"
 1846 means a person or business that is licensed under chapter 471,
 1847 chapter 481, or this chapter, and is experienced in the
 1848 analysis, design, implementation, or installation of energy
 1849 conservation measures through energy performance contracts.

1850 (4) PROCEDURES.--

1851 (a) An agency may enter into a guaranteed energy
 1852 performance savings contract with a guaranteed energy
 1853 performance savings contractor to ~~significantly~~ reduce energy
 1854 consumption or energy-related operating costs of an agency
 1855 facility through one or more energy conservation measures.

1856 (b) Before design and installation of energy conservation
 1857 measures, the agency must obtain from a guaranteed energy
 1858 performance savings contractor a report that summarizes the
 1859 costs associated with the energy conservation measures or
 1860 energy-related operational cost saving measures and provides an
 1861 estimate of the amount of the ~~energy~~ cost savings. The agency
 1862 and the guaranteed energy performance savings contractor may
 1863 enter into a separate agreement to pay for costs associated with
 1864 the preparation and delivery of the report; however, payment to
 1865 the contractor shall be contingent upon the report's projection
 1866 of energy or operational cost savings being equal to or greater
 1867 than the total projected costs of the design and installation of
 1868 the report's energy conservation measures.

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1869 (c) The agency may enter into a guaranteed energy
1870 performance savings contract with a guaranteed energy
1871 performance savings contractor if the agency finds that the
1872 amount the agency would spend on the energy conservation or
1873 energy-related cost saving measures will not likely exceed the
1874 amount of the energy or energy-related cost savings for up to 20
1875 years from the date of installation, based on the life cycle
1876 cost calculations provided in s. 255.255, if the recommendations
1877 in the report were followed and if the qualified provider or
1878 providers give a written guarantee that the energy or energy-
1879 related cost savings will meet or exceed the costs of the
1880 system. However, actual computed cost savings must meet or
1881 exceed the estimated cost savings provided in each agency's
1882 program approval. Baseline adjustments used in calculations must
1883 be specified in the contract. The contract may provide for
1884 installment payments for a period not to exceed 20 years.

1885 (d) A guaranteed energy performance savings contractor
1886 must be selected in compliance with s. 287.055; except that if
1887 fewer than three firms are qualified to perform the required
1888 services, the requirement for agency selection of three firms,
1889 as provided in s. 287.055(4)(b), and the bid requirements of s.
1890 287.057 do not apply.

1891 (e) Before entering into a guaranteed energy performance
1892 savings contract, an agency must provide published notice of the
1893 meeting in which it proposes to award the contract, the names of
1894 the parties to the proposed contract, and the contract's
1895 purpose.

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1896 (f) A guaranteed energy performance savings contract may
1897 provide for financing, including tax-exempt financing, by a
1898 third party. The contract for third party financing may be
1899 separate from the energy performance contract. A separate
1900 contract for third party financing pursuant to this paragraph
1901 must include a provision that the third party financier must not
1902 be granted rights or privileges that exceed the rights and
1903 privileges available to the guaranteed energy performance
1904 savings contractor.

1905 (g) Financing for guaranteed energy performance savings
1906 contracts may be provided under the authority of s.
1907 287.064.

1908 (h) The Office of the Chief Financial Officer shall review
1909 proposals to ensure that the most effective financing is being
1910 used.

1911 (i)~~(g)~~ In determining the amount the agency will finance
1912 to acquire the energy conservation measures, the agency may
1913 reduce such amount by the application of any grant moneys,
1914 rebates, or capital funding available to the agency for the
1915 purpose of buying down the cost of the guaranteed energy
1916 performance savings contract. However, in calculating the life
1917 cycle cost as required in paragraph (c), the agency shall not
1918 apply any grants, rebates, or capital funding.

1919 (5) CONTRACT PROVISIONS.--

1920 (a) A guaranteed energy performance savings contract must
1921 include a written guarantee that may include, but is not limited
1922 to the form of, a letter of credit, insurance policy, or
1923 corporate guarantee by the guaranteed energy performance savings

1924 contractor that annual energy cost savings will meet or exceed
1925 the amortized cost of energy conservation measures.

1926 (b) The guaranteed energy performance savings contract
1927 must provide that all payments, except obligations on
1928 termination of the contract before its expiration, may be made
1929 over time, but not to exceed 20 years from the date of complete
1930 installation and acceptance by the agency, and that the annual
1931 savings are guaranteed to the extent necessary to make annual
1932 payments to satisfy the guaranteed energy performance savings
1933 contract.

1934 (c) The guaranteed energy performance savings contract
1935 must require that the guaranteed energy performance savings
1936 contractor to whom the contract is awarded provide a 100-percent
1937 public construction bond to the agency for its faithful
1938 performance, as required by s. 255.05.

1939 (d) The guaranteed energy performance savings contract may
1940 contain a provision allocating to the parties to the contract
1941 any annual energy cost savings that exceed the amount of the
1942 energy cost savings guaranteed in the contract.

1943 (e) The guaranteed energy performance savings contract
1944 shall require the guaranteed energy performance savings
1945 contractor to provide to the agency an annual reconciliation of
1946 the guaranteed energy or energy-related cost savings. If the
1947 reconciliation reveals a shortfall in annual energy or energy-
1948 related cost savings, the guaranteed energy performance savings
1949 contractor is liable for such shortfall. If the reconciliation
1950 reveals an excess in annual ~~energy~~ cost savings, the excess
1951 savings may be allocated under paragraph (d) but may not be used

DRAFT (4) 3/3/2008 2:32 PM
PCB ENRC 08-01

ORIGINAL

2008

1952 to cover potential energy cost savings shortages in subsequent
1953 contract years.

1954 (f) The guaranteed energy performance savings contract
1955 must provide for payments of not less than one-twentieth of the
1956 price to be paid within 2 years from the date of the complete
1957 installation and acceptance by the agency using straight-line
1958 amortization for the term of the loan, and the remaining costs
1959 to be paid at least quarterly, not to exceed a 20-year term,
1960 based on life cycle cost calculations.

1961 (g) The guaranteed energy performance savings contract may
1962 extend beyond the fiscal year in which it becomes effective;
1963 however, the term of any contract expires at the end of each
1964 fiscal year and may be automatically renewed annually for up to
1965 20 years, subject to the agency making sufficient annual
1966 appropriations based upon continued realized energy savings.

1967 (h) The guaranteed energy performance savings contract
1968 must stipulate that it does not constitute a debt, liability, or
1969 obligation of the state.

1970 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
1971 Department of Management Services, with the assistance of the
1972 Office of the Chief Financial Officer, shall ~~may~~, within
1973 available resources, provide technical content assistance to
1974 state agencies contracting for energy conservation measures and
1975 engage in other activities considered appropriate by the
1976 department for promoting and facilitating guaranteed energy
1977 performance contracting by state agencies. The Office of the
1978 Chief Financial Officer, with the assistance of the Department
1979 of Management Services, shall ~~may~~, ~~within available resources,~~

DRAFT (4) 3/3/2008 2:32 PM
 PCB ENRC 08-01

ORIGINAL

2008

1980 develop model contractual and related documents for use by state
 1981 agencies. Prior to entering into a guaranteed energy performance
 1982 savings contract, any contract or lease for third-party
 1983 financing, or any combination of such contracts, a state agency
 1984 shall submit such proposed contract or lease to the Office of
 1985 the Chief Financial Officer for review and approval. A proposed
 1986 contract or lease shall include:

1987 (a) Supporting information required by s. 216.023(4)(a)9.

1988 (b) Documentation supporting recurring funds requirements
 1989 in ss. 287.063(5) and 287.064(11).

1990 (c) Approval by the chief executive officer of the
 1991 government entity, or his or her designee.

1992 (d) An agency measurement and verification plan to monitor
 1993 costs savings.

1994 (7) FUNDING SUPPORT.--For purposes of consolidated
 1995 financing of deferred payment commodity contracts under this
 1996 section by an agency, any such contract must be supported from
 1997 available funds appropriated to the agency in an appropriation
 1998 category, as defined in chapter 216, that the Chief Financial
 1999 Officer has determined is appropriate or that the Legislature
 2000 has designated for payment of the obligation incurred under this
 2001 section. The Office of the Chief Financial Officer may not
 2002 approve any contract submitted under this section that does not
 2003 meet the requirements of this section.

2004 Section 42. This act shall take effect July 1, 2008.

B

B – Electric Power Plant Siting and Transmission Power Plant Siting

Section 1. Amends s. 74.051, F.S. - Hearing on order of taking

This section requires that a hearing on order of taking be conducted within 120 days after the petition is filed when the petitioner is an electric utility that is seeking to appropriate property for an electric generation plant, associated facility of such plant, an electric substation, or a power line. This section also requires that the court issues its final judgment no more than 30 days after the hearing.

Section 2. Amends s. 253.02, F.S. - Board of trustees; powers and duties

This section provides that the board of trustees may delegate its authority to grant easements for the construction and operation of natural gas pipeline transmission and linear facilities, for which the Public Service Commission (PSC) has determined a need exists or the Federal Energy Regulatory Commission has granted a Certificate of Public Convenience and Necessity, to the Secretary of the Department of Environmental Protection (DEP) for facilities subject to part II of chapter 403 or facilities subject to part IV of chapter 373.

This section also provides that the board of trustees may review and approve uses of state lands if delegation would be inappropriate in regard to the amount or location of state lands involved.

Section 3. Amends s. 253.034, F.S. - State-owned lands; uses

This section creates a new subsection (14), which provides that after showing competent substantial evidence that utility of non-sovereignty state-owned lands is reasonably based on multiple factors, easements or other interests in such lands (of which title is vested in the board of trustees, a WMD, or state agency) may be granted to any public utility, regional transmission organization or natural gas company for:

- Electric transmission and distribution lines;
- Natural gas pipelines; or
- Other public utility infrastructure linear facilities that the Public Service Commission has determined that a need exists, or for which the Federal Energy Regulatory Commission has issued a Certificate of Public Convenience and Necessity.

This section also provides that in exchange for a less than fee simple interest acquired, the public utility must vest in the grantor the same type of less than fee simple interest to other available land that is at least 1.5 times the size of the land acquired by the utility. The grantor agency must approve the property, and the determination is based on the economic and ecological or recreational value and whether it is at least equivalent to the property transferred.

In exchange for fee simple interests, the public utility shall acquire and vest in the grantor agency fee simple title to other available land of at least 2 times the size of the land acquired from the

agency grantor. The grantor agency must approve the land to be acquired on its behalf based on a determination that the economic and ecological or recreational value is at least equivalent to the property transferred.

Instead of providing other lands to the grantor agency in exchange for lands it acquires, the grantee may propose and, subject to the grantor agency's approval, pay to the grantor agency an amount equal to the fair market value of the state-owned land received by the grantee plus one-half of the cost differential between the cost of constructing the facility up to a maximum of twice the fair market value of the state-owned lands received by the grantee. These moneys shall then be used by the grantor agency to acquire fee simple or less than fee simple interest in other lands.

Section 4. Amends s. 337.401, F.S. - Use of right-of-way for utilities subject to regulation; permit; fees

This section provides that for transmission lines that operate more than 69 KV, and where there is no practical alternative available, the Department of Transportation (DOT) rules must provide for placement of, and access to, such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, provide compliance with minimum clear zone and other safety standards established by such rules or regulations is achieved. For purposes of this section, "base load generating facilities" are those electrical power plants certified pursuant to Chapter 403, Part II, F.S.

Section 5. Amends s. 366.93, F.S. - Cost recovery for the siting, design, licensing, and construction of nuclear and integrated gasification combined cycle power plants

This section amends the definition of "cost" to include expenses relating to any new, enlarged, or relocated electrical transmission lines or facilities of any size that are necessary to serve nuclear or integrated gasification combined cycle power plant.

This section amends the definition of "preconstruction" to specify that it relates to the period of time after any related electrical transmission lines or facilities has been selected through and including the date the utility completes site-clearing work.

This section also requires the Public Service Commission to establish alternative cost recovery for new, expanded, or relocated electric transmission lines and facilities that are necessary to serve the nuclear or integrated gasification combined cycle power plant. Furthermore, the proposed legislation allows utilities to recover preconstruction and construction costs incurred after the issuance of a final order granting a determination of need for nuclear power plant and electrical transmission lines and facilities in the event that the utility elects not to complete or is precluded from completing construction of any new, expanded, or relocated electrical transmission lines or facilities of a nuclear power plant.

Sections 6-7. Amend ss. 380.23 and 403.031, F.S., to:

Correct a cross reference to conform to the renumbering of subsections.

Section 8. Amends s. 403.503, F.S. - Definitions

This section defines an “alternative corridor” as an area that is proposed by the applicant or a third party within which all or part of an associated electrical transmission line right-of-way is to be located and that is different from the preferred transmission line corridor proposed by the applicant. The width of the alternate corridor proposed for certification for an associated electrical transmission line may be the width of the proposed right-of-way or a wider boundary not to exceed a width of 1 mile. The area within the alternate corridor may be further restricted as a condition of certification. The alternate corridor may include alternate electrical substation sites if the applicant has proposed an electrical substation as part of the portion of the proposed electrical transmission line.

This section also amends the definition of “corridor” to specify that the corridors proper for certification must be those addressed in the application, in amendments to the application, and in notices of acceptance of proposed alternate corridors filed by an applicant and DEP.

Section 9. Amends s. 403.504 - Department of Environmental Protection; powers and duties enumerated

This section provides that DEP has the power and duty under the Power Plant Siting Act to determine whether an alternate corridor proposed for consideration is acceptable.

Section 10. Amends s. 403.506, F.S. - Applicability, thresholds, and certification

This section provides that for nuclear power plants, an electric utility may obtain separate licenses and permits for the construction of a facility necessary to construct a power plant without first having to obtain certification. Such facilities can include access and onsite roads, rail lines, electrical transmission facilities to support construction, and facilities necessary for waterborne delivery of construction materials and project components. This exemption does not authorize agency rulemaking and any action taken under this subsection is not subject to chapter 120, F.S.

Section 11. Amends s. 403.5064, F.S. - Application; schedules

This section provides a timetable and schedule for when an applicant, as part of the certification application, opts to allow consideration of alternate corridors for any associated transmission line corridors.

Section 12. Amends s. 403.50665, F.S. - Land use consistency

This section provides that an applicant must include in the application a statement on the consistency of the site, or any directly associated facilities “that constitutes a development, as defined by s. 380.04, F.S.”

This section also provides that the issue of land use consistency for a proposed alternate electrical substation that is proposed as part of an alternate corridor accepted by the applicant and the DEP must be addressed in the supplemental report prepared by the local government on the proposed alternate corridor and shall be considered at the final certification hearing.

Section 13. Amends s. 403.509, F.S. - Final disposition of application

This section specifies that any transmission line corridor certified by the board shall meet the criteria of this section. Additionally, it specifies that when there is more than one transmission line corridor that is proper for certification under s. 403.503(10), F.S., and meets the criteria of this section, the board must certify the transmission line corridor that has the least adverse impact regarding the information in (3), including costs.

This section also specifies that if the board finds an alternate corridor rejected pursuant to s. 403.5271, F.S., and incorporated by reference in 403.5064(1)(b), F.S., meets the criteria of (3) and has the least adverse impact regarding information in (3), including cost, of all the corridors that meet the criteria in (3), the board must either deny certification or allow the applicant to amend the application in order to include the corridor.

In addition, this section specifies that if the board finds that two or more of the corridors that comply with (3) have the least adverse impacts regarding the criteria in (3), including costs, and that the corridors are substantially equal in adverse impacts regarding the criteria of (3), including costs, the board shall certify the corridor preferred by the applicant if the corridor is one proper for certification under s. 403.503(10), F.S.

Section 14. Amends s. 403.5115, F.S. - Public notice

This section provides public notice requirements pertaining to the filing of a proposal for an alternate corridor.

Section 15. Amends s. 403.5175, F.S. – Existing electrical power plant site certification

This section corrects a cross reference to conform to the renumbering of subsections.

Section 16. Amends s. 403.518, F.S. - Fees; disposition

This section provides for a filing fee for an alternative corridor filed pursuant to s. 403.5064(4), F.S.

Section 17. Amends s. 403.519, F.S. - Exclusive forum for determination of need

This section requires that an applicant's petition to determine need must include a description of and an estimate of the cost of the nuclear or integrated gasification combined cycle power plant, which "includes any costs associated with new, enlarged, or relocated electrical transmission lines or facilities of any size that are necessary to serve the nuclear power plant."

This section also provides that, after the determination of need, the right of the utility to recover the cost of new, expanded, or relocated electrical transmission lines or facilities of any size that are necessary to serve the nuclear power plant shall not be subject to challenge, unless the commission finds that costs were imprudently incurred.

Section 18. Amends s. 403.514, F.S. - General permits; delegation

This section specifies that subsection (6), which provides for the general permitting requirements for the construction and maintenance of transmission lines in wetlands by electric utilities, "applies to transmission lines and appurtenances certified pursuant to part II of this chapter."

TAB B

ORIGINAL

YEAR

1 Section 1. Present subsection (3) of section 74.051,
 2 Florida Statutes, is redesignated as subsection (4), and a new
 3 subsection (3) is added to that section, to read:

4 74.051 Hearing on order of taking.--

5 (3) If a defendant requests a hearing and the petitioner
 6 is an electric utility that is seeking to appropriate property
 7 necessary for an electric generation plant, an associated
 8 facility of such plant, an electric substation, or a power line,
 9 the court shall conduct the hearing no more than 120 days after
 10 the petition is filed. The court shall issue its final judgment
 11 no more than 30 days after the hearing.

12 Section 2. Subsection (2) of section 253.02, Florida
 13 Statutes, is amended to read:

14 253.02 Board of trustees; powers and duties.--

15 (2) (a) The board of trustees shall not sell, transfer, or
 16 otherwise dispose of any lands the title to which is vested in
 17 the board of trustees except by vote of at least three of the
 18 four trustees and as provided in this subsection.

19 (b) In order to promote efficient, effective, and
 20 economical management of state lands and utility services and if
 21 the Public Service Commission has determined a need exists or
 22 the Federal Energy Regulatory Commission has granted a
 23 Certificate of Public Convenience and Necessity, the authority
 24 to grant easements for rights-of-way over, across, and upon
 25 lands the title to which is vested in the board of trustees for
 26 the construction and operation of natural gas pipeline
 27 transmission and linear facilities, including electric
 28 transmission and distribution facilities, may be delegated to

TAB B

ORIGINAL

YEAR

29 the Secretary of the Department of Environmental Protection for
 30 facilities subject to part II of chapter 403 or facilities
 31 subject to part IV of chapter 373.

32
 33 The board of trustees may review and approve such uses of state
 34 lands if delegation would be inappropriate in regard to the
 35 amount or location of state lands involved.

36 Section 3. Subsection (14) is added to section 253.034,
 37 Florida Statutes, to read:

38 253.034 State-owned lands; uses.--

39 (14) (a) If a public utility, regional transmission
 40 organization, or natural gas company presents competent and
 41 substantial evidence that its use of nonsovereignty state-owned
 42 lands is reasonable based upon a consideration of economic and
 43 environmental factors, including an assessment of practicable
 44 alternative alignments and assurance that the lands will remain
 45 in their predominantly natural condition, the public utility,
 46 regional transmission organization, or natural gas company may
 47 be granted fee simple title, easements, or other interests in
 48 nonsovereignty state-owned lands title to which is vested in the
 49 board of trustees, a water management district, or any other
 50 agency in the state for:

- 51 1. Electric transmission and distribution lines;
- 52 2. Natural gas pipelines; or
- 53 3. Other linear facilities for which the Public Service
 54 Commission has determined a need exists or the Federal Energy
 55 Regulatory Commission has issued a Certificate of Public
 56 Convenience and Necessity.

TAB B

ORIGINAL

YEAR

57 (b) In exchange for less than a fee simple interest
 58 acquired pursuant to this subsection, the grantee shall vest in
 59 the grantor the same fee simple interest to other available land
 60 that is at least 1.5 times the size of the land acquired by the
 61 grantee. The grantor shall approve the property with a less than
 62 fee simple interest on its behalf based on the geographic
 63 location in relation to the land relinquished by the grantor
 64 agency and a determination that the economic, ecological, and
 65 recreational value is at least equivalent to that of the
 66 property transferred to the public utility, regional
 67 transmission organization, or natural gas company.

68 (c) In exchange for a fee simple interest acquired
 69 pursuant to this subsection, the grantee shall vest in the
 70 grantor a fee simple title to other available land that is at
 71 least 2 times the size of the land acquired by the grantee. The
 72 grantor shall approve the land to be acquired on its behalf
 73 based on a determination that the economic and ecological or
 74 recreational value is at least equivalent to that of the
 75 property transferred to the public utility, regional
 76 transmission organization, or natural gas company.

77 (d) The grantee may, subject to the grantor's approval,
 78 pay the fair market value of the state-owned land plus one-half
 79 of the cost differential between the cost of constructing the
 80 facility and the cost of constructing the facility on state-
 81 owned land, up to a maximum of twice the fair market value of
 82 the land acquired by the grantee. The grantor must use these
 83 moneys to acquire fee simple or less than fee simple interest in
 84 other available land.

TAB B

ORIGINAL

YEAR

85 Section 4. Subsection (1) of section 337.401, Florida
 86 Statutes, is amended to read:

87 337.401 Use of right-of-way for utilities subject to
 88 regulation; permit; fees.--

89 (1) The department and local governmental entities,
 90 referred to in ss. 337.401-337.404 as the "authority," that have
 91 jurisdiction and control of public roads or publicly owned rail
 92 corridors are authorized to prescribe and enforce reasonable
 93 rules or regulations with reference to the placing and
 94 maintaining along, across, or on any road or publicly owned rail
 95 corridors under their respective jurisdictions any electric
 96 transmission, telephone, telegraph, or other communications
 97 services lines; pole lines; poles; railways; ditches; sewers;
 98 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 99 pumps; or other structures ~~hereinafter~~ referred to in this
 100 section as the "utility." For aerial and underground electric
 101 utility transmission lines designed to operate at 69 kv or more
 102 that are needed to accommodate the additional electrical
 103 transfer capacity on the transmission grid resulting from new
 104 base load generating facilities, where there is no other
 105 practicable alternative available for placement of the electric
 106 utility transmission lines, as defined below, on the
 107 department's rights-of-way, the department's rules or
 108 regulations shall provide for placement of, and access to such
 109 transmission lines adjacent to and within the right-of-way of
 110 any department-controlled public roads, including longitudinally
 111 within limited access facilities to the greatest extent allowed
 112 by federal law, provided compliance with the standards

TAB B

ORIGINAL

YEAR

113 established by such rules or regulations is achieved. Such
 114 rules and regulations may include, but not be limited to,
 115 presentation of confident and substantial evidence that the use
 116 of the right-of-way is reasonable based upon a consideration of
 117 economic and environmental factors, including an assessment of
 118 practicable alternative alignments, including without limitation
 119 other utility corridors and easements, minimum clear zone and
 120 other safety standards and such improvements do not interfere
 121 with operational requirements of the transportation facility or
 122 planned or potential future expansion of such transportation
 123 facility. If the department approves longitudinal placement of
 124 electric utility transmission lines in limited access
 125 facilities, compensation for the use of the right-of-way shall
 126 be required. Such consideration or compensation paid by the
 127 electric utility in connection with the department's issuance of
 128 a permit does not create any property right whatsoever in the
 129 department's property regardless of the amount of the
 130 consideration paid or the improvements constructed on the
 131 property by the utility. Upon notice by the department that the
 132 property is needed for expansion or improvement of the
 133 transportation facility, the electric utility transmission line
 134 will relocate from the facility at the electric utility's sole
 135 expense. An electric utility shall pay to the department any
 136 additional expenses or damages, including without limitation,
 137 damages resulting from construction delay claims and loss of
 138 revenues, resulting from the electric utility's failure or
 139 refusal to timely relocate its transmission line. As used in
 140 this subsection, the term "base load generating facilities"

TAB B

ORIGINAL

YEAR

141 means electrical power plants that are certified under part II,
 142 chapter 403, Florida Statutes. The department may enter into a
 143 permit-delegation agreement with a governmental entity if
 144 issuance of a permit is based on requirements that the
 145 department finds will ensure the safety and integrity of
 146 facilities of the Department of Transportation; however, the
 147 permit-delegation agreement does not apply to facilities of
 148 electric utilities as defined in s. 366.02(2).

149 Section 5. Section 366.93, Florida Statutes, is amended to
 150 read:

151 366.93 Cost recovery for the siting, design, licensing,
 152 and construction of nuclear and integrated gasification combined
 153 cycle power plants.--

154 (1) As used in this section, the term:

155 (a) "Cost" includes, but is not limited to, all capital
 156 investments, including rate of return, any applicable taxes, and
 157 all expenses, including operation and maintenance expenses,
 158 related to or resulting from the siting, licensing, design,
 159 construction, or operation of the nuclear power plant and any
 160 new, enlarged, or relocated electrical transmission lines or
 161 facilities of any size that are necessary to serve the nuclear
 162 or integrated gasification combined cycle power plant.

163 (b) "Electric utility" or "utility" has the same meaning
 164 as that provided in s. 366.8255(1)(a).

165 (c) "Integrated gasification combined cycle power plant"
 166 or "plant" is an electrical power plant as defined in s.
 167 403.503(14) which ~~s. 403.503(13)~~ that uses synthesis gas
 168 produced by integrated gasification technology.

TAB B

ORIGINAL

YEAR

169 (d) "Nuclear power plant" or "plant" means ~~is~~ an
 170 electrical power plant, as defined in s. 403.503(14), which ~~s.~~
 171 ~~403.503(13)~~ that uses nuclear materials for fuel.

172 (e) "Power plant" or "plant" means a nuclear power plant
 173 or an integrated gasification combined cycle power plant.

174 (f) "Preconstruction" is that period of time after a site,
 175 including any related electrical transmission lines or
 176 facilities, has been selected through and including the date the
 177 utility completes site-clearing ~~site-clearing~~ work.

178 Preconstruction costs shall be afforded deferred accounting
 179 treatment and shall accrue a carrying charge equal to the
 180 utility's allowance for funds during construction (AFUDC) rate
 181 until recovered in rates.

182 (2) Within 6 months after the enactment of this act, the
 183 commission shall establish, by rule, alternative cost recovery
 184 mechanisms for the recovery of costs incurred in the siting,
 185 design, licensing, and construction of a nuclear power plant,
 186 including new, expanded, or relocated electrical transmission
 187 lines and facilities that are necessary to serve the nuclear or
 188 integrated gasification combined cycle power plant. Such
 189 mechanisms shall be designed to promote utility investment in
 190 nuclear or integrated gasification combined cycle power plants
 191 and allow for the recovery in rates of all prudently incurred
 192 costs, and shall include, but need are not be limited to:

193 (a) Recovery through the capacity cost recovery clause of
 194 any preconstruction costs.

195 (b) Recovery through an incremental increase in the
 196 utility's capacity cost recovery clause rates of the carrying

TAB B

ORIGINAL

YEAR

197 costs on the utility's projected construction cost balance
 198 associated with the nuclear or integrated gasification combined
 199 cycle power plant. To encourage investment and provide
 200 certainty, for nuclear or integrated gasification combined cycle
 201 power plant need petitions submitted on or before December 31,
 202 2010, associated carrying costs shall be equal to the pretax
 203 AFUDC in effect upon this act becoming law. For nuclear or
 204 integrated gasification combined cycle power plants for which
 205 need petitions are submitted after December 31, 2010, the
 206 utility's existing pretax AFUDC rate is presumed to be
 207 appropriate unless determined otherwise by the commission in the
 208 determination of need for the nuclear or integrated gasification
 209 combined cycle power plant.

210 (3) After a petition for determination of need is granted,
 211 a utility may petition the commission for cost recovery as
 212 permitted by this section and commission rules.

213 (4) When the nuclear or integrated gasification combined
 214 cycle power plant is placed in commercial service, the utility
 215 shall be allowed to increase its base rate charges by the
 216 projected annual revenue requirements of the nuclear or
 217 integrated gasification combined cycle power plant based on the
 218 jurisdictional annual revenue requirements of the plant for the
 219 first 12 months of operation. The rate of return on capital
 220 investments shall be calculated using the utility's rate of
 221 return last approved by the commission prior to the commercial
 222 inservice date of the nuclear or integrated gasification
 223 combined cycle power plant. If any existing generating plant is
 224 retired as a result of operation of the nuclear or integrated

TAB B

ORIGINAL

YEAR

225 gasification combined cycle power plant, the commission shall
 226 allow for the recovery, through an increase in base rate
 227 charges, of the net book value of the retired plant over a
 228 period not to exceed 5 years.

229 (5) The utility shall report to the commission annually
 230 the budgeted and actual costs as compared to the estimated
 231 inservice cost of the nuclear or integrated gasification
 232 combined cycle power plant provided by the utility pursuant to
 233 s. 403.519(4), until the commercial operation of the nuclear or
 234 integrated gasification combined cycle power plant. The utility
 235 shall provide such information on an annual basis following the
 236 final order by the commission approving the determination of
 237 need for the nuclear or integrated gasification combined cycle
 238 power plant, with the understanding that some costs may be
 239 higher than estimated and other costs may be lower.

240 (6) ~~If In the event~~ the utility elects not to complete or
 241 is precluded from completing construction of the nuclear power
 242 plant, including any new, expanded, or relocated electrical
 243 transmission lines or facilities or integrated gasification
 244 combined cycle power plant, the utility shall be allowed to
 245 recover all prudent preconstruction and construction costs
 246 incurred following the commission's issuance of a final order
 247 granting a determination of need for the nuclear power plant and
 248 electrical transmission lines and facilities or integrated
 249 gasification combined cycle power plant. The utility shall
 250 recover such costs through the capacity cost recovery clause
 251 over a period equal to the period during which the costs were
 252 incurred or 5 years, whichever is greater. The unrecovered

TAB B

ORIGINAL

YEAR

253 balance during the recovery period will accrue interest at the
 254 utility's weighted average cost of capital as reported in the
 255 commission's earnings surveillance reporting requirement for the
 256 prior year.

257 Section 6. Paragraph (c) of subsection (3) of section
 258 380.23, Florida Statutes, is amended to read:

259 380.23 Federal consistency.--

260 (3) Consistency review shall be limited to review of the
 261 following activities, uses, and projects to ensure that such
 262 activities, uses, and projects are conducted in accordance with
 263 the state's coastal management program:

264 (c) Federally licensed or permitted activities affecting
 265 land or water uses when such activities are in or seaward of the
 266 jurisdiction of local governments required to develop a coastal
 267 zone protection element as provided in s. 380.24 and when such
 268 activities involve:

269 1. Permits and licenses required under the Rivers and
 270 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

271 2. Permits and licenses required under the Marine
 272 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
 273 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

274 3. Permits and licenses required under the Federal Water
 275 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
 276 amended, unless such permitting activities have been delegated
 277 to the state pursuant to said act.

278 4. Permits and licenses relating to the transportation of
 279 hazardous substance materials or transportation and dumping
 280 which are issued pursuant to the Hazardous Materials

TAB B

ORIGINAL

YEAR

281 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
 282 33 U.S.C. s. 1321, as amended.

283 5. Permits and licenses required under 15 U.S.C. ss. 717-
 284 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
 285 1331-1356 for construction and operation of interstate gas
 286 pipelines and storage facilities.

287 6. Permits and licenses required for the siting and
 288 construction of any new electrical power plants as defined in s.
 289 403.503(14) ~~s. 403.503(13)~~, as amended, and the licensing and
 290 relicensing of hydroelectric power plants under the Federal
 291 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

292 7. Permits and licenses required under the Mining Law of
 293 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
 294 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
 295 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
 296 amended; the Federal Land Policy and Management Act, 43 U.S.C.
 297 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
 298 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
 299 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
 300 pipelines, geological and geophysical activities, or rights-of-
 301 way on public lands and permits and licenses required under the
 302 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
 303 amended.

304 8. Permits and licenses for areas leased under the OCS
 305 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
 306 leases and approvals of exploration, development, and production
 307 plans.

308 9. Permits and licenses required under the Deepwater Port

TAB B

ORIGINAL

YEAR

309 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

310 10. Permits required for the taking of marine mammals
311 under the Marine Mammal Protection Act of 1972, as amended, 16
312 U.S.C. s. 1374.

313 Section 7. Subsection (20) of section 403.031, Florida
314 Statutes, is amended to read:

315 403.031 Definitions.--In construing this chapter, or rules
316 and regulations adopted pursuant hereto, the following words,
317 phrases, or terms, unless the context otherwise indicates, have
318 the following meanings:

319 (20) "Electrical power plant" means, for purposes of this
320 part of this chapter, any electrical generating facility that
321 uses any process or fuel and that is owned or operated by an
322 electric utility, as defined in s. 403.503(14) ~~s. 403.503(13)~~,
323 and includes any associated facility that directly supports the
324 operation of the electrical power plant.

325 Section 8. Present subsections (3) through (30) of section
326 403.503, Florida Statutes, are redesignated as subsections (4)
327 through (31), respectively, a new subsection (3) is added to
328 that section, and present subsection (10) of that section is
329 amended, to read:

330 403.503 Definitions relating to Florida Electrical Power
331 Plant Siting Act.--As used in this act:

332 (3) "Alternate corridor" means an area that is proposed by
333 the applicant or a third party within which all or part of an
334 associated electrical transmission line right-of-way is to be
335 located and that is different from the preferred transmission
336 line corridor proposed by the applicant. The width of the

TAB B

ORIGINAL

YEAR

337 alternate corridor proposed for certification for an associated
 338 electrical transmission line may be the width of the proposed
 339 right-of-way or a wider boundary not to exceed a width of 1
 340 mile. The area within the alternate corridor may be further
 341 restricted as a condition of certification. The alternate
 342 corridor may include alternate electrical substation sites if
 343 the applicant has proposed an electrical substation as part of
 344 the portion of the proposed electrical transmission line.

345 (11)-(10) "Corridor" means the proposed area within which
 346 an associated linear facility right-of-way is to be located.
 347 The width of the corridor proposed for certification as an
 348 associated facility, at the option of the applicant, may be the
 349 width of the right-of-way or a wider boundary, not to exceed a
 350 width of 1 mile. The area within the corridor in which a right-
 351 of-way may be located may be further restricted by a condition
 352 of certification. After all property interests required for the
 353 right-of-way have been acquired by the licensee, the boundaries
 354 of the area certified shall narrow to only that land within the
 355 boundaries of the right-of-way. The corridors proper for
 356 certification shall be those addressed in the application, in
 357 amendments to the application filed under s. 403.5064, and in
 358 notices of acceptance of proposed alternate corridors filed by
 359 an applicant and the department pursuant to s. 403.5271 as
 360 incorporated by reference in s. 403.5064(1)(b) for which the
 361 required information for the preparation of agency supplemental
 362 reports was filed.

363 Section 9. Present subsections (9) through (12) of section
 364 403.504, Florida Statutes, are redesignated as subsections (10)

TAB B

ORIGINAL

YEAR

365 through (13), respectively, and a new subsection (9) is added to
 366 that section, to read:

367 403.504 Department of Environmental Protection; powers and
 368 duties enumerated.--The department shall have the following
 369 powers and duties in relation to this act:

370 (9) To determine whether an alternate corridor proposed
 371 for consideration under s. 403.5064(4) is acceptable.

372 Section 10. Subsection (3) is added to section 403.506,
 373 Florida Statutes, to read:

374 403.506 Applicability, thresholds, and certification.--

375 (3) An electric utility may obtain separate licenses,
 376 permits, and approvals for the construction of facilities
 377 necessary to construct an electrical power plant without first
 378 obtaining certification under this act if the utility intends to
 379 locate, license, and construct a proposed or expanded electrical
 380 power plant that uses nuclear materials as fuel. Such facilities
 381 may include, but are not limited to, access and onsite roads,
 382 rail lines, electrical transmission facilities to support
 383 construction, and facilities necessary for waterborne delivery
 384 of construction materials and project components. This exemption
 385 applies to such facilities regardless of whether the facilities
 386 are used for operation of the power plant. The applicant shall
 387 file with the department a statement that declares that the
 388 construction of such facilities is necessary for the timely
 389 construction of the proposed electrical power plant and
 390 identifies those facilities that the applicant intends to seek
 391 licenses for and construct prior to or separate from
 392 certification of the project. The facilities may be located

TAB B

ORIGINAL

YEAR

393 | within or off of the site for the proposed electrical power
 394 | plant. The filing of an application under this act does not
 395 | affect other applications for separate licenses which are
 396 | pending at the time of filing the application. Furthermore, the
 397 | filing of an application does not prevent an electric utility
 398 | from seeking separate licenses for facilities that are necessary
 399 | to construct the electrical power plant. Licenses, permits, or
 400 | approvals issued by any state, regional, or local agency for
 401 | such facilities shall be incorporated by the department into a
 402 | final certification upon completion of construction. Any
 403 | facilities necessary for construction of the electrical power
 404 | plant shall become part of the certified electrical power plant
 405 | upon completion of the electrical power plant's construction.
 406 | The exemption in this subsection does not require or authorize
 407 | agency rulemaking, and any action taken under this subsection is
 408 | not subject to chapter 120.

409 | Section 11. Subsections (1) and (4) of section 403.5064,
 410 | Florida Statutes, are amended to read:

411 | 403.5064 Application; schedules.--

412 | (1) The formal date of filing of a certification
 413 | application and commencement of the certification review process
 414 | shall be when the applicant submits:

415 | (a) Copies of the certification application in a quantity
 416 | and format as prescribed by rule to the department and other
 417 | agencies identified in s. 403.507(2)(a).

418 | (b) If the applicant opts to allow consideration of
 419 | alternate corridors for any associated transmission line
 420 | corridors, the applicant shall file a statement with the

TAB B

ORIGINAL

YEAR

421 department affirming the exercise of this option. If alternate
 422 corridors are allowed, at the applicant's option, the portion of
 423 the application addressing associated transmission line
 424 corridors shall be processed under the schedule of the Florida
 425 Electric Transmission Line Siting Act, sections 403.521-403.526
 426 and 403.5271, including the opportunity for the filing and
 427 review of alternate corridors, provided that any party proposing
 428 alternate transmission line corridor routes for consideration
 429 must do so no later than 115 days prior to the certification
 430 hearing that is scheduled for the power plant, including any
 431 associated transmission line corridors, in accordance with s.
 432 403.508(2).

433 (c) The application fee specified under s. 403.518 to the
 434 department.

435 (2) Within 7 days after the filing of an application, the
 436 department shall provide to the applicant and the Division of
 437 Administrative Hearings the names and addresses of any
 438 additional agencies or persons entitled to notice and copies of
 439 the application and any amendments. Copies of the application
 440 shall be distributed within 5 days by the applicant to these
 441 additional agencies. This distribution shall not be a basis for
 442 altering the schedule of dates for the certification process.

443 (3) Any amendment to the application made prior to
 444 certification shall be disposed of as part of the original
 445 certification proceeding. Amendment of the application may be
 446 considered good cause for alteration of time limits pursuant to
 447 s. 403.5095.

TAB B

ORIGINAL

YEAR

448 (4) Within 7 days after the filing of an application, the
 449 department shall prepare a proposed schedule of dates for
 450 determination of completeness, submission of statements of
 451 issues, submittal of final reports, and other significant dates
 452 to be followed during the certification process, including dates
 453 for filing notices of appearance to be a party pursuant to s.
 454 403.508(3). If the application includes one or more associated
 455 transmission line corridors, at the request of the applicant
 456 filed concurrently with the application, the department shall
 457 incorporate the application processing schedule of the Florida
 458 Electric Transmission Line Siting Act, sections 403.521-403.526
 459 and 403.5271 for the associated transmission line corridors,
 460 including the opportunity for the filing and review of alternate
 461 corridors, providing that any party may propose alternate
 462 transmission line corridor routes for consideration no later
 463 than 115 days prior to the scheduled certification hearing.
 464 Notwithstanding an applicant's option for the transmission line
 465 corridor portion of its application to be processed under this
 466 optional schedule, only one certification hearing will be held
 467 for the entire power plant in accordance with s. 403.508(2).
 468 The proposed ~~This~~ schedule shall be timely provided by the
 469 department to the applicant, the administrative law judge, all
 470 agencies identified pursuant to subsection (2), and all parties.
 471 Within 7 days after the filing of the proposed schedule, the
 472 administrative law judge shall issue an order establishing a
 473 schedule for the matters addressed in the department's proposed
 474 schedule and other appropriate matters, if any.

475 Section 12. Subsections (1) and (3) of section 403.50665,

TAB B

ORIGINAL

YEAR

476 Florida Statutes, are amended, and subsection (7) is added to
 477 said section, to read:

478 403.50665 Land use consistency.--

479 (1) The applicant shall include in the application a
 480 statement on the consistency of the site, or any directly
 481 associated facilities that constitute a "development," as
 482 defined by s. 380.04, with existing land use plans and zoning
 483 ordinances that were in effect on the date the application was
 484 filed and a full description of such consistency.

485 (3) If the local government issues a determination that
 486 the proposed electrical power plant and any directly associated
 487 facility is not consistent or in compliance with local land use
 488 plans and zoning ordinances, the applicant may apply to the
 489 local government for the necessary local approval to address the
 490 inconsistencies in the local government's determination. If the
 491 applicant makes such an application to the local government, the
 492 time schedules under this act shall be tolled until the local
 493 government issues its revised determination on land use and
 494 zoning or the applicant otherwise withdraws its application to
 495 the local government. If the applicant applies to the local
 496 government for necessary local land use or zoning approval, the
 497 local government shall issue a revised determination within 30
 498 days following the conclusion of that local proceeding, and the
 499 time schedules and notice requirements under this act shall
 500 apply to such revised determination.

501 (7) The issue of land use and zoning consistency for any
 502 proposed alternate intermediate electrical substation which is
 503 proposed as part of an alternate electrical transmission line

TAB B

ORIGINAL

YEAR

504 corridor which is accepted by the applicant and the department
505 under s. 403.5271(1)(b) shall be addressed in the supplementary
506 report prepared by the local government on the proposed
507 alternate corridor and shall be considered as an issue at any
508 final certification hearing. If such a proposed intermediate
509 electrical substation is determined to not be consistent with
510 local land use plans and zoning ordinances, then that alternate
511 electrical substation shall not be certified.

512 Section 13. Paragraph (d) of subsection (3) of section
513 403.509, Florida Statutes, is amended, present subsections (4)
514 through (6) of that section, are redesignated as subsections (5)
515 through (7), respectively, and a new subsection (4) is added to
516 that section, to read:

517 403.509 Final disposition of application.--

518 (3) In determining whether an application should be
519 approved in whole, approved with modifications or conditions, or
520 denied, the board, or secretary when applicable, shall consider
521 whether, and the extent to which, the location of the electrical
522 power plant and directly associated facilities and their
523 construction and operation will:

524 (d) Meet the electrical energy needs of the state in an
525 orderly, reliable, and timely fashion.

526 (4)(a) Any transmission line corridor certified by the
527 board, or secretary if applicable, shall meet the criteria of
528 this section. When more than one transmission line corridor is
529 proper for certification under s. 403.503(10) and meets the
530 criteria of this section, the board, or secretary if applicable,
531 shall certify the transmission line corridor that has the least

TAB B

ORIGINAL

YEAR

532 adverse impact regarding the criteria in subsection (3),
 533 including costs.

534 (b) If the board, or secretary if applicable, finds that
 535 an alternate corridor rejected pursuant to s. 403.5271 as
 536 incorporated by reference in s. 403.5064(1)(b) meets the
 537 criteria of subsection (3) and has the least adverse impact
 538 regarding the criteria in subsection (3), the board, or
 539 secretary if applicable, shall deny certification or shall allow
 540 the applicant to submit an amended application to include the
 541 corridor.

542 (c) If the board, or secretary if applicable, finds that
 543 two or more of the corridors that comply with subsection (3)
 544 have the least adverse impacts regarding the criteria in
 545 subsection (3), including costs, and that the corridors are
 546 substantially equal in adverse impacts regarding the criteria in
 547 subsection (3), including costs, the board, or secretary if
 548 applicable, shall certify the corridor preferred by the
 549 applicant if the corridor is one proper for certification under
 550 s. 403.503(10).

551 Section 14. Subsection (5) is added to section 403.5115,
 552 Florida Statutes, to read:

553 403.5115 Public notice.--

554 (5) A proponent of an alternate corridor shall publish
 555 public notices concerning the filing of a proposal for an
 556 alternate corridor; the route of the alternate corridor; the
 557 revised time schedules, if any; the filing deadline for a
 558 petition to become a party; and the date of the rescheduled
 559 certification hearing, if necessary. For purposes of this

TAB B

ORIGINAL

YEAR

560 subsection, all notices must be published in a newspaper or
 561 newspapers of general circulation within the county or counties
 562 affected by the proposed alternate corridor and must comply with
 563 the requirements provided in subsection (2). The notices must be
 564 published at least 45 days before the date of the rescheduled
 565 certification hearing.

566 Section 15. Subsection (1) of section 403.5175, Florida
 567 Statutes, is amended to read:

568 403.5175 Existing electrical power plant site
 569 certification.--

570 (1) An electric utility that owns or operates an existing
 571 electrical power plant as defined in s. 403.503(14) ~~s.~~
 572 ~~403.503(13)~~ may apply for certification of an existing power
 573 plant and its site in order to obtain all agency licenses
 574 necessary to ensure compliance with federal or state
 575 environmental laws and regulation using the centrally
 576 coordinated, one-stop licensing process established by this
 577 part. An application for site certification under this section
 578 must be in the form prescribed by department rule. Applications
 579 must be reviewed and processed using the same procedural steps
 580 and notices as for an application for a new facility, except
 581 that a determination of need by the Public Service Commission is
 582 not required.

583 Section 16. Subsection (6) is added to section 403.518,
 584 Florida Statutes, to read:

585 403.518 Fees; disposition.--The department shall charge
 586 the applicant the following fees, as appropriate, which, unless
 587 otherwise specified, shall be paid into the Florida Permit Fee

TAB B

ORIGINAL

YEAR

588 Trust Fund:

589 (6) (a) An application fee for an alternate corridor filed
 590 pursuant to s. 403.5064(4). The application fee shall be \$750
 591 per mile for each mile of the alternate corridor located within
 592 an existing electric transmission line right-of-way or within an
 593 existing right-of-way for a road, highway, railroad, or other
 594 aboveground linear facility, or \$1,000 per mile for each mile of
 595 an electric transmission line corridor proposed to be located
 596 outside the existing right-of-way.

597 Section 17. Subsection (4) of section 403.519, Florida
 598 Statutes, is amended to read:

599 403.519 Exclusive forum for determination of need.--

600 (4) In making its determination on a proposed electrical
 601 power plant using nuclear materials or synthesis gas produced by
 602 integrated gasification combined cycle power plant as fuel, the
 603 commission shall hold a hearing within 90 days after the filing
 604 of the petition to determine need and shall issue an order
 605 granting or denying the petition within 135 days after the date
 606 of the filing of the petition. The commission shall be the sole
 607 forum for the determination of this matter and the issues
 608 addressed in the petition, which accordingly shall not be
 609 reviewed in any other forum, or in the review of proceedings in
 610 such other forum. In making its determination to either grant or
 611 deny the petition, the commission shall consider the need for
 612 electric system reliability and integrity, including fuel
 613 diversity, the need for base-load generating capacity, the need
 614 for adequate electricity at a reasonable cost, and whether
 615 renewable energy sources and technologies, as well as

TAB B

ORIGINAL

YEAR

616 conservation measures, are utilized to the extent reasonably
617 available.

618 (a) The applicant's petition shall include:

619 1. A description of the need for the generation capacity.

620 2. A description of how the proposed nuclear or integrated
621 gasification combined cycle power plant will enhance the
622 reliability of electric power production within the state by
623 improving the balance of power plant fuel diversity and reducing
624 Florida's dependence on fuel oil and natural gas.

625 3. A description of and a nonbinding estimate of the cost
626 of the nuclear or integrated gasification combined cycle power
627 plant, including any costs associated with new, enlarged, or
628 relocated electrical transmission lines or facilities of any
629 size that are necessary to serve the nuclear power plant.

630 4. The annualized base revenue requirement for the first
631 12 months of operation of the nuclear or integrated gasification
632 combined cycle power plant.

633 5. Information on whether there were any discussions with
634 any electric utilities regarding ownership of a portion of the
635 nuclear or integrated gasification combined cycle power plant by
636 such electric utilities.

637 (b) In making its determination, the commission shall take
638 into account matters within its jurisdiction, which it deems
639 relevant, including whether the nuclear or integrated
640 gasification combined cycle power plant will:

641 1. Provide needed base-load capacity.

642 2. Enhance the reliability of electric power production
643 within the state by improving the balance of power plant fuel

TAB B

ORIGINAL

YEAR

644 | diversity and reducing Florida's dependence on fuel oil and
 645 | natural gas.

646 | 3. Provide the most cost-effective source of power, taking
 647 | into account the need to improve the balance of fuel diversity,
 648 | reduce Florida's dependence on fuel oil and natural gas, reduce
 649 | air emission compliance costs, and contribute to the long-term
 650 | stability and reliability of the electric grid.

651 | (c) No provision of rule 25-22.082, Florida Administrative
 652 | Code, shall be applicable to a nuclear or integrated
 653 | gasification combined cycle power plant sited under this act,
 654 | including provisions for cost recovery, and an applicant shall
 655 | not otherwise be required to secure competitive proposals for
 656 | power supply prior to making application under this act or
 657 | receiving a determination of need from the commission.

658 | (d) The commission's determination of need for a nuclear
 659 | or integrated gasification combined cycle power plant shall
 660 | create a presumption of public need and necessity and shall
 661 | serve as the commission's report required by s. 403.507(4)(a).
 662 | An order entered pursuant to this section constitutes final
 663 | agency action. Any petition for reconsideration of a final order
 664 | on a petition for need determination shall be filed within 5
 665 | days after the date of such order. The commission's final order,
 666 | including any order on reconsideration, shall be reviewable on
 667 | appeal in the Florida Supreme Court. Inasmuch as delay in the
 668 | determination of need will delay siting of a nuclear or
 669 | integrated gasification combined cycle power plant or diminish
 670 | the opportunity for savings to customers under the federal
 671 | Energy Policy Act of 2005, the Supreme Court shall proceed to

TAB B

ORIGINAL

YEAR

672 | hear and determine the action as expeditiously as practicable
 673 | and give the action precedence over matters not accorded similar
 674 | precedence by law.

675 | (e) After a petition for determination of need for a
 676 | nuclear or integrated gasification combined cycle power plant
 677 | has been granted, the right of a utility to recover any costs
 678 | incurred prior to commercial operation, including, but not
 679 | limited to, costs associated with the siting, design, licensing,
 680 | or construction of the plant and new, expanded, or relocated
 681 | electrical transmission lines or facilities of any size that are
 682 | necessary to serve the nuclear power plant, shall not be subject
 683 | to challenge unless and only to the extent the commission finds,
 684 | based on a preponderance of the evidence adduced at a hearing
 685 | before the commission under s. 120.57, that certain costs were
 686 | imprudently incurred. Proceeding with the construction of the
 687 | nuclear or integrated gasification combined cycle power plant
 688 | following an order by the commission approving the need for the
 689 | nuclear or integrated gasification combined cycle power plant
 690 | under this act shall not constitute or be evidence of
 691 | imprudence. Imprudence shall not include any cost increases due
 692 | to events beyond the utility's control. Further, a utility's
 693 | right to recover costs associated with a nuclear or integrated
 694 | gasification combined cycle power plant may not be raised in any
 695 | other forum or in the review of proceedings in such other forum.
 696 | Costs incurred prior to commercial operation shall be recovered
 697 | pursuant to chapter 366.

698 | Section 18. Paragraph (i) of subsection (6) of section
 699 | 403.814, Florida Statutes, is amended to read:

TAB B

ORIGINAL

YEAR

700 403.814 General permits; delegation.--
 701 (6) Construction and maintenance of electric transmission
 702 or distribution lines in wetlands by electric utilities, as
 703 defined in s. 366.02, shall be authorized by general permit
 704 provided the following provisions are implemented:
 705 (i) This subsection applies to transmission lines and
 706 appurtenances certified pursuant to part II of this chapter.
 707 However, the criteria of the general permit shall not otherwise
 708 affect the authority of the siting board to condition
 709 certification of transmission lines as authorized under part II
 710 of this chapter.
 711
 712 Maintenance of existing electric lines and clearing of
 713 vegetation in wetlands conducted without the placement of
 714 structures in wetlands or other dredge and fill activities does
 715 not require an individual or general construction permit. For
 716 the purpose of this subsection, wetlands shall mean the landward
 717 extent of waters of the state regulated under ss. 403.91-403.929
 718 and isolated and nonisolated wetlands regulated under part IV of
 719 chapter 373. The provisions provided in this subsection apply to
 720 the permitting requirements of the department, any water
 721 management district, and any local government implementing part
 722 IV of chapter 373 or part VIII of this chapter.
 723

C

C – Governance of Energy Policy

Section 1. Amends s. 377.601, F.S. – Legislative Intent Regarding Energy Security, the Effects of Global Climate Change, and the Implementation of Alternative Energy Technologies

This section revises legislative intent to emphasize the following:

- Florida’s energy security can be increased by lessening dependence on foreign oil;
- The impacts of global climate change can be reduced through the reduction of greenhouse gas emissions; and
- The implementation of alternative energy technologies can be the source of new jobs and employment opportunities for many Floridians.

Section 2. Creates s. 377.6015, F.S. – Florida Energy and Climate Commission

This section creates the Florida Energy and Climate Commission (commission) in the Executive Office of the Governor and provides for the following:

- The commission is to be comprised of 7 members appointed by the Governor for 3-year terms.
- The Governor is to select from three people nominated by the Florida Public Service Commission Nominating Council for each seat on the commission.
- The Governor is to select a chair from three people nominated for the chair position by the council.
- The Florida Department of Law Enforcement must conduct a background investigation of nominees being appointed to the commission.
- If the Governor does not make an appointment within 30 days of receiving the council’s recommendations or if the Senate fails to confirm the Governor’s appointment to the commission, the council is to initiate the nominating process within 30 days.
- The Governor or his or her successor can recall an appointee.
- A commission member must be an expert in one or more of the following fields:
 - Energy,
 - Natural resource conservation,
 - Economics,
 - Engineering,
 - Finance,
 - Law,
 - Transportation and land use,
 - Consumer protection,
 - State energy policy, or

- Another field which is substantially related to the duties and functions of the commission.
- At the time of appointment and at each meeting, members must disclose any financial interest or employment or affiliation with any business entity that may be affected by the policy recommendations of the commission.
- The chair may designate ex-officio non-voting members to provide information and advice to the commission. The following are ex-officio non-voting members of the commission:
 - The chair of the Florida Public Service Commission, or designee;
 - The Public Counsel, or 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; and
 - A representative of the Department of Transportation.
- The commission must meet at least six times a year and may employ staff and counsel, as needed. The commission is directed to do the following:
 - Administer the Florida Renewable Energy and Energy Efficient Technologies Grant Program.
 - Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.
 - Administer the Florida Green Government Grants Act and set annual priorities for grants.
 - Administer information gathering and reporting functions.
 - Administer petroleum planning and emergency contingency planning.
 - Represent Florida in the Southern States Energy Compact.
 - Complete 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 and provide specific recommendations to the Governor and the Legislature each year to improve results.
 - Administer the provisions of the Florida Energy and Climate Protection Act.
 - Advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with Florida's academic institutions.
 - Adopt rules to implement powers and duties delineated in the section.

Section 3. Amends s. 377.602, F.S. – Definitions

This section expands the definition of “Energy Resources” to include “energy converted from solar radiation, wind, hydraulic potential, tidal movements, and geothermal sources.”

Sections 4. – 7. Amend ss. 377.603, 377.604, 377.605, and 377.606, F.S. – Powers and Duties of the Commission; Required Reports; Use of Existing Information; Records of the Commission

These sections make conforming changes reflecting the transferring of responsibilities from the department to the commission.

Section 8. Amends s. 377.703, F.S. – Additional Functions of the Commission

This section deletes definitions and makes conforming changes reflecting the transferring of responsibilities from the department to the commission. It expands the requirement of the Department of Management Services to furnish data on agencies’ energy consumption to include their emissions of greenhouse gases.

Section 9. Amends s. 377.705, F.S. – Solar Energy Center; Development of Solar Energy Standards

This section deletes outdated findings and intent language regarding energy consumption and solar energy.

Section 10. Amends s. 377.801, F.S. – Florida Energy and Climate Protection Act

This section renames ss. 377.801-377.806, F.S., as the “Florida Energy and Climate Protection Act.”

Section 11. Amends s. 377.802, F.S. – Purpose of the Act

This section provides that the purpose of the act is to provide incentives for activities designed to affect climate change and reduce carbon emissions. The grant programs are intended to stimulate capital investment and enhance the market for renewable energy. The act is also intended to provide incentives for the purchase of energy-efficient appliances and rebates for solar energy equipment.

Section 12. Amends 377.803, F.S. – Definitions Used Within the Act

This section makes conforming changes reflecting the transferring of responsibilities from the department to the commission.

Section 13. Amends s. 377.804, F.S. – Renewable Energy and Energy Efficient Technologies Grants Program

This section renames the “Renewable Energy Technologies Grants Program” as the “Renewable Energy and Energy Efficient Technologies Grants Program.” It also stipulates that each application be accompanied by an affidavit stating that the statements in it are true.

Section 14. Amends s. 377.806, F.S. – Solar Energy System Incentives Program

This section, with regard to the Solar Energy System Incentives Program, changes the requirement that the system comply with all applicable building codes as defined by local jurisdictional authority to those defined by the Florida Building Code.

Section 15. Repeals s. 377.701, F.S. - Petroleum Allocation

Section 16. Repeals s. 377.901, F.S. - Florida Energy Commission

TAB C

ORIGINAL

YEAR

1 Section 1. Section 377.601, Florida Statutes, is amended
 2 to read:
 3 377.601 Legislative intent.--
 4 (1) The Legislature finds that Florida's energy security
 5 can be increased by lessening dependence on foreign oil; that
 6 the impacts of global climate change can be reduced through the
 7 reduction of greenhouse gas emissions; and that the
 8 implementation of alternative energy technologies can be the
 9 source of new jobs and employment opportunities for many
 10 Floridians. The Legislature further finds that Florida is
 11 positioned at the front line against potential impacts of global
 12 climate change. Human and economic costs of those impacts can
 13 be averted and, where necessary, adapted to by a concerted
 14 effort to make Florida's communities more resilient and less
 15 vulnerable to these impacts. In focusing the government's policy
 16 and efforts to protect our state, its citizens and resources,
 17 the legislature believes that a single government entity with a
 18 specific focus on energy and climate change is both desirable
 19 and advantageous ~~the ability to deal effectively with present~~
 20 ~~shortages of resources used in the production of energy is~~
 21 ~~aggravated and intensified because of inadequate or nonexistent~~
 22 ~~information and that intelligent response to these problems and~~
 23 ~~to the development of a state energy policy demands accurate and~~
 24 ~~relevant information concerning energy supply, distribution, and~~
 25 ~~use. The Legislature finds and declares that a procedure for the~~
 26 ~~collection and analysis of data on the energy flow in this state~~
 27 ~~is essential to the development and maintenance of an energy~~
 28 ~~profile defining the characteristics and magnitudes of present~~

TAB C

ORIGINAL

YEAR

29 ~~and future energy demands and availability so that the state may~~
 30 ~~rationaly deal with present energy problems and anticipate~~
 31 ~~future energy problems.~~

32 ~~(2) The Legislature further recognizes that every state~~
 33 ~~official dealing with energy problems should have current and~~
 34 ~~reliable information on the types and quantity of energy~~
 35 ~~resources produced, imported, converted, distributed, exported,~~
 36 ~~stored, held in reserve, or consumed within the state.~~

37 ~~(3) It is the intent of the Legislature in the passage of~~
 38 ~~this act to provide the necessary mechanisms for the effective~~
 39 ~~development of information necessary to rectify the present lack~~
 40 ~~of information which is seriously handicapping the state's~~
 41 ~~ability to deal effectively with the energy problem. To this~~
 42 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
 43 ~~broadest possible interpretation consistent with the stated~~
 44 ~~legislative desire to procure vital information.~~

45 (2) ~~(4)~~ It is the policy of the State of Florida to:

46 (a) Recognize and address the potential of global climate
 47 change wherever possible. Develop and promote the effective use
 48 of energy in the state and discourage all forms of energy waste.

49 (b) Play a leading role in developing and instituting
 50 energy management programs aimed at promoting energy
 51 conservation, energy security and the reduction of greenhouse
 52 gas emissions.

53 (c) Include energy considerations in all state, regional
 54 and local planning.

55 (d) Utilize and manage effectively energy resources used
 56 within state agencies.

TAB C

ORIGINAL

YEAR

57 (e) Encourage local governments to include energy
 58 considerations in all planning and to support their work in
 59 promoting energy management programs.

60 (f) Include the full participation of citizens in the
 61 development and implementation of energy programs.

62 (g) Consider in its decisions the energy needs of each
 63 economic sector, including residential, industrial, commercial,
 64 agricultural, and governmental uses and reduce those needs
 65 whenever possible.

66 (h) Promote energy education and the public dissemination
 67 of information on energy and its environmental, economic, and
 68 social impact.

69 (i) Encourage the research, development, demonstration,
 70 and application of alternative energy resources, particularly
 71 renewable energy resources.

72 (j) Consider, in its decisionmaking, the social, economic,
 73 and environmental impacts of energy-related activities,
 74 including the whole life cycle impacts of any potential energy
 75 use choices, so that detrimental effects of these activities are
 76 understood and minimized.

77 (k) Develop and maintain energy emergency preparedness
 78 plans to minimize the effects of an energy shortage within
 79 Florida.

80 Section 2. Section 377.6015, Florida Statutes, is created
 81 to read:

82 377.6015 Florida Energy and Climate Commission.--

83 (1) The Florida Energy and Climate Commission is created
 84 and shall be located within the Executive Office of the

TAB C

ORIGINAL

YEAR

85 Governor. The commission shall be comprised of 7 members, and
 86 shall be appointed by the Governor pursuant to paragraphs (a)
 87 and (b).

88 (a) The Governor shall select from three persons nominated
 89 by the Florida Public Service Commission Nominating Council,
 90 created in s. 350.031, for each seat on the commission.

91 1. The council shall submit the recommendations to the
 92 Governor by September 1 of those years in which the terms are to
 93 begin the following October, or within 60 days after a vacancy
 94 occurs for any reason other than the expiration of the term.

95 2. The Governor shall fill a vacancy occurring on the
 96 commission by appointment of one of the applicants nominated by
 97 the council only after a background investigation of such
 98 applicant has been conducted by the Florida Department of Law
 99 Enforcement.

100 3. Members shall be appointed to 3-year terms; however,
 101 in order to establish staggered terms, for the initial
 102 appointments, the Governor shall appoint four members to 3-year
 103 terms, two members to 2-year terms, and one member to a 1-year
 104 term.

105 4. The council shall nominate three persons from which the
 106 Governor shall select the chair of the commission.

107 5. Vacancies on the commission shall be filled for the
 108 unexpired portion of the time in the same manner as original
 109 appointments to the commission.

110 6. If the Governor has not made an appointment within 30
 111 consecutive calendar days after the receipt of the
 112 recommendation, the council shall initiate, in accordance with

TAB C

ORIGINAL

YEAR

113 this section, the nominating process within 30 days.

114 7. Each appointment to the commission shall be subject to
 115 confirmation by the Senate during the next regular session after
 116 the vacancy occurs. If the Senate refuses to confirm or fails
 117 to consider the Governor's appointment, the council shall
 118 initiate, in accordance with this section, the nominating
 119 process within 30 days.

120 8. The Governor or the Governor's successor may recall an
 121 appointee.

122 (b) Members must meet the following qualifications and
 123 restrictions:

124 1. A member must be an expert in one or more of the
 125 following fields: energy, natural resource conservation,
 126 economics, engineering, finance, law, transportation and land
 127 use, consumer protection, state energy policy, or another field
 128 substantially related to the duties and functions of the
 129 commission. The commission shall fairly represent the fields
 130 specified in this subparagraph.

131 2. Each member shall, at the time of appointment and at
 132 each commission meeting during his or her term of office,
 133 disclose:

134 a. Whether he or she has any financial interest, other
 135 than ownership of shares in a mutual fund, in any business
 136 entity that, directly or indirectly, owns or controls, or is an
 137 affiliate or subsidiary of, any business entity that may be
 138 affected by the policy recommendations developed by the
 139 commission.

140 b. Whether he or she is employed by or is engaged in any

TAB C

ORIGINAL

YEAR

141 business activity with any business entity that, directly or
 142 indirectly, owns or controls, or is an affiliate or subsidiary
 143 of, any business entity that may be affected by the policy
 144 recommendations developed by the commission.

145 (c) The chair may designate ex-officio non-voting members
 146 to provide information and advice to the commission. The
 147 following shall serve as ex-officio non-voting members and may
 148 provide information and advice at the request of the chair:

149 1. The chair of the Florida Public Service Commission, or
 150 designee;

151 2. The Public Counsel, or designee;

152 3. A representative of the Department of Agriculture and
 153 Consumer Services;

154 4. A representative of the Department of Financial
 155 Services;

156 5. A representative of the Department of Environmental
 157 Protection;

158 6. A representative of the Department of Community
 159 Affairs;

160 7. A representative of the Board of Governors of the State
 161 University System; and

162 8. A representative of the Department of Transportation.

163 (2) Members shall serve without compensation but are
 164 entitled to reimbursement for per diem and travel expenses as
 165 provided in s. 112.061.

166 (3) Meetings of the commission may be held in various
 167 locations around the state and at the call of the chair;
 168 however, the commission must meet at least six times each year.

TAB C

ORIGINAL

YEAR

169 (4) (a) The commission may employ staff and counsel as
 170 needed in the performance of its duties. The commission may
 171 prosecute and defend legal actions in its own name.

172 (b) The commission may form advisory groups consisting of
 173 members of the public to provide information on specific issues.

174 (5) The commission shall:

175 (a) Administer the Florida Renewable Energy and Energy
 176 Efficient Technologies Grant Program authorized under s. 377.804
 177 to assure a robust grant portfolio.

178 (b) Develop policy for requiring grantees to provide
 179 royalty-sharing or licensing agreements with state government
 180 for commercialized products developed under a state grant.

181 (c) Administer the Florida Green Government Grants Act
 182 pursuant to s. 377.808 and set annual priorities for grants.

183 (d) Administer the information gathering and reporting
 184 functions pursuant to ss. 377.601-377.608.

185 (e) Administer the petroleum planning and emergency
 186 contingency planning pursuant to ss. 377.703-377.704.

187 (f) Represent Florida in the Southern States Energy
 188 Compact pursuant to ss. 377.71-377.712.

189 (g) Complete the annual assessment of the efficacy of
 190 Florida's Energy and Climate Change Action Plan, upon completion
 191 by the Governor's Action Team on Energy and Climate Change,
 192 pursuant to the Governor's Executive Order 2007-128, and
 193 provide specific recommendations to the Governor and the
 194 Legislature each year to improve results.

195 (h) Administer the provisions of the Florida Energy and
 196 Climate Protection Act pursuant to ss. 377.801-377.806.

TAB C

ORIGINAL

YEAR

197 | (i) Advocate for energy and climate change issues and
 198 | provide educational outreach and technical assistance in
 199 | cooperation with Florida's academic institutions.

200 | (j) Adopt rules pursuant to chapter 120 in order to
 201 | implement all powers and duties described in this section.

202 | Section 3. Section 377.602, Florida Statutes, is amended
 203 | to read:

204 | 377.602 Definitions.--As used in ss. 377.601-377.608:

205 | (1) "Energy resources" includes, but shall not be limited
 206 | to:

207 | (a) Energy converted from solar radiation, wind, hydraulic
 208 | potential, tidal movements, and geothermal sources.

209 | (b) Propane, butane, motor gasoline, kerosene, home
 210 | heating oil, diesel fuel, other middle distillates, aviation
 211 | gasoline, kerosene-type jet fuel, naphtha-type jet fuel,
 212 | residual fuels, crude oil, and other petroleum products and
 213 | hydrocarbons as may be determined by the department to be of
 214 | importance.

215 | (c) ~~(b)~~ All natural gas, including casinghead gas, all
 216 | other hydrocarbons not defined as petroleum products in
 217 | paragraph (a), and liquefied petroleum gas as defined in s.
 218 | 527.01.

219 | (d) ~~(e)~~ All types of coal and products derived from its
 220 | conversion and used as fuel.

221 | (e) ~~(d)~~ All types of nuclear energy, special nuclear
 222 | material, and source material, as defined in s. 290.07.

223 | ~~(e) Every other energy resource, whether natural or~~
 224 | ~~manmade which the department determines to be important to the~~

TAB C

ORIGINAL

YEAR

225 ~~production or supply of energy, including, but not limited to,~~
 226 ~~energy converted from solar radiation, wind, hydraulic~~
 227 ~~potential, tidal movements, and geothermal sources.~~

228 (f) All electrical energy.

229 (2) "Commission" means the Florida Energy and Climate
 230 Commission.

231 (3) "Department" means the Department of Environmental
 232 Protection.

233 (4) "Person" means producer, refiner, wholesaler,
 234 marketer, consignee, jobber, distributor, storage operator,
 235 importer, exporter, firm, corporation, broker, cooperative,
 236 public utility as defined in s. 366.02, rural electrification
 237 cooperative, municipality engaged in the business of providing
 238 electricity or other energy resources to the public, pipeline
 239 company, person transporting any energy resources as defined in
 240 subsection (1), and person holding energy reserves for further
 241 production; however, "person" does not include persons
 242 exclusively engaged in the retail sale of petroleum products.

243 Section 4. Section 377.603, Florida Statutes, is amended
 244 to read:

245 377.603 Energy data collection; powers and duties of the
 246 commission ~~Department of Environmental Protection.--~~

247 (1) The commission ~~department~~ may ~~shall~~ collect data on
 248 the extraction, production, importation, exportation,
 249 refinement, transportation, transmission, conversion, storage,
 250 sale, or reserves of energy resources in this state in an
 251 efficient and expeditious manner.

252 (2) The commission ~~department~~ may ~~shall~~ prepare periodic

TAB C

ORIGINAL

YEAR

253 reports of energy data it collects.

254 ~~(3) The department shall prescribe and furnish forms for~~
 255 ~~the collection of information as required by ss. 377.601-377.608~~
 256 ~~and shall consult with other state entities to assure that such~~
 257 ~~data collected will meet their data requirements.~~

258 (3) ~~(4)~~ The commission ~~department~~ may adopt and promulgate
 259 such rules and regulations as are necessary to carry out the
 260 provisions of ss. 377.601-377.608. Such rules shall be pursuant
 261 to chapter 120.

262 (4) ~~(5)~~ The commission ~~department~~ shall maintain internal
 263 validation procedures to assure the accuracy of information
 264 received.

265 Section 5. Section 377.604, Florida Statutes, is amended
 266 to read:

267 377.604 Required reports.--Every person who produces,
 268 imports, exports, refines, transports, transmits, converts,
 269 stores, sells, or holds known reserves of any form of energy
 270 resources used as fuel shall report to the commission,
 271 department at the request of the commission, at a frequency set,
 272 and in a manner prescribed, by the commission ~~department,~~ on
 273 forms provided by the commission ~~department~~ ~~and prepared with~~
 274 ~~the advice of representatives of the energy industry.~~ Such forms
 275 shall be designed in such a manner as to indicate:

276 (1) The identity of the person or persons making the
 277 report.

278 (2) The quantity of energy resources extracted, produced,
 279 imported, exported, refined, transported, transmitted,
 280 converted, stored, or sold except at retail.

TAB C

ORIGINAL

YEAR

281 (3) The quantity of energy resources known to be held in
282 reserve in the state.

283 (4) The identity of each refinery from which petroleum
284 products have normally been obtained and the type and quantity
285 of products secured from that refinery for sale or resale in
286 this state.

287 (5) Any other information which the commission ~~department~~ deems
288 proper pursuant to the intent of ss. 377.601-377.608.

289 Section 6. Section 377.605, Florida Statutes, is amended
290 to read:

291 377.605 Use of existing information.--The commission
292 ~~department~~ may ~~shall~~ utilize to the fullest extent possible any
293 existing energy information already prepared for state or
294 federal agencies. Every state, county, and municipal agency
295 shall cooperate with the commission, ~~department~~ and shall submit
296 any information on energy to the commission ~~department~~ upon
297 request.

298 Section 7. Section 377.606, Florida Statutes, is amended
299 to read:

300 377.606 Records of the commission ~~department~~; limits of
301 confidentiality.--The information or records of individual
302 persons, as defined herein, obtained by the commission
303 ~~department~~ as a result of a report, investigation, or
304 verification required by the commission ~~department~~, shall be
305 open to the public, except such information the disclosure of
306 which would be likely to cause substantial harm to the
307 competitive position of the person providing such information
308 and which is requested to be held confidential by the person

TAB C

ORIGINAL

YEAR

309 providing such information. Such proprietary information is
 310 confidential and exempt from the provisions of s. 119.07(1).
 311 Information reported by entities other than the department in
 312 documents or reports open to public inspection shall under no
 313 circumstances be classified as confidential by the commission
 314 ~~department~~. Divulgence of proprietary information as is
 315 requested to be held confidential, except upon order of a court
 316 of competent jurisdiction or except to an officer of the state
 317 entitled to receive the same in his or her official capacity,
 318 shall be a misdemeanor of the second degree, punishable as
 319 provided in ss. 775.082 and 775.083. Nothing herein shall be
 320 construed to prohibit the publication or divulgence by other
 321 means of data so classified as to prevent identification of
 322 particular accounts or reports made to the department in
 323 compliance with s. 377.603 or to prohibit the disclosure of such
 324 information to properly qualified legislative committees. The
 325 commission ~~department~~ shall establish a system which permits
 326 reasonable access to information developed.

327 Section 8. Section 377.703, Florida Statutes, is amended
 328 to read:

329 377.703 Additional functions of the commission ~~Department~~
 330 ~~of Environmental Protection; energy emergency contingency plan;~~
 331 ~~federal and state conservation programs.--~~

332 (1) LEGISLATIVE INTENT.--Recognizing that energy supply
 333 and demand questions have become a major area of concern to the
 334 state which must be dealt with by effective and well-coordinated
 335 state action, it is the intent of the Legislature to promote the
 336 efficient, effective, and economical management of energy

TAB C

ORIGINAL

YEAR

337 | problems, centralize energy coordination responsibilities,
 338 | pinpoint responsibility for conducting energy programs, and
 339 | ensure the accountability of state agencies for the
 340 | implementation of s. 377.601(4), the state energy policy. It is
 341 | the specific intent of the Legislature that nothing in this act
 342 | shall in any way change the powers, duties, and responsibilities
 343 | assigned by the Florida Electrical Power Plant Siting Act, part
 344 | II of chapter 403, or the powers, duties, and responsibilities
 345 | of the Florida Public Service Commission.

346 | ~~(2) DEFINITIONS.~~

347 | ~~(a) "Coordinate," "coordination," or "coordinating" means~~
 348 | ~~the examination and evaluation of state plans and programs and~~
 349 | ~~the providing of recommendations to the Cabinet, Legislature,~~
 350 | ~~and appropriate state agency on any measures deemed necessary to~~
 351 | ~~ensure that such plans and programs are consistent with state~~
 352 | ~~energy policy.~~

353 | ~~(b) "Energy conservation" means increased efficiency in~~
 354 | ~~the utilization of energy.~~

355 | ~~(c) "Energy emergency" means an actual or impending~~
 356 | ~~shortage or curtailment of usable, necessary energy resources,~~
 357 | ~~such that the maintenance of necessary services, the protection~~
 358 | ~~of public health, safety, and welfare, or the maintenance of~~
 359 | ~~basic sound economy is imperiled in any geographical section of~~
 360 | ~~the state or throughout the entire state.~~

361 | ~~(d) "Energy source" means electricity, fossil fuels, solar~~
 362 | ~~power, wind power, hydroelectric power, nuclear power, or any~~
 363 | ~~other resource which has the capacity to do work.~~

364 | ~~(e) "Facilities" means any building or structure not~~

TAB C

ORIGINAL

YEAR

365 otherwise exempted by the provisions of this act.

366 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~
 367 ~~coal, natural gas, or any other substance used primarily for its~~
 368 ~~energy content.~~

369 ~~(g) "Local government" means any county, municipality,~~
 370 ~~regional planning agency, or other special district or local~~
 371 ~~governmental entity the policies or programs of which may affect~~
 372 ~~the supply or demand, or both, for energy in the state.~~

373 ~~(h) "Promotion" or "promote" means to encourage, aid,~~
 374 ~~assist, provide technical and financial assistance, or otherwise~~
 375 ~~seek to plan, develop, and expand.~~

376 ~~(i) "Regional planning agency" means those agencies~~
 377 ~~designated as regional planning agencies by the Department of~~
 378 ~~Community Affairs.~~

379 ~~(j) "Renewable energy resource" means any method, process,~~
 380 ~~or substance the use of which does not diminish its availability~~
 381 ~~or abundance, including, but not limited to, biomass conversion,~~
 382 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~
 383 ~~from waste, ocean thermal gradient power, hydroelectric power,~~
 384 ~~and fuels derived from agricultural products.~~

385 ~~(2) (3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT~~
 386 ~~OF ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department~~
 387 ~~of Environmental Protection shall, in addition to assuming the~~
 388 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
 389 ~~perform the following functions consistent with the development~~
 390 ~~of a state energy policy:~~

391 ~~(a) The commission department shall assume the~~
 392 ~~responsibility for development of an energy emergency~~

TAB C

ORIGINAL

YEAR

393 contingency plan to respond to serious shortages of primary and
 394 secondary energy sources. Upon a finding by the Governor,
 395 implementation of any emergency program shall be upon order of
 396 the Governor that a particular kind or type of fuel is, or that
 397 the occurrence of an event which is reasonably expected within
 398 30 days will make the fuel, in short supply. The commission
 399 ~~department~~ shall then respond by instituting the appropriate
 400 measures of the contingency plan to meet the given emergency or
 401 energy shortage. The Governor may utilize the provisions of s.
 402 252.36(5) to carry out any emergency actions required by a
 403 serious shortage of energy sources.

404 (b) The commission ~~department~~ shall be ~~constitute~~ the
 405 responsible ~~state agency~~ for performing or coordinating the
 406 functions of any federal energy programs delegated to the state,
 407 including energy supply, demand, conservation, or allocation.

408 (c) The commission ~~department~~ shall analyze present and
 409 proposed federal energy programs and make recommendations
 410 regarding those programs to the Governor.

411 (d) The commission ~~department~~ shall coordinate efforts to
 412 seek federal support or other support for state energy
 413 activities, including energy conservation, research, or
 414 development, and shall be ~~the state agency~~ responsible for the
 415 coordination of multiagency energy conservation programs and
 416 plans.

417 (e) The commission ~~department~~ shall analyze energy data
 418 collected and prepare long-range forecasts of energy supply and
 419 demand in coordination with the Florida Public Service
 420 Commission, which shall have responsibility for electricity and

TAB C

ORIGINAL

YEAR

421 natural gas forecasts. To this end, the forecasts shall contain:

422 1. An analysis of the relationship of state economic
423 growth and development to energy supply and demand, including
424 the constraints to economic growth resulting from energy supply
425 constraints.

426 2. Plans for the development of renewable energy resources
427 and reduction in dependence on depletable energy resources,
428 particularly oil and natural gas, and an analysis of the extent
429 to which renewable energy sources are being utilized in the
430 state.

431 3. Consideration of alternative scenarios of statewide
432 energy supply and demand for 5, 10, and 20 years, to identify
433 strategies for long-range action, including identification of
434 potential social, economic, and environmental effects.

435 4. An assessment of the state's energy resources,
436 including examination of the availability of commercially
437 developable and imported fuels, and an analysis of anticipated
438 effects on the state's environment and social services resulting
439 from energy resource development activities or from energy
440 supply constraints, or both.

441 (f) The commission ~~department~~ shall make a report, as
442 requested by the Governor or the Legislature, reflecting its
443 activities and making recommendations of policies for
444 improvement of the state's response to energy supply and demand
445 and its effect on the health, safety, and welfare of the people
446 of Florida. The report shall include a report from the Florida
447 Public Service Commission on electricity and natural gas and
448 information on energy conservation programs conducted and under

TAB C

ORIGINAL

YEAR

449 way in the past year and shall include recommendations for
 450 energy conservation programs for the state, including, but not
 451 limited to, the following factors:

452 1. Formulation of specific recommendations for improvement
 453 in the efficiency of energy utilization in governmental,
 454 residential, commercial, industrial, and transportation sectors.

455 2. Collection and dissemination of information relating to
 456 energy conservation.

457 3. Development and conduct of educational and training
 458 programs relating to energy conservation.

459 4. An analysis of the ways in which state agencies are
 460 seeking to implement s. 377.601(4), the state energy policy, and
 461 recommendations for better fulfilling this policy.

462 (g) The commission ~~department~~ has authority to adopt rules
 463 pursuant to ss. 120.536(1) and 120.54 to implement the
 464 provisions of this act.

465 (h) The commission shall promote ~~Promote~~ the development
 466 and use of renewable energy resources, in conformance with the
 467 provisions of chapter 187 and s. 377.601, by:

468 1. Establishing goals and strategies for increasing the
 469 use of solar energy in this state.

470 2. Aiding and promoting the commercialization of solar
 471 energy technology, in cooperation with the Florida Solar Energy
 472 Center, Enterprise Florida, Inc., and any other federal, state,
 473 or local governmental agency which may seek to promote research,
 474 development, and demonstration of solar energy equipment and
 475 technology.

476 3. Identifying barriers to greater use of solar energy

TAB C

ORIGINAL

YEAR

477 systems in this state, and developing specific recommendations
 478 for overcoming identified barriers, with findings and
 479 recommendations to be submitted annually in the report to the
 480 Legislature required under paragraph (f).

481 4. In cooperation with the Department of Environmental
 482 Protection, Department of Transportation, the Department of
 483 Community Affairs, Enterprise Florida, Inc., the Florida Solar
 484 Energy Center, and the Florida Solar Energy Industries
 485 Association, investigating opportunities, pursuant to the
 486 National Energy Policy Act of 1992 and the Housing and Community
 487 Development Act of 1992, and any subsequent federal legislation,
 488 for solar electric vehicles and other solar energy
 489 manufacturing, distribution, installation, and financing efforts
 490 which will enhance this state's position as the leader in solar
 491 energy research, development, and use.

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

494
 495 In the exercise of its responsibilities under this paragraph,
 496 the commission ~~department~~ shall seek the assistance of the solar
 497 energy industry in this state and other interested parties and
 498 is authorized to enter into contracts, retain professional
 499 consulting services, and expend funds appropriated by the
 500 Legislature for such purposes.

501 (i) The commission ~~department~~ shall promote energy
 502 conservation in all energy use sectors throughout the state and
 503 shall constitute the state agency primarily responsible for this
 504 function. To this end, the commission ~~department~~ shall

TAB C

ORIGINAL

YEAR

505 | coordinate the energy conservation programs of all state
 506 | agencies and review and comment on the energy conservation
 507 | programs of all state agencies.

508 | (j) The commission ~~department~~ shall serve as the state
 509 | clearinghouse for indexing and gathering all information related
 510 | to energy programs in state universities, in private
 511 | universities, in federal, state, and local government agencies,
 512 | and in private industry and shall prepare and distribute such
 513 | information in any manner necessary to inform and advise the
 514 | citizens of the state of such programs and activities. This
 515 | shall include developing and maintaining a current index and
 516 | profile of all research activities, which shall be identified by
 517 | energy area and may include a summary of the project, the amount
 518 | and sources of funding, anticipated completion dates, or, in
 519 | case of completed research, conclusions, recommendations, and
 520 | applicability to state government and private sector functions.
 521 | The commission ~~department~~ shall coordinate, promote, and respond
 522 | to efforts by all sectors of the economy to seek financial
 523 | support for energy activities. The commission ~~department~~ shall
 524 | provide information to consumers regarding the anticipated
 525 | energy-use and energy-saving characteristics of products and
 526 | services in coordination with any federal, state, or local
 527 | governmental agencies as may provide such information to
 528 | consumers.

529 | (k) The commission ~~department~~ shall coordinate energy-
 530 | related programs of state government, including, but not limited
 531 | to, the programs provided in this section. To this end, the
 532 | commission ~~department~~ shall:

TAB C

ORIGINAL

YEAR

533 1. Provide assistance to other state agencies, counties,
 534 municipalities, and regional planning agencies to further and
 535 promote their energy planning activities.

536 2. Require, in cooperation with the Department of
 537 Management Services, all state agencies to operate state-owned
 538 and state-leased buildings in accordance with energy
 539 conservation standards as adopted by the Department of
 540 Management Services. Every 3 months, the Department of
 541 Management Services shall furnish the commission ~~department~~ data
 542 on agencies' energy consumption and emissions of greenhouse
 543 gases in a format prescribed by the commission. ~~mutually agreed~~
 544 ~~upon by the two departments.~~

545 3. Promote the development and use of renewable energy
 546 resources, energy efficiency technologies, and conservation
 547 measures.

548 4. Promote the recovery of energy from wastes, including,
 549 but not limited to, the use of waste heat, the use of
 550 agricultural products as a source of energy, and recycling of
 551 manufactured products. Such promotion shall be conducted in
 552 conjunction with, and after consultation with, the Department of
 553 Environmental Protection, and the Florida Public Service
 554 Commission where electrical generation or natural gas is
 555 involved, and any other relevant federal, state, or local
 556 governmental agency having responsibility for resource recovery
 557 programs.

558 (1) The commission ~~department~~ shall develop, coordinate,
 559 and promote a comprehensive research plan for state programs.
 560 Such plan shall be consistent with state energy policy and shall

TABC

ORIGINAL

YEAR

561 be updated on a biennial basis.

562 (m) In recognition of the devastation to the economy of
 563 this state and the dangers to the health and welfare of
 564 residents of this state caused by severe hurricanes, ~~Hurricane~~
 565 ~~Andrew~~, and the potential for such impacts caused by other
 566 natural disasters, the commission ~~department~~ shall include in
 567 its energy emergency contingency plan and provide to the Florida
 568 Building Commission ~~Department of Community Affairs~~ for
 569 inclusion in the Florida Energy Efficiency Code for Building
 570 Construction ~~state model energy efficiency building code~~
 571 specific provisions to facilitate the use of cost-effective
 572 solar energy technologies as emergency remedial and preventive
 573 measures for providing electric power, street lighting, and
 574 water heating service in the event of electric power outages.

575 (3) ~~(4)~~ The commission ~~department~~ shall be responsible for
 576 the administration of the Coastal Energy Impact Program provided
 577 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

578 Section 9. Subsection (2) of section 377.705, Florida
 579 Statutes, is amended to read:

580 377.705 Solar Energy Center; development of solar energy
 581 standards.--

582 (2) LEGISLATIVE FINDINGS AND INTENT.--

583 (a) ~~The Legislature recognizes that if present trends~~
 584 ~~continue, Florida will increase present energy consumption~~
 585 ~~sixfold by the year 2000. Because of this dramatic increase and~~
 586 ~~because existing domestic conventional energy resources will not~~
 587 ~~provide sufficient energy to meet the nation's future needs, new~~
 588 ~~sources of energy must be developed and applied. One such~~

TAB C

ORIGINAL

YEAR

589 ~~source, solar energy, has been in limited use in Florida for 30~~
 590 ~~years. Applications of incident solar energy, the use of solar~~
 591 ~~radiation to provide energy for water heating, space heating,~~
 592 ~~space cooling, and other uses, through suitable absorbing~~
 593 ~~equipment on or near a residence or commercial structure, must~~
 594 ~~be extensively expanded. Unfortunately, the initial costs with~~
 595 ~~regard to the production of solar energy have been prohibitively~~
 596 ~~expensive. However,~~ Because of increases in the cost of
 597 conventional fuel, certain applications of solar energy are
 598 becoming competitive, particularly when life-cycle costs are
 599 considered. It is the intent of the Legislature in formulating a
 600 sound and balanced energy policy for the state to encourage the
 601 development of an alternative energy capability in the form of
 602 incident solar energy.

603 (b) Toward this purpose, the Legislature intends to
 604 provide incentives for the production and sale of, and to set
 605 standards for, solar energy systems. Such standards shall ensure
 606 that solar energy systems manufactured or sold within the state
 607 are effective and represent a high level of quality of
 608 materials, workmanship, and design.

609 Section 10. Section 377.801, Florida Statutes, is amended
 610 to read:

611 377.801 Short title.--Sections 377.801-377.806 may be
 612 cited as the "Florida Energy and Climate Protection Act."
 613 ~~"Florida Renewable Energy Technologies and Energy Efficiency~~
 614 ~~Act."~~

615 Section 11. Section 377.802, Florida Statutes, is amended
 616 to read:

TAB C

ORIGINAL

YEAR

617 | 377.802 Purpose.-- Purpose.--This act is intended to
 618 | provide incentives for Florida's citizens, businesses, school
 619 | districts and local governments to take action against the
 620 | effects of climate change by providing funding for activities
 621 | designed to reduce carbon emissions. The grant programs in this
 622 | act are intended to stimulate capital investment and enhance the
 623 | market for renewable energy technologies and technologies
 624 | intended to combat or limit climate change impacts. This act is
 625 | also intended to provide incentives for the purchase of energy-
 626 | efficient appliances and rebates for solar energy equipment
 627 | installations for residential and commercial buildings. This
 628 | ~~act is intended to provide matching grants to stimulate capital~~
 629 | ~~investment in the state and to enhance the market for and~~
 630 | ~~promote the statewide utilization of renewable energy~~
 631 | ~~technologies. The targeted grants program is designed to advance~~
 632 | ~~the already growing establishment of renewable energy~~
 633 | ~~technologies in the state and encourage the use of other~~
 634 | ~~incentives such as tax exemptions and regulatory certainty to~~
 635 | ~~attract additional renewable energy technology producers,~~
 636 | ~~developers, and users to the state. This act is also intended to~~
 637 | ~~provide incentives for the purchase of energy efficient~~
 638 | ~~appliances and rebates for solar energy equipment installations~~
 639 | ~~for residential and commercial buildings.~~

640 | Section 12. Section 377.803, Florida Statutes, is amended
 641 | to read:

642 | 377.803 Definitions.--As used in ss. 377.801-377.808
 643 | 377.806, the term:

644 | (1) "Act" means the Florida Energy and Climate Protection

TAB C

ORIGINAL

YEAR

645 ~~Act Florida Renewable Energy Technologies and Energy Efficiency~~
 646 ~~Act.~~

647 ~~(2) "Approved metering equipment" means a device capable~~
 648 ~~of measuring the energy output of a solar thermal system that~~
 649 ~~has been approved by the commission.~~

650 (2) ~~(3)~~ "Commission" means the Florida Energy and Climate
 651 Commission ~~Florida Public Service Commission.~~

652 ~~(4) "Department" means the Department of Environmental~~
 653 ~~Protection.~~

654 (3) ~~(5)~~ "Person" means an individual, partnership, joint
 655 venture, private or public corporation, association, firm,
 656 public service company, or any other public or private entity.

657 (4) ~~(6)~~ "Renewable energy" means electrical, mechanical, or
 658 thermal energy produced from a method that uses one or more of
 659 the following fuels or energy sources: hydrogen, biomass, solar
 660 energy, geothermal energy, wind energy, ocean energy, waste
 661 heat, or hydroelectric power.

662 (5) ~~(7)~~ "Renewable energy technology" means any technology
 663 that generates or utilizes a renewable energy resource.

664 (6) ~~(8)~~ "Solar energy system" means equipment that
 665 provides for the collection and use of incident solar energy for
 666 water heating, space heating or cooling, or other applications
 667 that would normally require a conventional source of energy such
 668 as petroleum products, natural gas, or electricity that performs
 669 primarily with solar energy. In other systems in which solar
 670 energy is used in a supplemental way, only those components that
 671 collect and transfer solar energy shall be included in this
 672 definition.

TAB C

ORIGINAL

YEAR

673 | (7) ~~(9)~~ "Solar photovoltaic system" means a device that
 674 | converts incident sunlight into electrical current.

675 | (8) ~~(10)~~ "Solar thermal system" means a device that traps heat
 676 | from incident sunlight in order to heat water.

677 | Section 13. Section 377.804, Florida Statutes, is amended
 678 | to read:

679 | 377.804 Renewable Energy and Energy Efficient Technologies
 680 | Grants Program.--

681 | (1) The Renewable Energy and Energy Efficient Technologies
 682 | Grants Program is established within the commission ~~department~~
 683 | to provide renewable energy matching grants for demonstration,
 684 | commercialization, research, and development projects relating
 685 | to renewable energy technologies.

686 | (2) Matching grants for renewable energy technology
 687 | demonstration, commercialization, research, and development
 688 | projects may be made to any of the following:

689 | (a) Municipalities and county governments.

690 | (b) Established for-profit companies licensed to do
 691 | business in the state.

692 | (c) Universities and colleges in the state.

693 | (d) Utilities located and operating within the state.

694 | (e) Not-for-profit organizations.

695 | (f) Other qualified persons, as determined by the
 696 | commission ~~department~~.

697 | (3) The commission ~~department~~ may adopt rules pursuant to
 698 | ss. 120.536(1) and 120.54 to provide for application
 699 | requirements, provide for ranking of applications, and
 700 | administer the awarding of grants under this program.

TAB C

ORIGINAL

YEAR

701 (4) Factors the commission ~~department~~ shall consider in
 702 awarding grants include, but are not limited to:

703 (a) The availability of matching funds or other in-kind
 704 contributions applied to the total project from an applicant.
 705 The commission ~~department~~ shall give greater preference to
 706 projects that provide such matching funds or other in-kind
 707 contributions.

708 (b) The degree to which the project stimulates in-state
 709 capital investment and economic development in metropolitan and
 710 rural areas, including the creation of jobs and the future
 711 development of a commercial market for renewable energy
 712 technologies.

713 (c) The extent to which the proposed project has been
 714 demonstrated to be technically feasible based on pilot project
 715 demonstrations, laboratory testing, scientific modeling, or
 716 engineering or chemical theory that supports the proposal.

717 (d) The degree to which the project incorporates an
 718 innovative new technology or an innovative application of an
 719 existing technology.

720 (e) The degree to which a project generates thermal,
 721 mechanical, or electrical energy by means of a renewable energy
 722 resource that has substantial long-term production potential.

723 (f) The degree to which a project demonstrates efficient
 724 use of energy and material resources.

725 (g) The degree to which the project fosters overall
 726 understanding and appreciation of renewable energy technologies.

727 (h) The ability to administer a complete project.

728 (i) Project duration and timeline for expenditures.

TAB C

ORIGINAL

YEAR

729 (j) The geographic area in which the project is to be
730 conducted in relation to other projects.

731 (k) The degree of public visibility and interaction.

732 (5) The commission ~~department~~ shall solicit the expertise
733 of other state agencies in evaluating project proposals. State
734 agencies shall cooperate with the commission ~~Department of~~
735 ~~Environmental Protection~~ and provide such assistance as
736 requested.

737 (6) Each application shall be accompanied by an affidavit
738 from the applicant attesting to the veracity of the statements
739 contained therein.

740 Section 14. Section 377.806, Florida Statutes, is amended
741 to read:

742 377.806 Solar Energy System Incentives Program.--

743 (1) PURPOSE.--The Solar Energy System Incentives Program
744 is established within the commission ~~department~~ to provide
745 financial incentives for the purchase and installation of solar
746 energy systems. Any resident of the state who purchases and
747 installs a new solar energy system of 2 kilowatts or larger for
748 a solar photovoltaic system, a solar energy system that provides
749 at least 50 percent of a building's hot water consumption for a
750 solar thermal system, or a solar thermal pool heater, from July
751 1, 2006, through June 30, 2010, is eligible for a rebate on a
752 portion of the purchase price of that solar energy system.

753 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

754 (a) *Eligibility requirements.*--A solar photovoltaic system
755 qualifies for a rebate if:

756 1. The system is installed by a state-licensed master

TAB C

ORIGINAL

YEAR

757 electrician, electrical contractor, or solar contractor.

758 2. The system complies with state interconnection
759 standards as provided by the Public Service Commission
760 ~~commission~~.

761 3. The system complies with all applicable building codes
762 as defined by the Florida Building Code ~~local jurisdictional~~
763 ~~authority~~.

764 (b) *Rebate amounts*.--The rebate amount shall be set at \$4
765 per watt based on the total wattage rating of the system. The
766 maximum allowable rebate per solar photovoltaic system
767 installation shall be as follows:

768 1. Twenty thousand dollars for a residence.

769 2. One hundred thousand dollars for a place of business, a
770 publicly owned or operated facility, or a facility owned or
771 operated by a private, not-for-profit organization, including
772 condominiums or apartment buildings.

773 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

774 (a) *Eligibility requirements*.--A solar thermal system
775 qualifies for a rebate if:

776 1. The system is installed by a state-licensed solar or
777 plumbing contractor.

778 2. The system complies with all applicable building codes
779 as defined by the Florida Building Code ~~local jurisdictional~~
780 ~~authority~~.

781 (b) *Rebate amounts*.--Authorized rebates for installation
782 of solar thermal systems shall be as follows:

783 1. Five hundred dollars for a residence.

784 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000

TAB C

ORIGINAL

YEAR

785 for a place of business, a publicly owned or operated facility,
 786 or a facility owned or operated by a private, not-for-profit
 787 organization, including condominiums or apartment buildings. ~~But~~
 788 ~~must be verified by approved metering equipment.~~

789 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

790 (a) *Eligibility requirements.*--A solar thermal pool heater
 791 qualifies for a rebate if the system is installed by a state-
 792 licensed solar or plumbing contractor and the system complies
 793 with all applicable building codes as defined by the Florida
 794 Building Code ~~local jurisdictional authority.~~

795 (b) *Rebate amount.*--Authorized rebates for installation of
 796 solar thermal pool heaters shall be \$100 per installation.

797 (5) APPLICATION.--Application for a rebate must be made
 798 within 120 ~~90~~ days after the purchase of the solar energy
 799 equipment.

800 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
 801 determine and publish on a regular basis the amount of rebate
 802 funds remaining in each fiscal year. The total dollar amount of
 803 all rebates issued ~~by the department~~ is subject to the total
 804 amount of appropriations in any fiscal year for this program. If
 805 funds are insufficient during the current fiscal year, any
 806 requests for rebates received during that fiscal year may be
 807 processed during the following fiscal year. Requests for rebates
 808 received in a fiscal year that are processed during the
 809 following fiscal year shall be given priority over requests for
 810 rebates received during the following fiscal year.

TAB C

ORIGINAL

YEAR

811 (7) RULES.--The commission department shall adopt rules
 812 pursuant to ss. 120.536(1) and 120.54 to develop rebate
 813 applications and administer the issuance of rebates.

814 Section 15. Section 377.701, Florida Statutes, is
 815 repealed:

816 ~~377.701 Petroleum allocation.~~

817 ~~(1) The Department of Environmental Protection shall~~
 818 ~~assume the state's role in petroleum allocation and~~
 819 ~~conservation, including the development of a fair and equitable~~
 820 ~~petroleum plan. The department shall constitute the responsible~~
 821 ~~state agency for performing the functions of any federal program~~
 822 ~~delegated to the state, which relates to petroleum supply,~~
 823 ~~demand, and allocation.~~

824 ~~(2) The department shall, in addition to assuming the~~
 825 ~~duties and responsibilities provided by subsection (1), perform~~
 826 ~~the following:~~

827 ~~(a) In projecting available supplies of petroleum,~~
 828 ~~coordinate with the Department of Revenue to secure information~~
 829 ~~necessary to assure the sufficiency and accuracy of data~~
 830 ~~submitted by persons affected by any federal fuel allocation~~
 831 ~~program.~~

832 ~~(b) Require such periodic reports from public and private~~
 833 ~~sources as may be necessary to the fulfillment of its~~
 834 ~~responsibilities under this act. Such reports may include:~~
 835 ~~petroleum use; all sales, including end user sales, except~~
 836 ~~retail gasoline and retail fuel oil sales; inventories; expected~~
 837 ~~supplies and allocations; and petroleum conservation measures.~~

838 ~~(c) In cooperation with the Department of Revenue and~~

TAB C

ORIGINAL

YEAR

839 ~~other relevant state agencies, provide for long range studies~~
 840 ~~regarding the usage of petroleum in the state in order to:~~
 841 ~~1. Comprehend the consumption of petroleum resources.~~
 842 ~~2. Predict future petroleum demands in relation to~~
 843 ~~available resources.~~
 844 ~~3. Report the results of such studies to the Legislature.~~
 845 ~~(3) For the purpose of determining accuracy of data, all~~
 846 ~~state agencies shall timely provide the department with~~
 847 ~~petroleum use information in a format suitable to the needs of~~
 848 ~~the allocation program.~~
 849 ~~(4) No state employee shall divulge or make known in any~~
 850 ~~manner any proprietary information acquired under this act if~~
 851 ~~the disclosure of such information would be likely to cause~~
 852 ~~substantial harm to the competitive position of the person~~
 853 ~~providing such information and if the person requests that such~~
 854 ~~information be held confidential, except in accordance with a~~
 855 ~~court order or in the publication of statistical information~~
 856 ~~compiled by methods which would not disclose the identity of~~
 857 ~~individual suppliers or companies. Such proprietary information~~
 858 ~~is confidential and exempt from the provisions of s. 119.07(1).~~
 859 ~~Nothing in this subsection shall be construed to prevent~~
 860 ~~inspection of reports by the Attorney General, members of the~~
 861 ~~Legislature, and interested state agencies; however, such~~
 862 ~~agencies and their employees and members are bound by the~~
 863 ~~requirements set forth in this subsection.~~
 864 ~~(5) Any person who willfully fails to submit information~~
 865 ~~required by this act or submits false information or who~~
 866 ~~violates any provision of this act is guilty of a misdemeanor of~~

TABC

ORIGINAL

YEAR

867 | ~~the first degree and shall be punished as provided in ss.~~

868 | ~~775.082 and 775.083.~~

869 | Section 16. Section 377.901, Florida Statutes, is

870 | repealed.

D

D – Discussion of Cap and Trade Regulatory Program

E – Discussion of Policy Options for Renewable Portfolio Standards

366.92 Florida renewable energy policy.—

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

(2) For the purposes of this section, "Florida renewable energy resources" shall mean renewable energy, as defined in s. 377.803, that is produced in Florida.

(3) The commission may adopt appropriate goals for increasing the use of existing, expanded, and new Florida renewable energy resources. The commission may change the goals. The commission may review and reestablish the goals at least once every 5 years.

(4) The commission may adopt rules to administer and implement the provisions of this section.

History.—s. 18, ch. 2006-230.

F – Discussion of Renewable Fuel Standards

G

G – Increased Thermal Efficiency Standards and Appliance Standards

Section 1. Creates s. 553.061, F.S. - Scheduled Increases in Thermal Efficiency Standards

The bill establishes a schedule of increases in the energy performance of buildings subject to the Florida Energy Code for Building Construction. It requires the Florida Building Commission (FBC) to implement the following goals through the triennial code adoption process:

- Increase the energy performance of new buildings in the 2010 edition of the Florida Energy Efficiency Code for Building Construction by at least 20%;
- Increase the energy efficiency requirements of the 2013 edition of the Florida Energy Efficiency Code for Building Construction by at least 30%;
- Increase the energy efficiency requirements of the 2016 edition of the Florida Energy Efficiency Code for Building Construction by at least 40%; and
- Increase the energy efficiency requirements of the 2019 edition of the Energy Efficiency Code for Building Construction by at least 50%.

The bill also provides that the FBC identify within code support and compliance documentation the building options and elements available to meet the goals above.

Section 2. Amends s. 553.957, F.S. - Products Covered by Energy Conservation Standards

The bill applies the testing, certification, and enforcement of energy conservation standards for the following types of new commercial and residential products sold in the state to include:

- Water heaters being used to heat potable water in homes or businesses;
- Electric motors used in pool pumps; and
- Solar thermal radiation swimming pool heating devices.

TAB G

ORIGINAL

YEAR

1 Section 1. Section 553.061, Florida Statutes, is created
2 to read:

3 553.9061 Scheduled Increases in Thermal Efficiency
4 Standards.--

5 (1) The purpose of this section is to establish a schedule
6 of increases in the energy performance of buildings subject to
7 the Florida Energy Efficiency Code for Building Construction.
8 The Florida Building Commission shall implement the following
9 goals through the triennial code adoption process:

10 (a) Include the necessary provisions in the 2010 edition
11 of the Florida Energy Efficiency Code for Building Construction
12 to increase the energy performance of new buildings by at least
13 20 percent as compared to the energy efficiency provisions of
14 the 2007 Florida Building Code adopted October 31, 2007;

15 (b) Increase the energy efficiency requirements of the
16 2013 edition of the Florida Energy Efficiency Code for Building
17 Construction by at least 30 percent as compared to the 2007
18 Energy Code;

19 (c) Increase the energy efficiency requirements of the 2016
20 edition of the Florida Energy Efficiency Code for Building
21 Construction by at least 40 percent as compared to the 2007
22 Energy Code;

23 (d) Increase the energy efficiency requirements of the 2019
24 edition of the Florida Energy Efficiency Code for Building
25 Construction by at least 50 percent as compared to the 2007
26 Energy Code;

27 (2) The Florida Building Commission shall identify within
28 code support and compliance documentation the specific building

TAB G

ORIGINAL

YEAR

29 options and elements available to meet the energy performance
 30 goals identified above.

31 Section 2. Subsection (1) of section 553.957, Florida
 32 Statutes, is amended to read:

33 553.957 Products covered by this part.--

34 (1) The provisions of this part apply to the testing,
 35 certification, and enforcement of energy conservation standards
 36 for the following types of new commercial and residential
 37 products sold in the state:

38 (a) Refrigerators, refrigerator-freezers, and freezers
 39 which can be operated by alternating current electricity,
 40 excluding:

- 41 1. Any type designed to be used without doors; and
- 42 2. Any type which does not include a compressor and
- 43 condenser unit as an integral part of the cabinet assembly.

44 (b) Lighting equipment.

45 (c) Showerheads.

46 (d) Water heaters used to heat potable water in homes or
 47 businesses.

48 (e) Electric motors used to pump water within swimming
 49 pools.

50 (f) Water heaters for swimming pools such that only such
 51 devices that use solar thermal radiation to heat water may be
 52 sold and/or installed in Florida.

53 (g) ~~(d)~~ Any other type of consumer product which the
 54 department classifies as a covered product as specified in this
 55 part.

H

H – State Comprehensive Plan

Section 1. Amends s. 186.007, F.S. - State comprehensive plan; preparation; revision

This section adds “energy” and “global climate change” to the program areas that the Executive Office of the Governor may include in the state comprehensive plan when developing future land use plans.

TAB H

ORIGINAL

YEAR

1 Section 1. Subsection (3) of section 186.007, Florida
 2 Statutes, is amended to read:
 3 186.007 State comprehensive plan; preparation; revision.--
 4 (3) In the state comprehensive plan, the Executive Office
 5 of the Governor may include goals, objectives, and policies
 6 related to the following program areas: economic opportunities;
 7 agriculture; employment; public safety; education; energy;
 8 global climate change; health concerns; social welfare concerns;
 9 housing and community development; natural resources and
 10 environmental management; recreational and cultural
 11 opportunities; historic preservation; transportation; and
 12 governmental direction and support services.

—

I – Metropolitan Planning Organizations

Section 1. Amends s. 339.175, F.S. - Metropolitan planning organization

This section amends the intent language adding “greenhouse gas emissions” to the list of the negative impacts of transportation systems that the Legislature wishes to minimize while promoting the management, operation, and development of these transportation systems.

This section also provides that 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.

In addition, this section adds the following to the list of criteria that selection of the annual project priorities list must be based upon: “to provide for sustainable development and reduce greenhouse gas emissions.”

TAB I

ORIGINAL

YEAR

1 Section 1. Subsections (1), (7), and (8) of section
2 339.175, Florida Statutes, are amended to read:
3 339.175 Metropolitan planning organization.—
4 (1) PURPOSE.--It is the intent of the Legislature to
5 encourage and promote the safe and efficient management,
6 operation, and development of surface transportation systems
7 that will serve the mobility needs of people and freight and
8 foster economic growth and development within and through
9 urbanized areas of this state while minimizing transportation-
10 related fuel consumption, ~~and air pollution~~ and greenhouse gas
11 emissions through metropolitan transportation planning processes
12 identified in this section. To accomplish these objectives,
13 metropolitan planning organizations, referred to in this section
14 as M.P.O.'s, shall develop, in cooperation with the state and
15 public transit operators, transportation plans and programs for
16 metropolitan areas. The plans and programs for each metropolitan
17 area must provide for the development and integrated management
18 and operation of transportation systems and facilities,
19 including pedestrian walkways and bicycle transportation
20 facilities that will function as an intermodal transportation
21 system for the metropolitan area, based upon the prevailing
22 principles provided in s. 334.046(1). The process for developing
23 such plans and programs shall provide for consideration of all
24 modes of transportation and shall be continuing, cooperative,
25 and comprehensive, to the degree appropriate, based on the
26 complexity of the transportation problems to be addressed. To
27 ensure that the process is integrated with the statewide
28 planning process, M.P.O.'s shall develop plans and programs that

TAB I ORIGINAL YEAR

29 identify transportation facilities that should function as an
 30 integrated metropolitan transportation system, giving emphasis
 31 to facilities that serve important national, state, and regional
 32 transportation functions. For the purposes of this section,
 33 those facilities include the facilities on the Strategic
 34 Intermodal System designated under s. 339.63 and facilities for
 35 which projects have been identified pursuant to s. 339.2819(4).

36 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 37 develop a long-range transportation plan that addresses at least
 38 a 20-year planning horizon. The plan must include both long-
 39 range and short-range strategies and must comply with all other
 40 state and federal requirements. The prevailing principles to be
 41 considered in the long-range transportation plan are: preserving
 42 the existing transportation infrastructure; enhancing Florida's
 43 economic competitiveness; and improving travel choices to ensure
 44 mobility. The long-range transportation plan must be consistent,
 45 to the maximum extent feasible, with future land use elements
 46 and the goals, objectives, and policies of the approved local
 47 government comprehensive plans of the units of local government
 48 located within the jurisdiction of the M.P.O. Each M.P.O. is
 49 encouraged to consider strategies that integrate transportation
 50 and land use planning to provide for sustainable development and
 51 reduce greenhouse gas emissions. The approved long-range
 52 transportation plan must be considered by local governments in
 53 the development of the transportation elements in local
 54 government comprehensive plans and any amendments thereto. The
 55 long-range transportation plan must, at a minimum:

56 (a) Identify transportation facilities, including, but not

TAB I

ORIGINAL

YEAR

57 | limited to, major roadways, airports, seaports, spaceports,
 58 | commuter rail systems, transit systems, and intermodal or
 59 | multimodal terminals that will function as an integrated
 60 | metropolitan transportation system. The long-range
 61 | transportation plan must give emphasis to those transportation
 62 | facilities that serve national, statewide, or regional
 63 | functions, and must consider the goals and objectives identified
 64 | in the Florida Transportation Plan as provided in s. 339.155. If
 65 | a project is located within the boundaries of more than one
 66 | M.P.O., the M.P.O.'s must coordinate plans regarding the project
 67 | in the long-range transportation plan.

68 | (b) Include a financial plan that demonstrates how the
 69 | plan can be implemented, indicating resources from public and
 70 | private sources which are reasonably expected to be available to
 71 | carry out the plan, and recommends any additional financing
 72 | strategies for needed projects and programs. The financial plan
 73 | may include, for illustrative purposes, additional projects that
 74 | would be included in the adopted long-range transportation plan
 75 | if reasonable additional resources beyond those identified in
 76 | the financial plan were available. For the purpose of developing
 77 | the long-range transportation plan, the M.P.O. and the
 78 | department shall cooperatively develop estimates of funds that
 79 | will be available to support the plan implementation. Innovative
 80 | financing techniques may be used to fund needed projects and
 81 | programs. Such techniques may include the assessment of tolls,
 82 | the use of value capture financing, or the use of value pricing.

83 | (c) Assess capital investment and other measures necessary
 84 | to:

TAB I

ORIGINAL

YEAR

85 1. Ensure the preservation of the existing metropolitan
 86 transportation system including requirements for the operation,
 87 resurfacing, restoration, and rehabilitation of major roadways
 88 and requirements for the operation, maintenance, modernization,
 89 and rehabilitation of public transportation facilities; and

90 2. Make the most efficient use of existing transportation
 91 facilities to relieve vehicular congestion and maximize the
 92 mobility of people and goods.

93 (d) Indicate, as appropriate, proposed transportation
 94 enhancement activities, including, but not limited to,
 95 pedestrian and bicycle facilities, scenic easements,
 96 landscaping, historic preservation, mitigation of water
 97 pollution due to highway runoff, and control of outdoor
 98 advertising.

99 (e) In addition to the requirements of paragraphs (a)-(d),
 100 in metropolitan areas that are classified as nonattainment areas
 101 for ozone or carbon monoxide, the M.P.O. must coordinate the
 102 development of the long-range transportation plan with the State
 103 Implementation Plan developed pursuant to the requirements of
 104 the federal Clean Air Act.

105
 106 In the development of its long-range transportation plan, each
 107 M.P.O. must provide the public, affected public agencies,
 108 representatives of transportation agency employees, freight
 109 shippers, providers of freight transportation services, private
 110 providers of transportation, representatives of users of public
 111 transit, and other interested parties with a reasonable
 112 opportunity to comment on the long-range transportation plan.

TABI

ORIGINAL

YEAR

113 The long-range transportation plan must be approved by the
114 M.P.O.

115 (8) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
116 shall, in cooperation with the state and affected public
117 transportation operators, develop a transportation improvement
118 program for the area within the jurisdiction of the M.P.O. In
119 the development of the transportation improvement program, each
120 M.P.O. must provide the public, affected public agencies,
121 representatives of transportation agency employees, freight
122 shippers, providers of freight transportation services, private
123 providers of transportation, representatives of users of public
124 transit, and other interested parties with a reasonable
125 opportunity to comment on the proposed transportation
126 improvement program.

127 (a) Each M.P.O. is responsible for developing, annually, a
128 list of project priorities and a transportation improvement
129 program. The prevailing principles to be considered by each
130 M.P.O. when developing a list of project priorities and a
131 transportation improvement program are: preserving the existing
132 transportation infrastructure; enhancing Florida's economic
133 competitiveness; and improving travel choices to ensure
134 mobility. The transportation improvement program will be used to
135 initiate federally aided transportation facilities and
136 improvements as well as other transportation facilities and
137 improvements including transit, rail, aviation, spaceport, and
138 port facilities to be funded from the State Transportation Trust
139 Fund within its metropolitan area in accordance with existing
140 and subsequent federal and state laws and rules and regulations

TAB I

ORIGINAL

YEAR

141 related thereto. The transportation improvement program shall be
 142 consistent, to the maximum extent feasible, with the approved
 143 local government comprehensive plans of the units of local
 144 government whose boundaries are within the metropolitan area of
 145 the M.P.O. and include those projects programmed pursuant to s.
 146 339.2819(4).

147 (b) Each M.P.O. annually shall prepare a list of project
 148 priorities and shall submit the list to the appropriate district
 149 of the department by October 1 of each year; however, the
 150 department and a metropolitan planning organization may, in
 151 writing, agree to vary this submittal date. The list of project
 152 priorities must be formally reviewed by the technical and
 153 citizens' advisory committees, and approved by the M.P.O.,
 154 before it is transmitted to the district. The approved list of
 155 project priorities must be used by the district in developing
 156 the district work program and must be used by the M.P.O. in
 157 developing its transportation improvement program. The annual
 158 list of project priorities must be based upon project selection
 159 criteria that, at a minimum, consider the following:

- 160 1. The approved M.P.O. long-range transportation plan;
- 161 2. The Strategic Intermodal System Plan developed under s.
 162 339.64.
- 163 3. The priorities developed pursuant to s. 339.2819(4).
- 164 4. The results of the transportation management systems;
- 165 and
- 166 5. The M.P.O.'s public-involvement procedures; and
- 167 6. To provide for sustainable development and reduce
 168 greenhouse gas emissions.

J – Environmental Cost Recovery

Section 1. Amends s. 366.8255, F.S. - Environmental cost recovery

This section amends the definition of “environmental compliance costs” that electric utilities can recover to include:

- Costs or expenses prudently incurred for the quantification, reporting, and third party verification as required for participation in greenhouse gas emission registries for greenhouse gases as defined in s. 403.44, F.S.; and
- Costs or expenses prudently incurred for scientific research and geological assessments of carbon capture and storage conducted in Florida for the purpose of reducing an electric utility’s greenhouse gas emissions when such costs or expenses are incurred in joint research projects with the State of Florida government agencies and State of Florida universities.

TAB J

ORIGINAL

YEAR

1 Section 1. Section 366.8255, Florida Statutes, is amended
 2 to read:

3 366.8255 Environmental cost recovery.--

4 (1) As used in this section, the term:

5 (a) "Electric utility" or "utility" means any investor-
 6 owned electric utility that owns, maintains, or operates an
 7 electric generation, transmission, or distribution system within
 8 the State of Florida and that is regulated under this chapter.

9 (b) "Commission" means the Florida Public Service
 10 Commission.

11 (c) "Environmental laws or regulations" includes all
 12 federal, state, or local statutes, administrative regulations,
 13 orders, ordinances, resolutions, or other requirements that
 14 apply to electric utilities and are designed to protect the
 15 environment.

16 (d) "Environmental compliance costs" includes all costs or
 17 expenses incurred by an electric utility in complying with
 18 environmental laws or regulations, including but not limited to:

19 1. Inservice capital investments, including the electric
 20 utility's last authorized rate of return on equity thereon;

21 2. Operation and maintenance expenses;

22 3. Fuel procurement costs;

23 4. Purchased power costs;

24 5. Emission allowance costs;

25 6. Costs or expenses prudently incurred for the
 26 quantification, reporting, and third party verification as
 27 required for participation in greenhouse gas emission registries
 28 for greenhouse gases as defined in s. 403.44;

TAB J

ORIGINAL

YEAR

29 7. Costs or expenses prudently incurred for scientific
30 research and geological assessments of carbon capture and
31 storage conducted in Florida for the purpose of reducing an
32 electric utility's greenhouse gas emissions when such costs or
33 expenses are incurred in joint research projects with State of
34 Florida government agencies and State of Florida universities;

35 8. 6. Direct taxes on environmental equipment; and

36 9. 7. Costs or expenses prudently incurred by an electric
37 utility pursuant to an agreement entered into on or after the
38 effective date of this act and prior to October 1, 2002, between
39 the electric utility and the Florida Department of Environmental
40 Protection or the United States Environmental Protection Agency
41 for the exclusive purpose of ensuring compliance with ozone
42 ambient air quality standards by an electrical generating
43 facility owned by the electric utility.

K – Florida Green Government Grants Act

Section 1. Creates s. 377.808, F.S. - Florida Green Government Grants Act

The bill creates the “Florida Green Government Grants Act” and provides that the newly-created Florida Energy and Climate Commission (FECC) award grants to assist local governments, including municipalities, counties, and school districts, to develop programs that achieve green standards. The FECC may provide necessary administrative expenses to local governments from the grants. The green standards, to be determined by the FECC, are required to provide cost-efficient solutions that:

- Reduce greenhouse gas emissions;
- Improve the quality of life; and
- Strengthen Florida’s economy.

The bill further provides that the FECC adopt rules pursuant to Chapter 120, Florida Statutes, to administer the grants. The rules must:

- Designate one or more green government standards framework to determine eligibility for funding;
- Require that projects that plan, design, construct, upgrade, or replace facilities be cost-effective, environmentally sound, reduce greenhouse gas emissions, and be permissible and implementable.
- Require local governments to match state funds with direct project cost share or in-kind services;
- Provide for a scale of matching requirements on the basis of population in order to assist rural and undeveloped areas of the state with any climate change impacts that cause financial burden;
- Require applications for grants to be on FECC forms, along with supporting documentation, and require records to be maintained;
- Establish a system to determine priority of grant applications. The system must consider greenhouse gas reductions, energy savings and efficiencies, and proven technologies;
- Establish requirements for competitive procurement of engineering and construction services, materials, and equipment;
- Provide for termination of grants when requirements are not met; and
- Limit local government to no more than two grant applications during each application period. However, a local government may not have more than three active projects that use grant funds during any state fiscal year.

The bill requires that the FECC perform adequate overview of each grant, which may include technical review, site inspections, disbursement approvals, and auditing. The FECC may also use up to two percent of the grant funds each year for administering the grants program.

TAB K

ORIGINAL

YEAR

1 Section 1. Section 377.808, Florida Statutes, is created
2 to read:

3 377.808 Florida Green Government Grants Act.--

4 (1) This section may be cited as the "Florida Green
5 Government Grants Act."

6 (2) The commission shall use funds specifically
7 appropriated to award grants under this section to assist local
8 governments, including municipalities, counties and school
9 districts, in the development of programs that achieve green
10 standards. Those standards are to be determined by the
11 commission and must provide for cost-efficient solutions,
12 reducing greenhouse gas emissions, improving quality of life and
13 strengthening Florida's economy.

14 (3) (a) The commission shall adopt rules pursuant to
15 Chapter 120 to administer the grants provided for in this
16 section. In accordance with the rules adopted by the commission
17 under this section, the commission may provide grants, from
18 funds specifically appropriated for this purpose to local
19 governments for the costs of achieving green standards,
20 including necessary administrative expenses.

21 (b) The rules of the commission must:

22 1. Designate one or more suitable green government
23 standards framework from which local governments may develop a
24 greening government initiative, and from which projects may be
25 eligible for funding pursuant to this statute.

26 2. Require that projects that plan, design, construct,
27 upgrade, or replace facilities be cost-effective,
28 environmentally sound, reduce greenhouse gas emissions, and be

TAB K

ORIGINAL

YEAR

29 permissible and implementable.

30 3. Require local governments to match state funds with
 31 direct project cost share or in-kind services.

32 4. Provide for a scale of matching requirements for local
 33 governments on the basis of population in order to assist rural
 34 and undeveloped areas of the state with any financial burden of
 35 addressing climate change impacts.

36 5. Require grant applications to be submitted on
 37 appropriate forms developed and adopted by the commission with
 38 appropriate supporting documentation, and require records to be
 39 maintained.

40 6. Establish a system to determine the relative priority
 41 of grant applications. The system must consider greenhouse gas
 42 reductions, energy savings and efficiencies and proven
 43 technologies.

44 7. Establish requirements for competitive procurement of
 45 engineering and construction services, materials and equipment.

46 8. Provide for termination of grants when program
 47 requirements are not met.

48 9. Each local government is limited to not more than two
 49 grant applications during each application period announced by
 50 the commission. However, a local government may not have more
 51 than three active projects expending grant funds during any
 52 state fiscal year.

53 (c) The commission must perform adequate overview of each
 54 grant, which may include technical review, site inspections,
 55 disbursement approvals, and auditing to successfully implement
 56 this section.

TAB K

ORIGINAL

YEAR

57 (d) The commission may use up to 2 percent of the grant
58 funds made available each year for the costs of program
59 administration.



L – Public Employee Telecommuting Programs

Section 1. Creates s. 112.219, F.S. - Public Employee Telecommuting Programs

The bill expands the current telecommuting program from state employees to “public employing entities.” The term “public employing entity” is defined as any state government administrative unit listed in Chapter 20 of the State Constitution and also includes water management districts, the Florida State Court System, the state universities, the community colleges, or any other agency, commission, council, office, board, authority, department, or official of state government.

The bill provides for several new definitions relating to telecommuting. The bill defines “qualified telecommuting employee,” “telecommuting schedule,” “telecommuting sites,” and “on-site location.”

The bill requires public employing entities to:

- Establish, coordinate and administer the telecommuting program for its own employees;
- Appoint a telecommuting coordinator to promote the program and provide technical assistance; and
- Identify telecommuting employees and their job classifications through personnel and payroll information management systems.

The bill further provides that each employing public entity must complete a Telecommuting Plan by September 30, 2009, that includes current listings of job classifications and positions the entity considers appropriate for telecommuting. The proposed plan must give equal consideration to civil service and exempt positions when selecting employees to participate. The Telecommuting Plan is required to:

- Provide measurable financial benefits associated with reduced office space requirements, reductions in energy consumption, and reductions in associated emissions of greenhouse gases resulting from telecommuting. Employing public entities operating in office space owned and/or managed by the Department of Management Services (DMS) is required to consult with the facilities program to ensure its consistency with the strategic leasing plan required under s. 255.249 (3)(b), F.S.
- Provide that participation in the program will not adversely affect eligibility for advancement, employment rights, or benefits.
- Provide that participation in the program is voluntary, and that the employee may cease to participate at any time.
- Adopt provisions to allow for the termination of an employee’s participation in the program if it is not in the best interests of the public employing entity.
- Provide that the employee is not under a performance improvement plan in order to participate in the program.

- Ensure that employees participating in the program are subject to the same rules regarding attendance, leave, performance reviews, and separation action as other employees.
- Establish reasonable conditions to ensure the appropriate use and maintenance of any equipment provided for use by the participating employee at the participating employee's telecommunicating site, which is to include installation and maintenance of telephone equipment and ongoing communications costs to be used for official use only.
- Prohibit maintenance of an employee's personal equipment used in telecommuting, including liability for equipment and costs for personal utility expenses used in telecommuting.
- Describe security controls the entity considers appropriate for use at the telecommuting site.
- Provide that qualified telecommuting employees are covered by workers' compensation under chapter 440, when performing official duties at an alternate worksite, such as the home.
- Prohibit employees engaged in the program from conducting face-to-face state business at the telecommuting site.
- Require a written agreement, signed and agreed to by the telecommuter and the supervisor, that specifies the terms and conditions of telecommuting, including verification by the employee that the home office provides work space that is free of safety and fire hazards, together with an agreement that holds the state harmless against all claims, excluding workers' compensation claims, resulting from working in the home office.

The bill requires the Telecommuting Plan to be posted on the employing entity's website to allow access by employees and the public.

Section 2. Amends s. 255.249, F.S. - Department of Management Services; responsibility; department rules

The bill includes telecommuting plans in the requirement that by June 30 of each year, each state agency shall annually provide to DMS all information regarding agency programs that fall under the responsibility of DMS.

TABL

ORIGINAL

YEAR

1 Section 1. Section 112.219, Florida Statutes is created to
2 read:

3 112.219 Public employee telecommuting programs.--

4 (1) As used in this section, the term:

5 (a) "Public employing entity" or "entity" means any state
6 government administrative unit listed in chapter 20 or the
7 Constitution of the State of Florida and also includes water
8 management districts, the Florida State Court System, the state
9 universities, the community colleges, or any other agency,
10 commission, council, office, board, authority, department or
11 official of state government.

12 (b) "Telecommuting" means a work arrangement whereby
13 selected public employees are allowed to perform the normal
14 duties and responsibilities of their positions, through the use
15 of computers or telecommunications, at home or another place
16 apart from the employees' usual place of work.

17 (c) "Qualified telecommuting employee" means an employee
18 selected for the telecommuting program, based on the
19 requirements of his or her employment position and his or her
20 ability to perform assigned work at an offsite location, who
21 meets the following criteria:

22 1. The employee has demonstrated an ability to complete
23 his or her assigned work with minimal supervision;

24 2. The job classification, workload characteristics or
25 position of the employee has been identified by the public
26 employing entity as appropriate for telecommuting;

27 3. The employee is not under a performance improvement
28 plan or disciplinary action that indicates a need for close

TAB L ORIGINAL YEAR

29 supervision of his or her assigned work.

30 (d) "Telecommuting schedule" means the work schedule of a
 31 qualified telecommuting employee, indicating the days each
 32 week, or weeks each month, that the employee will be
 33 telecommuting and those days or weeks the employee will be in
 34 the on-site work location. The schedule must be composed in
 35 such a way that the employee's work location for any given day
 36 is readily ascertainable. Occasional variations from the
 37 schedule are acceptable given the needs of the entity and the
 38 ability of the employee to accomplish assigned state business.

39 (e) "Telecommuting site" means the location of the
 40 qualified telecommuting employee during the hours his or her
 41 telecommuting schedule indicates he or she is telecommuting.

42 (f) "On-site work location" means the office or location
 43 that an employing entity normally provides for its qualified
 44 telecommuting employee.

45 (2) Each public employing entity shall:

46 (a) Establish and coordinate the public employee
 47 telecommuting program and administer this section for its own
 48 employees.

49 (b) Appoint an organization wide telecommuting coordinator
 50 to promote telecommuting and provide technical assistance within
 51 the entity.

52 (c) Identify employees who are participating in a
 53 telecommuting program and their job classifications through its
 54 respective personnel or payroll information management system.

55 (3) By September 30, 2009, each employing public entity
 56 shall complete a Telecommuting Plan to include a current listing

TABL

ORIGINAL

YEAR

57 of the job classifications and positions that the entity
 58 considers appropriate for telecommuting. The proposed
 59 telecommuting plan must give equal consideration to civil
 60 service and exempt positions in their selection of employees to
 61 participate in the telecommuting program. The Telecommuting
 62 Plan must also:

63 (a) Provide measurable financial benefits associated with
 64 reduced office space requirements, reductions in energy
 65 consumption, and reductions in associated emissions of
 66 greenhouse gases resulting from telecommuting. Employing public
 67 entities operating in office space owned and/or managed by the
 68 Department of Management Services shall consult the facilities
 69 program to ensure its consistency with the strategic leasing
 70 plan required under s. 255.249(3)(b).

71 (b) Provide that an employee's participation in a
 72 telecommuting program will not adversely affect eligibility for
 73 advancement or any other employment rights or benefits.

74 (c) Provide that participation by an employee in a
 75 telecommuting program is voluntary, and that the employee may
 76 elect to cease to participate in a telecommuting program at any
 77 time.

78 (d) Adopt provisions to allow for the termination of an
 79 employee's participation in the program if the employee's
 80 continued participation would not be in the best interests of
 81 the employing public entity.

82 (e) Provide that an employee is not currently under a
 83 performance improvement plan in order to participate in the
 84 program.

TAB L

ORIGINAL

YEAR

85 (f) Ensure that employees participating in the program are
 86 subject to the same rules regarding attendance, leave,
 87 performance reviews, and separation action as are other
 88 employees.

89 (g) Establish the reasonable conditions that the employing
 90 public entity will impose in order to ensure the appropriate use
 91 and maintenance of any equipment or items provided for use at a
 92 qualified telecommuting employee's telecommuting site including
 93 the installation and maintenance of any telephone equipment and
 94 ongoing communications costs at the telecommuting site which is
 95 to be used for official use only.

96 (h) Prohibit public maintenance of an employee's personal
 97 equipment used in telecommuting, including any liability for
 98 personal equipment and costs for personal utility expenses
 99 associated with telecommuting.

100 (i) Describe the security controls that the entity
 101 considers appropriate for use at the telecommuting site.

102 (j) Provide that qualified telecommuting employees are
 103 covered by workers' compensation under chapter 440, when
 104 performing official duties at an alternate worksite, such as the
 105 home.

106 (k) Prohibit employees engaged in a telecommuting program
 107 from conducting face-to-face state business at the telecommuting
 108 site.

109 (l) Require a written agreement that specifies the terms
 110 and conditions of telecommuting, which includes verification by
 111 the employee that the home office provides work space that is
 112 free of safety and fire hazards, together with an agreement

TABL

ORIGINAL

YEAR

113 which holds the state harmless against any and all claims,
 114 excluding workers' compensation claims, resulting from an
 115 employee working in the home office, and which must be signed
 116 and agreed to by the telecommuter and the supervisor.

117 (4) The Telecommuting Plan for each employing public
 118 entity, and pertinent supporting documents, shall be posted on
 119 the entity's website to allow access by employees and the
 120 public.

121 Section 2. Paragraph (d) of subsection (3) of section
 122 255.249, Florida Statutes, is amended to read:

123 255.249 Department of Management Services; responsibility;
 124 department rules.--

125 (3) (a) The department shall, to the extent feasible,
 126 coordinate the vacation of privately owned leased space with the
 127 expiration of the lease on that space and, when a lease is
 128 terminated before expiration of its base term, will make a
 129 reasonable effort to place another state agency in the space
 130 vacated. Any state agency may lease the space in any building
 131 that was subject to a lease terminated by a state agency for a
 132 period of time equal to the remainder of the base term without
 133 the requirement of competitive solicitation.

134 (b) The department shall develop and implement a strategic
 135 leasing plan. The strategic leasing plan shall forecast space
 136 needs for all state agencies and identify opportunities for
 137 reducing costs through consolidation, relocation,
 138 reconfiguration, capital investment, and the building or
 139 acquisition of state-owned space.

140 (c) The department shall annually publish a master leasing

TAB L

ORIGINAL

YEAR

141 report. The department shall furnish the master leasing report
 142 to the Executive Office of the Governor and the Legislature by
 143 September 15 of each year which provides the following
 144 information:

145 1. A list, by agency and by geographic market, of all
 146 leases that are due to expire within 24 months.

147 2. Details of each lease, including location, size, cost
 148 per leased square foot, lease-expiration date, and a
 149 determination of whether sufficient state-owned office space
 150 will be available at the expiration of the lease to accommodate
 151 affected employees.

152 3. A list of amendments and supplements to and waivers of
 153 terms and conditions in lease agreements that have been approved
 154 pursuant to s. 255.25(2)(a) during the previous 12 months and an
 155 associated comprehensive analysis, including financial
 156 implications, showing that any amendment, supplement, or waiver
 157 is in the state's long-term best interest.

158 4. Financial impacts to the pool rental rate due to the
 159 sale, removal, acquisition, or construction of pool facilities.

160 5. Changes in occupancy rate, maintenance costs, and
 161 efficiency costs of leases in the state portfolio. Changes to
 162 occupancy costs in leased space by market and changes to space
 163 consumption by agency and by market.

164 6. An analysis of portfolio supply and demand.

165 7. Cost-benefit analyses of acquisition, build, and
 166 consolidation opportunities, recommendations for strategic
 167 consolidation, and strategic recommendations for disposition,
 168 acquisition, and building.

TAB L

ORIGINAL

YEAR

169 8. The updated plan required by s. 255.25(4)(c).
 170 (d) By June 30 of each year, each state agency shall
 171 annually provide to the department all information regarding
 172 agency programs affecting the need for or use of space by that
 173 agency, reviews of lease-expiration schedules for each
 174 geographic area, active and planned full-time equivalent data,
 175 business case analyses related to consolidation plans by an
 176 agency, telecommuting plans, and current occupancy and
 177 relocation costs, inclusive of furnishings, fixtures and
 178 equipment, data, and communications.

W

M – Wind Energy and Wind Turbines Sales Tax Exemption and Corporate Investment Tax Credit

Section 1. Amends s. 212.08, F.S. – Sales, Rental, Use, Consumption, Distribution, and Storage Tax; Specified Exemptions

- Adds a definition for “wind energy” or “wind turbines,” to mean “rotary mechanical equipment that uses wind to produce at least 10 kilowatts of electrical energy.”
- Revises the definition of “ethanol” to mean anhydrous denatured alcohol produced by the *conversion of carbohydrates* rather than produced by the *fermentation of plant sugars*.
- Exempts wind turbines from the state sales or use tax, up to \$1 million in tax each fiscal year.
- Specifies that eligible items for the sales tax exemption are limited to one refund and requires a purchaser who receives a refund to notify a subsequent purchaser that the item is no longer eligible for a tax refund.
- Provides that the tax exemption for wind turbines expires on July 1, 2012.
- Grants rule-making authority to the Department of Environmental Protection for certificate requirements.

Section 2. Amends s. 220.192, F.S. – Renewable Energy Technologies Investment Tax Credit

- Provides a corporate income tax credit for 75 percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2008, and June 30, 2012, up to \$9 million per fiscal year, in connection with an investment in the production of wind energy.
- Provides that if credit is not fully used in one tax year because of the corporation’s insufficient tax liability, the unused amount may be carried forward. The credit carryover expires on December 31, 2014.
- Provides that taxpayers filing a consolidated return may be allowed the credit on a consolidated return basis up to the amount of tax imposed upon the consolidated group.
- Authorizes tax credits to be transferred to underlying partners, members, and owners, or to any taxpayer by written agreement.
- Grants rule-making authority to the Department of Revenue relating to prescribing forms, reporting requirements, and procedures necessary to transfer a tax credit.

TAB M

ORIGINAL

YEAR

1 Section 1. Section 212.08, Florida Statutes, is amended to
2 read:

3 212.08 Sales, rental, use, consumption, distribution, and
4 storage tax; specified exemptions.--The sale at retail, the
5 rental, the use, the consumption, the distribution, and the
6 storage to be used or consumed in this state of the following
7 are hereby specifically exempt from the tax imposed by this
8 chapter.

9 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
10 entity by this chapter do not inure to any transaction that is
11 otherwise taxable under this chapter when payment is made by a
12 representative or employee of the entity by any means,
13 including, but not limited to, cash, check, or credit card, even
14 when that representative or employee is subsequently reimbursed
15 by the entity. In addition, exemptions provided to any entity by
16 this subsection do not inure to any transaction that is
17 otherwise taxable under this chapter unless the entity has
18 obtained a sales tax exemption certificate from the department
19 or the entity obtains or provides other documentation as
20 required by the department. Eligible purchases or leases made
21 with such a certificate must be in strict compliance with this
22 subsection and departmental rules, and any person who makes an
23 exempt purchase with a certificate that is not in strict
24 compliance with this subsection and the rules is liable for and
25 shall pay the tax. The department may adopt rules to administer
26 this subsection.

27 (ccc) Equipment, machinery, and other materials for
28 renewable energy technologies.--

TAB M

ORIGINAL

YEAR

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

30 a. "Biodiesel" means the mono-alkyl esters of long-chain
31 fatty acids derived from plant or animal matter for use as a
32 source of energy and meeting the specifications for biodiesel
33 and biodiesel blends with petroleum products as adopted by the
34 Department of Agriculture and Consumer Services. Biodiesel may
35 refer to biodiesel blends designated BXX, where XX represents
36 the volume percentage of biodiesel fuel in the blend.

37 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
38 alcohol produced by the conversion of carbohydrates ~~fermentation~~
39 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
40 fuel ethanol blends with petroleum products as adopted by the
41 Department of Agriculture and Consumer Services. Ethanol may
42 refer to fuel ethanol blends designated EXX, where XX represents
43 the volume percentage of fuel ethanol in the blend.

44 c. "Hydrogen fuel cells" means equipment using hydrogen or
45 a hydrogen-rich fuel in an electrochemical process to generate
46 energy, electricity, or the transfer of heat.

47 d. "Wind energy" or "wind turbines" means rotary mechanical
48 equipment that uses wind to produce at least 10 kilowatts of
49 electrical energy.

50 2. The sale or use of the following in the state is exempt
51 from the tax imposed by this chapter:

52 a. Hydrogen-powered vehicles, materials incorporated into
53 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
54 a limit of \$2 million in tax each state fiscal year for all
55 taxpayers.

56 b. Commercial stationary hydrogen fuel cells, up to a

TAB M

ORIGINAL

YEAR

57 | limit of \$1 million in tax each state fiscal year for all
58 | taxpayers.

59 | c. Materials used in the distribution of biodiesel (B10-
60 | B100) and ethanol (E10-E100), including fueling infrastructure,
61 | transportation, and storage, up to a limit of \$1 million in tax
62 | each state fiscal year for all taxpayers. Gasoline fueling
63 | station pump retrofits for ethanol (E10-E100) distribution
64 | qualify for the exemption provided in this sub-subparagraph.

65 | d. Wind turbines, up to a limit of \$1 million in tax each
66 | state fiscal year for all taxpayers.

67 | 3. The Department of Environmental Protection shall
68 | provide to the department a list of items eligible for the
69 | exemption provided in this paragraph.

70 | 4.a. The exemption provided in this paragraph shall be
71 | available to a purchaser only through a refund of previously
72 | paid taxes. Only the initial purchase of an eligible item from
73 | the manufacturer is subject to refund. A purchaser who has
74 | received a refund on an eligible item must notify any subsequent
75 | purchaser of the item that the item is no longer eligible for a
76 | refund of tax paid. This notification must be provided to the
77 | subsequent purchaser on the sales invoice or other proof of
78 | purchase.

79 | b. To be eligible to receive the exemption provided in
80 | this paragraph, a purchaser shall file an application with the
81 | Department of Environmental Protection. The application shall be
82 | developed by the Department of Environmental Protection, in
83 | consultation with the department, and shall require:

84 | (I) The name and address of the person claiming the

TAB M

ORIGINAL

YEAR

85 refund.

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

89 (III) The sales invoice or other proof of purchase showing
90 the amount of sales tax paid, the date of purchase, and the name
91 and address of the sales tax dealer from whom the property was
92 purchased.

93 (IV) A sworn statement that the information provided is
94 accurate and that the requirements of this paragraph have been
95 met.

96 c. Within 30 days after receipt of an application, the
97 Department of Environmental Protection shall review the
98 application and shall notify the applicant of any deficiencies.
99 Upon receipt of a completed application, the Department of
100 Environmental Protection shall evaluate the application for
101 exemption and issue a written certification that the applicant
102 is eligible for a refund or issue a written denial of such
103 certification within 60 days after receipt of the application.
104 The Department of Environmental Protection shall provide the
105 department with a copy of each certification issued upon
106 approval of an application.

107 d. Each certified applicant shall be responsible for
108 forwarding a certified copy of the application and copies of all
109 required documentation to the department within 6 months after
110 certification by the Department of Environmental Protection.

111 e. The provisions of s. 212.095 do not apply to any refund
112 application made pursuant to this paragraph. A refund approved

TAB M

ORIGINAL

YEAR

113 pursuant to this paragraph shall be made within 30 days after
 114 formal approval by the department.

115 f. The Department of Environmental Protection may adopt the
 116 form for the application for a certificate, requirements for the
 117 content and format of information submitted to the Department of
 118 Environmental Protection in support of the application, other
 119 procedural requirements, and criteria by which the application
 120 will be determined by rule. The department may adopt all other
 121 rules pursuant to ss. 120.536(1) and 120.54 to administer this
 122 paragraph, including rules establishing additional forms and
 123 procedures for claiming this exemption.

124 g. The Department of Environmental Protection shall be
 125 responsible for ensuring that the total amounts of the
 126 exemptions authorized do not exceed the limits as specified in
 127 subparagraph 2.

128 5. The Department of Environmental Protection shall
 129 determine and publish on a regular basis the amount of sales tax
 130 funds remaining in each fiscal year.

131 6. This paragraph expires July 1, 2010, except as it
 132 relates to wind turbines. The remainder of the paragraph
 133 relating to wind turbines expires on July 1, 2012.

134 Section 2. Section 220.192, Florida Statutes, is amended
 135 to read:

136 220.192 Renewable energy technologies investment tax
 137 credit.--

138 (1) DEFINITIONS.--For purposes of this section, the term:

139 (a) "Biodiesel" means biodiesel as defined in s.

140 212.08(7)(ccc).

TAB M

ORIGINAL

YEAR

141 (b) "Eligible costs" means:

142 1. Seventy-five percent of all capital costs, operation
 143 and maintenance costs, and research and development costs
 144 incurred between July 1, 2006, and June 30, 2010, up to a limit
 145 of \$3 million per state fiscal year for all taxpayers, in
 146 connection with an investment in hydrogen-powered vehicles and
 147 hydrogen vehicle fueling stations in the state, including, but
 148 not limited to, the costs of constructing, installing, and
 149 equipping such technologies in the state.

150 2. Seventy-five percent of all capital costs, operation
 151 and maintenance costs, and research and development costs
 152 incurred between July 1, 2006, and June 30, 2010, up to a limit
 153 of \$1.5 million per state fiscal year for all taxpayers, and
 154 limited to a maximum of \$12,000 per fuel cell, in connection
 155 with an investment in commercial stationary hydrogen fuel cells
 156 in the state, including, but not limited to, the costs of
 157 constructing, installing, and equipping such technologies in the
 158 state.

159 3. Seventy-five percent of all capital costs, operation
 160 and maintenance costs, and research and development costs
 161 incurred between July 1, 2006, and June 30, 2010, up to a limit
 162 of \$6.5 million per state fiscal year for all taxpayers, in
 163 connection with an investment in the production, storage, and
 164 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
 165 the state, including the costs of constructing, installing, and
 166 equipping such technologies in the state. Gasoline fueling
 167 station pump retrofits for ethanol (E10-E100) distribution
 168 qualify as an eligible cost under this subparagraph.

TAB M

ORIGINAL

YEAR

169 4. Seventy-five percent of all capital costs, operation
 170 and maintenance costs, and research and development costs
 171 incurred between July 1, 2008, and June 30, 2012, up to a limit
 172 of \$9 million per state fiscal year for all taxpayers, in
 173 connection with an investment in the production of wind energy.

174 (c) "Ethanol" means ethanol as defined in s.
 175 212.08(7)(ccc).

176 (d) "Hydrogen fuel cell" means hydrogen fuel cell as
 177 defined in s. 212.08(7)(ccc).

178 (e) "Wind energy" or "wind turbine" has the same meaning as
 179 defined in s. 212.08(7)(ccc).

180 (2)(a) TAX CREDIT.--For tax years beginning on or after
 181 January 1, 2007, a credit against the tax imposed by this
 182 chapter shall be granted in an amount equal to the eligible
 183 costs. Credits may be used in tax years beginning January 1,
 184 2007, and ending December 31, 2010, after which the credit shall
 185 expire. If the credit is not fully used in any one tax year
 186 because of insufficient tax liability on the part of the
 187 corporation, the unused amount may be carried forward and used
 188 in tax years beginning January 1, 2007, and ending December 31,
 189 2012, after which the credit carryover expires and may not be
 190 used. A taxpayer that files a consolidated return in this state
 191 as a member of an affiliated group under s. 220.131(1) may be
 192 allowed the credit on a consolidated return basis up to the
 193 amount of tax imposed upon the consolidated group. Any eligible
 194 cost for which a credit is claimed and which is deducted or
 195 otherwise reduces federal taxable income shall be added back in
 196 computing adjusted federal income under s. 220.13.

TAB M

ORIGINAL

YEAR

197 1. For tax years beginning on or after January 1, 2009, a
 198 credit against the tax imposed by this chapter shall be granted
 199 in an amount equal to the eligible costs related to wind energy.
 200 Credits may be used in tax years beginning January 1, 2009, and
 201 ending December 31, 2012, after which the credit shall expire.
 202 If the credit is not fully used in any one tax year because of
 203 insufficient tax liability on the part of the corporation, the
 204 unused amount may be carried forward and used in tax years
 205 beginning January 1, 2009, and ending December 31, 2014, after
 206 which the credit carryover expires and may not be used. A
 207 taxpayer that files a consolidated return in this state as a
 208 member of an affiliated group under s. 220.131(1) may be allowed
 209 the credit on a consolidated return basis up to the amount of
 210 tax imposed upon the consolidated group. Any eligible cost for
 211 which a credit is claimed and which is deducted or otherwise
 212 reduces federal taxable income shall be added back in computing
 213 adjusted federal income under s. 220.13.

214 (b) TRANSFERABILITY OF CREDIT.-- Any corporation and any
 215 subsequent transferee allowed the tax credit may transfer the
 216 tax credit, in whole or in part, to any taxpayer by written
 217 agreement, without the requirement of transferring any ownership
 218 interest in the property generating the tax credit or any
 219 interest in the entity which owns the property. Transferees are
 220 entitled to apply the credits against the tax with the same
 221 effect as if the transferee had incurred the eligible costs.

222 1. To perfect the transfer, the transferor shall provide a
 223 written transfer statement providing notice to the Department of
 224 Revenue of the assignor's intent to transfer the tax credits to

TAB M

ORIGINAL

YEAR

225 the assignee, the date the transfer is effective, the assignee's
 226 name, address, federal taxpayer identification number and tax
 227 period, and the amount of tax credits to be transferred. The
 228 Department of Revenue shall issue, upon receipt of a transfer
 229 statement conforming to the requirements of this section, a
 230 certificate to the assignee reflecting the tax credit amounts
 231 transferred, a copy of which shall be attached to each tax
 232 return by an assignee in which such tax credits are used.

233 2. Tax credits derived by such entities treated as
 234 corporations pursuant to this section that are not transferred
 235 by such entities to other taxpayers pursuant to this subsection
 236 shall be passed through to the taxpayers designated as partners,
 237 members, or owners, respectively, in any manner agreed to by
 238 such persons, whether or not such persons are allocated or
 239 allowed any portion of the federal energy tax credit with
 240 respect to the eligible costs.

241 (6) RULES.--The Department of Revenue shall have the
 242 authority to adopt rules relating to:

243 (a) The forms required to claim a tax credit under this
 244 section, the requirements and basis for establishing an
 245 entitlement to a credit, and the examination and audit
 246 procedures required to administer this section.

247 (b) The implementation and administration of the provisions
 248 allowing a transfer of tax credits, including rules prescribing
 249 forms, reporting requirements, and the specific
 250 procedures, guidelines, and requirements necessary for a tax
 251 credit to be transferred.

TAB M

ORIGINAL

YEAR

252 | (7) PUBLICATION.--The Department of Environmental
253 | Protection shall determine and publish on a regular basis the
254 | amount of available tax credits remaining in each fiscal year.

Z

N – Net Metering for Public Utilities, Municipal Electric Utilities, and Rural Electric Cooperatives

Section 1. Amends s. 366.91, F.S. – Renewable Energy

- Defines “customer-owned renewable generation” as an electric generating system located on a customer’s premises that is primarily intended to offset part or all of the customer’s electricity requirements with renewable energy.
- Defines “net metering” as a metering and billing methodology whereby customer-owned renewable generation is allowed to offset the customer’s electricity consumption on-site.
- Directs public utilities, municipal electric utilities, and rural electric cooperatives to develop a standardized interconnection agreement and net metering program for customer-owned renewable generation.
 - Requires the standardized interconnection agreement to provide explicit directions for the application and interconnection process, including due dates for action by the utility and the customer, and incorporate nationally recognized standards for interconnection and safety.
 - Requires the net metering program to provide for any excess energy delivered to the grid in one billing period be carried over to the next billing period for up to 12 months.
 - Provides that any excess energy credits remaining at the end of the calendar year, *for customers interconnecting with a public utility*, be purchased back from the utility based upon the utility’s as-available energy rate.
 - Provides that any excess energy credits remaining at the end of the calendar year, *for customers interconnecting with a municipal or cooperative utility*, be purchased from the utility at a rate to be determined by the governing body of the municipal utility or cooperative.
 - Requires the electric utilities to file a report by April 1 of each year detailing customer participation in the program, including the number and total capacity of interconnected generating systems and the total energy net metered in the previous year.

TAB N

ORIGINAL

YEAR

1 Section 1. Section 366.91, Florida Statutes, is amended to
2 read:

3 366.91 Renewable energy.--

4 (1) The Legislature finds that it is in the public
5 interest to promote the development of renewable energy
6 resources in this state. Renewable energy resources have the
7 potential to help diversify fuel types to meet Florida's growing
8 dependency on natural gas for electric production, minimize the
9 volatility of fuel costs, encourage investment within the state,
10 improve environmental conditions, and make Florida a leader in
11 new and innovative technologies.

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

13 (a) "Biomass" means a power source that is comprised of,
14 but not limited to, combustible residues or gases from forest
15 products manufacturing, agricultural and orchard crops, waste
16 products from livestock and poultry operations and food
17 processing, urban wood waste, municipal solid waste, municipal
18 liquid waste treatment operations, and landfill gas.

19 (b) "Renewable energy" means electrical energy produced
20 from a method that uses one or more of the following fuels or
21 energy sources: hydrogen produced from sources other than fossil
22 fuels, biomass, solar energy, geothermal energy, wind energy,
23 ocean energy, and hydroelectric power. The term includes the
24 alternative energy resource, waste heat, from sulfuric acid
25 manufacturing operations.

26 (c) "Customer-owned renewable generation" means an
27 electric generating system located on a customer's premises that
28 is primarily intended to offset part or all of the customer's

TAB N

ORIGINAL

YEAR

29 electricity requirements with renewable energy.

30 (d) "Net metering" means a metering and billing methodology
 31 whereby customer-owned renewable generation is allowed to offset
 32 the customer's electricity consumption on-site.

33 (3) On or before January 1, 2006, each public utility must
 34 continuously offer a purchase contract to producers of renewable
 35 energy. The commission shall establish requirements relating to
 36 the purchase of capacity and energy by public utilities from
 37 renewable energy producers and may adopt rules to administer
 38 this section. The contract shall contain payment provisions for
 39 energy and capacity which are based upon the utility's full
 40 avoided costs, as defined in s. 366.051; however, capacity
 41 payments are not required if, due to the operational
 42 characteristics of the renewable energy generator or the
 43 anticipated peak and off-peak availability and capacity factor
 44 of the utility's avoided unit, the producer is unlikely to
 45 provide any capacity value to the utility or the electric grid
 46 during the contract term. Each contract must provide a contract
 47 term of at least 10 years. Prudent and reasonable costs
 48 associated with a renewable energy contract shall be recovered
 49 from the ratepayers of the contracting utility, without
 50 differentiation among customer classes, through the appropriate
 51 cost-recovery clause mechanism administered by the commission.

52 (4) On or before January 1, 2006, each municipal electric
 53 utility and rural electric cooperative whose annual sales, as of
 54 July 1, 1993, to retail customers were greater than 2,000
 55 gigawatt hours must continuously offer a purchase contract to
 56 producers of renewable energy containing payment provisions for

TAB N ORIGINAL YEAR

57 energy and capacity which are based upon the utility's or
 58 cooperative's full avoided costs, as determined by the governing
 59 body of the municipal utility or cooperative; however, capacity
 60 payments are not required if, due to the operational
 61 characteristics of the renewable energy generator or the
 62 anticipated peak and off-peak availability and capacity factor
 63 of the utility's avoided unit, the producer is unlikely to
 64 provide any capacity value to the utility or the electric grid
 65 during the contract term. Each contract must provide a contract
 66 term of at least 10 years.

67 (5) On or before January 1, 2009, each public utility must
 68 develop a standardized interconnection agreement and net
 69 metering program for customer-owned renewable generation. The
 70 standardized interconnection agreement shall provide explicit
 71 directions for the application and interconnection process,
 72 detailing specific due dates for action by the public utility
 73 and the customer in order to simplify and expedite the
 74 interconnection process. The standardized interconnection
 75 agreement shall incorporate nationally recognized standards for
 76 interconnection and safety. The net metering program shall
 77 provide for any excess energy delivered to the electric grid in
 78 one billing period be carried over to directly offset the
 79 customer's consumption in the next billing period, for a period
 80 up to 12 months. Any excess energy credits remaining at the end
 81 of the calendar year shall be purchased by the utility based
 82 upon the utility's as-available energy rate. By April 1 of each
 83 year, each public utility shall file a report with the
 84 commission detailing customer participation in the

TAB N

ORIGINAL

YEAR

85 interconnection and net metering program, including but not
 86 limited to the number and total capacity of interconnected
 87 generating systems and the total energy net metered in the
 88 previous year. The commission shall establish requirements
 89 relating to the expedited interconnection and net metering of
 90 customer-owned renewable generation by public utilities and may
 91 adopt rules to administer this section.

92 (6) On or before January 1, 2009, each municipal electric
 93 utility and rural electric cooperative must develop a
 94 standardized interconnection and net metering program for
 95 customer-owned renewable generation. The standardized
 96 interconnection agreement shall provide explicit directions for
 97 the application and interconnection process, detailing specific
 98 due dates for action by the utility and the customer in order to
 99 simplify and expedite the interconnection process. The
 100 standardized interconnection agreement shall incorporate
 101 nationally recognized standards for interconnection and safety.
 102 The net metering program shall provide for any excess energy
 103 delivered to the electric grid in one billing period be carried
 104 over to directly offset the customer's consumption in the next
 105 billing period, for a period up to 12 months. Any excess energy
 106 credits remaining at the end of the calendar year shall be
 107 purchased by the utility based upon a rate to be determined by
 108 the governing body of the municipal utility or cooperative. The
 109 requirements established by a municipal or cooperative utility
 110 must be consistent with the interconnection and net metering
 111 rules adopted by the commission for the public utilities. By
 112 April 1 of each year, each municipal electric utility and rural

TAB N

ORIGINAL

YEAR

113 | electric cooperative utility shall file a report with the
 114 | commission detailing customer participation in the
 115 | interconnection and net metering program, including but not
 116 | limited to the number and total capacity of interconnected
 117 | generating systems and the total energy net metered in the
 118 | previous year.

119 | (7) ~~(5)~~ A contracting producer of renewable energy must pay
 120 | the actual costs of its interconnection with the transmission
 121 | grid or distribution system.



Committee on Energy

**Wednesday, March 12, 2008
3:45 PM – 6:00 PM
Morris Hall (17 HOB)**

COMMITTEE MEETING PACKET

Addendum A (03/12/2008, 11:15 AM)

D – Discussion of Cap and Trade Regulatory Program

Section 1. Creates s. 403.44, F.S. – Florida Climate Protection Act

This section creates the Florida Climate Protection Act and provides that:

- All “major emitters” (electric utilities) must use The Climate Registry for registering and reporting their emissions;
- The Department of Environmental Protection (DEP) must establish methodologies, reporting periods, and reporting systems to be used by electric utilities for reporting to The Climate Registry;
- DEP may adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from electric utilities. In developing rules, DEP must consult with the Governor’s Action Team on Energy and Climate Change (Action Team), the Public Service Commission (PSC), and the Florida Energy Commission (FEC); and
- DEP rules for a cap-and-trade program under this act must be ratified by the Legislature before they can become effective.

This section also provides that the rules of the cap-and-trade regulatory program under this Act must include the following:

- A statewide limit or cap on the amount of greenhouse gas emissions electric utilities can emit;
- Methods, requirements, and conditions for allocating the cap among the electric utilities;
- Methods, requirements, and conditions for emissions allowances and the process for issuing emissions allowances;
- The relationship between allowances and the specific amounts of greenhouse gases they represent;
- A process for the trading of allowances between electric utilities;
- Cost containment mechanisms to reduce price and cost risks associated with the electric generation market in the state;
- A process to allow DEP to discourage leakage of greenhouse gas emissions to neighboring states;
- Provisions for an allowance trading trial period before fully implementing the trading system; and
- Any other requirements necessary to implement this section.

TAB D

ORIGINAL

YEAR

1 Section 1. Section 403.44, Florida Statutes, is created to
2 read:

3 403.44 Florida Climate Protection Act.--

4 (1) The Legislature finds it is in the best interest of
5 this state to document, to the greatest extent practicable,
6 greenhouse gas (GHG) emissions and to pursue a market-based
7 emissions abatement program, such as cap-and-trade, to address
8 GHG emissions reductions.

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

10 (a) "Allowance" means a credit issued by the department
11 through allotments or auction which represents an authorization
12 to emit specific amounts of greenhouse gases, as further defined
13 in department rule.

14 (b) "Cap-and-trade" or "emissions trading" means an
15 administrative approach used to control pollution by providing a
16 limit on total allowable emissions, providing for allowances to
17 emit pollutants, and providing for the transfer of the
18 allowances among pollutant sources as a means of compliance with
19 emission limits.

20 (c) "Greenhouse gas" means carbon dioxide, methane,
21 nitrous oxide, and fluorinated gases such as hydrofluorocarbons,
22 perfluorocarbons, and sulfur hexafluoride.

23 (d) "Leakage" means the offset of emission abatement that
24 is achieved in one location subject to emission control
25 regulation by increased emissions in unregulated locations.

26 (e) "Major emitter" means an electric utility regulated
27 under this chapter.

28 (3) A major emitter must use The Climate Registry for

TAB D

ORIGINAL

YEAR

29 purposes of emission registration and reporting.

30 (4) The Department of Environmental Protection shall
 31 establish the methodologies, reporting periods, and reporting
 32 systems that must be used when major emitters report to The
 33 Climate Registry. The department may require the use of quality-
 34 assured data from continuous emissions-monitoring systems.

35 (5) The department may adopt rules for a cap-and-trade
 36 regulatory program to reduce greenhouse gas emissions from major
 37 emitters. When developing the rules, the department shall
 38 consult with the Governor's Action Team on Energy and Climate
 39 Change, the Public Service Commission and the Florida Energy
 40 Commission. The rules shall not become effective until ratified
 41 by the Legislature.

42 (6) The rules of the cap-and-trade regulatory program
 43 shall include, but are not limited to:

44 (a) A statewide limit or cap on the amount of GHG
 45 emissions emitted by major emitters.

46 (b) Methods, requirements, and conditions for allocating
 47 the cap among major emitters.

48 (c) Methods, requirements, and conditions for emissions
 49 allowances and the process for issuing emissions allowances.

50 (d) The relationship between allowances and the specific
 51 amounts of greenhouse gases they represent.

52 (e) A process for the trade of allowances between major
 53 emitters, including a registry, tracking, or accounting system
 54 for such trades.

55 (f) Cost containment mechanisms in order to reduce price
 56 and cost risks associated with the electric generation market in

TAB D

ORIGINAL

YEAR

57 | this state.

58 | (g) A process to allow the department to exercise its
59 | authority to discourage leakage of GHG emissions to neighboring
60 | states attributable to the implementation of this program.

61 | (h) Provisions for a trial period on the trading of
62 | allowances before full implementation of a trading system.

63 | (i) Other requirements necessary or desirable to implement
64 | this section.

F - Renewable Fuel Standard – E10 X 2010

Proposed Renewable Fuel Standard legislation will provide that on and after December 31, 2010, all gasoline sold or offered for sale in Florida at retail is to contain, at a minimum, 10 percent ethanol (E10). The proposed legislation will also provide for the following:

- Exemptions to the standards, where appropriate;
- Waiver procedures in instances where good faith efforts have been unable to achieve the E10 standards;
- Suspension mechanisms during declared emergencies;
- Enforcement mechanisms, such as stop-sale orders and penalties; and
- A lifecycle greenhouse gas emissions study:
 - The Florida Energy and Climate Commission will conduct a study to evaluate and recommend the lifecycle greenhouse gas emissions associated with all renewable fuels including, but not limited to, biodiesel, renewable diesel, biobutanol, ethanol derived from corn, ethanol derived from sugar, and cellulosic ethanol.
 - In addition, the study will evaluate and recommend a requirement that all renewable fuels introduced into commerce in the state, as a result of the Renewable Fuel Standard, reduce the lifecycle greenhouse gas emissions by an average percentage.
 - The study may also evaluate and recommend any benefits associated with the creation, banking, transfer, and sale of credits.



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Ethanol in Florida: Fuel for a Sustainable Future

George Philippidis, Ph.D.

Associate Director

Applied Research Center (ARC)





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Who said this?

(at the Detroit Economic Club on 10/30/07)

- “We were one of the first to see the potential of ethanol ... a pioneer in creating the infrastructure necessary to push ethanol into more and larger markets in the Midwest and Southeast”
- “We’re investing in both transportation and storage assets in all of our terminals ... by the middle of 2008 we will blend E10 ... across our entire network from the tip of Florida to the northern most reaches of Minnesota”
- “[Our company] believes a nationwide goal of E10 makes great sense because it can be accommodated within the existing vehicle fleet and within our distribution systems”



Ethanol Benefits

- **CONSUMER**
 - Reduces fuel price volatility
 - Increases octane number by 2-3 points (in essence low-priced 87 octane becomes 90)
 - Provides fuel choices

- **VEHICLE PERFORMANCE**
 - Compatible with existing vehicles (E10)
 - Improves engine performance and extends engine life
 - Greater power and torque
 - No engine deposits

- **ENVIRONMENT**
 - Renewable, sustainable, non-toxic, biodegradable (unlike gasoline)
 - E10 cuts GHG emissions by 2% (corn ethanol) to 9% (cane ethanol)
 - E85 cuts GHG emissions by 17% (corn ethanol) to 77% (cane ethanol)
 - Improves air quality (CO, SO_x, VOC, PM)



- **ECONOMY**

- Generates private investment, jobs, and trade
- Increases value of agricultural sector
- Reduces trade deficit

- **NATIONAL SECURITY**

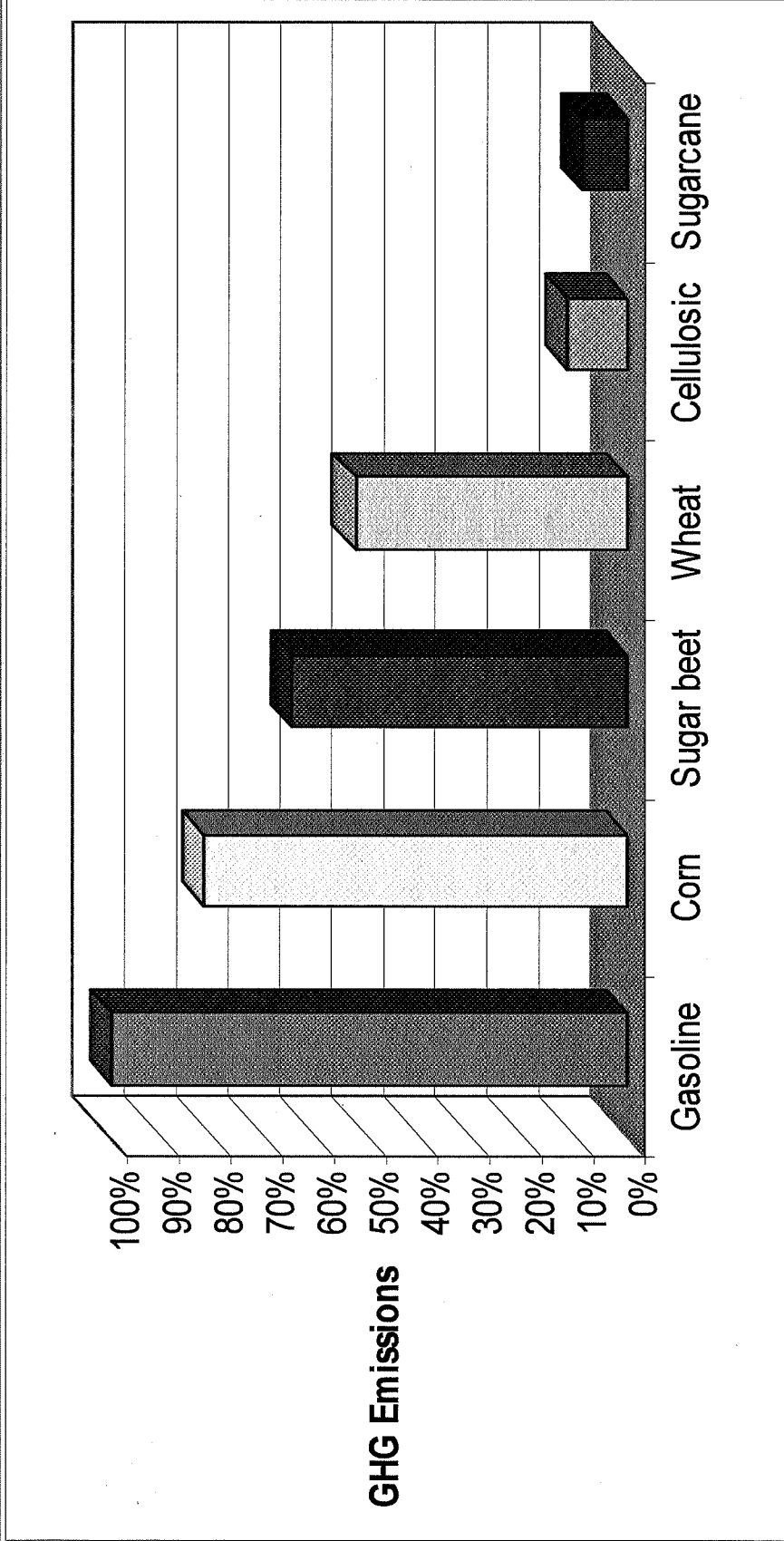
- Lessens US dependence on unstable regions and rogue nations
- Reduces reliance on the monopoly of a single fuel (oil)
- Produced domestically and by friendly Latin American countries

- **AGRICULTURE**

- Supports co-production of food, fuel, and electricity
- Attracts investment in cellulosic ethanol to Florida
- Helps increase the value of Florida's agriculture and agricultural lands
- Stimulates economic development in rural communities



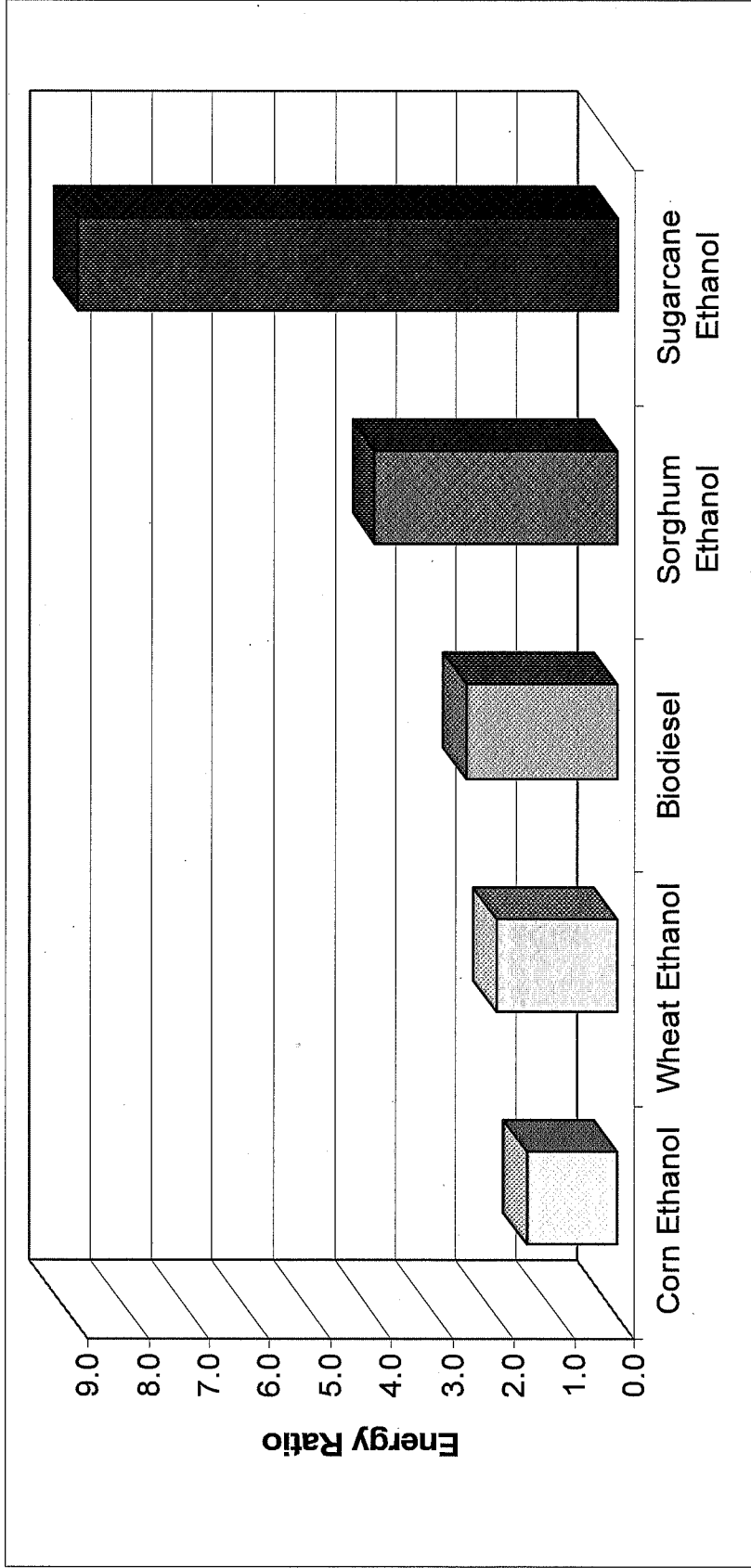
Ethanol Life-Cycle Effect on GHG



Source: IMF World Energy Outlook (2007)



Life Cycle Energy Balance

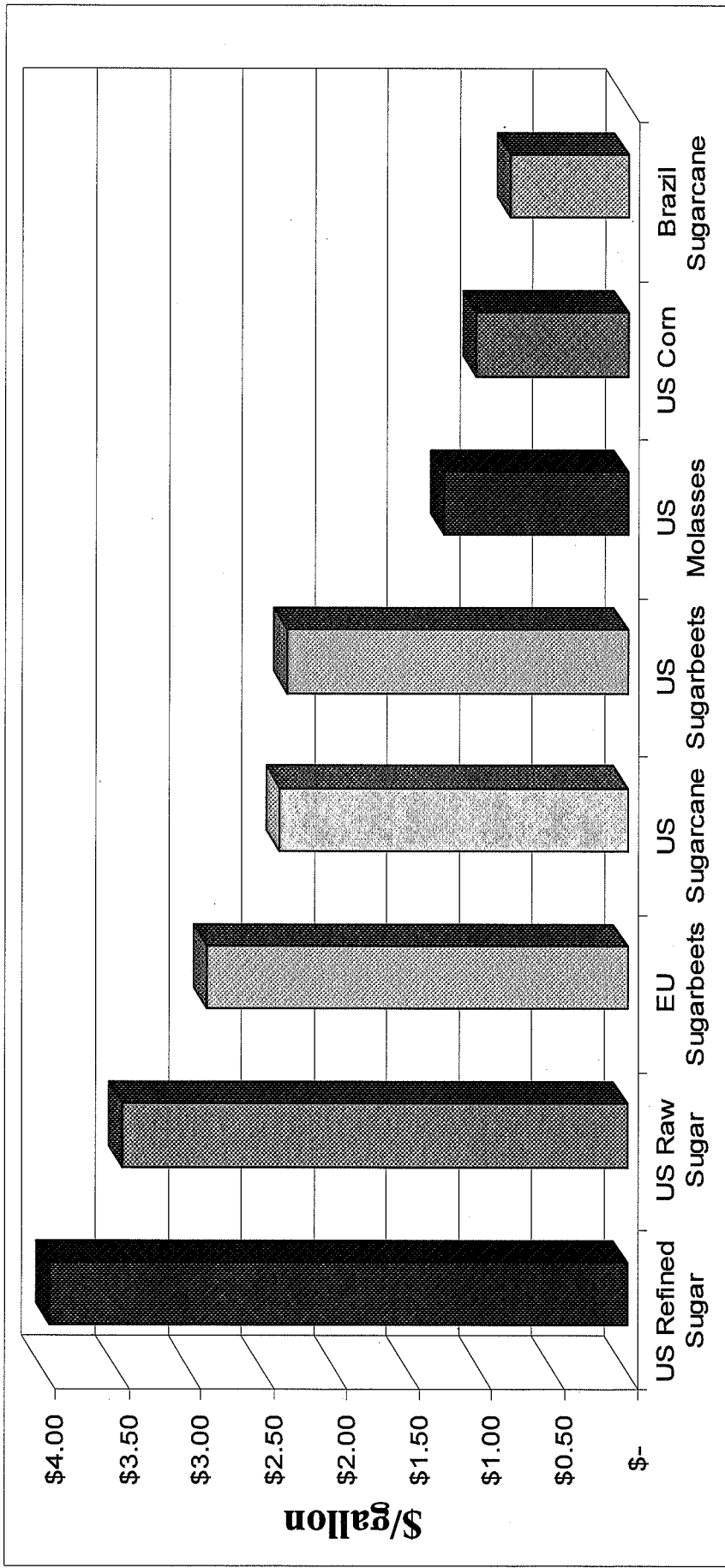


Source: Unica (2007)

Energy Balance = [Energy produced by fuel] / [Energy spent to produce fuel]



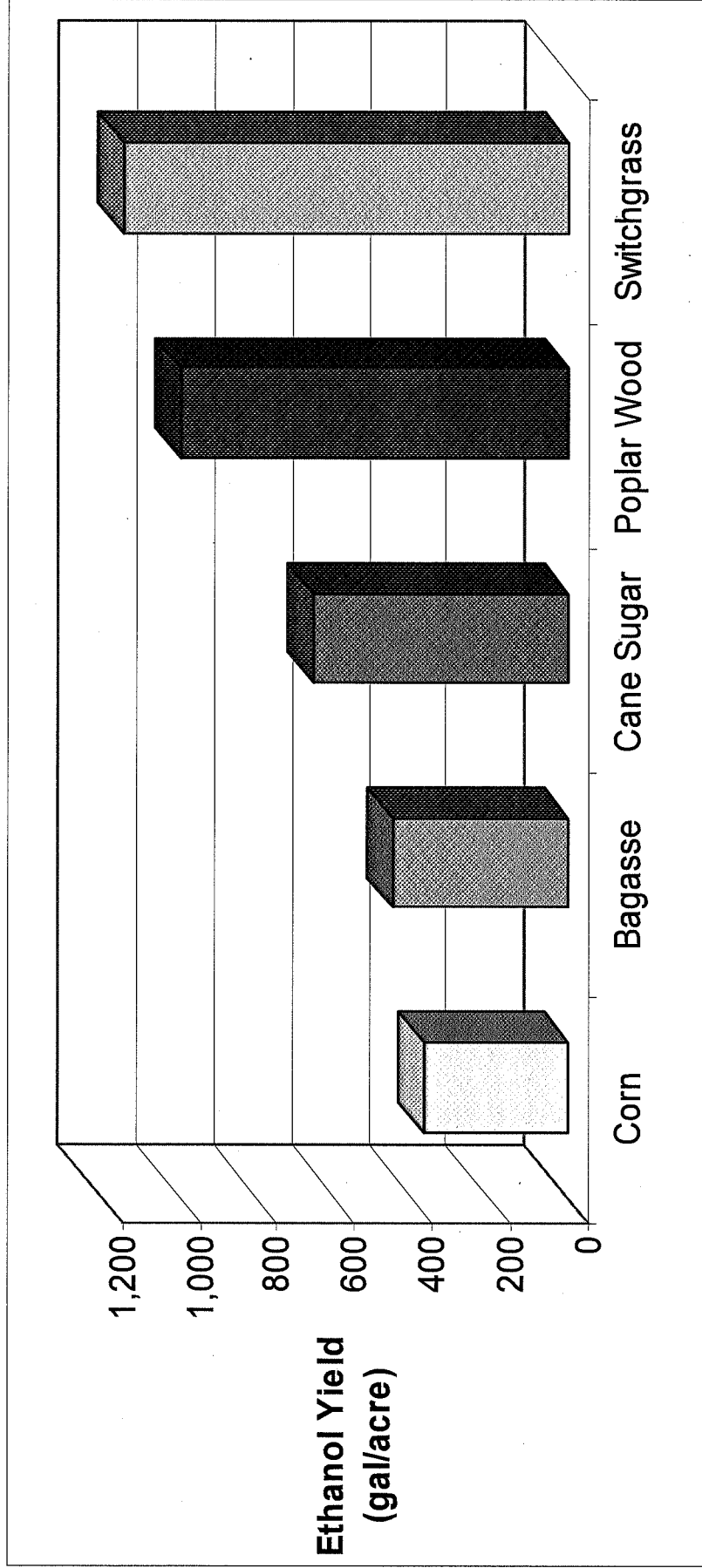
Ethanol Production Cost



Source: USDA (2006)



Best Ethanol Sources: Present and Future

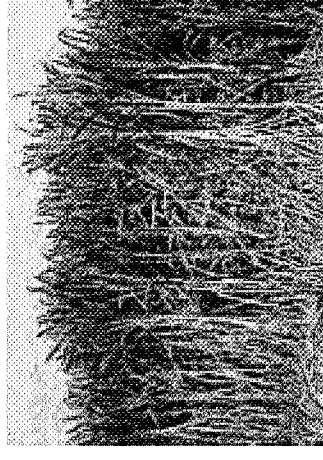


Sources: Global Petroleum Club, Unica (2007)



The Future: Cellulosic Biomass

- **Non-edible, abundant in Florida**
 - Sugarcane bagasse and cane trash, citrus peel, forestry waste
 - Energy crops can grow on marginal lands
- **Portfolio of products (bio-refinery)**
 - Generate fuel ethanol, power, and food
- **Opportunities for Florida**
 - Large amounts of ag biomass (bagasse, citrus, wood)
 - Investment and jobs
 - Expand industrial base
 - Technological leadership
 - Technology export to Latin America





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Cellulosic Technologies

- **Biochemical**
 - Enzymatic Hydrolysis and Fermentation
 - Chemical Hydrolysis and Fermentation
 - Gasification and Fermentation
- **Thermochemical**
 - Gasification and Catalytic Conversion
 - Carbohydrate Reforming



- **Florida Government**
 - Implement E10 to reduce investment risk and stimulate market
 - Support policy for GHG emission reduction
- **Agricultural industry and land owners**
 - Pasture land (private)
 - Marginal land (public)
- **Ethanol producers and technology developers**
 - Domestic and imported ethanol
 - Ethanol from Florida biomass (future)
- **Ethanol distribution companies**
 - Shipping and storage infrastructure
 - Blending and distribution
- **Automobile manufacturers**
 - Public education campaign
 - More flexible vehicles on the road





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Ethanol Benefits to Florida

- Reduction in GHG emissions and improvement in air quality
- Lower dependence on single fuel and foreign sources
- Technology leadership in cellulosic ethanol
- Investment and well-paying jobs in domestic biofuel production
- Higher value of agricultural sector (agro energy)
- Enhanced agricultural land values, lessening development pressures
- Excellent ethanol trade hub:
 - 4 main ports (Tampa, Port Everglades, Ft. Lauderdale, Jacksonville)
 - Port storage and blending facilities underway (no “blend wall”)
 - State-wide distribution in progress
- Renewable power cogeneration
- Carbon credits





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Florida Ethanol Infrastructure: To handle billion gallons by 2008-09

STORAGE

- Port Authorities in Tampa, Port Everglades, Ft. Lauderdale, and Jacksonville confirm space availability for ethanol blending and storage (billions of gallons)
- Marathon and Valero building tanks at Tampa, Fort Lauderdale, and Port Everglades
- ETH Bioenergy (Odebrecht) and Atlantic Alcohol planning large tanks at FL ports
- Kinder-Morgan developing terminal at Bartow, FL for 300M gallons
- CSX to build 3 terminals in South Florida in 2008
- Gate Petroleum building 55M gallon storage off St. Johns river

DISTRIBUTION

- Marathon sells E10 in FL - will have in all terminals from MN to FL by mid-2008
- Hess sells E10 in FL - will have at all FL locations by April 2008
- Murphy Oil sells E10 in FL – will have in all Wal-Mart locations by end of 2008
- RaceTrac Petroleum sells E10 in FL
- Colonial Pipeline and Kinder-Morgan will conduct pipeline testing in 2008, including the Central Florida Pipeline
- Association of Oil Pipelines (50 pipeline companies) is studying ethanol blends up to E20





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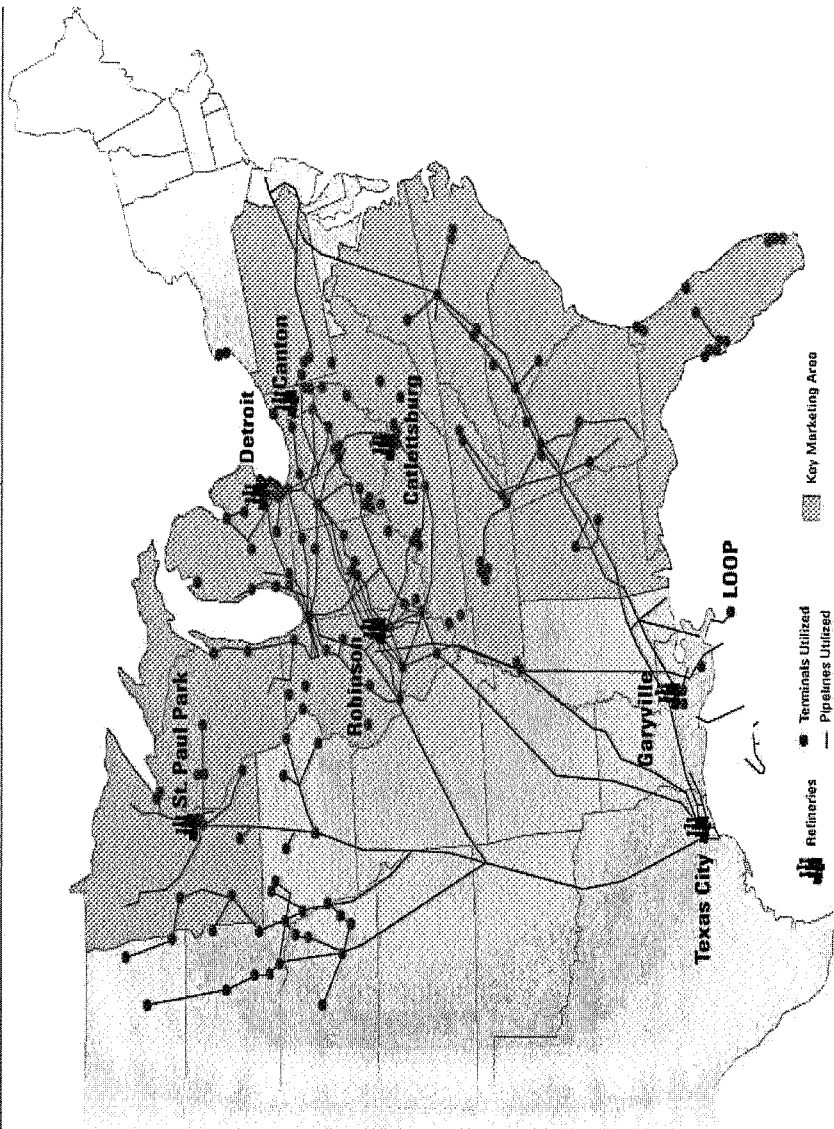
Marathon Oil Corporation US Infrastructure

E10 Infrastructure

Jan. 2007: 0.55 billion gal

Jan. 2008: 1.0 billion gal

Jun. 2008: 1.2 billion gal



Sources: *Marathon 2007 Fact Book, Marathon presentation at Credit Suisse Energy Conference 2/6/08*



- **“Ethanol causes substantial loss in mileage”**
 - E10 leads to 2% lower mpg
 - For example: 25 mpg on gasoline vs. 24.5 mpg on E10
 - Hardly noticeable by the average driver

- **“Food vs. fuel issue”**
 - USA
 - Corn ethanol derived from yellow corn, not white corn used in food products
 - Only starch in corn converted to ethanol; no effect on animal feed production
 - Brazil
 - Sugar is not a food staple, and only 50% of cane sugar converted to ethanol
 - Sugarcane crops for ethanol production only 0.3% of the country’s territory (6.9M acres) compared to 53M acres for soybean and 30M acres for corn



Misinformation (cont'd)

- **“Ethanol industry subsidized by Brazilian government”**
 - To secure clean air and energy security, Brazil subsidized ethanol in 1975
 - Total subsidy cost dwarfed by annual savings from elimination of oil imports
 - No more subsidies since 2006
 - Brazil successfully became self-sufficient in ethanol and gasoline in 2007
- **“Poor labor practices in sugarcane harvesting”**
 - Brazilian sugarcane industry employs only 6% of all agribusiness workers
 - Increasingly mechanized harvesting (>50% in Sao Paulo; 100% in USA)
 - Workers well represented by unions in collective bargaining for wages, medical coverage, and social benefits (Brazilian President Lula was a union activist)
 - Average sugarcane wages in Sao Paulo almost 2x average agriculture wage in Brazil



- **Implement Biofuels Policy**
 - Introduce E10 requirement to advance GHG reduction goals
 - Promote FFV introduction in the market
 - Educate the consumer

- **Stimulate Biofuels Production and Trade**
 - Adopt E10 blend requirement by 2010
 - Encourage investment in ethanol trade, distribution, and production
 - Give financial markets necessary comfort for investment in Florida

- **Plan for the Future**
 - Support cellulosic ethanol development
 - Develop infrastructure through public-private partnerships





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