



Committee on Energy

**Wednesday, March 19, 2008
3:00 PM – 6:00 PM
Morris Hall (17 HOB)**

COMMITTEE MEETING PACKET

**Marco Rubio
Speaker**

**Paige Kreegel
Chair**



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

Marco Rubio
Speaker

Paige Kreegel
Chair

AGENDA
Morris Hall
March 19, 2008
3:00 p.m. – 6:00 p.m.

I. Opening Remarks by Chair Kreegel

II. Workshop on the following:

HB 457 by Hukull and others – Renewable Energy Technologies and Energy Efficiency

III. Consideration of the following:

Recommendations with respect to PCB ENRC 08-01 – Relating to Energy

IV. Closing Remarks by Chair Kreegel

V. Adjournment

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A bill to be entitled
 An act relating to renewable energy technologies and energy efficiency; providing a short title; amending s. 377.803, F.S.; defining the term "net metering"; creating s. 377.805, F.S.; establishing the Net Metering Incentive Program within the Department of Environmental Protection; directing the Public Service Commission to require all electric utilities to develop net metering programs; requiring electric utilities to make certain meters available to customers; providing for a customer to receive credit for electricity generated by renewable energy systems owned by the customer; providing eligibility criteria; authorizing the commission and the department to adopt rules; specifying a period during which the sale of energy-efficient products is exempt from certain tax; providing a limitation; providing a definition; prohibiting purchase of products by certain payment methods; providing that certain purchases or attempts to purchase are unfair methods of competition and punishable as such; authorizing the Department of Revenue to adopt rules; providing an effective date.

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

Section 1. This act may be cited as the "Florida Net Metering Incentive Act."

Section 2. Subsections (5) through (10) of section 377.803, Florida Statutes, are renumbered as subsections (6)

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29 through (11), respectively, and a new subsection (5) is added to
 30 that section to read:

31 377.803 Definitions.--As used in ss. 377.801-377.806, the
 32 term:

33 (5) "Net metering" means a process by which an electric
 34 utility credits a customer at the full retail rate for
 35 electricity produced by one or more renewable energy systems
 36 generating more electricity than the customer consumes.

37 Section 3. Section 377.805, Florida Statutes, is created
 38 to read:

39 377.805 Net Metering Incentive Program.--

40 (1) The Net Metering Incentive Program is established
 41 within the department to provide consumers with an incentive to
 42 utilize renewable energy technologies by increasing the value of
 43 the energy they create.

44 (2) The commission shall require all electric utilities to
 45 develop net metering programs that meet the requirements of this
 46 subsection. The utilities shall make available to customers
 47 reversible electric meters that subtract the amount of
 48 electricity a customer generates from the amount of energy a
 49 customer consumes. The customer shall receive credit at the full
 50 retail rate for electricity generated by eligible renewable
 51 energy systems. If the customer's system generates more energy
 52 than the customer consumes during a billing cycle, the customer
 53 shall pay only the basic charge for service and the excess
 54 credit shall be carried forward to the following billing cycle.
 55 Pursuant to s. 366.81, the utility may not discriminate in the
 56 rate or rate structure on the basis of the customer-owned

57 renewable energy system.

58 (3) To be eligible to participate in the program, the
 59 customer's system must use a renewable source of energy to
 60 produce the electricity, must have an aggregate power output of
 61 no more than 25 kilowatts single-phase or 100 kilowatts three-
 62 phase, and must meet the safety and compatibility requirements
 63 set by rule of the commission.

64 (4) The commission and the department may adopt rules
 65 pursuant to ss. 120.536(1) and 120.54 to implement and
 66 administer this section, including any amendment of current
 67 interconnection standards.

68 Section 4. The period from 12:01 a.m., October 5, 2008,
 69 through midnight, October 14, 2008, shall be designated "Energy-
 70 Efficient Products Sales Tax Holiday," and the tax levied under
 71 chapter 212, Florida Statutes, may not be collected on the sale
 72 of a new energy-efficient product having a selling price of
 73 \$1,500 or less per product during that period. This exemption
 74 applies only when the energy-efficient product is purchased for
 75 noncommercial home or personal use and does not apply when the
 76 product is purchased for trade, business, or resale. As used in
 77 this section, the term "energy-efficient product" means a
 78 dishwasher, clothes washer, air conditioner, ceiling fan,
 79 incandescent or florescent light bulb, dehumidifier,
 80 programmable thermostat, or refrigerator that has been
 81 designated by the United States Environmental Protection Agency
 82 or by the United States Department of Energy as meeting or
 83 exceeding the requirements under the Energy Star Program of
 84 either agency. Purchases made under this section may not be made

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85 using a business or company credit or debit card or check. Any
 86 construction company, building contractor, or commercial
 87 business or entity that purchases or attempts to purchase the
 88 energy-efficient products as exempt under this section commits
 89 an unfair method of competition in violation of s. 501.204,
 90 Florida Statutes, punishable as provided in s. 501.2075, Florida
 91 Statutes. The Department of Revenue may adopt rules under ss.
 92 120.536(1) and 120.54, Florida Statutes, to administer this
 93 section.

94 Section 5. This act shall take effect upon becoming a law.

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

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Present subsection (3) of section 74.051,
7 Florida Statutes, is redesignated as subsection (4), and a new
8 subsection (3) is added to that section, to read:

9 74.051 Hearing on order of taking.--

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

17 Section 2. Subsection (3) of section 110.171, Florida
18 Statutes, is amended to read:

19 110.171 State employee telecommuting plan.--

20 (3) By September 30, 2009, ~~October 1, 1994~~, each state
21 agency shall identify and maintain a current listing of the job
22 classifications and positions that the agency considers
23 appropriate for telecommuting. Agencies that adopt a state
24 employee Telecommuting Plan ~~telecommuting program~~ must:

25 (a) Give equal consideration to career service and exempt
26 positions in their selection of employees to participate in the
27 telecommuting program.

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28 (b) Provide that an employee's participation in a
29 telecommuting program will not adversely affect eligibility for
30 advancement or any other employment rights or benefits.

31 (c) Provide that participation by an employee in a
32 telecommuting program is voluntary, and that the employee may
33 elect to cease to participate in a telecommuting program at any
34 time.

35 (d) Adopt provisions to allow for the termination of an
36 employee's participation in the program if the employee's
37 continued participation would not be in the best interests of
38 the agency.

39 (e) Provide that an employee is not currently under a
40 performance improvement plan in order to participate in the
41 program.

42 (f) Ensure that employees participating in the program are
43 subject to the same rules regarding attendance, leave,
44 performance reviews, and separation action as are other
45 employees.

46 (g) Establish the reasonable conditions that the agency
47 plans to impose in order to ensure the appropriate use and
48 maintenance of any equipment or items provided for use at a
49 participating employee's home or other place apart from the
50 employee's usual place of work, including the installation and
51 maintenance of any telephone equipment and ongoing
52 communications costs at the telecommuting site which is to be
53 used for official use only.

54 (h) Prohibit state maintenance of an employee's personal

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55 equipment used in telecommuting, including any liability for
56 personal equipment and costs for personal utility expenses
57 associated with telecommuting.

58 (i) Describe the security controls that the agency
59 considers appropriate.

60 (j) Provide that employees are covered by workers'
61 compensation under chapter 440, when performing official duties
62 at an alternate worksite, such as the home.

63 (k) Prohibit employees engaged in a telecommuting program
64 from conducting face-to-face state business at the homesite.

65 (l) Require a written agreement that specifies the terms
66 and conditions of telecommuting, which includes verification by
67 the employee that the home office provides work space that is
68 free of safety and fire hazards, together with an agreement
69 which holds the state harmless against any and all claims,
70 excluding workers' compensation claims, resulting from an
71 employee working in the home office, and which must be signed
72 and agreed to by the telecommuter and the supervisor.

73 (m) Provide measureable financial benefits associated with
74 reduced office space requirements, reductions in energy
75 consumption, and reductions in associated emissions of
76 greenhouse gases resulting from telecommuting. State agencies
77 operating in office space owned or managed by the department
78 shall consult the facilities program to ensure its consistency
79 with the strategic leasing plan required under s. 255.249(3)(b).

80 (4) The Telecommuting Plan for each state agency, and
81 pertinent supporting documents, shall be posted on the agency's

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82 website to allow access by employees and the public.

83 Section 3. Subsection (3) of section 186.007, Florida
84 Statutes, is amended to read:

85 186.007 State comprehensive plan; preparation; revision.--

86 (3) In the state comprehensive plan, the Executive Office
87 of the Governor may include goals, objectives, and policies
88 related to the following program areas: economic opportunities;
89 agriculture; employment; public safety; education; energy;
90 global climate change; health concerns; social welfare concerns;
91 housing and community development; natural resources and
92 environmental management; recreational and cultural
93 opportunities; historic preservation; transportation; and
94 governmental direction and support services.

95 Section 4. Subsection (14) of section 196.012, Florida
96 Statutes, is amended to read:

97 196.012 Definitions.—For the purpose of this chapter, the
98 following terms are defined as follows, except where the context
99 clearly indicates otherwise:

100 (14) "Renewable energy source device" or "device" means
101 any of the following equipment which, when installed in
102 connection with a dwelling unit or other structure, collects,
103 transmits, stores, or uses solar energy, wind energy, or energy
104 derived from geothermal deposits:

105 (a) Solar energy collectors.

106 (b) Storage tanks and other storage systems, excluding
107 swimming pools used as storage tanks.

108 (c) Rockbeds.

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- 109 (d) Thermostats and other control devices.
- 110 (e) Heat exchange devices.
- 111 (f) Pumps and fans.
- 112 (g) Roof ponds.
- 113 (h) Freestanding thermal containers.
- 114 (i) Pipes, ducts, refrigerant handling systems, and other
- 115 equipment used to interconnect such systems; however,
- 116 conventional backup systems of any type are not included in this
- 117 definition.
- 118 (j) Windmills.
- 119 (k) Wind-driven generators.
- 120 (l) Power conditioning and storage devices that use wind
- 121 energy to generate electricity or mechanical forms of energy.
- 122 (m) Pipes and other equipment used to transmit hot
- 123 geothermal water to a dwelling or structure from a geothermal
- 124 deposit.
- 125
- 126 ~~"Renewable energy source device" or "device" also means any heat~~
- 127 ~~pump with an energy efficiency ratio (EER) or a seasonal energy~~
- 128 ~~efficiency ratio (SEER) exceeding 8.5 and a coefficient of~~
- 129 ~~performance (COP), exceeding 2.8; waste heat recovery system; or~~
- 130 ~~water heating system the primary heat source of which is a~~
- 131 ~~dedicated heat pump or the otherwise unused capacity of a heat~~
- 132 ~~pump heating, ventilating, and air conditioning system, provided~~
- 133 ~~such device is installed in a structure substantially complete~~
- 134 ~~before January 1, 1985, and whether or not solar energy, wind~~

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135 ~~energy, or energy derived from geothermal deposits is collected,~~
136 ~~transmitted, stored, or used by such device.~~

137 Section 5. Section 196.175, Florida Statutes, is amended
138 to read:

139 196.175 Renewable energy source exemption.--

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

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

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

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

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

157 (3) It shall be the responsibility of the applicant for an
158 exemption pursuant to this section to demonstrate affirmatively
159 to the satisfaction of the property appraiser that he or she
160 meets the requirements for exemption under this section and that
161 the original cost ~~pursuant to paragraph (1)(b)~~ and the period

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162 for which the device was operative, as indicated on the
163 exemption application, are correct.

164 (4) No exemption authorized pursuant to this section shall
165 be granted for a period of more than 10 years. No exemption
166 shall be granted with respect to renewable energy source devices
167 installed before July 1, 2008 ~~January 1, 1980, or after December~~
168 ~~31, 1990.~~

169 Section 6. Subsection (2) of section 206.43, Florida
170 Statutes, is amended to read:

171 206.43 Terminal supplier, importer, exporter, blender, and
172 wholesaler to report to department monthly; deduction.--The
173 taxes levied and assessed as provided in this part shall be paid
174 to the department monthly in the following manner:

175 (2)(a) Such report may show in detail the number of
176 gallons so sold and delivered by the terminal supplier,
177 importer, exporter, blender, or wholesaler in the state, and the
178 destination as to the county in the state to which the motor
179 fuel was delivered for resale at retail or use shall be
180 specified in the report. The total taxable gallons sold shall
181 agree with the total gallons reported to the county destinations
182 for resale at retail or use. All gallons of motor fuel sold
183 shall be invoiced and shall name the county of destination for
184 resale at retail or use.

185 (b) Each terminal supplier, importer, exporter, blender,
186 and wholesaler shall also include in the report to the
187 department, the number of gallons of gasoline fuel meeting and
188 not meeting the requirements of s. 526.203.

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189 Section 7. Paragraph (ccc) of subsection (7) of section
190 212.08, Florida Statutes, is amended to read:

191 212.08 Sales, rental, use, consumption, distribution, and
192 storage tax; specified exemptions.--The sale at retail, the
193 rental, the use, the consumption, the distribution, and the
194 storage to be used or consumed in this state of the following
195 are hereby specifically exempt from the tax imposed by this
196 chapter.

197 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
198 entity by this chapter do not inure to any transaction that is
199 otherwise taxable under this chapter when payment is made by a
200 representative or employee of the entity by any means,
201 including, but not limited to, cash, check, or credit card, even
202 when that representative or employee is subsequently reimbursed
203 by the entity. In addition, exemptions provided to any entity by
204 this subsection do not inure to any transaction that is
205 otherwise taxable under this chapter unless the entity has
206 obtained a sales tax exemption certificate from the department
207 or the entity obtains or provides other documentation as
208 required by the department. Eligible purchases or leases made
209 with such a certificate must be in strict compliance with this
210 subsection and departmental rules, and any person who makes an
211 exempt purchase with a certificate that is not in strict
212 compliance with this subsection and the rules is liable for and
213 shall pay the tax. The department may adopt rules to administer
214 this subsection.

215 (ccc) Equipment, machinery, and other materials for

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216 renewable energy technologies.--

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

218 a. "Biodiesel" means the mono-alkyl esters of long-chain
219 fatty acids derived from plant or animal matter for use as a
220 source of energy and meeting the specifications for biodiesel
221 and biodiesel blends with petroleum products as adopted by the
222 Department of Agriculture and Consumer Services. Biodiesel may
223 refer to biodiesel blends designated BXX, where XX represents
224 the volume percentage of biodiesel fuel in the blend.

225 b. "Ethanol" means an nominally anhydrous denatured
226 alcohol produced by the conversion of carbohydrates ~~fermentation~~
227 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
228 fuel ethanol blends with petroleum products as adopted by the
229 Department of Agriculture and Consumer Services. Ethanol may
230 refer to fuel ethanol blends designated EXX, where XX represents
231 the volume percentage of fuel ethanol in the blend.

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

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

237 a. Hydrogen-powered vehicles, materials incorporated into
238 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
239 a limit of \$2 million in tax each state fiscal year for all
240 taxpayers.

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

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243 taxpayers.

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

250 3. The Department of Environmental Protection shall
251 provide to the department a list of items eligible for the
252 exemption provided in this paragraph.

253 4.a. The exemption provided in this paragraph shall be
254 available to a purchaser only through a refund of previously
255 paid taxes. Only the initial purchase of an eligible item from
256 the manufacturer is subject to refund. A purchaser who has
257 received a refund on an eligible item must notify any subsequent
258 purchaser of the item that the item is no longer eligible for a
259 refund of tax paid. This notification must be provided to the
260 subsequent purchaser on the sales invoice or other proof of
261 purchase.

262 b. To be eligible to receive the exemption provided in
263 this paragraph, a purchaser shall file an application with the
264 Department of Environmental Protection. The application shall be
265 developed by the Department of Environmental Protection, in
266 consultation with the department, and shall require:

267 (I) The name and address of the person claiming the
268 refund.

269 (II) A specific description of the purchase for which a

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270 refund is sought, including, when applicable, a serial number or
271 other permanent identification number.

272 (III) The sales invoice or other proof of purchase showing
273 the amount of sales tax paid, the date of purchase, and the name
274 and address of the sales tax dealer from whom the property was
275 purchased.

276 (IV) A sworn statement that the information provided is
277 accurate and that the requirements of this paragraph have been
278 met.

279 c. Within 30 days after receipt of an application, the
280 Department of Environmental Protection shall review the
281 application and shall notify the applicant of any deficiencies.
282 Upon receipt of a completed application, the Department of
283 Environmental Protection shall evaluate the application for
284 exemption and issue a written certification that the applicant
285 is eligible for a refund or issue a written denial of such
286 certification within 60 days after receipt of the application.
287 The Department of Environmental Protection shall provide the
288 department with a copy of each certification issued upon
289 approval of an application.

290 d. Each certified applicant shall be responsible for
291 forwarding a certified copy of the application and copies of all
292 required documentation to the department within 6 months after
293 certification by the Department of Environmental Protection.

294 ~~e. The provisions of s. 212.095 do not apply to any refund~~
295 ~~application made pursuant to this paragraph.~~ A refund approved
296 pursuant to this paragraph shall be made within 30 days after

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297 formal approval by the department.

298 f. The Department of Environmental Protection may adopt the
 299 form for the application for a certificate, requirements for the
 300 content and format of information submitted to the Department of
 301 Environmental Protection in support of the application, other
 302 procedural requirements, and criteria by which the application
 303 will be determined by rule. The department may adopt all other
 304 rules pursuant to ss. 120.536(1) and 120.54 to administer this
 305 paragraph, including rules establishing additional forms and
 306 procedures for claiming this exemption.

307 g. The Department of Environmental Protection shall be
 308 responsible for ensuring that the total amounts of the
 309 exemptions authorized do not exceed the limits as specified in
 310 subparagraph 2.

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

314 6. This paragraph expires July 1, 2010.

315 Section 8. Subsection (1) of section 220.192, Florida
 316 Statutes, is amended, present subsection (6) is renumbered as
 317 subsection (7) and amended, present subsection (7) is renumbered
 318 as subsection (8), and a new subsection (6) is added to that
 319 section, to read:

320 220.192 Renewable energy technologies investment tax
 321 credit.--

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

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

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324 212.08 (7) (ccc).

325 (b) "Corporation" includes a general partnership, limited
 326 partnership, limited liability company, unincorporated business,
 327 or other business entity, including entities taxed as
 328 partnerships for federal income tax purposes.

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

330 1. Seventy-five percent of all capital costs, operation
 331 and maintenance costs, and research and development costs
 332 incurred between July 1, 2006, and June 30, 2010, up to a limit
 333 of \$3 million per state fiscal year for all taxpayers, in
 334 connection with an investment in hydrogen-powered vehicles and
 335 hydrogen vehicle fueling stations in the state, including, but
 336 not limited to, the costs of constructing, installing, and
 337 equipping such technologies in the state.

338 2. Seventy-five percent of all capital costs, operation
 339 and maintenance costs, and research and development costs
 340 incurred between July 1, 2006, and June 30, 2010, up to a limit
 341 of \$1.5 million per state fiscal year for all taxpayers, and
 342 limited to a maximum of \$12,000 per fuel cell, in connection
 343 with an investment in commercial stationary hydrogen fuel cells
 344 in the state, including, but not limited to, the costs of
 345 constructing, installing, and equipping such technologies in the
 346 state.

347 3. Seventy-five percent of all capital costs, operation
 348 and maintenance costs, and research and development costs
 349 incurred between July 1, 2006, and June 30, 2010, up to a limit
 350 of \$6.5 million per state fiscal year for all taxpayers, in

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351 connection with an investment in the production, storage, and
352 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
353 the state, including the costs of constructing, installing, and
354 equipping such technologies in the state. Gasoline fueling
355 station pump retrofits for ethanol (E10-E100) distribution
356 qualify as an eligible cost under this subparagraph.

357 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
358 212.08(7)(ccc).

359 (e)~~(d)~~ "Hydrogen fuel cell" means hydrogen fuel cell as
360 defined in s. 212.08(7)(ccc).

361 (f) "Taxpayer" includes corporations as defined in ss.
362 220.03 or 220.192.

363 (6) TRANSFERABILITY OF CREDIT.--

364 (a) For tax years beginning on or after January 1, 2009,
365 any corporation or subsequent transferee allowed a tax credit
366 under this section may transfer the credit, in whole or in part,
367 to any taxpayer by written agreement without transferring any
368 ownership interest in the property generating the credit or any
369 interest in the entity owning such property. The transferee is
370 entitled to apply the credits against the tax with the same
371 effect as if the transferee had incurred the eligible costs.

372 (b) To perfect the transfer, the transferor shall provide
373 the department with a written transfer statement notifying the
374 department of the transferor's intent to transfer the tax
375 credits to the transferee; the date the transfer is effective;
376 the transferee's name, address, and federal taxpayer
377 identification number; the tax period; and the amount of tax

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378 credits to be transferred. The department shall, upon receipt of
 379 a transfer statement conforming to the requirements of this
 380 section, provide the transferee with a certificate reflecting
 381 the tax credit amounts transferred. A copy of the certificate
 382 must be attached to each tax return for which the transferee
 383 seeks to apply such tax credits.

384 (c) A tax credit authorized under this section that is
 385 held by a corporation and not transferred under this subsection
 386 shall be passed through to the taxpayers designated as
 387 partners, members, or owners, respectively, in the manner agreed
 388 to by such persons whether or not such partners, members, or
 389 owners are allocated or allowed any portion of the federal
 390 energy tax credit for the eligible costs.

391 (7)-(6) RULES.--The Department of Revenue shall have the
 392 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 393 to administer this section, including rules relating to:

394 (a) The forms required to claim a tax credit under this
 395 section, the requirements and basis for establishing an
 396 entitlement to a credit, and the examination and audit
 397 procedures required to administer this section.

398 (b) The implementation and administration of the
 399 provisions allowing a transfer of a tax credit, including rules
 400 prescribing forms, reporting requirements, and specific
 401 procedures, guidelines, and requirements necessary to transfer a
 402 tax credit.

403 Section 9. Paragraphs (f) and (g) are added to subsection
 404 (2) and paragraphs (j) and (k) are added to subsection (3) of

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405 section 220.193, Florida Statutes, to read:

406 220.193 Florida renewable energy production credit.--

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

408 (f) "Sale" or "sold" means the use of electricity by the
409 producer of such electricity which decreases the amount of
410 electricity that the producer would otherwise have to purchase.

411 (g) "Taxpayer" includes a general partnership, limited
412 partnership, limited liability company, trust, or other
413 artificial entity in which a corporation, as defined in s.
414 220.03(1)(e), owns an interest and is taxed as a partnership or
415 is disregarded as a separate entity from the corporation under
416 chapter 220.

417 (3) An annual credit against the tax imposed by this
418 section shall be allowed to a taxpayer, based on the taxpayer's
419 production and sale of electricity from a new or expanded
420 Florida renewable energy facility. For a new facility, the
421 credit shall be based on the taxpayer's sale of the facility's
422 entire electrical production. For an expanded facility, the
423 credit shall be based on the increases in the facility's
424 electrical production that are achieved after May 1, 2006.

425 (j) A credit authorized by this section shall be
426 attributed to a corporation according to its proportional
427 ownership interest in a taxpayer. In addition to the authority
428 granted to the department in subsection (4), the department may
429 adopt rules and forms to implement this subsection, including
430 specific procedures and guidelines for notifying the department
431 that a credit is attributed to a corporation and for a

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432 corporation to claim such credit.

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

436 Section 10. Subsection (2) of section 253.02, Florida
437 Statutes, is amended to read:

438 253.02 Board of trustees; powers and duties.--

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

443 (b) In order to promote efficient, effective, and
444 economical management of state lands and utility services and if
445 the Public Service Commission has determined a need exists or
446 the Federal Energy Regulatory Commission has granted a
447 Certificate of Public Convenience and Necessity, the authority
448 to grant easements for rights-of-way over, across, and upon
449 lands the title to which is vested in the board of trustees for
450 the construction and operation of natural gas pipeline
451 transmission and linear facilities, including electric
452 transmission and distribution facilities, may be delegated to
453 the Secretary of the Department of Environmental Protection for
454 facilities subject to part II of chapter 403 or facilities
455 subject to part IV of chapter 373.

456 Section 11. Subsection (14) is added to section 253.034,
457 Florida Statutes, to read:

458 253.034 State-owned lands; uses.--

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459 (14) (a) If a public utility, regional transmission
 460 organization, or natural gas company presents competent and
 461 substantial evidence that its use of nonsovereignty state-owned
 462 lands is reasonable based upon a consideration of economic and
 463 environmental factors, including an assessment of practicable
 464 alternative alignments and assurance that the lands will remain
 465 in their predominantly natural condition, the public utility,
 466 regional transmission organization, or natural gas company may
 467 be granted fee simple title, easements, or other interests in
 468 nonsovereignty state-owned lands title to which is vested in the
 469 board of trustees, a water management district, or any other
 470 agency in the state for:

- 471 1. Electric transmission and distribution lines;
- 472 2. Natural gas pipelines; or
- 473 3. Other linear facilities for which the Public Service
 474 Commission has determined a need exists or the Federal Energy
 475 Regulatory Commission has issued a Certificate of Public
 476 Convenience and Necessity.

477 (b) In exchange for less than a fee simple interest
 478 acquired pursuant to this subsection, the grantee shall pay an
 479 amount equal to the fair market value of the interest acquired.
 480 In addition, for the initial grant of such interests only, the
 481 grantee shall also vest in the grantor a fee simple interest to
 482 other available land that is 1.5 times the size of the land
 483 acquired by the grantee. The grantor shall approve the property
 484 with a less than fee simple interest on its behalf based on the
 485 geographic location in relation to the land relinquished by the

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486 grantor agency and a determination that the economic,
487 ecological, and recreational value is at least equivalent to
488 that of the property transferred to the public utility, regional
489 transmission organization, or natural gas company.

490 (c) In exchange for a fee simple interest acquired
491 pursuant to this subsection, the grantee shall pay an amount
492 equal to the fair market value of the interest acquired. In
493 addition, for the initial grant of such interests only, the
494 grantee shall also vest in the grantor a fee simple title to
495 other available land that is 2 times the size of the land
496 acquired by the grantee. The grantor shall approve the land to
497 be acquired on its behalf based on a determination that the
498 economic and ecological or recreational value is at least
499 equivalent to that of the property transferred to the public
500 utility, regional transmission organization, or natural gas
501 company.

502 (d) As an alternative to the consideration provided for in
503 paragraphs (b) and (c) above, the grantee may, subject to the
504 grantor's approval, pay the fair market value of the state-owned
505 land plus one-half of the cost differential between the cost of
506 constructing the facility on state-owned land and the cost of
507 avoiding state-owned lands, up to a maximum of twice the fair
508 market value of the land acquired by the grantee. The grantor
509 may use these moneys to acquire fee simple or less than fee
510 simple interest in other available land.

511 Section 12. Paragraph (d) of subsection (3) of section
512 255.249, Florida Statutes, is amended to read:

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513 255.249 Department of Management Services; responsibility;
514 department rules.--

515 (3)

516 (d) By June 30 of each year, each state agency shall
517 annually provide to the department all information regarding
518 agency programs affecting the need for or use of space by that
519 agency, reviews of lease-expiration schedules for each
520 geographic area, active and planned full-time equivalent data,
521 business case analyses related to consolidation plans by an
522 agency, telecommuting plans, and current occupancy and
523 relocation costs, inclusive of furnishings, fixtures and
524 equipment, data, and communications.

525 Section 13. Section 255.251, Florida Statutes, is amended
526 to read:

527 255.251 Energy Conservation and Sustainable in Buildings
528 Act; short title.--This act shall be cited as the "Florida
529 Energy Conservation and Sustainable in Buildings Act ~~of 1974.~~"

530 Section 14. Section 255.252, Florida Statutes, is amended
531 to read:

532 255.252 Findings and intent.--

533 (1) Operating and maintenance expenditures associated with
534 energy equipment and with energy consumed in state-financed and
535 leased buildings represent a significant cost over the life of a
536 building. Energy conserved by appropriate building design not
537 only reduces the demand for energy but also reduces costs for
538 building operation. ~~For example, commercial buildings are~~
539 ~~estimated to use from 20 to 80 percent more energy than would be~~

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540 ~~required if energy conserving designs were used.~~ The size,
541 design, orientation, and operability of windows, the ratio of
542 ventilating air to air heated or cooled, the level of lighting
543 consonant with space-use requirements, the handling of occupancy
544 loads, and the ability to zone off areas not requiring
545 equivalent levels of heating or cooling are but a few of the
546 considerations necessary to conserving energy.

547 (2) Significant efforts are needed to build energy-
548 efficient state-owned buildings that meet environmental
549 standards and underway by the General Services Administration,
550 the National Institute of Standards and Technology, and others
551 to detail the considerations and practices for energy
552 conservation in buildings. Most important is that energy-
553 efficient designs provide energy savings over the life of the
554 building structure. ~~Conversely, energy inefficient designs cause~~
555 ~~excess and wasteful energy use and high costs over that life.~~
556 With buildings lasting many decades and with energy costs
557 escalating rapidly, it is essential that the costs of operation
558 and maintenance for energy-using equipment and sustainable
559 materials be included in all design proposals for state-owned
560 state buildings.

561 (3) In order that such energy-efficiency and sustainable
562 materials considerations become a function of building design,
563 and also a model for future application in the private sector,
564 it shall be the policy of the state that buildings constructed
565 and financed by the state be designed and constructed to meet
566 the United States Green Building Council (USGBC) Leadership in

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567 Energy and Environmental Design (LEED) rating system, the Green
 568 Building Initiative's Green Globes rating system, the Florida
 569 Green Building Coalition standards, or a nationally recognized,
 570 high-performance green building rating system as approved by the
 571 department in a manner which will minimize the consumption of
 572 energy used in the operation and maintenance of such buildings.
 573 It is further the policy of the state, when economically
 574 feasible, to retrofit existing state-owned buildings in a manner
 575 which will minimize the consumption of energy used in the
 576 operation and maintenance of such buildings.

577 (4) In addition to designing and constructing new
 578 buildings to be energy-efficient, it shall be the policy of the
 579 state to operate and maintain, and renovate existing state
 580 facilities, or provide for their renovation, in a manner which
 581 will minimize energy consumption and maximize building
 582 sustainability as well as ensure that facilities leased by the
 583 state are operated so as to minimize energy use. It is further
 584 the policy of this state that the renovation of existing state
 585 facilities be in accordance with the United States Green
 586 Building Council's Leadership in Energy and Environmental Design
 587 (LEED) rating system, the Green Building Initiative's Green
 588 Globes rating system, the Florida Green Building Coalition
 589 standards, or a nationally recognized, high-performance green
 590 building rating system as approved by the department. State
 591 agencies are encouraged to consider shared savings financing of
 592 such energy efficiency and conservation projects, using
 593 contracts which split the resulting savings for a specified

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594 period of time between the state agency and the private firm or
595 cogeneration contracts that ~~which~~ otherwise permit the state to
596 lower its net energy costs. Such energy contracts may be funded
597 from the operating budget.

598 (5) Each state government entity occupying space within
599 buildings owned or managed by the Department of Management
600 Services must identify and compile a list of projects determined
601 to be suitable for a guaranteed energy performance savings
602 contract pursuant to s. 489.145. The list of projects compiled
603 by each state government entity shall be submitted to the
604 Department of Management Services by December 31, 2008, and must
605 include all criteria used to determine suitability. The list of
606 projects shall be developed from the list of state-owned
607 facilities greater than 5,000 square feet in area and for which
608 the state government entity is responsible for paying the
609 expenses of utilities and other operating expenses as they
610 relate to energy use. In consultation with each state government
611 entity executive officer, by July 1, 2009, the department shall
612 prioritize all projects deemed suitable by each state government
613 entity and shall develop an energy efficiency project schedule
614 based on factors such as project magnitude, efficiency and
615 effectiveness of energy conservation measures to be implemented,
616 and other factors that may prove to be advantageous to pursue.
617 The schedule shall provide the deadline for guaranteed energy
618 performance savings contract improvements to be made to the
619 state-owned buildings.

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620 Section 15. Subsections (6) and (7) are added to section
621 255.253, Florida Statutes, to read:

622 255.253 Definitions; ss. 255.251-255.258.--

623 (6) "Sustainable building" means a building that is
624 healthy and comfortable for its occupants and is economical to
625 operate while conserving resources, including energy, water, raw
626 materials and land, and minimizing the generation and use of
627 toxic materials and waste in its design, construction,
628 landscaping, and operation.

629 (7) "Sustainable building rating" means a rating
630 established by the United States Green Building Council (USGBC)
631 Leadership in Energy and Environmental Design (LEED) rating
632 system, the Green Building Initiative's Green Globes rating
633 system, the Florida Green Building Coalition standards, or a
634 nationally recognized, high-performance green building rating
635 system as approved by the department.

636 Section 16. Section 255.254, Florida Statutes, is amended
637 to read:

638 255.254 No facility constructed or leased without life-
639 cycle costs.--

640 (1) No state agency shall lease, construct, or have
641 constructed, within limits prescribed herein, a facility without
642 having secured from the department an ~~a proper~~ evaluation of
643 life-cycle costs based on sustainable building ratings, ~~as~~
644 ~~computed by an architect or engineer.~~ Furthermore, construction
645 shall proceed only upon disclosing to the department, for the
646 facility chosen, the life-cycle costs as determined in s.

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647 255.255, its sustainable building rating goal, and the
648 capitalization of the initial construction costs of the
649 building. The life-cycle costs and the sustainable building
650 rating goal shall be a primary considerations consideration in
651 the selection of a building design. Such analysis shall be
652 required only for construction of buildings with an area of
653 5,000 square feet or greater. For leased buildings 5,000 square
654 feet or greater areas of 20,000 square feet or greater within a
655 given building boundary, an energy performance analysis a life-
656 cycle analysis consisting of a projection of the annual energy
657 consumption costs in dollars per square foot of major energy-
658 consuming equipment and systems based on actual expenses, from
659 the last three years, and projected forward for the term of the
660 proposed lease shall be performed. , and a The lease shall only
661 be made where there is a showing that the energy life-cycle
662 costs incurred by the state are minimal compared to available
663 like facilities. Any building leased by the state from a
664 private sector entity shall include, as a part of the lease,
665 provisions for monthly energy use data to be collected and
666 submitted monthly to the department by the owner of the
667 building.

668 (2) On and after January 1, 1979, no state agency shall
669 initiate construction or have construction initiated, prior to
670 approval thereof by the department, on a facility or self-
671 contained unit of any facility, the design and construction of
672 which incorporates or contemplates the use of an energy system
673 other than a solar energy system when the life-cycle costs

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674 analysis prepared by the department has determined that a solar
675 energy system is the most cost-efficient energy system for the
676 facility or unit.

677 (3) After September 30, 1985, when any state agency must
678 replace or supplement major items of energy-consuming equipment
679 in existing state-owned or leased facilities or any self-
680 contained unit of any facility with other major items of energy-
681 consuming equipment, the selection of such items shall be made
682 on the basis of a life-cycle cost analysis of alternatives in
683 accordance with rules promulgated by the department under s.
684 255.255.

685 Section 17. Subsection (1) of section 255.255, Florida
686 Statutes, is amended to read:

687 255.255 Life-cycle costs.--

688 (1) The department shall promulgate rules and procedures,
689 including energy conservation performance guidelines based on
690 sustainable building ratings, for conducting a life-cycle cost
691 analysis of alternative architectural and engineering designs
692 and alternative major items of energy-consuming equipment to be
693 retrofitted in existing state-owned ~~or leased~~ facilities and for
694 developing energy performance indices to evaluate the efficiency
695 of energy utilization for competing designs in the construction
696 of state-financed and leased facilities.

697 Section 18. Section 255.257, Florida Statutes, is amended
698 to read:

699 255.257 Energy management; buildings occupied by state
700 agencies.--

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701 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
702 shall collect data on energy consumption and cost. The data
703 gathered shall be on state-owned facilities and metered state-
704 leased facilities of 5,000 net square feet or more. These data
705 will be used in the computation of the effectiveness of the
706 state energy management plan and the effectiveness of the energy
707 management program of each of the state agencies. Collected
708 data shall be reported annually to the department in a format
709 prescribed by the department.

710 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency,
711 the Florida Public Service Commission, the Department of
712 Military Affairs, and the judicial branch shall appoint a
713 coordinator whose responsibility shall be to advise the head of
714 the state agency on matters relating to energy consumption in
715 facilities under the control of that head or in space occupied
716 by the various units comprising that state agency, in vehicles
717 operated by that state agency, and in other energy-consuming
718 activities of the state agency. The coordinator shall implement
719 the energy management program agreed upon by the state agency
720 concerned and assist the department in the development of the
721 State Energy Management Plan.

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

- 726 (a) Data-gathering requirements;
727 (b) Building energy audit procedures;

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- 728 (c) Uniform data analysis procedures;
- 729 (d) Employee energy education program measures;
- 730 (e) Energy consumption reduction techniques;
- 731 (f) Training program for state agency energy management
- 732 coordinators; and
- 733 (g) Guidelines for building managers.

734

735 The plan shall include a description of actions that state
 736 agencies shall take to reduce consumption of electricity and
 737 nonrenewable energy sources used for space heating and cooling,
 738 ventilation, lighting, water heating, and transportation.

739 (4) All state agencies shall adopt the United States Green
 740 Building Council's Leadership in Energy and Environmental Design
 741 (LEED) rating system, the Green Building Initiative's Green
 742 Globes rating system, the Florida Green Building Coalition
 743 standards, or a nationally recognized, high-performance green
 744 building rating system as approved by the department for all new
 745 buildings and renovations to existing buildings.

746 (5) No state agency shall enter into new leasing
 747 agreements for office space that does not meet Energy Star
 748 building standards, except when determined by the appropriate
 749 state government entity executive that no other viable or cost-
 750 effective alternative exists.

751 (6) All state agencies shall develop energy conservation
 752 measures and guidelines for new and existing office space where
 753 state agencies occupy more than 5,000 square feet. These
 754 conservation measures shall focus on programs that may reduce

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755 energy consumption and when established, provide a net reduction
756 in occupancy costs.

757 Section 19. (1) The Legislature declares that there is an
758 important state interest in promoting the construction of
759 energy-efficient and sustainable buildings. Government
760 leadership in promoting these standards is vital to demonstrate
761 the state's commitment to energy conservation, saving taxpayers
762 money, and raising public awareness of energy-rating systems.

763 (2) All county, municipal, school district, water
764 management district, state university, community college, and
765 Florida state court buildings shall be constructed to meet the
766 United States Green Building Council (USGBC) Leadership in
767 Energy and Environmental Design (LEED) rating system, the Green
768 Building Initiative's Green Globes rating system, the Florida
769 Green Building Coalition standards, or a nationally recognized,
770 high-performance green building rating system as approved by the
771 department. This section shall apply to all county, municipal,
772 school district, water management district, state university,
773 community college, and Florida state court buildings whose
774 architectural plans are started after July 1, 2008.

775 Section 20. Section 286.28, Florida Statutes, is created
776 to read:

777 286.28 Climate Friendly Public Business.—

778 (1) The Legislature recognizes the importance of
779 leadership by state government in the area of energy efficiency
780 and in reducing the greenhouse gas emissions of state government
781 operations. The following shall pertain to all state agencies

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782 when conducting public business:

783 (a) The Department of Management Services shall develop
784 the "Florida Climate Friendly Preferred Products List." In
785 maintaining that list, the department, in consultation with the
786 Department of Environmental Protection, will continually assess
787 products currently available for purchase under State Term
788 Contracts to identify specific products and vendors that have
789 clear energy efficiency or other environmental benefit over
790 competing products. When procuring products from state term
791 contracts, state agencies shall first consult the Florida
792 Climate Friendly Preferred Products List and procure such
793 products if the price is comparable.

794 (b) Effective July 1, 2008, state agencies shall only
795 contract for meeting and conference space with hotels or
796 conference facilities that have received the "Green Lodging"
797 designation from the Department of Environmental Protection for
798 best practices in water, energy and waste efficiency standards,
799 unless the responsible state agency's chief executive officer
800 makes a determination that no other viable alternative exists.
801 The Department of Environmental Protection is authorized to
802 adopt rules to implement the "Green Lodging" program.

803 (c) Each state agency shall assure that all maintained
804 vehicles meet minimum maintenance schedules shown to reduce fuel
805 consumption which include: assuring appropriate tire pressures
806 and tread depth; replacing fuel filters and emission filters at
807 recommended intervals; using proper motor oils; and performing
808 timely motor maintenance. Each state agency will measure and

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809 report compliance to the Department of Management Services
810 through the Equipment Management Information System database.

811 (d) When procuring new vehicles, all state agencies shall
812 first define the intended purpose for a vehicle and determine
813 which of the following use classes the vehicle is being procured
814 for:

- 815 1. State business travel, designated operator;
- 816 2 State business travel, pool operators;
- 817 3. Construction, agricultural or maintenance work;
- 818 4. Conveyance of passengers;
- 819 5. Conveyance of building or maintenance materials and
820 supplies;
- 821 6. Off-road vehicles, motorcycles and all-terrain
822 vehicles;
- 823 7. Emergency response; or
- 824 8. Other.

825

826 Vehicles in subparagraphs 1. through 8., when being processed
827 for purchase or leasing agreements, must be selected for the
828 greatest fuel efficiency available for a given use class when
829 fuel economy data are available. Exceptions may be made for
830 certain individual vehicles in subparagraph 7., when
831 accompanied, during the procurement process, by documentation
832 indicating that the operator or operators will exclusively be
833 emergency first responders or have special documented need for
834 exceptional vehicle performance characteristics. Any request
835 for an exception must be approved by the purchasing agency's

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836 chief executive officer and any exceptional performance
837 characteristics denoted as a part of the procurement process
838 prior to purchase.

839 (f) All state agencies shall use ethanol and biodiesel
840 blended fuels, when available. State agencies administering
841 central fueling operations for state-owned vehicles shall
842 procure biofuels for fleet needs to the greatest extent
843 practicable.

844 Section 21. Paragraph (b) of subsection (2) and subsection
845 (5) of section 287.063, Florida Statutes, are amended to read:

846 287.063 Deferred-payment commodity contracts; preaudit
847 review.—

848 (2)

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

853 1. No contract shall be approved in which interest exceeds
854 the statutory ceiling contained in this section. However, the
855 interest component of any master equipment financing agreement
856 entered into for the purpose of consolidated financing of a
857 deferred-payment, installment sale, or lease-purchase shall be
858 deemed to comply with the interest rate limitation of this
859 section so long as the interest component of every interagency
860 agreement under such master equipment financing agreement
861 complies with the interest rate limitation of this section.

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862 2. No deferred-payment purchase for less than \$30,000
863 shall be approved, unless it can be satisfactorily demonstrated
864 and documented to the Chief Financial Officer that failure to
865 make such deferred-payment purchase would adversely affect an
866 agency in the performance of its duties. However, the Chief
867 Financial Officer may approve any deferred-payment purchase if
868 the Chief Financial Officer determines that such purchase is
869 economically beneficial to the state.

870 ~~3. No agency shall obligate an annualized amount of~~
871 ~~payments for deferred payment purchases in excess of current~~
872 ~~operating capital outlay appropriations, unless specifically~~
873 ~~authorized by law or unless it can be satisfactorily~~
874 ~~demonstrated and documented to the Chief Financial Officer that~~
875 ~~failure to make such deferred payment purchase would adversely~~
876 ~~affect an agency in the performance of its duties.~~

877 3. 4. No contract shall be approved which extends payment
878 beyond 5 years, unless it can be satisfactorily demonstrated and
879 documented to the Chief Financial Officer that failure to make
880 such deferred-payment purchase would adversely affect an agency
881 in the performance of its duties. The payment term may not
882 exceed the useful life of the equipment unless the contract
883 provides for the replacement or the extension of the useful life
884 of the equipment during the term of the deferred payment
885 contract.

886 (c) The Chief Financial Officer shall require written
887 justification based on need, usage, size of the purchase, and

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888 financial benefit to the state for deferred-payment purchases
889 made pursuant to this subsection.

890 (5) For purposes of this section, the annualized amount of
891 any such deferred payment commodity contract must be supported
892 from available recurring funds appropriated to the agency in an
893 appropriation category, ~~other than the expense appropriation~~
894 ~~category~~ as defined in chapter 216, which that the Chief
895 Financial Officer has determined is appropriate or which that
896 the Legislature has designated for payment of the obligation
897 incurred under this section.

898 Section 22. Subsections (10) and (11) of section 287.064,
899 Florida Statutes, are amended to read:

900 287.064 Consolidated financing of deferred-payment
901 purchases.--

902 (10) (a) A master equipment agreement may finance the cost
903 of energy, water, or wastewater efficiency and conservation
904 measures, as defined in s. 489.145, excluding the costs of
905 training, operation, and maintenance, for a term or repayment
906 that may exceed 5 years but not more than 20 years.

907 (b) The guaranteed energy, water, and wastewater savings
908 contractor shall provide for the replacement or the extension of
909 the useful life of the equipment during the term of the
910 contract. ~~Costs incurred pursuant to a guaranteed energy~~
911 ~~performance savings contract, including the cost of energy~~
912 ~~conservation measures, each as defined in s. 489.145, may be~~
913 ~~financed pursuant to a master equipment financing agreement;~~
914 ~~however, the costs of training, operation, and maintenance may~~

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915 ~~not be financed. The period of time for repayment of the funds~~
 916 ~~drawn pursuant to the master equipment financing agreement under~~
 917 ~~this subsection may exceed 5 years but may not exceed 10 years.~~

918 (11) For purposes of consolidated financing of deferred
 919 payment commodity contracts under this section by a state
 920 agency, the annualized amount of any such contract must be
 921 supported from available recurring funds appropriated to the
 922 agency in an appropriation category, ~~other than the expense~~
 923 ~~appropriation category~~ as defined in chapter 216, which ~~that~~ the
 924 Chief Financial Officer has determined is appropriate or which
 925 ~~that~~ the Legislature has designated for payment of the
 926 obligation incurred under this section.

927 Section 23. Subsection (1) of section 337.401, Florida
 928 Statutes, is amended to read:

929 337.401 Use of right-of-way for utilities subject to
 930 regulation; permit; fees.--

931 (1) The department and local governmental entities,
 932 referred to in ss. 337.401-337.404 as the "authority," that have
 933 jurisdiction and control of public roads or publicly owned rail
 934 corridors are authorized to prescribe and enforce reasonable
 935 rules or regulations with reference to the placing and
 936 maintaining along, across, or on any road or publicly owned rail
 937 corridors under their respective jurisdictions any electric
 938 transmission, telephone, telegraph, or other communications
 939 services lines; pole lines; poles; railways; ditches; sewers;
 940 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 941 pumps; or other structures ~~hereinafter~~ referred to in this

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942 section as the "utility." For aerial and underground electric
943 utility transmission lines designed to operate at 69 kV or more
944 which are needed to accommodate the additional electrical
945 transfer capacity on the transmission grid resulting from new
946 base load generating facilities, where there is no other
947 practicable alternative available for placement of the electric
948 utility transmission lines on the department's rights-of-way,
949 the department's rules shall provide for placement of and access
950 to such transmission lines adjacent to and within the right-of-
951 way of any department-controlled public roads, including
952 longitudinally within limited access facilities to the greatest
953 extent allowed by federal law, if compliance with the standards
954 established by such rules is achieved. Such rules may include,
955 but need not be limited to, presentation of competent and
956 substantial evidence that the use of the right-of-way is
957 reasonable based upon a consideration of economic and
958 environmental factors, including, without limitation, other
959 utility corridors and easements and minimum clear zones and
960 other safety standards if such improvements do not interfere
961 with operational requirements of the transportation facility or
962 planned or potential future expansion of such transportation
963 facility. If the department approves longitudinal placement of
964 electric utility transmission lines in limited access
965 facilities, compensation for the use of the right-of-way is
966 required. Such consideration or compensation paid by the
967 electric utility in connection with the department's issuance of
968 a permit does not create any property right in the department's

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969 property regardless of the amount of consideration paid or the
 970 improvements constructed on the property by the utility. Upon
 971 notice by the department that the property is needed for
 972 expansion or improvement of the transportation facility, the
 973 electric utility transmission line will relocate from the
 974 facility at the electric utility's sole expense. Such
 975 relocation shall occur under a schedule mutually agreed upon by
 976 the department and the electric utility, taking into
 977 consideration the maintenance of overall grid reliability and
 978 minimizing the relocation costs to the electric utility's
 979 customers. If the utility fails to meet the agreed upon
 980 schedule for relocation, the utility shall be responsible for
 981 reasonable direct delay damages due to the sole negligence of
 982 the electric utility as determined by a court of competent
 983 jurisdiction. As used in this subsection, the term "base load
 984 generating facilities" mean electrical power plants that are
 985 certified under part II of chapter 403. The department may
 986 enter into a permit-delegation agreement with a governmental
 987 entity if issuance of a permit is based on requirements that the
 988 department finds will ensure the safety and integrity of
 989 facilities of the Department of Transportation; however, the
 990 permit-delegation agreement does not apply to facilities of
 991 electric utilities as defined in s. 366.02(2).

992 Section 24. Subsections (1) and (7) of section 339.175,
 993 Florida Statutes, are amended to read:

994 339.175 Metropolitan planning organization.--

995 (1) PURPOSE.--It is the intent of the Legislature to

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996 encourage and promote the safe and efficient management,
 997 operation, and development of surface transportation systems
 998 that will serve the mobility needs of people and freight and
 999 foster economic growth and development within and through
 1000 urbanized areas of this state while minimizing transportation-
 1001 related fuel consumption, ~~and~~ air pollution and greenhouse gas
 1002 emissions through metropolitan transportation planning processes
 1003 identified in this section. To accomplish these objectives,
 1004 metropolitan planning organizations, referred to in this section
 1005 as M.P.O.'s, shall develop, in cooperation with the state and
 1006 public transit operators, transportation plans and programs for
 1007 metropolitan areas. The plans and programs for each metropolitan
 1008 area must provide for the development and integrated management
 1009 and operation of transportation systems and facilities,
 1010 including pedestrian walkways and bicycle transportation
 1011 facilities that will function as an intermodal transportation
 1012 system for the metropolitan area, based upon the prevailing
 1013 principles provided in s. 334.046(1). The process for developing
 1014 such plans and programs shall provide for consideration of all
 1015 modes of transportation and shall be continuing, cooperative,
 1016 and comprehensive, to the degree appropriate, based on the
 1017 complexity of the transportation problems to be addressed. To
 1018 ensure that the process is integrated with the statewide
 1019 planning process, M.P.O.'s shall develop plans and programs that
 1020 identify transportation facilities that should function as an
 1021 integrated metropolitan transportation system, giving emphasis
 1022 to facilities that serve important national, state, and regional

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1023 transportation functions. For the purposes of this section,
1024 those facilities include the facilities on the Strategic
1025 Intermodal System designated under s. 339.63 and facilities for
1026 which projects have been identified pursuant to s. 339.2819(4).

1027 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
1028 develop a long-range transportation plan that addresses at least
1029 a 20-year planning horizon. The plan must include both long-
1030 range and short-range strategies and must comply with all other
1031 state and federal requirements. The prevailing principles to be
1032 considered in the long-range transportation plan are: preserving
1033 the existing transportation infrastructure; enhancing Florida's
1034 economic competitiveness; and improving travel choices to ensure
1035 mobility. The long-range transportation plan must be consistent,
1036 to the maximum extent feasible, with future land use elements
1037 and the goals, objectives, and policies of the approved local
1038 government comprehensive plans of the units of local government
1039 located within the jurisdiction of the M.P.O. Each M.P.O. is
1040 encouraged to consider strategies that integrate transportation
1041 and land use planning to provide for sustainable development and
1042 reduce greenhouse gas emissions. The approved long-range
1043 transportation plan must be considered by local governments in
1044 the development of the transportation elements in local
1045 government comprehensive plans and any amendments thereto. The
1046 long-range transportation plan must, at a minimum:

1047 (a) Identify transportation facilities, including, but not
1048 limited to, major roadways, airports, seaports, spaceports,
1049 commuter rail systems, transit systems, and intermodal or

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1050 multimodal terminals that will function as an integrated
 1051 metropolitan transportation system. The long-range
 1052 transportation plan must give emphasis to those transportation
 1053 facilities that serve national, statewide, or regional
 1054 functions, and must consider the goals and objectives identified
 1055 in the Florida Transportation Plan as provided in s. 339.155. If
 1056 a project is located within the boundaries of more than one
 1057 M.P.O., the M.P.O.'s must coordinate plans regarding the project
 1058 in the long-range transportation plan.

1059 (b) Include a financial plan that demonstrates how the
 1060 plan can be implemented, indicating resources from public and
 1061 private sources which are reasonably expected to be available to
 1062 carry out the plan, and recommends any additional financing
 1063 strategies for needed projects and programs. The financial plan
 1064 may include, for illustrative purposes, additional projects that
 1065 would be included in the adopted long-range transportation plan
 1066 if reasonable additional resources beyond those identified in
 1067 the financial plan were available. For the purpose of developing
 1068 the long-range transportation plan, the M.P.O. and the
 1069 department shall cooperatively develop estimates of funds that
 1070 will be available to support the plan implementation. Innovative
 1071 financing techniques may be used to fund needed projects and
 1072 programs. Such techniques may include the assessment of tolls,
 1073 the use of value capture financing, or the use of value pricing.

1074 (c) Assess capital investment and other measures necessary
 1075 to:

- 1076 1. Ensure the preservation of the existing metropolitan

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1077 transportation system including requirements for the operation,
1078 resurfacing, restoration, and rehabilitation of major roadways
1079 and requirements for the operation, maintenance, modernization,
1080 and rehabilitation of public transportation facilities; and

1081 2. Make the most efficient use of existing transportation
1082 facilities to relieve vehicular congestion and maximize the
1083 mobility of people and goods.

1084 (d) Indicate, as appropriate, proposed transportation
1085 enhancement activities, including, but not limited to,
1086 pedestrian and bicycle facilities, scenic easements,
1087 landscaping, historic preservation, mitigation of water
1088 pollution due to highway runoff, and control of outdoor
1089 advertising.

1090 (e) In addition to the requirements of paragraphs (a)-(d),
1091 in metropolitan areas that are classified as nonattainment areas
1092 for ozone or carbon monoxide, the M.P.O. must coordinate the
1093 development of the long-range transportation plan with the State
1094 Implementation Plan developed pursuant to the requirements of
1095 the federal Clean Air Act.

1096
1097 In the development of its long-range transportation plan, each
1098 M.P.O. must provide the public, affected public agencies,
1099 representatives of transportation agency employees, freight
1100 shippers, providers of freight transportation services, private
1101 providers of transportation, representatives of users of public
1102 transit, and other interested parties with a reasonable
1103 opportunity to comment on the long-range transportation plan.

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1104 The long-range transportation plan must be approved by the
1105 M.P.O.

1106 Section 25. Paragraph (b) of subsection (6) of section
1107 366.82, Florida Statutes, is amended to read:

1108 366.82 Definition; goals; plans; programs; annual reports;
1109 energy audits.--

1110 (6)

1111 (b) The Florida Energy and Climate Commission, created in
1112 s. 377.6015, Executive Office of the Governor shall be a party
1113 in the proceedings to adopt goals and shall file with the
1114 commission comments on the proposed goals including, but not
1115 limited to:

1116 1. An evaluation of utility load forecasts, including an
1117 assessment of alternative supply and demand side resource
1118 options.

1119 2. An analysis of various policy options which can be
1120 implemented to achieve a least-cost strategy.

1121 Section 26. Section 366.8255, Florida Statutes, is amended
1122 to read:

1123 366.8255 Environmental cost recovery.--

1124 (1) As used in this section, the term:

1125 (a) "Electric utility" or "utility" means any investor-
1126 owned electric utility that owns, maintains, or operates an
1127 electric generation, transmission, or distribution system within
1128 the State of Florida and that is regulated under this chapter.

1129 (b) "Commission" means the Florida Public Service
1130 Commission.

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1131 (c) "Environmental laws or regulations" includes all
1132 federal, state, or local statutes, administrative regulations,
1133 orders, ordinances, resolutions, or other requirements that
1134 apply to electric utilities and are designed to protect the
1135 environment.

1136 (d) "Environmental compliance costs" includes all costs or
1137 expenses incurred by an electric utility in complying with
1138 environmental laws or regulations, including but not limited to:

- 1139 1. Inservice capital investments, including the electric
1140 utility's last authorized rate of return on equity thereon;
- 1141 2. Operation and maintenance expenses;
- 1142 3. Fuel procurement costs;
- 1143 4. Purchased power costs;
- 1144 5. Emission allowance costs;
- 1145 6. Costs or expenses prudently incurred for the
1146 quantification, reporting, and third party verification as
1147 required for participation in greenhouse gas emission registries
1148 for greenhouse gases as defined in s. 403.44;

- 1149 7. Costs or expenses prudently incurred for scientific
1150 research and geological assessments of carbon capture and
1151 storage conducted in Florida for the purpose of reducing an
1152 electric utility's greenhouse gas emissions when such costs or
1153 expenses are incurred in joint research projects with State of
1154 Florida government agencies and State of Florida universities;

- 1155 8. 6. Direct taxes on environmental equipment; and
- 1156 9. 7. Costs or expenses prudently incurred by an electric
1157 utility pursuant to an agreement entered into on or after the

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1158 effective date of this act and prior to October 1, 2002, between
1159 the electric utility and the Florida Department of Environmental
1160 Protection or the United States Environmental Protection Agency
1161 for the exclusive purpose of ensuring compliance with ozone
1162 ambient air quality standards by an electrical generating
1163 facility owned by the electric utility.

1164 Section 27. Section 366.91, Florida Statutes, is amended
1165 to read:

1166 366.91 Renewable energy.--

1167 (1) The Legislature finds that it is in the public
1168 interest to promote the development of renewable energy
1169 resources in this state. Renewable energy resources have the
1170 potential to help diversify fuel types to meet Florida's growing
1171 dependency on natural gas for electric production, minimize the
1172 volatility of fuel costs, encourage investment within the state,
1173 improve environmental conditions, and make Florida a leader in
1174 new and innovative technologies.

1175 (2) As used in this section, the term:

1176 (a) "Biomass" means a power source that is comprised of,
1177 but not limited to, combustible residues or gases from forest
1178 products manufacturing, agricultural and orchard crops, waste
1179 products from livestock and poultry operations and food
1180 processing, urban wood waste, municipal solid waste, municipal
1181 liquid waste treatment operations, and landfill gas.

1182 (b) "Renewable energy" means electrical energy produced
1183 from a method that uses one or more of the following fuels or
1184 energy sources: hydrogen produced from sources other than fossil

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1185 fuels, biomass, solar energy, geothermal energy, wind energy,
1186 ocean energy, and hydroelectric power. The term includes the
1187 alternative energy resource, waste heat, from sulfuric acid
1188 manufacturing operations.

1189 (c) "Customer-owned renewable generation" means an
1190 electric generating system located on a customer's premises that
1191 is primarily intended to offset part or all of the customer's
1192 electricity requirements with renewable energy.

1193 (d) "Net metering" means a metering and billing methodology
1194 whereby customer-owned renewable generation is allowed to offset
1195 the customer's electricity consumption on-site.

1196 (3) On or before January 1, 2006, each public utility must
1197 continuously offer a purchase contract to producers of renewable
1198 energy. The commission shall establish requirements relating to
1199 the purchase of capacity and energy by public utilities from
1200 renewable energy producers and may adopt rules to administer
1201 this section. The contract shall contain payment provisions for
1202 energy and capacity which are based upon the utility's full
1203 avoided costs, as defined in s. 366.051; however, capacity
1204 payments are not required if, due to the operational
1205 characteristics of the renewable energy generator or the
1206 anticipated peak and off-peak availability and capacity factor
1207 of the utility's avoided unit, the producer is unlikely to
1208 provide any capacity value to the utility or the electric grid
1209 during the contract term. Each contract must provide a contract
1210 term of at least 10 years. Prudent and reasonable costs
1211 associated with a renewable energy contract shall be recovered

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1212 from the ratepayers of the contracting utility, without
1213 differentiation among customer classes, through the appropriate
1214 cost-recovery clause mechanism administered by the commission.

1215 (4) On or before January 1, 2006, each municipal electric
1216 utility and rural electric cooperative whose annual sales, as of
1217 July 1, 1993, to retail customers were greater than 2,000
1218 gigawatt hours must continuously offer a purchase contract to
1219 producers of renewable energy containing payment provisions for
1220 energy and capacity which are based upon the utility's or
1221 cooperative's full avoided costs, as determined by the governing
1222 body of the municipal utility or cooperative; however, capacity
1223 payments are not required if, due to the operational
1224 characteristics of the renewable energy generator or the
1225 anticipated peak and off-peak availability and capacity factor
1226 of the utility's avoided unit, the producer is unlikely to
1227 provide any capacity value to the utility or the electric grid
1228 during the contract term. Each contract must provide a contract
1229 term of at least 10 years.

1230 (5) On or before January 1, 2009, each public utility must
1231 develop a standardized interconnection agreement and net
1232 metering program for customer-owned renewable generation. The
1233 standardized interconnection agreement shall provide explicit
1234 directions for the application and interconnection process,
1235 detailing specific due dates for action by the public utility
1236 and the customer in order to simplify and expedite the
1237 interconnection process. The standardized interconnection
1238 agreement shall incorporate nationally recognized standards for

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1239 interconnection and safety. The net metering program shall
 1240 provide for any excess energy delivered to the electric grid in
 1241 one billing period be carried over to directly offset the
 1242 customer's consumption in the next billing period, for a period
 1243 up to 12 months. Any excess energy credits remaining at the end
 1244 of the calendar year shall be purchased by the utility based
 1245 upon the utility's as-available energy rate. By April 1 of each
 1246 year, each public utility shall file a report with the
 1247 commission detailing customer participation in the
 1248 interconnection and net metering program, including but not
 1249 limited to the number and total capacity of interconnected
 1250 generating systems and the total energy net metered in the
 1251 previous year. The commission shall establish requirements
 1252 relating to the expedited interconnection and net metering of
 1253 customer-owned renewable generation by public utilities and may
 1254 adopt rules to administer this section.

1255 (6) On or before January 1, 2009, each municipal electric
 1256 utility and rural electric cooperative must develop a
 1257 standardized interconnection and net metering program for
 1258 customer-owned renewable generation. The standardized
 1259 interconnection agreement shall provide explicit directions for
 1260 the application and interconnection process, detailing specific
 1261 due dates for action by the utility and the customer in order to
 1262 simplify and expedite the interconnection process. The
 1263 standardized interconnection agreement shall incorporate
 1264 nationally recognized standards for interconnection and safety.
 1265 The net metering program shall provide for any excess energy

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1266 delivered to the electric grid in one billing period be carried
 1267 over to directly offset the customer's consumption in the next
 1268 billing period, for a period up to 12 months. Any excess energy
 1269 credits remaining at the end of the calendar year shall be
 1270 purchased by the utility based upon a rate to be determined by
 1271 the governing body of the municipal utility or cooperative. The
 1272 requirements established by a municipal or cooperative utility
 1273 must be consistent with the interconnection and net metering
 1274 rules adopted by the commission for the public utilities. By
 1275 April 1 of each year, each municipal electric utility and rural
 1276 electric cooperative utility shall file a report with the
 1277 commission detailing customer participation in the
 1278 interconnection and net metering program, including but not
 1279 limited to the number and total capacity of interconnected
 1280 generating systems and the total energy net metered in the
 1281 previous year.

1282 (7) ~~(5)~~ A contracting producer of renewable energy must pay
 1283 the actual costs of its interconnection with the transmission
 1284 grid or distribution system.

1285 Section 28. Section 366.92, Florida Statutes, is amended
 1286 to read:

1287 366.92 Florida Renewable Energy Policy.--

1288 (1) It is the intent of the Legislature to promote the
 1289 development of renewable energy; protect the economic viability
 1290 of Florida's existing renewable energy facilities; diversify the
 1291 types of fuel used to generate electricity in Florida; lessen
 1292 Florida's dependence on natural gas and fuel oil for the

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1293 production of electricity; minimize the volatility of fuel
1294 costs; encourage investment within the state; improve
1295 environmental conditions; and, at the same time, minimize the
1296 costs of power supply to electric utilities and their customers.

1297 (2) For the purposes of this section, "Florida renewable
1298 energy resources" shall mean renewable energy, as defined in s.
1299 377.803, that is produced in Florida.

1300 (3) As used in this section, the term:

1301 (a) "Renewable Energy Credit" or "REC" shall mean a product
1302 that (i) represents the unbundled, separable, renewable
1303 attribute of renewable energy and (ii) is equivalent to one
1304 megawatt-hour of electricity generated by a source of renewable
1305 energy located in Florida.

1306 (b) "Provider" means a public utility or other entity that
1307 provides electricity to retail customers in Florida.

1308 (c) "Renewable portfolio standard" or "RPS" means the
1309 minimum percentage of total annual retail electricity sales by a
1310 Provider to consumers in Florida that shall be supplied by
1311 renewable energy produced in Florida.

1312 (4) RENEWABLE PORTFOLIO STANDARD.--

1313 (a) Beginning in calendar year 2009, each Provider shall
1314 comply with the renewable portfolio standards in this section by
1315 supplying renewable energy to its customers, either directly or
1316 through RECs, in amounts that equal or exceed the applicable
1317 percentages for each of the following calendar years:

1318 2009: 2.25 percent

1319 2010: 2.50 percent

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1320 2011: 2.75 percent

1321 2012: 2.75 percent

1322 2013: 3.00 percent

1323 2014: 3.25 percent

1324 2015: 3.50 percent

1325 2016: 3.75 percent

1326 2017: 3.75 percent

1327 2018: 4.00 percent

1328 2019: 4.25 percent

1329 2020: 4.50 percent

1330 2021: 5.00 percent

1331 (b) For each year after 2021, the Commission shall
 1332 determine the appropriate RPS, which shall not be less than
 1333 5.0%.

1334 (c) If a Provider finds that, in any given year, the cost
 1335 of a particular source of renewable energy or REC that would
 1336 need to be procured or generated for purposes of compliance
 1337 with the RPS would be greater than 90% of the Provider's
 1338 current, average residential retail price of electricity per
 1339 kilowatt hour, the Provider shall not be required to incur the
 1340 cost of procuring or generating such source of renewable energy
 1341 or REC; however, the existence of this condition excusing full
 1342 compliance in any given year shall not operate to delay any
 1343 increases in the RPS pursuant to section 366.92(4)(a).

1344 (d) Beginning on January 1, 2010, each Provider shall
 1345 submit a report to the Commission describing the steps that have
 1346 been taken in the previous year and the steps that will be

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1347 taken in the future to add renewable energy to the Provider's
1348 energy supply portfolio. The report shall state whether the
1349 Provider was in compliance with the RPS during the previous year
1350 and how it will comply with the RPS in the upcoming year.

1351 (e) The Commission shall take appropriate steps to ensure
1352 that each Provider complies with the RPS. However, the
1353 Commission shall excuse full compliance with the RPS in any year
1354 in which the Provider demonstrates to the Commission that full
1355 compliance was not achieved because the cost of renewable
1356 energy, was too high, as described in section 366.92(4)(c), or
1357 the supply of renewable energy was not adequate to satisfy the
1358 demand for such energy.

1359 (f) Compliance with the RPS shall be determined on a
1360 calendar year basis.

1361 (g) For the purposes of this section, RECs may be used for
1362 two years after the date when they are created.

1363 (5) No provision in this section shall be construed to
1364 impede or impair terms and conditions in existing contracts.

1365 (6) By January 1, 2009, the Florida Public Service
1366 Commission shall submit a report to the Florida Energy and
1367 Climate Commission evaluating each method used, or proposed to
1368 be used, to generate electricity in the state to determine its
1369 efficacy in achieving the goals of reliability, affordability,
1370 efficiency, and diversity. This evaluation process should
1371 establish the levelized cost in cents per kilowatt hour and
1372 incremental capacity in kilowatts for each generation method.

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1373 (7) By January 1, 2009, the Department of Environmental
1374 Protection shall submit a report to the Florida Energy and
1375 Climate Commission measuring the environmental effects of each
1376 method used, or proposed to be used, to generate electricity in
1377 the state in order to create an emission profile and determine a
1378 greenhouse coefficient for each generation method measured in
1379 equivalent pounds of carbon dioxide emitted per megawatt hour of
1380 electricity generated.

1381 (8) By July 1, 2009, the Florida Energy and Climate
1382 Commission shall prepare and submit a report to the Governor,
1383 the President of the Senate, the Speaker of the House of
1384 Representatives and the Public Service Commission, providing a
1385 current and comprehensive assessment of renewable energy
1386 opportunities, and energy efficiency and demand-side management
1387 resources and technologies in the state. The report also shall
1388 address existing and potential renewable resources and
1389 technologies, economic considerations, and environmental issues,
1390 and shall:

1391 (a) Establish a ranking for all generation methods used,
1392 or proposed to be used, in the generation of electricity in the
1393 state based on the quantitative results determined by the Public
1394 Service Commission under subsection (6).

1395 (b) Determine how to mitigate state greenhouse gas
1396 emissions using the quantitative results determined by the
1397 department under subsection (7) within the content of the
1398 ranking established under paragraph (a). The greenhouse effect

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1399 of each generation method may be calculated using greenhouse
1400 coefficients and incremental capacity data.

1401 (9) By February 1, 2010, the Florida Public Service
1402 Commission shall use the rankings established under subsection
1403 (8) to develop and adopt, by rule, a renewable energy portfolio
1404 standard to replace the renewable portfolio standard established
1405 in subsection (4).

1406 (10) After the development of the renewable portfolio
1407 standard, the Florida Energy and Climate Commission shall review
1408 the adopted renewable portfolio standard for any additional
1409 recommendations regarding the goals and the scope of the rule.

1410 ~~(3) The commission may adopt appropriate goals for~~
1411 ~~increasing the use of existing, expanded, and new Florida~~
1412 ~~renewable energy resources. The commission may change the goals.~~
1413 ~~The commission may review and reestablish the goals at least~~
1414 ~~once every 5 years.~~

1415 (10) ~~(4)~~ The commission may adopt rules to administer and
1416 implement the provisions of this section.

1417 Section 29. Section 366.93, Florida Statutes, is amended
1418 to read:

1419 366.93 Cost recovery for the siting, design, licensing,
1420 and construction of nuclear and integrated gasification combined
1421 cycle power plants.--

1422 (1) As used in this section, the term:

1423 (a) "Cost" includes, but is not limited to, all capital
1424 investments, including rate of return, any applicable taxes, and
1425 all expenses, including operation and maintenance expenses,

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1426 related to or resulting from the siting, licensing, design,
1427 construction, or operation of the nuclear power plant and any
1428 new, enlarged, or relocated electrical transmission lines or
1429 facilities of any size that are necessary to serve the nuclear
1430 or integrated gasification combined cycle power plant.

1431 (b) "Electric utility" or "utility" has the same meaning
1432 as that provided in s. 366.8255(1) (a).

1433 (c) "Integrated gasification combined cycle power plant"
1434 or "plant" is an electrical power plant as defined in s.
1435 403.503(14) which ~~s. 403.503(13)~~ that uses synthesis gas
1436 produced by integrated gasification technology.

1437 (d) "Nuclear power plant" or "plant" means ~~is~~ an
1438 electrical power plant, as defined in s. 403.503(14), which ~~s.~~
1439 ~~403.503(13)~~ that uses nuclear materials for fuel.

1440 (e) "Power plant" or "plant" means a nuclear power plant
1441 or an integrated gasification combined cycle power plant.

1442 (f) "Preconstruction" is that period of time after a site,
1443 including any related electrical transmission lines or
1444 facilities, has been selected through and including the date the
1445 utility completes site-clearing ~~site-clearing~~ work.

1446 Preconstruction costs shall be afforded deferred accounting
1447 treatment and shall accrue a carrying charge equal to the
1448 utility's allowance for funds during construction (AFUDC) rate
1449 until recovered in rates.

1450 (2) Within 6 months after the enactment of this act, the
1451 commission shall establish, by rule, alternative cost recovery
1452 mechanisms for the recovery of costs incurred in the siting,

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1453 design, licensing, and construction of a nuclear power plant,
1454 including new, expanded, or relocated electrical transmission
1455 lines and facilities that are necessary to serve the nuclear or
1456 integrated gasification combined cycle power plant. Such
1457 mechanisms shall be designed to promote utility investment in
1458 nuclear or integrated gasification combined cycle power plants
1459 and allow for the recovery in rates of all prudently incurred
1460 costs, and shall include, but need ~~are~~ not be limited to:

1461 (a) Recovery through the capacity cost recovery clause of
1462 any preconstruction costs.

1463 (b) Recovery through an incremental increase in the
1464 utility's capacity cost recovery clause rates of the carrying
1465 costs on the utility's projected construction cost balance
1466 associated with the nuclear or integrated gasification combined
1467 cycle power plant. To encourage investment and provide
1468 certainty, for nuclear or integrated gasification combined cycle
1469 power plant need petitions submitted on or before December 31,
1470 2010, associated carrying costs shall be equal to the pretax
1471 AFUDC in effect upon this act becoming law. For nuclear or
1472 integrated gasification combined cycle power plants for which
1473 need petitions are submitted after December 31, 2010, the
1474 utility's existing pretax AFUDC rate is presumed to be
1475 appropriate unless determined otherwise by the commission in the
1476 determination of need for the nuclear or integrated gasification
1477 combined cycle power plant.

1478 (3) After a petition for determination of need is granted,
1479 a utility may petition the commission for cost recovery as

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1480 permitted by this section and commission rules.

1481 (4) When the nuclear or integrated gasification combined
1482 cycle power plant is placed in commercial service, the utility
1483 shall be allowed to increase its base rate charges by the
1484 projected annual revenue requirements of the nuclear or
1485 integrated gasification combined cycle power plant based on the
1486 jurisdictional annual revenue requirements of the plant for the
1487 first 12 months of operation. The rate of return on capital
1488 investments shall be calculated using the utility's rate of
1489 return last approved by the commission prior to the commercial
1490 inservice date of the nuclear or integrated gasification
1491 combined cycle power plant. If any existing generating plant is
1492 retired as a result of operation of the nuclear or integrated
1493 gasification combined cycle power plant, the commission shall
1494 allow for the recovery, through an increase in base rate
1495 charges, of the net book value of the retired plant over a
1496 period not to exceed 5 years.

1497 (5) The utility shall report to the commission annually
1498 the budgeted and actual costs as compared to the estimated
1499 inservice cost of the nuclear or integrated gasification
1500 combined cycle power plant provided by the utility pursuant to
1501 s. 403.519(4), until the commercial operation of the nuclear or
1502 integrated gasification combined cycle power plant. The utility
1503 shall provide such information on an annual basis following the
1504 final order by the commission approving the determination of
1505 need for the nuclear or integrated gasification combined cycle
1506 power plant, with the understanding that some costs may be

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1507 higher than estimated and other costs may be lower.

1508 (6) ~~If in the event~~ the utility elects not to complete or
 1509 is precluded from completing construction of the nuclear power
 1510 plant, including any new, expanded, or relocated electrical
 1511 transmission lines or facilities or integrated gasification
 1512 combined cycle power plant, the utility shall be allowed to
 1513 recover all prudent preconstruction and construction costs
 1514 incurred following the commission's issuance of a final order
 1515 granting a determination of need for the nuclear power plant and
 1516 electrical transmission lines and facilities or integrated
 1517 gasification combined cycle power plant. The utility shall
 1518 recover such costs through the capacity cost recovery clause
 1519 over a period equal to the period during which the costs were
 1520 incurred or 5 years, whichever is greater. The unrecovered
 1521 balance during the recovery period will accrue interest at the
 1522 utility's weighted average cost of capital as reported in the
 1523 commission's earnings surveillance reporting requirement for the
 1524 prior year.

1525 Section 30. Section 377.601, Florida Statutes, is amended
 1526 to read:

1527 377.601 Legislative intent.--

1528 (1) The Legislature finds that Florida's energy security
 1529 can be increased by lessening dependence on foreign oil; that
 1530 the impacts of global climate change can be reduced through the
 1531 reduction of greenhouse gas emissions; and that the
 1532 implementation of alternative energy technologies can be the
 1533 source of new jobs and employment opportunities for many

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1534 Floridians. The Legislature further finds that Florida is
1535 positioned at the front line against potential impacts of global
1536 climate change. Human and economic costs of those impacts can
1537 be averted by global actions and, where necessary, adapted to by
1538 a concerted effort to make Florida's communities more resilient
1539 and less vulnerable to these impacts. In focusing the
1540 government's policy and efforts to benefit and protect our
1541 state, its citizens and resources, the legislature believes that
1542 a single government entity with a specific focus on energy and
1543 climate change is both desirable and advantageous ~~the ability to~~
1544 ~~deal effectively with present shortages of resources used in the~~
1545 ~~production of energy is aggravated and intensified because of~~
1546 ~~inadequate or nonexistent information and that intelligent~~
1547 ~~response to these problems and to the development of a state~~
1548 ~~energy policy demands accurate and relevant information~~
1549 ~~concerning energy supply, distribution, and use. The Legislature~~
1550 ~~finds and declares that a procedure for the collection and~~
1551 ~~analysis of data on the energy flow in this state is essential~~
1552 ~~to the development and maintenance of an energy profile defining~~
1553 ~~the characteristics and magnitudes of present and future energy~~
1554 ~~demands and availability so that the state may rationally deal~~
1555 ~~with present energy problems and anticipate future energy~~
1556 ~~problems.~~

1557 ~~(2) The Legislature further recognizes that every state~~
1558 ~~official dealing with energy problems should have current and~~
1559 ~~reliable information on the types and quantity of energy~~
1560 ~~resources produced, imported, converted, distributed, exported,~~

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1561 ~~stored, held in reserve, or consumed within the state.~~

1562 ~~(3) It is the intent of the Legislature in the passage of~~
 1563 ~~this act to provide the necessary mechanisms for the effective~~
 1564 ~~development of information necessary to rectify the present lack~~
 1565 ~~of information which is seriously handicapping the state's~~
 1566 ~~ability to deal effectively with the energy problem. To this~~
 1567 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
 1568 ~~broadest possible interpretation consistent with the stated~~
 1569 ~~legislative desire to procure vital information.~~

1570 ~~(2)~~ (4) It is the policy of the State of Florida to:

1571 (a) Develop and promote the effective use of energy in the
 1572 state, and discourage all forms of energy waste, and recognize
 1573 and address the potential of global climate change wherever
 1574 possible.

1575 (b) Play a leading role in developing and instituting
 1576 energy management programs aimed at promoting energy
 1577 conservation, energy security and the reduction of greenhouse
 1578 gas emissions.

1579 (c) Include energy considerations in all state, regional
 1580 and local planning.

1581 (d) Utilize and manage effectively energy resources used
 1582 within state agencies.

1583 (e) Encourage local governments to include energy
 1584 considerations in all planning and to support their work in
 1585 promoting energy management programs.

1586 (f) Include the full participation of citizens in the
 1587 development and implementation of energy programs.

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1588 (g) Consider in its decisions the energy needs of each
1589 economic sector, including residential, industrial, commercial,
1590 agricultural, and governmental uses and reduce those needs
1591 whenever possible.

1592 (h) Promote energy education and the public dissemination
1593 of information on energy and its environmental, economic, and
1594 social impact.

1595 (i) Encourage the research, development, demonstration,
1596 and application of alternative energy resources, particularly
1597 renewable energy resources.

1598 (j) Consider, in its decisionmaking, the social, economic,
1599 and environmental impacts of energy-related activities,
1600 including the whole life cycle impacts of any potential energy
1601 use choices, so that detrimental effects of these activities are
1602 understood and minimized.

1603 (k) Develop and maintain energy emergency preparedness
1604 plans to minimize the effects of an energy shortage within
1605 Florida.

1606 Section 31. Section 377.6015, Florida Statutes, is created
1607 to read:

1608 377.6015 Florida Energy and Climate Commission.--

1609 (1) The Florida Energy and Climate Commission is created
1610 and shall be located within the Executive Office of the
1611 Governor. The commission shall be comprised of 7 members, and
1612 shall be appointed by the Governor pursuant to paragraphs (a)
1613 and (b).

1614 (a) The Governor shall select from three persons nominated

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1615 by the Florida Public Service Commission Nominating Council,
1616 created in s. 350.031, for each seat on the commission.

1617 1. The council shall submit the recommendations to the
1618 Governor by September 1 of those years in which the terms are to
1619 begin the following October, or within 60 days after a vacancy
1620 occurs for any reason other than the expiration of the term.

1621 2. The Governor shall fill a vacancy occurring on the
1622 commission by appointment of one of the applicants nominated by
1623 the council only after a background investigation of such
1624 applicant has been conducted by the Florida Department of Law
1625 Enforcement.

1626 3. Members shall be appointed to 3-year terms; however,
1627 in order to establish staggered terms, for the initial
1628 appointments, the Governor shall appoint four members to 3-year
1629 terms, two members to 2-year terms, and one member to a 1-year
1630 term.

1631 4. The council shall nominate three persons from which the
1632 Governor shall select the chair of the commission.

1633 5. Vacancies on the commission shall be filled for the
1634 unexpired portion of the time in the same manner as original
1635 appointments to the commission.

1636 6. If the Governor has not made an appointment within 30
1637 consecutive calendar days after the receipt of the
1638 recommendation, the council shall initiate, in accordance with
1639 this section, the nominating process within 30 days.

1640 7. Each appointment to the commission shall be subject to
1641 confirmation by the Senate during the next regular session after

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1642 the vacancy occurs. If the Senate refuses to confirm or fails
1643 to consider the Governor's appointment, the council shall
1644 initiate, in accordance with this section, the nominating
1645 process within 30 days.

1646 8. The Governor or the Governor's successor may recall an
1647 appointee.

1648 (b) Members must meet the following qualifications and
1649 restrictions:

1650 1. A member must be an expert in one or more of the
1651 following fields: energy, natural resource conservation,
1652 economics, engineering, finance, law, transportation and land
1653 use, consumer protection, state energy policy, or another field
1654 substantially related to the duties and functions of the
1655 commission. The commission shall fairly represent the fields
1656 specified in this subparagraph.

1657 2. Each member shall, at the time of appointment and at
1658 each commission meeting during his or her term of office,
1659 disclose:

1660 a. Whether he or she has any financial interest, other
1661 than ownership of shares in a mutual fund, in any business
1662 entity that, directly or indirectly, owns or controls, or is an
1663 affiliate or subsidiary of, any business entity that may be
1664 affected by the policy recommendations developed by the
1665 commission.

1666 b. Whether he or she is employed by or is engaged in any
1667 business activity with any business entity that, directly or
1668 indirectly, owns or controls, or is an affiliate or subsidiary

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1669 of, any business entity that may be affected by the policy
1670 recommendations developed by the commission.

1671 (c) The chair may designate ex-officio non-voting members
1672 to provide information and advice to the commission. The
1673 following shall serve as ex-officio non-voting members and may
1674 provide information and advice at the request of the chair:

1675 1. The chair of the Florida Public Service Commission, or
1676 designee;

1677 2. The Public Counsel, or designee;

1678 3. A representative of the Department of Agriculture and
1679 Consumer Services;

1680 4. A representative of the Department of Financial
1681 Services;

1682 5. A representative of the Department of Environmental
1683 Protection;

1684 6. A representative of the Department of Community
1685 Affairs;

1686 7. A representative of the Board of Governors of the State
1687 University System; and

1688 8. A representative of the Department of Transportation.

1689 (2) Members shall serve without compensation but are
1690 entitled to reimbursement for per diem and travel expenses as
1691 provided in s. 112.061.

1692 (3) Meetings of the commission may be held in various
1693 locations around the state and at the call of the chair;
1694 however, the commission must meet at least six times each year.

1695 (4) (a) The commission may employ staff and counsel as

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1696 needed in the performance of its duties. The commission may
1697 prosecute and defend legal actions in its own name.

1698 (b) The commission may form advisory groups consisting of
1699 members of the public to provide information on specific issues.

1700 (5) The commission shall:

1701 (a) Administer the Florida Renewable Energy and Energy
1702 Efficient Technologies Grant Program authorized under s. 377.804
1703 to assure a robust grant portfolio.

1704 (b) Develop policy for requiring grantees to provide
1705 royalty-sharing or licensing agreements with state government
1706 for commercialized products developed under a state grant.

1707 (c) Administer the Florida Green Government Grants Act
1708 pursuant to s. 377.808 and set annual priorities for grants.

1709 (d) Administer the information gathering and reporting
1710 functions pursuant to ss. 377.601-377.608.

1711 (e) Administer the petroleum planning and emergency
1712 contingency planning pursuant to ss. 377.703-377.704.

1713 (f) Represent Florida in the Southern States Energy
1714 Compact pursuant to ss. 377.71-377.712.

1715 (g) Complete the annual assessment of the efficacy of
1716 Florida's Energy and Climate Change Action Plan, upon completion
1717 by the Governor's Action Team on Energy and Climate Change,
1718 pursuant to the Governor's Executive Order 2007-128, and
1719 provide specific recommendations to the Governor and the
1720 Legislature each year to improve results.

1721 (h) Administer the provisions of the Florida Energy and
1722 Climate Protection Act pursuant to ss. 377.801-377.806.

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1723 (i) Advocate for energy and climate change issues and
1724 provide educational outreach and technical assistance in
1725 cooperation with Florida's academic institutions.

1726 (j) Be a party in the proceedings to adopt goals and
1727 submit comments to the Public Service Commission pursuant to s.
1728 366.82.

1729 (k) Adopt rules pursuant to chapter 120 in order to
1730 implement all powers and duties described in this section.

1731 Section 32. Section 377.602, Florida Statutes, is amended
1732 to read:

1733 377.602 Definitions.--As used in ss. 377.601-377.608:

1734 (1) "Energy resources" includes, but shall not be limited
1735 to:

1736 (a) Energy converted from solar radiation, wind, hydraulic
1737 potential, tidal movements, biomass and geothermal sources.

1738 (b) Propane, butane, motor gasoline, kerosene, home
1739 heating oil, diesel fuel, other middle distillates, aviation
1740 gasoline, kerosene-type jet fuel, naphtha-type jet fuel,
1741 residual fuels, crude oil, and other petroleum products and
1742 hydrocarbons as may be determined by the department to be of
1743 importance.

1744 (c) ~~(b)~~ All natural gas, including casinghead gas, all
1745 other hydrocarbons not defined as petroleum products in
1746 paragraph (a), and liquefied petroleum gas as defined in s.
1747 527.01.

1748 (d) ~~(e)~~ All types of coal and products derived from its
1749 conversion and used as fuel.

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1750 (e) ~~(d)~~ All types of nuclear energy, special nuclear
1751 material, and source material, as defined in s. 290.07.

1752 ~~(e) Every other energy resource, whether natural or~~
1753 ~~manmade which the department determines to be important to the~~
1754 ~~production or supply of energy, including, but not limited to,~~
1755 ~~energy converted from solar radiation, wind, hydraulic~~
1756 ~~potential, tidal movements, and geothermal sources.~~

1757 (f) All electrical energy.

1758 (2) "Commission" means the Florida Energy and Climate
1759 Commission.

1760 (3) ~~(2)~~ "Department" means the Department of Environmental
1761 Protection.

1762 (4) ~~(3)~~ "Person" means producer, refiner, wholesaler,
1763 marketer, consignee, jobber, distributor, storage operator,
1764 importer, exporter, firm, corporation, broker, cooperative,
1765 public utility as defined in s. 366.02, rural electrification
1766 cooperative, municipality engaged in the business of providing
1767 electricity or other energy resources to the public, pipeline
1768 company, person transporting any energy resources as defined in
1769 subsection (1), and person holding energy reserves for further
1770 production; however, "person" does not include persons
1771 exclusively engaged in the retail sale of petroleum products.

1772 Section 33. Section 377.603, Florida Statutes, is amended
1773 to read:

1774 377.603 Energy data collection; powers and duties of the
1775 commission ~~Department of Environmental Protection.--~~

1776 (1) The commission ~~department~~ may ~~shall~~ collect data on

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1777 the extraction, production, importation, exportation,
1778 refinement, transportation, transmission, conversion, storage,
1779 sale, or reserves of energy resources in this state in an
1780 efficient and expeditious manner.

1781 (2) The commission ~~department~~ may ~~shall~~ prepare periodic
1782 reports of energy data it collects.

1783 ~~(3) The department shall prescribe and furnish forms for~~
1784 ~~the collection of information as required by ss. 377.601-377.608~~
1785 ~~and shall consult with other state entities to assure that such~~
1786 ~~data collected will meet their data requirements.~~

1787 (3) ~~(4)~~ The commission ~~department~~ may adopt and promulgate
1788 such rules and regulations as are necessary to carry out the
1789 provisions of ss. 377.601-377.608. Such rules shall be pursuant
1790 to chapter 120.

1791 (4) ~~(5)~~ The commission ~~department~~ shall maintain internal
1792 validation procedures to assure the accuracy of information
1793 received.

1794 Section 34. Section 377.604, Florida Statutes, is amended
1795 to read:

1796 377.604 Required reports.--Every person who produces,
1797 imports, exports, refines, transports, transmits, converts,
1798 stores, sells, or holds known reserves of any form of energy
1799 resources used as fuel shall report to the commission,
1800 department at the request of the commission, at a frequency set,
1801 and in a manner prescribed, by the commission ~~department,~~ on
1802 forms provided by the commission ~~department~~ and prepared with
1803 ~~the advice of representatives of the energy industry.~~ Such forms

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1804 shall be designed in such a manner as to indicate:

1805 (1) The identity of the person or persons making the
1806 report.

1807 (2) The quantity of energy resources extracted, produced,
1808 imported, exported, refined, transported, transmitted,
1809 converted, stored, or sold except at retail.

1810 (3) The quantity of energy resources known to be held in
1811 reserve in the state.

1812 (4) The identity of each refinery from which petroleum
1813 products have normally been obtained and the type and quantity
1814 of products secured from that refinery for sale or resale in
1815 this state.

1816 (5) Any other information which the commission ~~department~~
1817 deems proper pursuant to the intent of ss. 377.601-377.608.

1818 Section 35. Section 377.605, Florida Statutes, is amended
1819 to read:

1820 377.605 Use of existing information.--The commission
1821 ~~department~~ may ~~shall~~ utilize to the fullest extent possible any
1822 existing energy information already prepared for state or
1823 federal agencies. Every state, county, and municipal agency
1824 shall cooperate with the commission, ~~department~~ and shall submit
1825 any information on energy to the commission ~~department~~ upon
1826 request.

1827 Section 36. Section 377.606, Florida Statutes, is amended
1828 to read:

1829 377.606 Records of the commission ~~department~~; limits of
1830 confidentiality.--The information or records of individual

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1831 persons, as defined herein, obtained by the commission
 1832 ~~department~~ as a result of a report, investigation, or
 1833 verification required by the commission ~~department~~, shall be
 1834 open to the public, except such information the disclosure of
 1835 which would be likely to cause substantial harm to the
 1836 competitive position of the person providing such information
 1837 and which is requested to be held confidential by the person
 1838 providing such information. Such proprietary information is
 1839 confidential and exempt from the provisions of s. 119.07(1).
 1840 Information reported by entities other than the department in
 1841 documents or reports open to public inspection shall under no
 1842 circumstances be classified as confidential by the commission
 1843 ~~department~~. Divulgence of proprietary information as is
 1844 requested to be held confidential, except upon order of a court
 1845 of competent jurisdiction or except to an officer of the state
 1846 entitled to receive the same in his or her official capacity,
 1847 shall be a misdemeanor of the second degree, punishable as
 1848 provided in ss. 775.082 and 775.083. Nothing herein shall be
 1849 construed to prohibit the publication or divulgence by other
 1850 means of data so classified as to prevent identification of
 1851 particular accounts or reports made to the department in
 1852 compliance with s. 377.603 or to prohibit the disclosure of such
 1853 information to properly qualified legislative committees. The
 1854 commission ~~department~~ shall establish a system which permits
 1855 reasonable access to information developed.

1856 Section 37. Section 377.703, Florida Statutes, is amended
 1857 to read:

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1858 377.703 Additional functions of the commission Department
1859 ~~of Environmental Protection; energy emergency contingency plan;~~
1860 ~~federal and state conservation programs.--~~

1861 (1) LEGISLATIVE INTENT.--Recognizing that energy supply
1862 and demand questions have become a major area of concern to the
1863 state which must be dealt with by effective and well-coordinated
1864 state action, it is the intent of the Legislature to promote the
1865 efficient, effective, and economical management of energy
1866 problems, centralize energy coordination responsibilities,
1867 pinpoint responsibility for conducting energy programs, and
1868 ensure the accountability of state agencies for the
1869 implementation of s. 377.601(4), the state energy policy. It is
1870 the specific intent of the Legislature that nothing in this act
1871 shall in any way change the powers, duties, and responsibilities
1872 assigned by the Florida Electrical Power Plant Siting Act, part
1873 II of chapter 403, or the powers, duties, and responsibilities
1874 of the Florida Public Service Commission.

1875 ~~(2) DEFINITIONS.--~~

1876 ~~(a) "Coordinate," "coordination," or "coordinating" means~~
1877 ~~the examination and evaluation of state plans and programs and~~
1878 ~~the providing of recommendations to the Cabinet, Legislature,~~
1879 ~~and appropriate state agency on any measures deemed necessary to~~
1880 ~~ensure that such plans and programs are consistent with state~~
1881 ~~energy policy.~~

1882 ~~(b) "Energy conservation" means increased efficiency in~~
1883 ~~the utilization of energy.~~

1884 ~~(c) "Energy emergency" means an actual or impending~~

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1885 ~~shortage or curtailment of usable, necessary energy resources,~~
1886 ~~such that the maintenance of necessary services, the protection~~
1887 ~~of public health, safety, and welfare, or the maintenance of~~
1888 ~~basic sound economy is imperiled in any geographical section of~~
1889 ~~the state or throughout the entire state.~~

1890 ~~(d) "Energy source" means electricity, fossil fuels, solar~~
1891 ~~power, wind power, hydroelectric power, nuclear power, or any~~
1892 ~~other resource which has the capacity to do work.~~

1893 ~~(e) "Facilities" means any building or structure not~~
1894 ~~otherwise exempted by the provisions of this act.~~

1895 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~
1896 ~~coal, natural gas, or any other substance used primarily for its~~
1897 ~~energy content.~~

1898 ~~(g) "Local government" means any county, municipality,~~
1899 ~~regional planning agency, or other special district or local~~
1900 ~~governmental entity the policies or programs of which may affect~~
1901 ~~the supply or demand, or both, for energy in the state.~~

1902 ~~(h) "Promotion" or "promote" means to encourage, aid,~~
1903 ~~assist, provide technical and financial assistance, or otherwise~~
1904 ~~seek to plan, develop, and expand.~~

1905 ~~(i) "Regional planning agency" means those agencies~~
1906 ~~designated as regional planning agencies by the Department of~~
1907 ~~Community Affairs.~~

1908 ~~(j) "Renewable energy resource" means any method, process,~~
1909 ~~or substance the use of which does not diminish its availability~~
1910 ~~or abundance, including, but not limited to, biomass conversion,~~
1911 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~

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1912 ~~from waste, ocean thermal gradient power, hydroelectric power,~~
1913 ~~and fuels derived from agricultural products.~~

1914 (2) ~~(3)~~ FLORIDA ENERGY AND CLIMATE COMMISSION ~~DEPARTMENT~~
1915 ~~OF ENVIRONMENTAL PROTECTION; DUTIES.--The~~ commission ~~Department~~
1916 ~~of Environmental Protection shall, in addition to assuming the~~
1917 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
1918 perform the following functions consistent with the development
1919 of a state energy policy:

1920 (a) The commission ~~department~~ shall assume the
1921 responsibility for development of an energy emergency
1922 contingency plan to respond to serious shortages of primary and
1923 secondary energy sources. Upon a finding by the Governor,
1924 implementation of any emergency program shall be upon order of
1925 the Governor that a particular kind or type of fuel is, or that
1926 the occurrence of an event which is reasonably expected within
1927 30 days will make the fuel, in short supply. The commission
1928 ~~department~~ shall then respond by instituting the appropriate
1929 measures of the contingency plan to meet the given emergency or
1930 energy shortage. The Governor may utilize the provisions of s.
1931 252.36(5) to carry out any emergency actions required by a
1932 serious shortage of energy sources.

1933 (b) The commission ~~department~~ shall be ~~constitute~~ the
1934 responsible ~~state~~ agency for performing or coordinating the
1935 functions of any federal energy programs delegated to the state,
1936 including energy supply, demand, conservation, or allocation.

1937 (c) The commission ~~department~~ shall analyze present and
1938 proposed federal energy programs and make recommendations

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1939 regarding those programs to the Governor and the Legislature.

1940 (d) The commission ~~department~~ shall coordinate efforts to
1941 seek federal support or other support for state energy
1942 activities, including energy conservation, research, or
1943 development, and shall be ~~the state agency~~ responsible for the
1944 coordination of multiagency energy conservation programs and
1945 plans.

1946 (e) The commission ~~department~~ shall analyze energy data
1947 collected and prepare long-range forecasts of energy supply and
1948 demand in coordination with the Florida Public Service
1949 Commission, which shall have responsibility for electricity and
1950 natural gas forecasts. To this end, the forecasts shall contain:

1951 1. An analysis of the relationship of state economic
1952 growth and development to energy supply and demand, including
1953 the constraints to economic growth resulting from energy supply
1954 constraints.

1955 2. Plans for the development of renewable energy resources
1956 and reduction in dependence on depletable energy resources,
1957 particularly oil and natural gas, and an analysis of the extent
1958 to which renewable energy sources are being utilized in the
1959 state.

1960 3. Consideration of alternative scenarios of statewide
1961 energy supply and demand for 5, 10, and 20 years, to identify
1962 strategies for long-range action, including identification of
1963 potential social, economic, and environmental effects.

1964 4. An assessment of the state's energy resources,
1965 including examination of the availability of commercially

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1966 developable and imported fuels, and an analysis of anticipated
1967 effects on the state's environment and social services resulting
1968 from energy resource development activities or from energy
1969 supply constraints, or both.

1970 (f) The commission ~~department~~ shall annually make and
1971 submit a report, ~~as requested by~~ to the Governor and ~~or~~ the
1972 Legislature, reflecting its activities and making
1973 recommendations of policies for improvement of the state's
1974 response to energy supply and demand and its effect on the
1975 health, safety, and welfare of the people of Florida. The report
1976 shall include a report from the Florida Public Service
1977 Commission on electricity and natural gas and information on
1978 energy conservation programs conducted and under way in the past
1979 year and shall include recommendations for energy conservation
1980 programs for the state, including, but not limited to, the
1981 following factors:

1982 1. Formulation of specific recommendations for improvement
1983 in the efficiency of energy utilization in governmental,
1984 residential, commercial, industrial, and transportation sectors.

1985 2. Collection and dissemination of information relating to
1986 energy conservation.

1987 3. Development and conduct of educational and training
1988 programs relating to energy conservation.

1989 4. An analysis of the ways in which state agencies are
1990 seeking to implement s. 377.601(4), the state energy policy, and
1991 recommendations for better fulfilling this policy.

1992 (g) The commission ~~department~~ has authority to adopt rules

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1993 pursuant to ss. 120.536(1) and 120.54 to implement the
1994 provisions of this act.

1995 (h) The commission shall promote ~~Promote~~ the development
1996 and use of renewable energy resources, in conformance with the
1997 provisions of chapter 187 and s. 377.601, by:

1998 1. Establishing goals and strategies for increasing the
1999 use of solar energy in this state.

2000 2. Aiding and promoting the commercialization of solar
2001 energy technology, in cooperation with the Florida Solar Energy
2002 Center, Enterprise Florida, Inc., and any other federal, state,
2003 or local governmental agency which may seek to promote research,
2004 development, and demonstration of solar energy equipment and
2005 technology.

2006 3. Identifying barriers to greater use of solar energy
2007 systems in this state, and developing specific recommendations
2008 for overcoming identified barriers, with findings and
2009 recommendations to be submitted annually in the report to the
2010 Legislature required under paragraph (f).

2011 4. In cooperation with the Department of Environmental
2012 Protection, Department of Transportation, the Department of
2013 Community Affairs, Enterprise Florida, Inc., the Florida Solar
2014 Energy Center, and the Florida Solar Energy Industries
2015 Association, investigating opportunities, pursuant to the
2016 National Energy Policy Act of 1992 and the Housing and Community
2017 Development Act of 1992, and any subsequent federal legislation,
2018 for solar electric vehicles and other solar energy
2019 manufacturing, distribution, installation, and financing efforts

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2020 which will enhance this state's position as the leader in solar
2021 energy research, development, and use.

2022 5. Undertaking other initiatives to advance the
2023 development and use of renewable energy resources in this state.

2024
2025 In the exercise of its responsibilities under this paragraph,
2026 the commission ~~department~~ shall seek the assistance of the solar
2027 energy industry in this state and other interested parties and
2028 is authorized to enter into contracts, retain professional
2029 consulting services, and expend funds appropriated by the
2030 Legislature for such purposes.

2031 (i) The commission ~~department~~ shall promote energy
2032 conservation in all energy use sectors throughout the state and
2033 shall constitute the state agency primarily responsible for this
2034 function. To this end, the commission ~~department~~ shall
2035 coordinate the energy conservation programs of all state
2036 agencies and review and comment on the energy conservation
2037 programs of all state agencies.

2038 (j) The commission ~~department~~ shall serve as the state
2039 clearinghouse for indexing and gathering all information related
2040 to energy programs in state universities, in private
2041 universities, in federal, state, and local government agencies,
2042 and in private industry and shall prepare and distribute such
2043 information in any manner necessary to inform and advise the
2044 citizens of the state of such programs and activities. This
2045 shall include developing and maintaining a current index and
2046 profile of all research activities, which shall be identified by

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2047 energy area and may include a summary of the project, the amount
 2048 and sources of funding, anticipated completion dates, or, in
 2049 case of completed research, conclusions, recommendations, and
 2050 applicability to state government and private sector functions.
 2051 The commission ~~department~~ shall coordinate, promote, and respond
 2052 to efforts by all sectors of the economy to seek financial
 2053 support for energy activities. The commission ~~department~~ shall
 2054 provide information to consumers regarding the anticipated
 2055 energy-use and energy-saving characteristics of products and
 2056 services in coordination with any federal, state, or local
 2057 governmental agencies as may provide such information to
 2058 consumers.

2059 (k) The commission ~~department~~ shall coordinate energy-
 2060 related programs of state government, including, but not limited
 2061 to, the programs provided in this section. To this end, the
 2062 commission ~~department~~ shall:

2063 1. Provide assistance to other state agencies, counties,
 2064 municipalities, and regional planning agencies to further and
 2065 promote their energy planning activities.

2066 2. Require, in cooperation with the Department of
 2067 Management Services, all state agencies to operate state-owned
 2068 and state-leased buildings in accordance with energy
 2069 conservation standards as adopted by the Department of
 2070 Management Services. Every 3 months, the Department of
 2071 Management Services shall furnish the commission ~~department~~ data
 2072 on agencies' energy consumption and emissions of greenhouse
 2073 gases in a format prescribed by the commission. ~~mutually agreed~~

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2074 ~~upon by the two departments.~~

2075 3. Promote the development and use of renewable energy
2076 resources, energy efficiency technologies, and conservation
2077 measures.

2078 4. Promote the recovery of energy from wastes, including,
2079 but not limited to, the use of waste heat, the use of
2080 agricultural products as a source of energy, and recycling of
2081 manufactured products. Such promotion shall be conducted in
2082 conjunction with, and after consultation with, the Department of
2083 Environmental Protection, and the Florida Public Service
2084 Commission where electrical generation or natural gas is
2085 involved, and any other relevant federal, state, or local
2086 governmental agency having responsibility for resource recovery
2087 programs.

2088 (1) The commission ~~department~~ shall develop, coordinate,
2089 and promote a comprehensive research plan for state programs.
2090 Such plan shall be consistent with state energy policy and shall
2091 be updated on a biennial basis.

2092 (m) In recognition of the devastation to the economy of
2093 this state and the dangers to the health and welfare of
2094 residents of this state caused by severe hurricanes, Hurricane
2095 ~~Andrew,~~ and the potential for such impacts caused by other
2096 natural disasters, the commission ~~department~~ shall include in
2097 its energy emergency contingency plan and provide to the Florida
2098 Building Commission ~~Department of Community Affairs~~ for
2099 inclusion in the Florida Energy Efficiency Code for Building
2100 Construction ~~state model energy efficiency building code~~

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2101 specific provisions to facilitate the use of cost-effective
2102 solar energy technologies as emergency remedial and preventive
2103 measures for providing electric power, street lighting, and
2104 water heating service in the event of electric power outages.

2105 (3) ~~(4)~~ The commission ~~department~~ shall be responsible for
2106 the administration of the Coastal Energy Impact Program provided
2107 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

2108 Section 38. Subsection (2) of section 377.705, Florida
2109 Statutes, is amended to read:

2110 377.705 Solar Energy Center; development of solar energy
2111 standards.--

2112 (2) LEGISLATIVE FINDINGS AND INTENT.--

2113 (a) ~~The Legislature recognizes that if present trends~~
2114 ~~continue, Florida will increase present energy consumption~~
2115 ~~sixfold by the year 2000. Because of this dramatic increase and~~
2116 ~~because existing domestic conventional energy resources will not~~
2117 ~~provide sufficient energy to meet the nation's future needs, new~~
2118 ~~sources of energy must be developed and applied. One such~~
2119 ~~source, solar energy, has been in limited use in Florida for 30~~
2120 ~~years. Applications of incident solar energy, the use of solar~~
2121 ~~radiation to provide energy for water heating, space heating,~~
2122 ~~space cooling, and other uses, through suitable absorbing~~
2123 ~~equipment on or near a residence or commercial structure, must~~
2124 ~~be extensively expanded. Unfortunately, the initial costs with~~
2125 ~~regard to the production of solar energy have been prohibitively~~
2126 ~~expensive. However,~~ Because of increases in the cost of
2127 conventional fuel, certain applications of solar energy are

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2128 becoming competitive, particularly when life-cycle costs are
2129 considered. It is the intent of the Legislature in formulating a
2130 sound and balanced energy policy for the state to encourage the
2131 development of an alternative energy capability in the form of
2132 incident solar energy.

2133 (b) Toward this purpose, the Legislature intends to
2134 provide incentives for the production and sale of, and to set
2135 standards for, solar energy systems. Such standards shall ensure
2136 that solar energy systems manufactured or sold within the state
2137 are effective and represent a high level of quality of
2138 materials, workmanship, and design.

2139 Section 39. Section 377.801, Florida Statutes, is amended
2140 to read:

2141 377.801 Short title.--Sections 377.801-377.806 may be
2142 cited as the "Florida Energy and Climate Protection Act."
2143 ~~"Florida Renewable Energy Technologies and Energy Efficiency~~
2144 ~~Act."~~

2145 Section 40. Section 377.802, Florida Statutes, is amended
2146 to read:

2147 377.802 Purpose.--This act is intended to provide
2148 incentives for Florida's citizens, businesses, school districts
2149 and local governments to take action to diversify Florida's
2150 energy supplies, reduce dependence on foreign oil, and mitigate
2151 the effects of climate change by providing funding for
2152 activities designed to achieve these goals. The grant programs
2153 in this act are intended to stimulate capital investment and
2154 enhance the market for renewable energy technologies and

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2155 technologies intended to diversify Florida's energy supplies,
 2156 reduce dependence on foreign oil, and combat or limit climate
 2157 change impacts. This act is also intended to provide incentives
 2158 for the purchase of energy-efficient appliances and rebates for
 2159 solar energy equipment installations for residential and
 2160 commercial buildings. This act is intended to provide matching
 2161 grants to stimulate capital investment in the state and to
 2162 enhance the market for and promote the statewide utilization of
 2163 renewable energy technologies. The targeted grants program is
 2164 designed to advance the already growing establishment of
 2165 renewable energy technologies in the state and encourage the use
 2166 of other incentives such as tax exemptions and regulatory
 2167 certainty to attract additional renewable energy technology
 2168 producers, developers, and users to the state. This act is also
 2169 intended to provide incentives for the purchase of energy-
 2170 efficient appliances and rebates for solar energy equipment
 2171 installations for residential and commercial buildings.

2172 Section 41. Section 377.803, Florida Statutes, is amended
 2173 to read:

2174 377.803 Definitions.--As used in ss. 377.801-377.808
 2175 377.806, the term:

2176 (1) "Act" means the Florida Energy and Climate Protection
 2177 Act ~~Florida Renewable Energy Technologies and Energy Efficiency~~
 2178 ~~Act.~~

2179 ~~(2) "Approved metering equipment" means a device capable~~
 2180 ~~of measuring the energy output of a solar thermal system that~~
 2181 ~~has been approved by the commission.~~

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2182 (2) ~~(3)~~ "Commission" means the Florida Energy and Climate
2183 Commission ~~Florida Public Service Commission~~.

2184 ~~(4)~~ "Department" means the Department of Environmental
2185 Protection.

2186 (3) ~~(5)~~ "Person" means an individual, partnership, joint
2187 venture, private or public corporation, association, firm,
2188 public service company, or any other public or private entity.

2189 (4) ~~(6)~~ "Renewable energy" means electrical, mechanical, or
2190 thermal energy produced from a method that uses one or more of
2191 the following fuels or energy sources: hydrogen, biomass, solar
2192 energy, geothermal energy, wind energy, ocean energy, waste
2193 heat, or hydroelectric power.

2194 (5) ~~(7)~~ "Renewable energy technology" means any technology
2195 that generates or utilizes a renewable energy resource.

2196 (6) ~~(8)~~ "Solar energy system" means equipment that
2197 provides for the collection and use of incident solar energy for
2198 water heating, space heating or cooling, or other applications
2199 that would normally require a conventional source of energy such
2200 as petroleum products, natural gas, or electricity that performs
2201 primarily with solar energy. In other systems in which solar
2202 energy is used in a supplemental way, only those components that
2203 collect and transfer solar energy shall be included in this
2204 definition.

2205 (7) ~~(9)~~ "Solar photovoltaic system" means a device that
2206 converts incident sunlight into electrical current.

2207 (8) ~~(10)~~ "Solar thermal system" means a device that traps
2208 heat from incident sunlight in order to heat water.

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2209 Section 42. Section 377.804, Florida Statutes, is amended
2210 to read:

2211 377.804 Renewable Energy and Energy Efficient Technologies
2212 Grants Program.--

2213 (1) The Renewable Energy and Energy Efficient Technologies
2214 Grants Program is established within the commission ~~department~~
2215 to provide renewable energy matching grants for demonstration,
2216 commercialization, research, and development projects relating
2217 to renewable energy technologies and innovative technologies
2218 that significantly increase energy efficiency for vehicles and
2219 commercial buildings.

2220 (2) Matching grants for renewable energy technology
2221 demonstration, commercialization, research, and development
2222 projects may be made to any of the following:

2223 (a) Municipalities and county governments.

2224 (b) Established for-profit companies licensed to do
2225 business in the state.

2226 (c) Universities and colleges in the state.

2227 (d) Utilities located and operating within the state.

2228 (e) Not-for-profit organizations.

2229 (f) Other qualified persons, as determined by the
2230 commission ~~department~~.

2231 (3) The commission ~~department~~ may adopt rules pursuant to
2232 ss. 120.536(1) and 120.54 to provide for application
2233 requirements, provide for ranking of applications, and
2234 administer the awarding of grants under this program.

2235 (4) Factors the commission ~~department~~ shall consider in

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2236 awarding grants include, but are not limited to:

2237 (a) The availability of matching funds or other in-kind
2238 contributions applied to the total project from an applicant.
2239 The commission ~~department~~ shall give greater preference to
2240 projects that provide such matching funds or other in-kind
2241 contributions.

2242 (b) The degree to which the project stimulates in-state
2243 capital investment and economic development in metropolitan and
2244 rural areas, including the creation of jobs and the future
2245 development of a commercial market for renewable energy
2246 technologies.

2247 (c) The extent to which the proposed project has been
2248 demonstrated to be technically feasible based on pilot project
2249 demonstrations, laboratory testing, scientific modeling, or
2250 engineering or chemical theory that supports the proposal.

2251 (d) The degree to which the project incorporates an
2252 innovative new technology or an innovative application of an
2253 existing technology.

2254 (e) The degree to which a project generates thermal,
2255 mechanical, or electrical energy by means of a renewable energy
2256 resource that has substantial long-term production potential.

2257 (f) The degree to which a project demonstrates efficient
2258 use of energy and material resources.

2259 (g) The degree to which the project fosters overall
2260 understanding and appreciation of renewable energy technologies.

2261 (h) The ability to administer a complete project.

2262 (i) Project duration and timeline for expenditures.

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2263 (j) The geographic area in which the project is to be
2264 conducted in relation to other projects.

2265 (k) The degree of public visibility and interaction.

2266 (5) The commission ~~department~~ shall solicit the expertise
2267 of other state agencies, including Enterprise Florida, Inc., and
2268 state universities, in evaluating project proposals. State
2269 agencies shall cooperate with the commission ~~Department of~~
2270 ~~Environmental Protection~~ and provide such assistance as
2271 requested.

2272 (6) The commission ~~department~~ shall coordinate and
2273 actively consult with the Department of Agriculture and Consumer
2274 Services during the review and approval process of grants
2275 relating to bioenergy projects for renewable energy technology,
2276 ~~and the departments shall jointly determine the grant awards to~~
2277 ~~these bioenergy projects. No grant funding shall be awarded to~~
2278 ~~any bioenergy project without such joint approval.~~ Factors for
2279 consideration in awarding grants may include, but are not
2280 limited to, the degree to which:

2281 (a) The project stimulates in-state capital investment and
2282 economic development in metropolitan and rural areas, including
2283 the creation of jobs and the future development of a commercial
2284 market for bioenergy.

2285 (b) The project produces bioenergy from Florida-grown
2286 crops or biomass.

2287 (c) The project demonstrates efficient use of energy and
2288 material resources.

2289 (d) The project fosters overall understanding and

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2290 appreciation of bioenergy technologies.

2291 (e) Matching funds and in-kind contributions from an
2292 applicant are available.

2293 (f) The project duration and the timeline for expenditures
2294 are acceptable.

2295 (g) The project has a reasonable assurance of enhancing
2296 the value of agricultural products or will expand agribusiness
2297 in the state.

2298 (h) Preliminary market and feasibility research has been
2299 conducted by the applicant or others and shows there is a
2300 reasonable assurance of a potential market.

2301 (7) Each application shall be accompanied by an affidavit
2302 from the applicant attesting to the veracity of the statements
2303 contained therein.

2304 Section 43. Section 377.806, Florida Statutes, is amended
2305 to read:

2306 377.806 Solar Energy System Incentives Program.--

2307 (1) PURPOSE.--The Solar Energy System Incentives Program
2308 is established within the commission ~~department~~ to provide
2309 financial incentives for the purchase and installation of solar
2310 energy systems. Any resident of the state who purchases and
2311 installs a new solar energy system of 2 kilowatts or larger for
2312 a solar photovoltaic system, a solar energy system that provides
2313 at least 50 percent of a building's hot water consumption for a
2314 solar thermal system, or a solar thermal pool heater, from July
2315 1, 2006, through June 30, 2010, is eligible for a rebate on a
2316 portion of the purchase price of that solar energy system.

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- 2317 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--
- 2318 (a) *Eligibility requirements.*--A solar photovoltaic system
- 2319 qualifies for a rebate if:
- 2320 1. The system is installed by a state-licensed master
- 2321 electrician, electrical contractor, or solar contractor.
- 2322 2. The system complies with state interconnection
- 2323 standards as provided by the Public Service Commission
- 2324 ~~commission.~~
- 2325 3. The system complies with all applicable building codes
- 2326 as defined by the Florida Building Code ~~local jurisdictional~~
- 2327 ~~authority.~~
- 2328 (b) *Rebate amounts.*--The rebate amount shall be set at \$4
- 2329 per watt based on the total wattage rating of the system. The
- 2330 maximum allowable rebate per solar photovoltaic system
- 2331 installation shall be as follows:
- 2332 1. Twenty thousand dollars for a residence.
- 2333 2. One hundred thousand dollars for a place of business, a
- 2334 publicly owned or operated facility, or a facility owned or
- 2335 operated by a private, not-for-profit organization, including
- 2336 condominiums or apartment buildings.
- 2337 (3) SOLAR THERMAL SYSTEM INCENTIVE.--
- 2338 (a) *Eligibility requirements.*--A solar thermal system
- 2339 qualifies for a rebate if:
- 2340 1. The system is installed by a state-licensed solar or
- 2341 plumbing contractor.
- 2342 2. The system complies with all applicable building codes
- 2343 as defined by the Florida Building Code ~~local jurisdictional~~

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2344 authority.

2345 (b) *Rebate amounts.*--Authorized rebates for installation
2346 of solar thermal systems shall be as follows:

2347 1. Five hundred dollars for a residence.

2348 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
2349 for a place of business, a publicly owned or operated facility,
2350 or a facility owned or operated by a private, not-for-profit
2351 organization, including condominiums or apartment buildings. ~~Btu~~
2352 ~~must be verified by approved metering equipment.~~

2353 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

2354 (a) *Eligibility requirements.*--A solar thermal pool heater
2355 qualifies for a rebate if the system is installed by a state-
2356 licensed solar or plumbing contractor and the system complies
2357 with all applicable building codes as defined by the Florida
2358 Building Code ~~local jurisdictional~~ authority.

2359 (b) *Rebate amount.*--Authorized rebates for installation of
2360 solar thermal pool heaters shall be \$100 per installation.

2361 (5) APPLICATION.--Application for a rebate must be made
2362 within 120 ~~90~~ days after the purchase of the solar energy
2363 equipment.

2364 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
2365 determine and publish on a regular basis the amount of rebate
2366 funds remaining in each fiscal year. The total dollar amount of
2367 all rebates issued ~~by the department~~ is subject to the total
2368 amount of appropriations in any fiscal year for this program. If
2369 funds are insufficient during the current fiscal year, any
2370 requests for rebates received during that fiscal year may be

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2371 processed during the following fiscal year. Requests for rebates
2372 received in a fiscal year that are processed during the
2373 following fiscal year shall be given priority over requests for
2374 rebates received during the following fiscal year.

2375 (7) RULES.--The commission ~~department~~ shall adopt rules
2376 pursuant to ss. 120.536(1) and 120.54 to develop rebate
2377 applications and administer the issuance of rebates.

2378 Section 44. Section 377.808, Florida Statutes, is created
2379 to read:

2380 377.808 Florida Green Government Grants Act.--

2381 (1) This section may be cited as the "Florida Green
2382 Government Grants Act."

2383 (2) The commission shall use funds specifically
2384 appropriated to award grants under this section to assist local
2385 governments, including municipalities, counties and school
2386 districts, in the development of programs that achieve green
2387 standards. Those standards are to be determined by the
2388 commission and must provide for cost-efficient solutions,
2389 reducing greenhouse gas emissions, improving quality of life and
2390 strengthening Florida's economy.

2391 (3) (a) The commission shall adopt rules pursuant to
2392 Chapter 120 to administer the grants provided for in this
2393 section. In accordance with the rules adopted by the commission
2394 under this section, the commission may provide grants, from
2395 funds specifically appropriated for this purpose to local
2396 governments for the costs of achieving green standards,
2397 including necessary administrative expenses.

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- 2398 (b) The rules of the commission must:
- 2399 1. Designate one or more suitable green government
- 2400 standards framework from which local governments may develop a
- 2401 greening government initiative, and from which projects may be
- 2402 eligible for funding pursuant to this statute.
- 2403 2. Require that projects that plan, design, construct,
- 2404 upgrade, or replace facilities be cost-effective,
- 2405 environmentally sound, reduce greenhouse gas emissions, and be
- 2406 permittable and implementable.
- 2407 3. Require local governments to match state funds with
- 2408 direct project cost share or in-kind services.
- 2409 4. Provide for a scale of matching requirements for local
- 2410 governments on the basis of population in order to assist rural
- 2411 and undeveloped areas of the state with any financial burden of
- 2412 addressing climate change impacts.
- 2413 5. Require grant applications to be submitted on
- 2414 appropriate forms developed and adopted by the commission with
- 2415 appropriate supporting documentation, and require records to be
- 2416 maintained.
- 2417 6. Establish a system to determine the relative priority
- 2418 of grant applications. The system must consider greenhouse gas
- 2419 reductions, energy savings and efficiencies and proven
- 2420 technologies.
- 2421 7. Establish requirements for competitive procurement of
- 2422 engineering and construction services, materials and equipment.
- 2423 8. Provide for termination of grants when program
- 2424 requirements are not met.

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2425 9. Each local government is limited to not more than two
 2426 grant applications during each application period announced by
 2427 the commission. However, a local government may not have more
 2428 than three active projects expending grant funds during any
 2429 state fiscal year.

2430 (c) The commission must perform adequate overview of each
 2431 grant, which may include technical review, site inspections,
 2432 disbursement approvals, and auditing to successfully implement
 2433 this section.

2434 Section 45. Paragraph (c) of subsection (3) of section
 2435 380.23, Florida Statutes, is amended to read:

2436 380.23 Federal consistency.--

2437 (3) Consistency review shall be limited to review of the
 2438 following activities, uses, and projects to ensure that such
 2439 activities, uses, and projects are conducted in accordance with
 2440 the state's coastal management program:

2441 (c) Federally licensed or permitted activities affecting
 2442 land or water uses when such activities are in or seaward of the
 2443 jurisdiction of local governments required to develop a coastal
 2444 zone protection element as provided in s. 380.24 and when such
 2445 activities involve:

2446 1. Permits and licenses required under the Rivers and
 2447 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

2448 2. Permits and licenses required under the Marine
 2449 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
 2450 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

2451 3. Permits and licenses required under the Federal Water

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2452 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
2453 amended, unless such permitting activities have been delegated
2454 to the state pursuant to said act.

2455 4. Permits and licenses relating to the transportation of
2456 hazardous substance materials or transportation and dumping
2457 which are issued pursuant to the Hazardous Materials
2458 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
2459 33 U.S.C. s. 1321, as amended.

2460 5. Permits and licenses required under 15 U.S.C. ss. 717-
2461 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
2462 1331-1356 for construction and operation of interstate gas
2463 pipelines and storage facilities.

2464 6. Permits and licenses required for the siting and
2465 construction of any new electrical power plants as defined in s.
2466 403.503(14) ~~s. 403.503(13)~~, as amended, and the licensing and
2467 relicensing of hydroelectric power plants under the Federal
2468 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

2469 7. Permits and licenses required under the Mining Law of
2470 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
2471 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
2472 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
2473 amended; the Federal Land Policy and Management Act, 43 U.S.C.
2474 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
2475 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
2476 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
2477 pipelines, geological and geophysical activities, or rights-of-
2478 way on public lands and permits and licenses required under the

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2479 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
2480 amended.

2481 8. Permits and licenses for areas leased under the OCS
2482 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
2483 leases and approvals of exploration, development, and production
2484 plans.

2485 9. Permits and licenses required under the Deepwater Port
2486 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

2487 10. Permits required for the taking of marine mammals
2488 under the Marine Mammal Protection Act of 1972, as amended, 16
2489 U.S.C. s. 1374.

2490 Section 46. Subsection (20) of section 403.031, Florida
2491 Statutes, is amended to read:

2492 403.031 Definitions.--In construing this chapter, or rules
2493 and regulations adopted pursuant hereto, the following words,
2494 phrases, or terms, unless the context otherwise indicates, have
2495 the following meanings:

2496 (20) "Electrical power plant" means, for purposes of this
2497 part of this chapter, any electrical generating facility that
2498 uses any process or fuel and that is owned or operated by an
2499 electric utility, as defined in s. 403.503(14) ~~s. 403.503(13)~~,
2500 and includes any associated facility that directly supports the
2501 operation of the electrical power plant.

2502 Section 47. Section 403.44, Florida Statutes, is created
2503 to read:

2504 403.44 Florida Climate Protection Act.--

2505 (1) The Legislature finds it is in the best interest of

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2506 this state to document, to the greatest extent practicable,
 2507 greenhouse gas (GHG) emissions and to pursue a market-based
 2508 emissions abatement program, such as cap-and-trade, to address
 2509 GHG emissions reductions.

2510 (2) As used in this section, the term:

2511 (a) "Allowance" means a credit issued by the department
 2512 through allotments or auction which represents an authorization
 2513 to emit specific amounts of greenhouse gases, as further defined
 2514 in department rule.

2515 (b) "Cap-and-trade" or "emissions trading" means an
 2516 administrative approach used to control pollution by providing a
 2517 limit on total allowable emissions, providing for allowances to
 2518 emit pollutants, and providing for the transfer of the
 2519 allowances among pollutant sources as a means of compliance with
 2520 emission limits.

2521 (c) "Greenhouse gas" means carbon dioxide, methane,
 2522 nitrous oxide, and fluorinated gases such as hydrofluorocarbons,
 2523 perfluorocarbons, and sulfur hexafluoride.

2524 (d) "Leakage" means the offset of emission abatement that
 2525 is achieved in one location subject to emission control
 2526 regulation by increased emissions in unregulated locations.

2527 (e) "Major emitter" means an electric utility regulated
 2528 under this chapter.

2529 (3) A major emitter must use The Climate Registry for
 2530 purposes of emission registration and reporting.

2531 (4) The Department of Environmental Protection shall
 2532 establish the methodologies, reporting periods, and reporting

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2533 systems that must be used when major emitters report to The
 2534 Climate Registry. The department may require the use of quality-
 2535 assured data from continuous emissions-monitoring systems.

2536 (5) The department may adopt rules for a cap-and-trade
 2537 regulatory program to reduce greenhouse gas emissions from major
 2538 emitters. When developing the rules, the department shall
 2539 consult with the Florida Energy and Climate Commission and the
 2540 Public Service Commission, and may consult with the Governor's
 2541 Action Team for Energy and Climate Change. The department shall
 2542 not adopt rules until after January 1, 2010. The rules shall not
 2543 become effective until ratified by the Legislature.

2544 (6) The rules of the cap-and-trade regulatory program
 2545 shall include, but are not limited to:

2546 (a) A statewide limit or cap on the amount of GHG
 2547 emissions emitted by major emitters.

2548 (b) Methods, requirements, and conditions for allocating
 2549 the cap among major emitters.

2550 (c) Methods, requirements, and conditions for emissions
 2551 allowances and the process for issuing emissions allowances.

2552 (d) The relationship between allowances and the specific
 2553 amounts of greenhouse gases they represent.

2554 (e) The length of allowance periods and the time over which
 2555 entities must account for emissions and surrender allowances
 2556 equal to emissions.

2557 (f) The time path of allowances from the initiation of the
 2558 program through to 2050.

2559 (g) A process for the trade of allowances between major

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2560 emitters, including a registry, tracking, or accounting system
2561 for such trades.

2562 (h) Cost containment mechanisms to reduce price and cost
2563 risks associated with the electric generation market in this
2564 state. Cost containment mechanisms to be considered for
2565 inclusion in the rule include, but are not limited to:

2566 1. Allowing major emitters to borrow allowances from
2567 future time periods to meet their emission limit.

2568 2. Allowing major emitters to bank emission reductions in
2569 the current year to be used to meet emission limits in future
2570 years.

2571 3. Allowing major emitters to purchase emissions offsets
2572 from other entities who produce verifiable reductions in
2573 unregulated greenhouse gas emissions or who produce verifiable
2574 reductions in greenhouse gases through voluntary practices that
2575 capture and store greenhouse gases that otherwise would be
2576 released into the atmosphere. In considering this cost
2577 containment mechanism, the department shall identify sectors and
2578 activities outside of the capped sectors, including other state
2579 or international activities, and the conditions under which
2580 reductions there can be credited against emissions of capped
2581 entities in place of allowances issued by the department. The
2582 department shall also consider potential methods, and their
2583 effectiveness, to avoid double-incentivizing such activities.

2584 4. Providing a safety valve mechanism to ensure that the
2585 market prices for allowances or offsets do not surpass a
2586 predetermined level compatible with the affordability of

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2587 electric utility rates and the well being of the state's
 2588 economy. In considering this cost containment mechanism, the
 2589 department shall evaluate different prices levels for the safety
 2590 valve and methods to change the price level over time to reflect
 2591 changing state, federal and international markets, regulatory
 2592 environments, and technological advancements.

2593

2594 In considering cost containment mechanisms for inclusion in the
 2595 rule, the department shall evaluate the anticipated overall
 2596 effect of each mechanism on the abatement of greenhouse gas
 2597 emissions, electricity rate payers, and the well being of the
 2598 state's economy, and shall also consider the interrelationships
 2599 between the mechanisms under consideration.

2600 (g) A process to allow the department to exercise its
 2601 authority to discourage leakage of GHG emissions to neighboring
 2602 states attributable to the implementation of this program.

2603 (h) Provisions for a trial period on the trading of
 2604 allowances before full implementation of a trading system.

2605 (7) In recommending and evaluating proposed features of the
 2606 cap and trade system, the following factors shall be considered:

2607 (a) The overall cost-effectiveness of the cap and trade
 2608 system in combination with other policies and measures in
 2609 meeting statewide targets.

2610 (b) Minimizing the administrative burden to the state of
 2611 implementing, monitoring and enforcing the program.

2612 (c) Minimizing the administrative burden on entities
 2613 covered under the cap.

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- 2614 (d) The impacts on electricity prices for consumers.
- 2615 (e) The potential effects on leakage if economic activity
- 2616 relocates out of the state.
- 2617 (f) The effectiveness of the combination of measures in
- 2618 meeting identified targets.
- 2619 (g) The implications for near-term periods of long run
- 2620 targets specified in the overall policy.
- 2621 (h) The overall cost to the Florida economy.
- 2622 (i) How to moderate impacts on low income consumers that
- 2623 result from energy price increases.
- 2624 (j) Consistency of the program with other state and
- 2625 possible Federal efforts.
- 2626 (k) The feasibility and cost-effectiveness of extending
- 2627 the program scope as broadly as possible among emitting
- 2628 activities and sinks in Florida.
- 2629 (l) Evaluation of the conditions under which Florida
- 2630 should consider linking its trading system to other states' or
- 2631 other countries' systems, and how that might be affected by the
- 2632 potential inclusion in the rule of a safety valve.
- 2633 (8) Recognizing that the international, national,
- 2634 neighboring state policies and the science of climate change
- 2635 will evolve, prior to submitting the proposed rules to the
- 2636 Legislature for its consideration, the department shall submit
- 2637 the proposed rules to the Florida Energy and Climate Commission,
- 2638 which shall review the proposed rule and submit a report to the
- 2639 Governor, the President of the Florida Senate, the Speaker of
- 2640 the Florida House of Representatives, and the department. The

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- 2641 report shall address:
- 2642 (a) The overall cost-effectiveness of the proposed cap and
- 2643 trade system in combination with other policies and measures in
- 2644 meeting statewide targets.
- 2645 (b) The administrative burden to the state of
- 2646 implementing, monitoring and enforcing the program.
- 2647 (c) The administrative burden on entities covered under
- 2648 the cap.
- 2649 (d) The impacts on electricity prices for consumers.
- 2650 (e) The potential effects on leakage if economic activity
- 2651 relocates out of the state.
- 2652 (f) The effectiveness of the combination of measures in
- 2653 meeting identified targets.
- 2654 (g) The economic implications for near-term periods of
- 2655 short-term and long-term targets specified in the overall
- 2656 policy.
- 2657 (h) The overall cost to the Florida economy.
- 2658 (i) The impacts on low income consumers that result from
- 2659 energy price increases.
- 2660 (j) The consistency of the program with other state and
- 2661 possible Federal efforts.
- 2662 (k) The evaluation of the conditions under which Florida
- 2663 should consider linking its trading system to other states' or
- 2664 other countries' systems, and how that might be affected by the
- 2665 potential inclusion in the rule of a safety valve.
- 2666 (l) The timing and changes in the external environment,
- 2667 such as proposals by other states or implementation of a Federal

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2668 program that would spur reevaluation of the Florida program.

2669 (m) The conditions and options for eliminating the Florida
2670 program if a Federal program were to supplant it.

2671 (n) The need for a regular re-evaluation of the progress
2672 of other emitting regions of the country and of the world, and
2673 whether other regions are abating emissions in a commensurate
2674 manner.

2675 (o) The desirability of and possibilities of broadening the
2676 scope of Florida's cap and trade system at a later date to
2677 include more emitting activities as well as sinks in Florida,
2678 and the conditions that would need to be met to do so, as well
2679 as how the program would encourage these conditions to be met
2680 such as developing monitoring and measuring techniques for land
2681 use emissions and sinks, regulating sources up stream, and other
2682 considerations.

2683 Section 48. Section 403.502, Florida Statutes, is amended
2684 to read:

2685 403.502 Legislative intent.--The Legislature finds that
2686 the present and predicted growth in electric power demands in
2687 this state requires the development of a procedure for the
2688 selection and utilization of sites for electrical generating
2689 facilities and the identification of a state position with
2690 respect to each proposed site and its associated facilities. The
2691 Legislature recognizes that the selection of sites and the
2692 routing of associated facilities including transmission lines
2693 will have a significant impact upon the welfare of the
2694 population, the location and growth of industry, and the use of

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2695 the natural resources of the state. The Legislature finds that
 2696 the efficiency of the permit application and review process at
 2697 both the state and local level would be improved with the
 2698 implementation of a process whereby a permit application would
 2699 be centrally coordinated and all permit decisions could be
 2700 reviewed on the basis of standards and recommendations of the
 2701 deciding agencies. It is the policy of this state that, while
 2702 recognizing the pressing need for increased power generation
 2703 facilities, the state shall ensure through available and
 2704 reasonable methods that the location and operation of electrical
 2705 power plants will produce minimal adverse effects on human
 2706 health, the environment, the ecology of the land and its
 2707 wildlife, and the ecology of state waters and their aquatic life
 2708 and will not unduly conflict with the goals established by the
 2709 applicable local comprehensive plans. It is the intent to seek
 2710 courses of action that will fully balance the increasing demands
 2711 for electrical power plant location and operation with the broad
 2712 interests of the public. Such action will be based on these
 2713 premises:

2714 (1) To assure the citizens of Florida that operation
 2715 safeguards are technically sufficient for their welfare and
 2716 protection.

2717 (2) To effect a reasonable balance between the need for
 2718 the facility and the environmental impact resulting from
 2719 construction and operation of the facility, including air and
 2720 water quality, fish and wildlife, and the water resources and
 2721 other natural resources of the state.

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2722 (3) To meet the need for electrical energy as established
2723 pursuant to s. 403.519.

2724 (4) To assure the citizens of Florida that renewable
2725 energy sources and technologies, as well as conservation
2726 measures, are utilized to the extent reasonably available.

2727 Section 49. Subsections (6), (8), (10), (13), (27), and
2728 (29) of section 403.503, Florida Statutes, are amended, new
2729 subsections (3) and (13) are added, and subsequent subsections
2730 are renumbered to read:

2731 403.503 Definitions relating to Florida Electrical Power
2732 Plant Siting Act.--As used in this act:

2733 (3) "Alternate corridor" means an area that is proposed by
2734 the applicant or a third party within which all or part of an
2735 associated electrical transmission line right-of-way is to be
2736 located and that is different from the preferred transmission
2737 line corridor proposed by the applicant. The width of the
2738 alternate corridor proposed for certification for an associated
2739 electrical transmission line may be the width of the proposed
2740 right-of-way or a wider boundary not to exceed a width of 1
2741 mile. The area within the alternate corridor may be further
2742 restricted as a condition of certification. The alternate
2743 corridor may include alternate electrical substation sites if
2744 the applicant has proposed an electrical substation as part of
2745 the portion of the proposed electrical transmission line.

2746 (6) "Associated facilities" means, for the purpose of
2747 certification, those on-site and off-site facilities which
2748 directly support the construction and operation of the

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2749 electrical generating facility ~~power plant~~ such as electrical
2750 transmission lines, substations, fuel unloading facilities;
2751 pipelines necessary for transporting fuel for the operation of
2752 the facility or other fuel transportation facilities; water or
2753 wastewater transport pipelines; construction, maintenance, and
2754 access roads; and railway lines necessary for transport of
2755 construction equipment or fuel for the operation of the
2756 facility.

2757 (8) "Certification" means the written order of the board,
2758 or Secretary when applicable, approving an application for the
2759 licensing of an electrical power plant, in whole or with such
2760 changes or conditions as the board may deem appropriate.

2761 (11) ~~(10)~~ "Corridor" means the proposed area within which
2762 an associated linear facility right-of-way is to be located.
2763 The width of the corridor proposed for certification as an
2764 associated facility, at the option of the applicant, may be the
2765 width of the right-of-way or a wider boundary, not to exceed a
2766 width of 1 mile. The area within the corridor in which a right-
2767 of-way may be located may be further restricted by a condition
2768 of certification. After all property interests required for the
2769 right-of-way have been acquired by the licensee, the boundaries
2770 of the area certified shall narrow to only that land within the
2771 boundaries of the right-of-way. The corridors proper for
2772 certification shall be those addressed in the application, in
2773 amendments to the application filed under s. 403.5064, and in
2774 notices of acceptance of proposed alternate corridors filed by
2775 an applicant and the department pursuant to s. 403.5271 as

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2776 incorporated by reference in s. 403.5064(1)(b) for which the
2777 required information for the preparation of agency supplemental
2778 reports was filed.

2779 (13) "Electrical generating facility" means that portion
2780 of the electrical power plant where fuel or solar energy is
2781 transformed into electrical energy. Typical components include
2782 steam-generation boilers, combustion turbines, heat-recovery
2783 equipment, fluidized bed equipment, solar collectors, steam
2784 turbines, smoke-stacks, cooling towers, air-pollution control
2785 equipment, generators and exciters, containment buildings, and
2786 main plus auxiliary transformers. The term does not include on-
2787 site associated facilities such as cooling ponds, coal piles,
2788 fuel tanks or related support equipment, or off-site associated
2789 facilities.

2790 (14) ~~(13)~~ "Electrical power plant" means, for the purpose
2791 of certification, any steam or solar electrical generating
2792 facility using any process or fuel, including nuclear materials,
2793 except that this term does not include any steam or solar
2794 electrical generating facility of less than 75 megawatts in
2795 capacity unless the applicant for such a facility elects to
2796 apply for certification under this act. This term also includes
2797 the site, all associated facilities that will ~~to~~ be owned by the
2798 applicant that ~~which~~ are physically connected to the ~~electrical~~
2799 power plant site; all associated facilities that ~~or~~ ~~which~~ are
2800 ~~indirectly~~ directly connected to the ~~electrical power plant~~ site
2801 by other proposed associated facilities that will ~~to~~ be owned by
2802 the applicant; and associated transmission lines that will ~~to~~

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2803 be owned by the applicant ~~that~~ which connect the electrical
 2804 generating facility ~~power plant~~ to an existing transmission
 2805 network or rights-of-way ~~to~~ of which the applicant intends to
 2806 connect. At the applicant's option, this term may include any
 2807 offsite associated facilities ~~that~~ which will not be owned by
 2808 the applicant; offsite associated facilities ~~that~~ which are
 2809 owned by the applicant but which are not directly connected to
 2810 the ~~electrical power plant~~ site; any proposed terminal or
 2811 intermediate substations or substation expansions connected to
 2812 the associated transmission line; or new transmission lines,
 2813 upgrades, or improvements of an existing transmission line on
 2814 any portion of the applicant's electrical transmission system
 2815 necessary to support the generation injected into the system
 2816 from the proposed electrical generating facility ~~power plant~~.

2817 (28) ~~(27)~~ "Site" means any proposed location within which
 2818 will be located ~~wherein~~ an electrical power plant's generating
 2819 facility and on-site support facilities ~~plant~~, or an electrical
 2820 power plant alteration or addition of electrical generating
 2821 facilities and on-location support facilities resulting in an
 2822 increase in generating capacity, ~~will be located~~, including
 2823 offshore sites within state jurisdiction.

2824 (30) ~~(29)~~ "Ultimate site capacity" means the maximum gross
 2825 generating capacity for a site as certified by the board, unless
 2826 otherwise specified as net generating capacity.

2827 Section 50. Subsections (2), (3), (4), (5), (9), and (11)
 2828 of section 403.504, Florida Statutes, are amended to read:

2829 403.504 Department of Environmental Protection; powers and

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2830 duties enumerated.—The department shall have the following
2831 powers and duties in relation to this act:

2832 (2) To prescribe the form and content of the public
2833 notices and the notice of intent and the form, content, and
2834 necessary supporting documentation and studies to be prepared by
2835 the applicant for electrical power plant ~~site~~ certification
2836 applications.

2837 (3) To receive applications for electrical power plant
2838 ~~site~~ certifications and to determine the completeness and
2839 sufficiency thereof.

2840 (4) To make, or contract for, studies of electrical power
2841 plant ~~site~~ certification applications.

2842 (5) To administer the processing of applications for
2843 electric power plant ~~site~~ certifications and to ensure that the
2844 applications are processed as expeditiously as possible.

2845 (9) To determine whether an alternate corridor proposed
2846 for consideration under s. 403.5064(4) is acceptable.

2847 (11) To administer and manage the terms and conditions of
2848 the certification order and supporting documents and records for
2849 the life of the electrical power plant facility.

2850 Section 51. Subsection (1) and (3) of section 403.506,
2851 Florida Statutes, is amended to read:

2852 403.506 Applicability, thresholds, and certification.--

2853 (1) The provisions of this act shall apply to any
2854 electrical power plant as defined herein, except that the
2855 provisions of this act shall not apply to any electrical power
2856 plant ~~or steam generating plant~~ of less than 75 megawatts in

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2857 gross capacity including its ~~or to any associated facilities~~
 2858 ~~substation to be constructed as part of an associated~~
 2859 ~~transmission line~~ unless the applicant has elected to apply for
 2860 certification of such electrical power plant ~~or substation~~ under
 2861 this act. The provisions of this act shall not apply to ~~any unit~~
 2862 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
 2863 aggregate, of an existing exothermic reaction cogeneration
 2864 electrical generating facility ~~unit~~ that was exempt from this
 2865 act when it was originally built; however, this exemption shall
 2866 not apply if the unit uses oil or natural gas for purposes other
 2867 than unit startup. No construction of any new electrical power
 2868 plant or expansion in steam generating capacity as measured by
 2869 an increase in the maximum electrical generator rating of any
 2870 existing electrical power plant may be undertaken after October
 2871 1, 1973, without first obtaining certification in the manner as
 2872 herein provided, except that this act shall not apply to any
 2873 such electrical power plant which is presently operating or
 2874 under construction or which has, upon the effective date of
 2875 chapter 73-33, Laws of Florida, applied for a permit or
 2876 certification under requirements in force prior to the effective
 2877 date of such act.

2878 (3) An electric utility may obtain separate licenses,
 2879 permits, and approvals for the construction of facilities
 2880 necessary to construct an electrical power plant without first
 2881 obtaining certification under this act if the utility intends to
 2882 locate, license, and construct a proposed or expanded electrical
 2883 power plant that uses nuclear materials as fuel. Such facilities

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2884 may include, but are not limited to, access and onsite roads,
 2885 rail lines, electrical transmission facilities to support
 2886 construction, and facilities necessary for waterborne delivery
 2887 of construction materials and project components. This exemption
 2888 applies to such facilities regardless of whether the facilities
 2889 are used for operation of the power plant. The applicant shall
 2890 file with the department a statement that declares that the
 2891 construction of such facilities is necessary for the timely
 2892 construction of the proposed electrical power plant and
 2893 identifies those facilities that the applicant intends to seek
 2894 licenses for and construct prior to or separate from
 2895 certification of the project. The facilities may be located
 2896 within or off of the site for the proposed electrical power
 2897 plant. The filing of an application under this act does not
 2898 affect other applications for separate licenses which are
 2899 pending at the time of filing the application. Furthermore, the
 2900 filing of an application does not prevent an electric utility
 2901 from seeking separate licenses for facilities that are necessary
 2902 to construct the electrical power plant. Licenses, permits, or
 2903 approvals issued by any state, regional, or local agency for
 2904 such facilities shall be incorporated by the department into a
 2905 final certification upon completion of construction. Any
 2906 facilities necessary for construction of the electrical power
 2907 plant shall become part of the certified electrical power plant
 2908 upon completion of the electrical power plant's construction.
 2909 The exemption in this subsection does not require or authorize
 2910 agency rulemaking, and any action taken under this subsection is

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2911 not subject to chapter 120. This subsection shall be given
2912 retroactive effect and applies to applications filed after May
2913 1, 2008.

2914 Section 52. Subsections (1) and (4) of section 403.5064,
2915 Florida Statutes, are amended to read:

2916 403.5064 Application; schedules.--

2917 (1) The formal date of filing of a certification
2918 application and commencement of the certification review process
2919 shall be when the applicant submits:

2920 (a) Copies of the certification application in a quantity
2921 and format as prescribed by rule to the department and other
2922 agencies identified in s. 403.507(2)(a).

2923 (b) If the applicant opts to allow consideration of
2924 alternate corridors for any associated transmission line
2925 corridors, the applicant shall file a statement with the
2926 department affirming the exercise of this option. If alternate
2927 corridors are allowed, at the applicant's option, the portion of
2928 the application addressing associated transmission line
2929 corridors shall be processed under the schedule of the Florida
2930 Electric Transmission Line Siting Act, sections 403.521-403.526
2931 and 403.5271, including the opportunity for the filing and
2932 review of alternate corridors, provided that any party proposing
2933 alternate transmission line corridor routes for consideration
2934 must do so no later than 115 days prior to the certification
2935 hearing that is scheduled for the power plant, including any
2936 associated transmission line corridors, in accordance with s.
2937 403.508(2).

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2938 (c) The application fee specified under s. 403.518 to the
2939 department.
2940 (4) Within 7 days after the filing of an application, the
2941 department shall prepare a proposed schedule of dates for
2942 determination of completeness, submission of statements of
2943 issues, submittal of final reports, and other significant dates
2944 to be followed during the certification process, including dates
2945 for filing notices of appearance to be a party pursuant to s.
2946 403.508(3). If the application includes one or more associated
2947 transmission line corridors, at the request of the applicant
2948 filed concurrently with the application, the department shall
2949 incorporate the application processing schedule of the Florida
2950 Electric Transmission Line Siting Act, sections 403.521-403.526
2951 and 403.5271 for the associated transmission line corridors,
2952 including the opportunity for the filing and review of alternate
2953 corridors, providing that any party may propose alternate
2954 transmission line corridor routes for consideration no later
2955 than 115 days prior to the scheduled certification hearing.
2956 Notwithstanding an applicant's option for the transmission line
2957 corridor portion of its application to be processed under this
2958 optional schedule, only one certification hearing will be held
2959 for the entire power plant in accordance with s. 403.508(2).
2960 The proposed ~~This~~ schedule shall be timely provided by the
2961 department to the applicant, the administrative law judge, all
2962 agencies identified pursuant to subsection (2), and all parties.
2963 Within 7 days after the filing of the proposed schedule, the
2964 administrative law judge shall issue an order establishing a

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2965 | schedule for the matters addressed in the department's proposed
2966 | schedule and other appropriate matters, if any.

2967 | Section 53. Subsection (1) of section 403.5065, Florida
2968 | Statutes, is amended to read:

2969 | 403.5065 Appointment of administrative law judge; powers
2970 | and duties.—

2971 | (1) Within 7 days after receipt of an application, the
2972 | department shall request the Division of Administrative Hearings
2973 | to designate an administrative law judge to conduct the hearings
2974 | required by this act. The division director shall designate an
2975 | administrative law judge within 7 days after receipt of the
2976 | request from the department. In designating an administrative
2977 | law judge for this purpose, the division director shall,
2978 | whenever practicable, assign an administrative law judge who has
2979 | had prior experience or training in electrical power plant ~~site~~
2980 | certification proceedings. Upon being advised that an
2981 | administrative law judge has been appointed, the department
2982 | shall immediately file a copy of the application and all
2983 | supporting documents with the designated administrative law
2984 | judge, who shall docket the application.

2985 | Section 54. Subsection (3) of section 403.50663, Florida
2986 | Statutes, is amended to read:

2987 | 403.50663 Informational public meetings.--

2988 | (3) A local government or regional planning council that
2989 | intends to conduct an informational public meeting must provide
2990 | notice of the meeting to all parties not less than 5 days prior
2991 | to the meeting and to the general public, in accordance with the

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2992 provisions of s. 403.5115(5). The expense for such notice is
 2993 eligible for reimbursement under the provisions of s.
 2994 403.518(2)(c)1.

2995 Section 55. Section 403.50665, Florida Statutes, is
 2996 amended to read:

2997 403.50665 Land use consistency.--

2998 (1) The applicant shall include in the application a
 2999 statement on the consistency of the site and ~~or~~ any ~~directly~~
 3000 associated facilities that constitute a "development," as
 3001 defined by s. 380.04, with existing land use plans and zoning
 3002 ordinances that were in effect on the date the application was
 3003 filed and a full description of such consistency. This
 3004 information shall include an identification of those associated
 3005 facilities that the applicant believes are exempt from the
 3006 requirements of land use plans and zoning ordinances under the
 3007 provisions of the Local Government Comprehensive Planning and
 3008 Land Development Regulation Act provisions of Chapter 163 and s.
 3009 380.04(3).

3010 (2)(a) Within 45 days after the filing of the application,
 3011 each local government shall file a determination with the
 3012 department, the applicant, the administrative law judge, and all
 3013 parties on the consistency of the site, and ~~or~~ any ~~directly~~
 3014 associated facilities that are not exempt from the requirements
 3015 of land use plans and zoning ordinances under the provisions of
 3016 Chapter 163 and s. 380.04(3), with existing land use plans and
 3017 zoning ordinances that were in effect on the date the
 3018 application was filed, based on the information provided in the

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3019 application. However, this requirement does not apply to any
 3020 new electrical generation unit proposed to be constructed and
 3021 operated:

3022 1. On the site of a previously certified electrical power
 3023 plant; or

3024 2. On the site of a power plant that was not previously
 3025 certified that will be wholly contained within the boundaries of
 3026 the existing site.

3027 (b) The local government may issue its determination up to
 3028 55 35 days later if the application has been determined
 3029 incomplete based in whole or part upon a local government
 3030 request for ~~has requested~~ additional information on land use and
 3031 zoning consistency as part of the local government's statement
 3032 on completeness of the application submitted pursuant to s.
 3033 403.5066(1)(a). Incompleteness of information necessary for a
 3034 local government to evaluate an application may be claimed by
 3035 the local government as cause for a statement of inconsistency
 3036 with existing land use plans and zoning ordinances.

3037 (c) Notice of the consistency determination shall be
 3038 published in accordance with the requirements of s. 403.5115.

3039 (3) If the local government issues a determination that
 3040 the proposed site and any non-exempt associated facilities are
 3041 ~~electrical power plant is~~ not consistent or in compliance with
 3042 local land use plans and zoning ordinances, the applicant may
 3043 apply to the local government for the necessary local approval
 3044 to address the inconsistencies identified in the local
 3045 government's determination.

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3046 (a) If the applicant makes such an application to the
3047 local government, the time schedules under this act shall be
3048 tolled until the local government issues its revised
3049 determination on land use and zoning or the applicant otherwise
3050 withdraws its application to the local government.

3051 (b) If the applicant applies to the local government for
3052 necessary local land use or zoning approval, the local
3053 government shall commence a proceeding to consider the
3054 application for land use or zoning approval within 45 days of
3055 receipt of the complete request, and shall issue a revised
3056 determination within 30 days following the conclusion of that
3057 local proceeding. ~~and~~ The time schedules and notice
3058 requirements under this act shall apply to such revised
3059 determination.

3060 (4) If any substantially affected person wishes to dispute
3061 the local government's determination, he or she shall file a
3062 petition with the designated administrative law judge ~~department~~
3063 within 21 days after the publication of notice of the local
3064 government's determination. If a hearing is requested, the
3065 provisions of s. 403.508(1) shall apply.

3066 (5) The dates in this section may be altered upon
3067 agreement between the applicant, the local government, and the
3068 department pursuant to s. 403.5095.

3069 (6) If it is determined by the local government that the
3070 proposed site or non-exempt ~~directly~~ associated facility does
3071 conform with existing land use plans and zoning ordinances in
3072 effect as of the date of the application and no petition has

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3073 been filed, the responsible zoning or planning authority shall
3074 not thereafter change such land use plans or zoning ordinances
3075 so as to foreclose construction and operation of the proposed
3076 site or ~~directly~~ associated facilities unless certification is
3077 subsequently denied or withdrawn.

3078 (7) The issue of land use and zoning consistency for any
3079 proposed alternate intermediate electrical substation which is
3080 proposed as part of an alternate electrical transmission line
3081 corridor which is accepted by the applicant and the department
3082 under s. 403.5271(1)(b) shall be addressed in the supplementary
3083 report prepared by the local government on the proposed
3084 alternate corridor and shall be considered as an issue at any
3085 final certification hearing. If such a proposed intermediate
3086 electrical substation is determined to not be consistent with
3087 local land use plans and zoning ordinances, then that alternate
3088 electrical substation shall not be certified.

3089 Section 56. Paragraph (a) of subsection (2) of section
3090 403.507, Florida Statutes, is amended to read:

3091 403.507 Preliminary statements of issues, reports,
3092 project analyses, and studies.--

3093 (2)(a) ~~The No later than 100 days after the certification~~
3094 ~~application has been determined complete, the following agencies~~
3095 shall prepare reports as provided below and shall submit them to
3096 the department and the applicant no later than 100 days after
3097 the certification application has been determined complete,
3098 unless a final order denying the Determination of Need has been
3099 issued under the provisions of s. 403.519:

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3100 Section 57. Subsection (1) and paragraph (a) of subsection
3101 (2) of section 403.508, Florida Statutes, are amended to read:
3102 403.508 Land use and certification hearings, parties,
3103 participants.--

3104 (1) (a) Within 5 days after the filing of ~~If~~ a petition for
3105 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
3106 the designated administrative law judge shall schedule ~~conduct~~ a
3107 land use hearing to be conducted in the county of the proposed
3108 site, ~~or directly~~ associated facility that is not exempt from
3109 the requirements of land use plans and zoning ordinances under
3110 the provisions of Chapter 163 and s. 380.04(3), as applicable,
3111 as expeditiously as possible, but not later than 30 days after
3112 the designated administrative law judge's ~~department's~~ receipt
3113 of the petition. The place of such hearing shall be as close as
3114 possible to the proposed site or ~~directly~~ associated facility.
3115 If a petition is filed, the hearing shall be held regardless of
3116 the status of the completeness of the application. ~~However,~~
3117 ~~incompleteness of information necessary for a local government~~
3118 ~~to evaluate an application may be claimed by the local~~
3119 ~~government as cause for a statement of inconsistency with~~
3120 ~~existing land use plans and zoning ordinances under s.~~
3121 ~~403.50665.~~

3122 (b) Notice of the land use hearing shall be published in
3123 accordance with the requirements of s. 403.5115.

3124 (c) The sole issue for determination at the land use
3125 hearing shall be whether or not the proposed site or non-exempt
3126 associated facility is consistent and in compliance with

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3127 existing land use plans and zoning ordinances. If the
 3128 administrative law judge concludes that the proposed site or
 3129 non-exempt associated facility is not consistent or in
 3130 compliance with existing land use plans and zoning ordinances,
 3131 the administrative law judge shall receive at the hearing
 3132 evidence on, and address in the recommended order any changes to
 3133 or approvals or variances under, the applicable land use plans
 3134 or zoning ordinances which will render the proposed site or non-
 3135 exempt associated facility consistent and in compliance with the
 3136 local land use plans and zoning ordinances.

3137 (d) The designated administrative law judge's recommended
 3138 order shall be issued within 30 days after completion of the
 3139 hearing and shall be reviewed by the board within 60 days after
 3140 receipt of the recommended order by the board.

3141 (e) If it is determined by the board that the proposed
 3142 site or non-exempt associate facility does conform with existing
 3143 land use plans and zoning ordinances in effect as of the date of
 3144 the application, or as otherwise provided by this act, the
 3145 responsible zoning or planning authority shall not thereafter
 3146 change such land use plans or zoning ordinances so as to
 3147 foreclose construction and operation of the proposed electrical
 3148 power plant on the proposed site or ~~directly~~ associated
 3149 facilities unless certification is subsequently denied or
 3150 withdrawn.

3151 (f) If it is determined by the board that the proposed
 3152 site or non-exempt associated facility does not conform with
 3153 existing land use plans and zoning ordinances, the board may, if

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3154 it determines after notice and hearing and upon consideration of
 3155 the recommended order on land use and zoning issues that it is
 3156 in the public interest to authorize the use of the land ~~as a~~
 3157 site for a site or associated facility ~~an electrical power~~
 3158 ~~plant~~, authorize a variance or other necessary approval to the
 3159 adopted land use plan and zoning ordinances required to render
 3160 the proposed site or associated facility consistent with local
 3161 land use plans and zoning ordinances. The board's action shall
 3162 not be controlled by any other procedural requirements of law.
 3163 In the event a variance or other approval is denied by the
 3164 board, it shall be the responsibility of the applicant to make
 3165 the necessary application for any approvals determined by the
 3166 board as required to make the proposed site or associated
 3167 facility consistent and in compliance with local land use plans
 3168 and zoning ordinances. No further action may be taken on the
 3169 complete application until the proposed site or associated
 3170 facility conforms to the adopted land use plan or zoning
 3171 ordinances or the board grants relief as provided under this
 3172 act.

3173 (2) (a) A certification hearing shall be held by the
 3174 designated administrative law judge no later than 265 days after
 3175 the application is filed with the department. The certification
 3176 hearing shall be held at a location in proximity to the proposed
 3177 site. ~~At the conclusion of the certification hearing, the~~
 3178 ~~designated administrative law judge shall, after consideration~~
 3179 ~~of all evidence of record, submit to the board a recommended~~

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3180 ~~order no later than 45 days after the filing of the hearing~~
3181 ~~transcript.~~

3182 Section 58. Subsections (3), (4), and (5) of section
3183 403.509, Florida Statutes, are amended and a new subsection (4)
3184 is added to said section to read:

3185 403.509 Final disposition of application.--

3186 (3) In determining whether an application should be
3187 approved in whole, approved with modifications or conditions, or
3188 denied, the board, or secretary when applicable, shall consider
3189 whether, and the extent to which, the location, construction and
3190 operation of the electrical power plant ~~and directly associated~~
3191 ~~facilities and their construction and operation~~ will:

3192 (a) Provide reasonable assurance that operational
3193 safeguards are technically sufficient for the public welfare and
3194 protection.

3195 (b) Comply with applicable nonprocedural requirements of
3196 agencies.

3197 (c) Be consistent with applicable local government
3198 comprehensive plans and land development regulations.

3199 (d) Meet the electrical energy needs of the state in an
3200 orderly, reliable, and timely fashion.

3201 (e) Effect a reasonable balance between the need for the
3202 facility as established pursuant to s. 403.519 and the impacts
3203 upon air and water quality, fish and wildlife, water resources,
3204 and other natural resources of the state resulting from the
3205 construction and operation of the facility.

3206 (f) Minimize, through the use of reasonable and available

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3207 methods, the adverse effects on human health, the environment,
3208 and the ecology of the land and its wildlife and the ecology of
3209 state waters and their aquatic life.

3210 (g) Serve and protect the broad interests of the public.

3211 (4) (a) Any transmission line corridor certified by the
3212 board, or secretary if applicable, shall meet the criteria of
3213 this section. When more than one transmission line corridor is
3214 proper for certification under s. 403.503(10) and meets the
3215 criteria of this section, the board, or secretary if applicable,
3216 shall certify the transmission line corridor that has the least
3217 adverse impact regarding the criteria in subsection (3),
3218 including costs.

3219 (b) If the board, or secretary if applicable, finds that
3220 an alternate corridor rejected pursuant to s. 403.5271 as
3221 incorporated by reference in s. 403.5064(1) (b) meets the
3222 criteria of subsection (3) and has the least adverse impact
3223 regarding the criteria in subsection (3), the board, or
3224 secretary if applicable, shall deny certification or shall allow
3225 the applicant to submit an amended application to include the
3226 corridor.

3227 (c) If the board, or secretary if applicable, finds that
3228 two or more of the corridors that comply with subsection (3)
3229 have the least adverse impacts regarding the criteria in
3230 subsection (3), including costs, and that the corridors are
3231 substantially equal in adverse impacts regarding the criteria in
3232 subsection (3), including costs, the board, or secretary if
3233 applicable, shall certify the corridor preferred by the

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3234 applicant if the corridor is one proper for certification under
3235 s. 403.503(10).

3236 (5) ~~(4)~~ The department's action on a federally required
3237 new source review or prevention of significant deterioration
3238 permit shall differ from the actions taken by the siting board
3239 regarding the certification if the federally approved state
3240 implementation plan requires such a different action to be taken
3241 by the department. Nothing in this part shall be construed to
3242 displace the department's authority as the final permitting
3243 entity under the federally approved permit program. Nothing in
3244 this part shall be construed to authorize the issuance of a new
3245 source review or prevention of significant deterioration permit
3246 which does not conform to the requirements of the federally
3247 approved state implementation plan.

3248 (6) ~~(5)~~ For certifications issued by the board in regard
3249 to the properties and works of any agency which is a party to
3250 the certification hearing, the board shall have the authority to
3251 decide issues relating to the use, the connection thereto, or
3252 the crossing thereof, for the electrical power plant ~~and~~
3253 ~~directly associated facilities~~ and to direct any such agency to
3254 execute, within 30 days after the entry of certification, the
3255 necessary license or easement for such use, connection, or
3256 crossing, subject only to the conditions set forth in such
3257 certification. For certifications issued by the department in
3258 regard to the properties and works of any agency which is a
3259 party to the proceeding, any stipulation filed pursuant to s.
3260 403.508(6)(a) must include a stipulation regarding any issues

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3261 relating to the use, the connection thereto, or the crossing
 3262 thereof, for the electrical power plant. Any agency stipulating
 3263 to the use, connection to, or crossing of its property must
 3264 agree to execute, within 30 days after the entry of
 3265 certification, the necessary license or easement for such use,
 3266 connection, or crossing, subject only to the conditions set
 3267 forth in such certification.

3268 Section 59. Subsections (1) and (6) of section 403.511,
 3269 Florida Statutes, are amended to read:

3270 403.511 Effect of certification.--

3271 (1) Subject to the conditions set forth therein, any
 3272 certification shall constitute the sole license of the state and
 3273 any agency as to the approval of the location of the site and
 3274 any associated facility and the construction and operation of
 3275 the proposed electrical power plant, except for the issuance of
 3276 department licenses required under any federally delegated or
 3277 approved permit program and except as otherwise provided in
 3278 subsection (4).

3279 (6) No term or condition of an electrical power plant a
 3280 ~~site~~ certification shall be interpreted to supersede or control
 3281 the provisions of a final operation permit for a major source of
 3282 air pollution issued by the department pursuant to s. 403.0872
 3283 to a facility certified under this part.

3284 Section 60. Subsection (1) of section 403.5112, Florida
 3285 Statutes, is amended to read:

3286 403.5112 Filing of notice of certified corridor route.--

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3287 (1) Within 60 days after certification of an ~~a~~ directly
 3288 associated linear facility pursuant to this act, the applicant
 3289 shall file, in accordance with s. 28.222, with the department
 3290 and the clerk of the circuit court for each county through which
 3291 the corridor will pass, a notice of the certified route.

3292 Section 61. Subsections (1) and (4) of section 403.5113,
 3293 Florida Statutes, are amended to read:

3294 403.5113 Postcertification amendments and review.--

3295 (1) POSTCERTIFICATION AMENDMENTS.--

3296 (a) If, subsequent to certification by the board, a
 3297 licensee proposes any material change to the application and
 3298 revisions or amendments thereto, as certified, the licensee
 3299 shall submit a written request for amendment and a description
 3300 of the proposed change to the application to the department.
 3301 Within 30 days after the receipt of the request for the
 3302 amendment, the department shall determine whether the proposed
 3303 change to the application requires a modification of the
 3304 conditions of certification.

3305 (b) ~~(2)~~ If the department concludes that the change would
 3306 not require a modification of the conditions of certification,
 3307 the department shall provide written notification of the
 3308 approval of the proposed amendment to the licensee, all
 3309 agencies, and all other parties.

3310 (c) ~~(3)~~ If the department concludes that the change would
 3311 require a modification of the conditions of certification, the
 3312 department shall provide written notification to the licensee
 3313 that the proposed change to the application requires a request

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3314 for modification pursuant to s. 403.516.

3315 (2) ~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
3316 submittals filed by the licensee with one or more agencies are
3317 for the purpose of monitoring for compliance with the issued
3318 certification and must be reviewed by the agencies on an
3319 expedited and priority basis because each facility certified
3320 under this act is a critical infrastructure facility. In no
3321 event shall a postcertification review be completed in more than
3322 90 days after complete information is submitted to the reviewing
3323 agencies.

3324 Section 62. Section 403.5115, Florida Statutes, is amended
3325 to read:

3326 403.5115 Public notice.--

3327 (1) The following notices are to be published by the
3328 applicant for all applications:

3329 (a) Notice of the filing of a notice of intent under s.
3330 403.5063, which shall be published within 21 days after the
3331 filing of the notice. The notice shall be published as specified
3332 by subsection (2), except that the newspaper notice shall be
3333 one-fourth page in size in a standard size newspaper or one-half
3334 page in size in a tabloid size newspaper.

3335 (b) Notice of filing of the application, which shall
3336 include a description of the proceedings required by this act,
3337 within 21 days after the date of the application filing. Such
3338 notice shall give notice of the provisions of s. 403.511(1) and
3339 (2).

3340 (c) If applicable, notice of the land use determination

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3341 made pursuant to s. 403.50665(2) ~~(1)~~ within 21 days after the
3342 deadline for the filing of the determination is filed.

3343 (d) If applicable, notice of the land use hearing, which
3344 shall be published as specified in subsection (2), no later than
3345 15 days before the hearing.

3346 (e) Notice of the certification hearing and notice of the
3347 deadline for filing notice of intent to be a party, which shall
3348 be published as specified in subsection (2), at least 65 days
3349 before the date set for the certification hearing.

3350 (f) Notice of the cancellation of the certification
3351 hearing, if applicable, no later than 3 days before the date of
3352 the originally scheduled certification hearing. The newspaper
3353 notice shall be one-fourth page in size in a standard size
3354 newspaper or one-half page in size in a tabloid size newspaper.

3355 (g) Notice of modification when required by the
3356 department, based on whether the requested modification of
3357 certification will significantly increase impacts to the
3358 environment or the public. Such notice shall be published as
3359 specified under subsection (2):

3360 1. Within 21 days after receipt of a request for
3361 modification. The newspaper notice shall be of a size as
3362 directed by the department commensurate with the scope of the
3363 modification.

3364 2. If a hearing is to be conducted in response to the
3365 request for modification, then notice shall be published no
3366 later than 30 days before the hearing.

3367 ~~(h) Notice of a supplemental application, which shall be~~

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3368 ~~published as specified in paragraph (b) and subsection (2).~~

3369 ~~(i) Notice of existing site certification pursuant to s.~~
 3370 ~~403.5175. Notices shall be published as specified in paragraph~~
 3371 ~~(b) and subsection (2).~~

3372 (2) Notices provided by the applicant shall be published
 3373 in newspapers of general circulation within the county or
 3374 counties in which the proposed electrical power plant will be
 3375 located. The newspaper notices, unless otherwise specified,
 3376 shall be at least one-half page in size in a standard size
 3377 newspaper or a full page in a tabloid size newspaper. These
 3378 notices shall include a map generally depicting the project and
 3379 all associated facilities corridors. A newspaper of general
 3380 circulation shall be the newspaper which has the largest daily
 3381 circulation in that county and has its principal office in that
 3382 county. If the newspaper with the largest daily circulation has
 3383 its principal office outside the county, the notices shall
 3384 appear in both the newspaper having the largest circulation in
 3385 that county and in a newspaper authorized to publish legal
 3386 notices in that county.

3387 (3) All notices published by the applicant shall be paid
 3388 for by the applicant and shall be in addition to the application
 3389 fee.

3390 (4) The department shall arrange for publication of the
 3391 following notices in the manner specified by chapter 120 and
 3392 provide copies of those notices to any persons who have
 3393 requested to be placed on the departmental mailing list for this
 3394 purpose for each case for which an application has been received

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3395 by the department:

3396 (a) Notice of the filing of the notice of intent within 15
3397 days after receipt of the notice.

3398 (b) Notice of the filing of the application, no later than
3399 21 days after the application filing.

3400 (c) Notice of the land use determination made pursuant to
3401 s. 403.50665(2) ~~(1)~~ within 21 days after the deadline for the
3402 filing of the determination is filed.

3403 (d) Notice of the land use hearing before the
3404 administrative law judge, if applicable, no later than 15 days
3405 before the hearing.

3406 (e) Notice of the land use hearing before the board, if
3407 applicable.

3408 (f) Notice of the certification hearing at least 45 days
3409 before the date set for the certification hearing.

3410 (g) Notice of the cancellation of the certification
3411 hearing, if applicable, no later than 3 days prior to the date
3412 of the originally scheduled certification hearing.

3413 (h) Notice of the hearing before the board, if applicable.

3414 (i) Notice of stipulations, proposed agency action, or
3415 petitions for modification.

3416 (5) A local government or regional planning council that
3417 proposes to conduct an informational public meeting pursuant to
3418 s. 403.50663 must publish notice of the meeting in a newspaper
3419 of general circulation within the county or counties in which
3420 the proposed electrical power plant will be located no later
3421 than 7 days prior to the meeting. A newspaper of general

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3422 circulation shall be the newspaper which has the largest daily
3423 circulation in that county and has its principal office in that
3424 county. If the newspaper with the largest daily circulation has
3425 its principal office outside the county, the notices shall
3426 appear in both the newspaper having the largest circulation in
3427 that county and in a newspaper authorized to publish legal
3428 notices in that county.

3429 (6) A proponent of an alternate corridor shall publish
3430 public notices concerning the filing of a proposal for an
3431 alternate corridor; the route of the alternate corridor; the
3432 revised time schedules, if any; the filing deadline for a
3433 petition to become a party; and the date of the rescheduled
3434 certification hearing, if necessary. For purposes of this
3435 subsection, all notices must be published in a newspaper or
3436 newspapers of general circulation within the county or counties
3437 affected by the proposed alternate corridor and must comply with
3438 the requirements provided in subsection (2). The notices must be
3439 published at least 45 days before the date of the rescheduled
3440 certification hearing.

3441 Section 63. Subparagraph 1. of paragraph (b) of subsection
3442 (1) of section 403.516, Florida Statutes, is amended to read:

3443 403.516 Modification of certification.--

3444 (1) A certification may be modified after issuance in any
3445 one of the following ways:

3446 (b)1. The department may modify specific conditions of a
3447 ~~site~~ certification which are inconsistent with the terms of any

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3448 federally delegated or approved permit for the certified
3449 electrical power plant.

3450 Section 64. Paragraphs (a) and (c) of subsection (1) of
3451 section 403.517, Florida Statutes, are amended to read:

3452 403.517 Supplemental applications for sites certified for
3453 ultimate site capacity.--

3454 (1)(a) Supplemental applications may be submitted for
3455 certification of the construction and operation of electrical
3456 power plants to be located at sites which have been previously
3457 certified for an ultimate site capacity pursuant to this act.
3458 Supplemental applications shall be limited to electrical power
3459 plants using the fuel type previously certified for that site.
3460 Such applications shall include all new ~~directly~~ associated
3461 facilities that support the construction and operation of the
3462 electrical power plant.

3463 (c) The time limits for the processing of a complete
3464 supplemental application shall be designated by the department
3465 commensurate with the scope of the supplemental application, but
3466 shall not exceed any time limitation governing the review of
3467 initial applications for ~~site~~ certification pursuant to this
3468 act, it being the legislative intent to provide shorter time
3469 limitations for the processing of supplemental applications for
3470 electrical power plants to be constructed and operated at sites
3471 which have been previously certified for an ultimate site
3472 capacity.

3473 Section 65. Subsections (1) and (3), and paragraphs (a),
3474 (b), and (c) of subsection (2) of section 403.5175, Florida

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3475 Statutes, are amended to read:

3476 403.5175 Existing electrical power plant site
3477 certification.--

3478 (1) An electric utility that owns or operates an existing
3479 electrical power plant as defined in s. 403.503(14) ~~s.~~
3480 ~~403.503(13)~~ may apply for certification of an existing power
3481 plant and its site in order to obtain all agency licenses
3482 necessary to ensure compliance with federal or state
3483 environmental laws and regulation using the centrally
3484 coordinated, one-stop licensing process established by this
3485 part. An application for ~~site~~-certification under this section
3486 must be in the form prescribed by department rule. Applications
3487 must be reviewed and processed using the same procedural steps
3488 and notices as for an application for a new facility, except
3489 that a determination of need by the Public Service Commission is
3490 not required.

3491 (2) An application for certification under this section
3492 must include:

3493 (a) A description of the site and existing power plant
3494 installations, and associated facilities;

3495 (b) A description of all proposed changes or alterations
3496 to the site and ~~or electrical power plant, including~~ all new
3497 associated facilities that are the subject of the application;

3498 (c) A description of the environmental and other impacts
3499 caused by the existing utilization of the site and ~~directly~~
3500 associated facilities, and the operation of the electrical power
3501 plant that is the subject of the application, and of the

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3502 environmental and other benefits, if any, to be realized as a
3503 result of the proposed changes or alterations if certification
3504 is approved and such other information as is necessary for the
3505 reviewing agencies to evaluate the proposed changes and the
3506 expected impacts;

3507 (3) The land use and zoning determination requirements of
3508 s. 403.50665 do not apply to an application under this section
3509 if the applicant does not propose to expand the boundaries of
3510 the existing site or to add additional offsite associated
3511 facilities that are not exempt from the provisions of s.
3512 403.50665. If the applicant proposes to expand the boundaries of
3513 the existing site or to add additional offsite facilities that
3514 are not exempt from the provisions of s. 403.50665 to
3515 accommodate portions of the electrical generation facility plant
3516 or associated facilities, a land use and zoning determination
3517 shall be made as specified in s. 403.50665; provided, however,
3518 that the sole issue for determination is whether the proposed
3519 site expansion or additional non-exempt associated facilities
3520 are ~~is~~ consistent and in compliance with the existing land use
3521 plans and zoning ordinances.

3522 Section 66. Section 403.518, Florida Statutes, is amended
3523 to read:

3524 403.518 Fees; disposition.--The department shall charge
3525 the applicant the following fees, as appropriate, which, unless
3526 otherwise specified, shall be paid into the Florida Permit Fee
3527 Trust Fund:

3528 (1) A fee for a notice of intent pursuant to s. 403.5063,

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3529 in the amount of \$2,500, to be submitted to the department at
3530 the time of filing of a notice of intent. The notice-of-intent
3531 fee shall be used and disbursed in the same manner as the
3532 application fee.

3533 (2) An application fee, which shall not exceed \$200,000.
3534 The fee shall be fixed by rule on a sliding scale related to the
3535 size, type, ultimate site capacity, or increase in electrical
3536 generating capacity proposed by the application.

3537 (a) Sixty percent of the fee shall go to the department to
3538 cover any costs associated with coordinating the review and
3539 acting upon the application, to cover any field services
3540 associated with monitoring construction and operation of the
3541 facility, and to cover the costs of the public notices published
3542 by the department.

3543 (b) The following percentages shall be transferred to the
3544 Operating Trust Fund of the Division of Administrative Hearings
3545 of the Department of Management Services:

3546 1. Five percent to compensate expenses from the initial
3547 exercise of duties associated with the filing of an application.

3548 2. An additional 5 percent if a land use hearing is held
3549 pursuant to s. 403.508.

3550 3. An additional 10 percent if a certification hearing is
3551 held pursuant to s. 403.508.

3552 (c)1. Upon written request with proper itemized accounting
3553 within 90 days after final agency action by the board or
3554 department, or withdrawal of the application, the agencies that
3555 prepared reports pursuant to s. 403.507 or participated in a

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3556 hearing pursuant to s. 403.508 may submit a written request to
 3557 the department for reimbursement of expenses incurred during the
 3558 certification proceedings. The request shall contain an
 3559 accounting of expenses incurred which may include time spent
 3560 reviewing the application, preparation of any studies required
 3561 of the agencies by this act, agency travel and per diem to
 3562 attend any hearing held pursuant to this act, and for any agency
 3563 ~~or~~ local government's or regional planning council's provision
 3564 of notice of public meetings ~~or hearings~~ required as a result of
 3565 the application for certification. The department shall review
 3566 the request and verify that the expenses are valid. Valid
 3567 expenses shall be reimbursed; however, in the event the amount
 3568 of funds available for reimbursement is insufficient to provide
 3569 for full compensation to the agencies requesting reimbursement,
 3570 reimbursement shall be on a prorated basis.

3571 2. If the application review is held in abeyance for more
 3572 than 1 year, the agencies may submit a request for
 3573 reimbursement. This time period shall be measured from the date
 3574 the applicant has provided written notification to the
 3575 department that it desires to have application review process
 3576 placed on hold. The fee disbursement shall be processed in
 3577 accordance with subparagraph 1.

3578 (d) If any sums are remaining, the department shall retain
 3579 them for its use in the same manner as is otherwise authorized
 3580 by this act; provided, however, that if the certification
 3581 application is withdrawn, the remaining sums shall be refunded
 3582 to the applicant within 90 days after the submittal of the

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3583 written notification of withdrawal.

3584 (3) (a) A certification modification fee, which shall not
3585 exceed \$30,000. The department shall establish rules for
3586 determining such a fee based on the number of agencies involved
3587 in the review, equipment redesign, change in site size, type,
3588 increase in generating capacity proposed, or change in an
3589 associated ~~linear~~ facility location.

3590 (b) The fee shall be submitted to the department with a
3591 petition for modification pursuant to s. 403.516. This fee shall
3592 be established, disbursed, and processed in the same manner as
3593 the application fee in subsection (2), except that the Division
3594 of Administrative Hearings shall not receive a portion of the
3595 fee unless the petition for certification modification is
3596 referred to the Division of Administrative Hearings for hearing.
3597 If the petition is so referred, only \$10,000 of the fee shall be
3598 transferred to the Operating Trust Fund of the Division of
3599 Administrative Hearings of the Department of Management
3600 Services.

3601 (4) A supplemental application fee, not to exceed \$75,000,
3602 to cover all reasonable expenses and costs of the review,
3603 processing, and proceedings of a supplemental application. This
3604 fee shall be established, disbursed, and processed in the same
3605 manner as the certification application fee in subsection (2).

3606 (5) An existing ~~site~~ certification application fee, not to
3607 exceed \$200,000, to cover all reasonable costs and expenses of
3608 the review processing and proceedings for certification of an
3609 existing power plant site under s. 403.5175. This fee must be

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3610 established, disbursed, and processed in the same manner as the
3611 certification application fee in subsection (2).

3612 (6) (a) An application fee for an alternate corridor filed
3613 pursuant to s. 403.5064(4). The application fee shall be \$750
3614 per mile for each mile of the alternate corridor located within
3615 an existing electric transmission line right-of-way or within an
3616 existing right-of-way for a road, highway, railroad, or other
3617 aboveground linear facility, or \$1,000 per mile for each mile of
3618 an electric transmission line corridor proposed to be located
3619 outside the existing right-of-way.

3620 Section 67. Subsection (4) of section 403.519, Florida
3621 Statutes, is amended to read:

3622 403.519 Exclusive forum for determination of need.--

3623 (4) In making its determination on a proposed electrical
3624 power plant using nuclear materials or synthesis gas produced by
3625 integrated gasification combined cycle power plant as fuel, the
3626 commission shall hold a hearing within 90 days after the filing
3627 of the petition to determine need and shall issue an order
3628 granting or denying the petition within 135 days after the date
3629 of the filing of the petition. The commission shall be the sole
3630 forum for the determination of this matter and the issues
3631 addressed in the petition, which accordingly shall not be
3632 reviewed in any other forum, or in the review of proceedings in
3633 such other forum. In making its determination to either grant or
3634 deny the petition, the commission shall consider the need for
3635 electric system reliability and integrity, including fuel
3636 diversity, the need for base-load generating capacity, the need

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3637 for adequate electricity at a reasonable cost, and whether
3638 renewable energy sources and technologies, as well as
3639 conservation measures, are utilized to the extent reasonably
3640 available.

3641 (a) The applicant's petition shall include:

3642 1. A description of the need for the generation capacity.

3643 2. A description of how the proposed nuclear or integrated
3644 gasification combined cycle power plant will enhance the
3645 reliability of electric power production within the state by
3646 improving the balance of power plant fuel diversity and reducing
3647 Florida's dependence on fuel oil and natural gas.

3648 3. A description of and a nonbinding estimate of the cost
3649 of the nuclear or integrated gasification combined cycle power
3650 plant, including any costs associated with new, enlarged, or
3651 relocated electrical transmission lines or facilities of any
3652 size that are necessary to serve the nuclear power plant.

3653 4. The annualized base revenue requirement for the first
3654 12 months of operation of the nuclear or integrated gasification
3655 combined cycle power plant.

3656 5. Information on whether there were any discussions with
3657 any electric utilities regarding ownership of a portion of the
3658 nuclear or integrated gasification combined cycle power plant by
3659 such electric utilities.

3660 (b) In making its determination, the commission shall take
3661 into account matters within its jurisdiction, which it deems
3662 relevant, including whether the nuclear or integrated
3663 gasification combined cycle power plant will:

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- 3664 1. Provide needed base-load capacity.
- 3665 2. Enhance the reliability of electric power production
3666 within the state by improving the balance of power plant fuel
3667 diversity and reducing Florida's dependence on fuel oil and
3668 natural gas.
- 3669 3. Provide the most cost-effective source of power, taking
3670 into account the need to improve the balance of fuel diversity,
3671 reduce Florida's dependence on fuel oil and natural gas, reduce
3672 air emission compliance costs, and contribute to the long-term
3673 stability and reliability of the electric grid.
- 3674 (c) No provision of rule 25-22.082, Florida Administrative
3675 Code, shall be applicable to a nuclear or integrated
3676 gasification combined cycle power plant sited under this act,
3677 including provisions for cost recovery, and an applicant shall
3678 not otherwise be required to secure competitive proposals for
3679 power supply prior to making application under this act or
3680 receiving a determination of need from the commission.
- 3681 (d) The commission's determination of need for a nuclear
3682 or integrated gasification combined cycle power plant shall
3683 create a presumption of public need and necessity and shall
3684 serve as the commission's report required by s. 403.507(4)(a).
3685 An order entered pursuant to this section constitutes final
3686 agency action. Any petition for reconsideration of a final order
3687 on a petition for need determination shall be filed within 5
3688 days after the date of such order. The commission's final order,
3689 including any order on reconsideration, shall be reviewable on
3690 appeal in the Florida Supreme Court. Inasmuch as delay in the

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3691 determination of need will delay siting of a nuclear or
 3692 integrated gasification combined cycle power plant or diminish
 3693 the opportunity for savings to customers under the federal
 3694 Energy Policy Act of 2005, the Supreme Court shall proceed to
 3695 hear and determine the action as expeditiously as practicable
 3696 and give the action precedence over matters not accorded similar
 3697 precedence by law.

3698 (e) After a petition for determination of need for a
 3699 nuclear or integrated gasification combined cycle power plant
 3700 has been granted, the right of a utility to recover any costs
 3701 incurred prior to commercial operation, including, but not
 3702 limited to, costs associated with the siting, design, licensing,
 3703 or construction of the plant and new, expanded, or relocated
 3704 electrical transmission lines or facilities of any size that are
 3705 necessary to serve the nuclear power plant, shall not be subject
 3706 to challenge unless and only to the extent the commission finds,
 3707 based on a preponderance of the evidence adduced at a hearing
 3708 before the commission under s. 120.57, that certain costs were
 3709 imprudently incurred. Proceeding with the construction of the
 3710 nuclear or integrated gasification combined cycle power plant
 3711 following an order by the commission approving the need for the
 3712 nuclear or integrated gasification combined cycle power plant
 3713 under this act shall not constitute or be evidence of
 3714 imprudence. Imprudence shall not include any cost increases due
 3715 to events beyond the utility's control. Further, a utility's
 3716 right to recover costs associated with a nuclear or integrated
 3717 gasification combined cycle power plant may not be raised in any

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3718 other forum or in the review of proceedings in such other forum.
3719 Costs incurred prior to commercial operation shall be recovered
3720 pursuant to chapter 366.

3721 Section 68. Subsection (1) of section 403.5252, Florida
3722 Statutes, is amended to read:

3723 403.5252 Determination of completeness.--

3724 (1) (a) Within 30 days after the filing ~~distribution~~ of an
3725 application, the affected agencies shall file a statement with
3726 the department containing the recommendations of each agency
3727 concerning the completeness of the application for
3728 certification.

3729 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
3730 application ~~completeness statements of each agency~~, the
3731 department shall file a statement with the Division of
3732 Administrative Hearings, with the applicant, and with all
3733 parties declaring its position with regard to the completeness
3734 of the application. The statement of the department shall be
3735 based upon its consultation with the affected agencies.

3736 Section 69. Subsection (1) and paragraph (a) of subsection
3737 (2) of section 403.526, Florida Statutes, are amended to read:

3738 403.526 Preliminary statements of issues, reports, and
3739 project analyses; studies.--

3740 (1) Each affected agency that is required to file a report
3741 in accordance with this section shall submit a preliminary
3742 statement of issues to the department and all parties no later
3743 than the submittal of each agency's recommendation that the
3744 application is complete ~~50 days after the filing of the~~

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3745 ~~application. Such statements of issues shall be made available~~
 3746 ~~to each local government for use as information for public~~
 3747 ~~meetings held under s. 403.5272. The failure to raise an issue~~
 3748 ~~in this preliminary statement of issues does not preclude the~~
 3749 ~~issue from being raised in the agency's report.~~

3750 (2) (a) The following agencies shall prepare reports as
 3751 provided below and shall submit them to the department and the
 3752 applicant no later than 90 days after the filing of the
 3753 application, unless a final order denying the Determination of
 3754 Need has been issued under the provisions of s. 403.537:

3755 Section 70. Subsection (4) and paragraph (a) of subsection
 3756 (6) of section 403.527, Florida Statutes, are amended to read:

3757 403.527 Certification hearing, parties, participants.--

3758 (4) (a) One public hearing where members of the public who
 3759 are not parties to the certification hearing may testify shall
 3760 be held in conjunction with the certification hearing.

3761 (b) Upon the request of the local government, one public
 3762 hearing where members of the public who are not parties to the
 3763 certification hearing and who reside within the jurisdiction of
 3764 the local government may testify shall be held within the
 3765 boundaries of each county in which a local government that made
 3766 such a request is located, at the option of any local
 3767 government.

3768 1. (a) A local government shall notify the administrative
 3769 law judge and all parties not later than 50 days after the
 3770 filing of the application ~~21 days after the application has been~~
 3771 ~~determined complete~~ as to whether the local government wishes to

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3772 have a public hearing within the boundaries of its county. ~~If a~~
 3773 ~~filing for an alternate corridor is accepted for consideration~~
 3774 ~~under s. 403.5271(1) by the department and the applicant, any~~
 3775 ~~newly affected local government must notify the administrative~~
 3776 ~~law judge and all parties not later than 10 days after the data~~
 3777 ~~concerning the alternate corridor has been determined complete~~
 3778 ~~as to whether the local government wishes to have such a public~~
 3779 ~~hearing.~~ The local government is responsible for providing the
 3780 location of the public hearing if held separately from the
 3781 certification hearing.

3782 2. (b) Within 5 days after notification, the
 3783 administrative law judge shall determine the date of the public
 3784 hearing, which shall be held before or during the certification
 3785 hearing. If two or more local governments within one county
 3786 request a public hearing, the hearing shall be consolidated so
 3787 that only one public hearing is held in any county. The location
 3788 of a consolidated hearing shall be determined by the
 3789 administrative law judge.

3790 3. (e) If a local government does not request a public
 3791 hearing within 50 days after the filing of the application ~~21~~
 3792 ~~days after the application has been determined complete, then~~
 3793 members of the public who are not parties to the certification
 3794 hearing and who reside ~~persons residing~~ within the jurisdiction
 3795 of the local government may testify during the ~~that portion of~~
 3796 ~~the certification hearing held under the provisions of paragraph~~
 3797 (4) (a) at which public testimony is heard.

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3798 (6) (a) No later than 29 ~~25~~ days before the certification
3799 hearing, the department or the applicant may request that the
3800 administrative law judge cancel the certification hearing and
3801 relinquish jurisdiction to the department if all parties to the
3802 proceeding stipulate that there are no disputed issues of
3803 material fact or law ~~to be raised at the certification hearing.~~

3804 Section 71. Paragraphs (b), (c) and (e) of subsection (1)
3805 of section 403.5271, Florida Statutes, are amended to read:

3806 403.5271 Alternate corridors.--

3807 (1) No later than 45 days before the originally scheduled
3808 certification hearing, any party may propose alternate
3809 transmission line corridor routes for consideration under the
3810 provisions of this act.

3811 (b)1. Within 7 days after receipt of the notice, the
3812 applicant and the department shall file with the administrative
3813 law judge and all parties a notice of acceptance or rejection of
3814 a proposed alternate corridor for consideration. If the
3815 alternate corridor is rejected by the applicant or the
3816 department, the certification hearing and the public hearings
3817 shall be held as scheduled. If both the applicant and the
3818 department accept a proposed alternate corridor for
3819 consideration, the certification hearing and the public hearings
3820 shall be rescheduled, if necessary. If a filing for an alternate
3821 corridor is accepted for consideration by the department and the
3822 applicant, any newly affected local government must notify the
3823 administrative law judge and all parties not later than 10 days
3824 after the data concerning the alternate corridor has been

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3825 determined complete as to whether the local government wishes to
 3826 have such a public hearing. The local government is responsible
 3827 for providing the location of the public hearing if held
 3828 separately from the certification hearing. The provisions of s.
 3829 403.527(4)(b) and (c) shall apply. Notice of the local hearings
 3830 shall be published in accordance with s. 403.5363.

3831 2. If rescheduled, the certification hearing shall be held
 3832 no more than 90 days after the previously scheduled
 3833 certification hearing, unless the data submitted under paragraph
 3834 (d) is determined to be incomplete, in which case the
 3835 rescheduled certification hearing shall be held no more than 105
 3836 days after the previously scheduled certification hearing. If
 3837 additional time is needed due to the alternate corridor crossing
 3838 a local government jurisdiction that was not previously
 3839 affected, the remainder of the schedule listed below shall be
 3840 appropriately adjusted by the administrative law judge to allow
 3841 that local government to prepare a report pursuant to s.
 3842 403.526(2)(a)5. Notice that the certification hearing has been
 3843 deferred due to the acceptance of the alternate corridor shall
 3844 be published in accordance with s. 403.5363.

3845 (c) ~~Notice of the filing of the alternate corridor, of the~~
 3846 ~~revised time schedules, of the deadline for newly affected~~
 3847 ~~persons and agencies to file notice of intent to become a party,~~
 3848 ~~of the rescheduled hearing date, and of the proceedings shall be~~
 3849 published by the alternate proponent in accordance with s.
 3850 403.5363(2). If the notice is not timely published or does not
 3851 meet the notice requirements, the alternate shall be deemed

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3852 withdrawn.

3853 (e)1. Reviewing agencies shall advise the department of
3854 any issues concerning completeness no later than 15 days after
3855 the submittal of the data required by paragraph (d). Within 22
3856 days after receipt of the data, the department shall issue a
3857 determination of completeness.

3858 2. If the department determines that the data required by
3859 paragraph (d) is not complete, the party proposing the alternate
3860 corridor must file such additional data to correct the
3861 incompleteness. This additional data must be submitted within 14
3862 days after the determination by the department.

3863 3. Reviewing agencies may advise the department of any
3864 issues concerning completeness of the additional data within 10
3865 days after the filing by the party proposing the alternate
3866 corridor. If the department, within 14 days after receiving the
3867 additional data, determines that the data remains incomplete,
3868 the incompleteness of the data is deemed a withdrawal of the
3869 proposed alternate corridor. The department may make its
3870 determination based on recommendations made by other affected
3871 agencies.

3872 Section 72. Subsection (3) of section 403.5272, Florida
3873 Statutes, is amended to read:

3874 403.5272 Informational public meetings.--

3875 (3) A local government or regional planning council that
3876 intends to conduct an informational public meeting must provide
3877 notice of the meeting, with notice sent to all parties listed in
3878 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting and

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3879 to the general public, in accordance with the provisions of s.
3880 403.5363(4).

3881 Section 73. Subsection (1) of section 403.5312, Florida
3882 Statutes, is amended to read:

3883 403.5312 Filing of notice of certified corridor route.--

3884 (1) Within 60 days after certification of a ~~directly~~
3885 ~~associated transmission line under ss. 403.501-403.518 or a~~
3886 transmission line corridor under ss. 403.52-403.5365, the
3887 applicant shall file with the department and, in accordance with
3888 s. 28.222, with the clerk of the circuit court for each county
3889 through which the corridor will pass, a notice of the certified
3890 route.

3891 Section 74. Section 403.5363, Florida Statutes, is amended
3892 to read:

3893 403.5363 Public notices; requirements.--

3894 (1)(a) The applicant shall arrange for the publication of
3895 the notices specified in paragraph (b).

3896 1. The notices shall be published in newspapers of general
3897 circulation within counties crossed by the transmission line
3898 corridors proper for certification. The required newspaper
3899 ~~notices for filing of an application and for the certification~~
3900 ~~hearing shall be one half page in size in a standard size~~
3901 ~~newspaper or a full page in a tabloid size newspaper and~~
3902 published in a section of the newspaper other than the section
3903 for legal notices. ~~These two notices must include a map~~
3904 ~~generally depicting all transmission corridors proper for~~
3905 ~~certification.~~ A newspaper of general circulation shall be the

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3906 newspaper within a county crossed by a transmission line
 3907 corridor proper for certification which newspaper has the
 3908 largest daily circulation in that county and has its principal
 3909 office in that county. If the newspaper having the largest daily
 3910 circulation has its principal office outside the county, the
 3911 notices must appear in both the newspaper having the largest
 3912 circulation in that county and in a newspaper authorized to
 3913 publish legal notices in that county.

3914 2. The department shall adopt rules specifying the content
 3915 of the newspaper notices.

3916 3. All notices published by the applicant shall be paid
 3917 for by the applicant and shall be in addition to the application
 3918 fee.

3919 (b) Public notices that must be published under this
 3920 section include:

3921 1. The notice of the filing of an application, which must
 3922 include a description of the proceedings required by this act.
 3923 The notice must describe the provisions of s. 403.531(1) and (2)
 3924 and give the date by which notice of intent to be a party or a
 3925 petition to intervene in accordance with s. 403.527(2) must be
 3926 filed. This notice must be published no more than 21 days after
 3927 the application is filed. The notice shall, at a minimum, be
 3928 one-half page in size in a standard-size newspaper or a full
 3929 page in a tabloid-size newspaper. The notice must include a map
 3930 generally depicting all transmission corridors proper for
 3931 certification.

3932 2. The notice of the certification hearing and any other

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3933 public hearing held ~~permitted~~ under s. 403.527(4). The notice
 3934 must include the date by which a person wishing to appear as a
 3935 party must file the notice to do so. The notice of the
 3936 originally scheduled certification hearing must be published at
 3937 least 65 days before the date set for the certification hearing.
 3938 The notice shall meet the same size and map requirements
 3939 required in subparagraph 1.

3940 3. The notice of the cancellation of the certification
 3941 hearing under s. 403.527(6), if applicable. The notice must be
 3942 published at least 3 days before the date of the originally
 3943 scheduled certification hearing. The notice shall, at a
 3944 minimum, be one-quarter page in size in a standard-size
 3945 newspaper or one-half page in a tabloid-size newspaper. The
 3946 notice shall not require a map to be included.

3947 4. The notice of the deferment of the certification
 3948 hearing due to the acceptance of an alternate corridor under s.
 3949 403.5272(1)(b)2. The notice must be published at least 7 days
 3950 before the date of the originally scheduled certification
 3951 hearing. The notice shall, at a minimum, be one-eighth page in
 3952 size in a standard-size newspaper or one-quarter page in a
 3953 tabloid-size newspaper. The notice shall not require a map to be
 3954 included.

3955 5. If the notice of the rescheduled certification hearing
 3956 required of an alternate proponent under s. 403.5271(1)(c) is
 3957 not timely published or does not meet the notice requirements
 3958 such that an alternate corridor is withdrawn under the
 3959 provisions of s. 403.5271(1)(c), the notice of rescheduled

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3960 hearing and any local hearings shall be provided by the
 3961 applicant at least 30 days prior to the rescheduled
 3962 certification hearing.

3963 6. 4. The notice of the filing of a proposal to modify the
 3964 certification submitted under s. 403.5315, if the department
 3965 determines that the modification would require relocation or
 3966 expansion of the transmission line right-of-way or a certified
 3967 substation.

3968 (2) Each ~~The~~ proponent of an alternate corridor shall
 3969 arrange for newspaper notice of the publication of the filing of
 3970 the proposal for an alternate corridor. If there is more than
 3971 one alternate proponent, the proponents may jointly publish
 3972 notice, so long as the content requirements below are met and
 3973 the maps are legible.

3974 (a) The notice shall specify, the revised time schedules,
 3975 the date by which newly affected persons or agencies may file
 3976 the notice of intent to become a party, ~~and~~ the date of the
 3977 rescheduled hearing, and any public hearing held under s.
 3978 403.5271(1)(b)1.

3979 (b) A notice listed in this subsection must be published
 3980 in a newspaper of general circulation within the county or
 3981 counties crossed by the proposed alternate corridor and comply
 3982 with the content, size, and map requirements set forth in this
 3983 section paragraph (1)(a).

3984 (c) The notice of the alternate corridor proposal must be
 3985 published not less than 45 ~~50~~ days before the rescheduled
 3986 certification hearing.

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3987 (3) The department shall arrange for the publication of
3988 the following notices in the manner specified by chapter 120:

3989 (a) The notice of the filing of an application and the
3990 date by which a person intending to become a party must file a
3991 petition to intervene or a notice of intent to be a party. The
3992 notice must be published no later than 21 days after the
3993 application has been filed.

3994 (b) The notice of any administrative hearing for
3995 certification, if applicable. The notice must be published not
3996 less than 65 days before the date set for a hearing, except that
3997 notice for a rescheduled certification hearing after acceptance
3998 of an alternative corridor must be published not less than 40 ~~50~~
3999 days before the date set for the hearing.

4000 (c) The notice of the cancellation of a certification
4001 hearing under s. 403.527(6), if applicable. The notice must be
4002 published not later than 7 days before the date of the
4003 originally scheduled certification hearing.

4004 (d) The notice of the deferment of the certification
4005 hearing due to the acceptance of an alternate corridor under s.
4006 403.5272(1)(b)2. The notice must be published at least 7 days
4007 before the date of the originally scheduled certification
4008 hearing.

4009 (e) ~~(d)~~ The notice of the hearing before the siting board,
4010 if applicable.

4011 (f) ~~(e)~~ The notice of stipulations, proposed agency
4012 action, or a petition for modification.

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4013 (4) A local government or regional planning council that
 4014 proposes to conduct an informational public meeting pursuant to
 4015 s. 403.5272 must publish notice of the meeting in a newspaper of
 4016 general circulation within the county or counties in which the
 4017 proposed electrical transmission line will be located no later
 4018 than 7 days prior to the meeting. A newspaper of general
 4019 circulation shall be the newspaper which has the largest daily
 4020 circulation in that county and has its principal office in that
 4021 county. If the newspaper with the largest daily circulation has
 4022 its principal office outside the county, the notices shall
 4023 appear in both the newspaper having the largest circulation in
 4024 that county and in a newspaper authorized to publish legal
 4025 notices in that county.

4026 Section 75. Paragraphs (d) and (e) of subsection (1) of
 4027 section 403.5365, Florida Statutes, are amended to read:

4028 403.5365 Fees; disposition.--The department shall charge
 4029 the applicant the following fees, as appropriate, which, unless
 4030 otherwise specified, shall be paid into the Florida Permit Fee
 4031 Trust Fund:

4032 (1) An application fee.

4033 (d)1. Upon written request with proper itemized accounting
 4034 within 90 days after final agency action by the siting board or
 4035 the department or the written notification of the withdrawal of
 4036 the application, the agencies that prepared reports under s.
 4037 403.526 or s. 403.5271 or participated in a hearing under s.
 4038 403.527 or s. 403.5271 may submit a written request to the
 4039 department for reimbursement of expenses incurred during the

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4040 certification proceedings. The request must contain an
 4041 accounting of expenses incurred, which may include time spent
 4042 reviewing the application, preparation of any studies required
 4043 of the agencies by this act, agency travel and per diem to
 4044 attend any hearing held under this act, and for the local
 4045 government or regional planning council providing additional
 4046 notice of the informational public meeting. The department shall
 4047 review the request and verify whether a claimed expense is
 4048 valid. Valid expenses shall be reimbursed; however, if the
 4049 amount of funds available for reimbursement is insufficient to
 4050 provide for full compensation to the agencies, reimbursement
 4051 shall be on a prorated basis.

4052 2. If the application review is held in abeyance for more
 4053 than 1 year, the agencies may submit a request for reimbursement
 4054 under subparagraph 1. This time period shall be measured from
 4055 the date the applicant has provided written notification to the
 4056 department that it desires to have the application review
 4057 process placed on hold. The fee disbursement shall be processed
 4058 in accordance with subparagraph 1.

4059 (e) If any sums are remaining, the department shall retain
 4060 them for its use in the same manner as is otherwise authorized
 4061 by this section; however, if the certification application is
 4062 withdrawn, the remaining sums shall be refunded to the applicant
 4063 within 90 days after submittal of the written notification of
 4064 withdrawal.

4065 Section 76. Paragraph (i) of subsection (6) of section
 4066 403.814, Florida Statutes, is amended to read:

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4067 403.814 General permits; delegation.--
 4068 (6) Construction and maintenance of electric transmission
 4069 or distribution lines in wetlands by electric utilities, as
 4070 defined in s. 366.02, shall be authorized by general permit
 4071 provided the following provisions are implemented:

4072 (i) This subsection applies to transmission lines and
 4073 appurtenances certified pursuant to part II of this chapter.
 4074 However, the criteria of the general permit shall not otherwise
 4075 affect the authority of the siting board to condition
 4076 certification of transmission lines as authorized under part II
 4077 of this chapter.

4078
 4079 Maintenance of existing electric lines and clearing of
 4080 vegetation in wetlands conducted without the placement of
 4081 structures in wetlands or other dredge and fill activities does
 4082 not require an individual or general construction permit. For
 4083 the purpose of this subsection, wetlands shall mean the landward
 4084 extent of waters of the state regulated under ss. 403.91-403.929
 4085 and isolated and nonisolated wetlands regulated under part IV of
 4086 chapter 373. The provisions provided in this subsection apply to
 4087 the permitting requirements of the department, any water
 4088 management district, and any local government implementing part
 4089 IV of chapter 373 or part VIII of this chapter.

4090 Section 77. Section 489.145, Florida Statutes, is amended
 4091 to read:

4092 489.145 Guaranteed energy, water, and wastewater
 4093 performance savings contracting.--

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4094 (1) SHORT TITLE.--This section may be cited as the
4095 "Guaranteed Energy, Water, and Wastewater Performance Savings
4096 Contracting Act."

4097 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
4098 investment in energy, water, and wastewater efficiency and
4099 conservation measures in agency facilities can reduce the amount
4100 of energy and water consumed and wastewater produced and produce
4101 immediate and long-term savings. It is the policy of this state
4102 to encourage each agency agencies to invest in energy, water,
4103 and wastewater efficiency and conservation measures that reduce
4104 energy consumption, produce a cost savings for the agency, and
4105 improve the quality of indoor air in public facilities and to
4106 operate, maintain, and, when economically feasible, build or
4107 renovate existing agency facilities in such a manner as to
4108 minimize energy and water consumption and wastewater production
4109 and maximize energy, water and wastewater savings. It is further
4110 the policy of this state that agencies share in the monetary
4111 savings resulting from energy, water, and wastewater performance
4112 contracting and to encourage agencies to reinvest any energy
4113 savings resulting from energy, water, and wastewater efficiency
4114 and conservation measures in additional energy, water, and
4115 wastewater efficiency and conservation efforts.

4116 (3) DEFINITIONS.--As used in this section, the term:

4117 (a) "Agency" means the state, a municipality, or a
4118 political subdivision.

4119 (b) "Energy, water, and wastewater efficiency and
4120 conservation measure" means a training program incidental to the

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4121 contract, facility alteration, or an equipment purchase to be
4122 used in new construction, including an addition to ~~an~~ existing
4123 facilities or infrastructure facility, which reduces energy,
4124 water, or wastewater or energy-related operating costs and
4125 includes, but is not limited to:

4126 1. Insulation of the facility structure and systems within
4127 the facility.

4128 2. Storm windows and doors, caulking or weatherstripping,
4129 multiglazed windows and doors, heat-absorbing, or heat-
4130 reflective, glazed and coated window and door systems,
4131 additional glazing, reductions in glass area, and other window
4132 and door system modifications that reduce energy consumption.

4133 3. Automatic energy control systems.

4134 4. Heating, ventilating, or air-conditioning system
4135 modifications or replacements.

4136 5. Replacement or modifications of lighting fixtures to
4137 increase the energy efficiency of the lighting system, which, at
4138 a minimum, must conform to the applicable state or local
4139 building code.

4140 6. Energy recovery systems.

4141 7. Cogeneration systems that produce steam or forms of
4142 energy such as heat, as well as electricity, for use primarily
4143 within a facility or complex of facilities.

4144 8. Energy conservation measures that reduce British
4145 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)
4146 consumed or provide long-term operating cost reductions or
4147 significantly reduce Btu consumed.

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4148 9. Renewable energy systems, such as solar, biomass, or
4149 wind systems.

4150 10. Devices that reduce water consumption or sewer
4151 charges.

4152 11. Energy storage ~~Storage~~ systems, such as fuel cells and
4153 thermal storage.

4154 12. Energy generating ~~Generating~~ technologies, such as
4155 microturbines.

4156 13. Any other repair, replacement, or upgrade of existing
4157 equipment.

4158 (c) "Energy, water, or wastewater cost savings" means a
4159 measured reduction in the cost of fuel, energy or water
4160 consumption or wastewater production, and stipulated operation
4161 and maintenance created from the implementation of one or more
4162 energy, water, or wastewater efficiency or conservation measures
4163 when compared with an established baseline for the previous cost
4164 of fuel, energy or water consumption or wastewater production,
4165 and stipulated operation and maintenance.

4166 (d) "Guaranteed energy, water, and wastewater performance
4167 savings contract" means a contract for the evaluation,
4168 recommendation, and implementation of energy, water, or
4169 wastewater efficiency or conservation measures or energy-related
4170 operational saving measures, which, at a minimum, shall include:

4171 1. The design and installation of equipment to implement
4172 one or more of such measures and, if applicable, operation and
4173 maintenance of such measures.

4174 2. The amount of any actual annual savings that meet or

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4175 exceed total annual contract payments made by the agency for the
 4176 contract and may include allowable cost avoidance. As used in
 4177 this section, allowable cost avoidance calculations include, but
 4178 are not limited to, avoided provable budgeted costs contained in
 4179 a capital replacement plan less the current undepreciated value
 4180 of replaced equipment and the replacement cost of the new
 4181 equipment.

4182 3. The finance charges incurred by the agency over the
 4183 life of the contract.

4184 (e) "Guaranteed energy, water, and wastewater performance
 4185 savings contractor" means a person or business that is licensed
 4186 under chapter 471, chapter 481, or this chapter, and is
 4187 experienced in the analysis, design, implementation, or
 4188 installation of energy, water, and wastewater efficiency and
 4189 conservation measures through energy performance contracts.

4190 (4) PROCEDURES.--

4191 (a) An agency may enter into a guaranteed energy, water,
 4192 and wastewater performance savings contract with a guaranteed
 4193 energy, water, and wastewater performance savings contractor to
 4194 significantly reduce energy or water consumption or wastewater
 4195 production or energy-related operating costs of an agency
 4196 facility through one or more energy, water, or wastewater
 4197 efficiency or conservation measures.

4198 (b) Before design and installation of energy, water, or
 4199 wastewater efficiency and conservation measures, the agency must
 4200 obtain from a guaranteed energy, water, and wastewater
 4201 performance savings contractor a report that summarizes the

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4202 costs associated with the energy, water, or wastewater
 4203 efficiency and conservation measures or energy-related
 4204 operational cost saving measures and provides an estimate of the
 4205 amount of the ~~energy~~ cost savings. The agency and the guaranteed
 4206 energy, water, and wastewater performance savings contractor may
 4207 enter into a separate agreement to pay for costs associated with
 4208 the preparation and delivery of the report; however, payment to
 4209 the contractor shall be contingent upon the report's projection
 4210 of energy, water, and wastewater cost savings or operational
 4211 cost savings being equal to or greater than the total projected
 4212 costs of the design and installation of the report's energy
 4213 conservation measures.

4214 (c) The agency may enter into a guaranteed energy, water,
 4215 and wastewater performance savings contract with a guaranteed
 4216 energy, water, and wastewater performance savings contractor if
 4217 the agency finds that the amount the agency would spend on the
 4218 energy, water, and wastewater efficiency and conservation cost
 4219 savings or energy-related cost saving measures will not likely
 4220 exceed the amount of the ~~energy~~ cost savings for up to 20 years
 4221 from the date of installation, based on the life cycle cost
 4222 calculations provided in s. 255.255, if the recommendations in
 4223 the report were followed and if the qualified provider or
 4224 providers give a written guarantee that the ~~energy~~ cost savings
 4225 will meet or exceed the costs of the system. However, actual
 4226 computed cost savings must meet or exceed the estimated cost
 4227 savings provided in each agency's program approval. Baseline
 4228 adjustments used in calculations must be specified in the

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4229 contract. The contract may provide for installment payments for
4230 a period not to exceed 20 years.

4231 (d) A guaranteed energy, water, and wastewater performance
4232 savings contractor must be selected in compliance with s.
4233 287.055; except that if fewer than three firms are qualified to
4234 perform the required services, the requirement for agency
4235 selection of three firms, as provided in s. 287.055(4)(b), and
4236 the bid requirements of s. 287.057 do not apply.

4237 (e) Before entering into a guaranteed energy, water, and
4238 wastewater performance savings contract, an agency must provide
4239 published notice of the meeting in which it proposes to award
4240 the contract, the names of the parties to the proposed contract,
4241 and the contract's purpose.

4242 (f) A guaranteed energy, water, and wastewater performance
4243 savings contract may provide for financing, including tax-exempt
4244 financing, by a third party. The contract for third party
4245 financing may be separate from the energy, water, and wastewater
4246 performance contract. A separate contract for third party
4247 financing pursuant to this paragraph must include a provision
4248 that the third party financier must not be granted rights or
4249 privileges that exceed the rights and privileges available to
4250 the guaranteed energy, water, and wastewater performance savings
4251 contractor.

4252 (g) Financing for guaranteed energy, water, and wastewater
4253 performance savings contracts may be provided under the
4254 authority of s. 287.064.

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4255 (h) The Office of the Chief Financial Officer shall review
 4256 proposals from state agencies to ensure that the most effective
 4257 financing is being used.

4258 (i) Annually, the agency that has entered into the
 4259 contract shall provide the Department of Management Services and
 4260 the Chief Financial Officer the measurement and verification
 4261 report required by the contract to validate that savings have
 4262 occurred.

4263 (j)~~(g)~~ In determining the amount the agency will finance
 4264 to acquire the energy, water, and wastewater efficiency and
 4265 conservation measures, the agency may reduce such amount by the
 4266 application of any grant moneys, rebates, or capital funding
 4267 available to the agency for the purpose of buying down the cost
 4268 of the guaranteed energy, water, and wastewater performance
 4269 savings contract. However, in calculating the life cycle cost as
 4270 required in paragraph (c), the agency shall not apply any
 4271 grants, rebates, or capital funding.

4272 (5) CONTRACT PROVISIONS.--

4273 (a) A guaranteed energy, water, and wastewater performance
 4274 savings contract must include a written guarantee that may
 4275 include, but is not limited to the form of, a letter of credit,
 4276 insurance policy, or corporate guarantee by the guaranteed
 4277 energy, water, and wastewater performance savings contractor
 4278 that annual associated energy cost savings will meet or exceed
 4279 the amortized cost of energy, water, and wastewater efficiency
 4280 and conservation measures.

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4281 (b) The guaranteed energy, water, and wastewater
4282 performance savings contract must provide that all payments,
4283 except obligations on termination of the contract before its
4284 expiration, may be made over time, but not to exceed 20 years
4285 from the date of complete installation and acceptance by the
4286 agency, and that the annual savings are guaranteed to the extent
4287 necessary to make annual payments to satisfy the guaranteed
4288 energy, water, and wastewater performance savings contract.

4289 (c) The guaranteed energy, water, and wastewater
4290 performance savings contract must require that the guaranteed
4291 energy, water, and wastewater performance savings contractor to
4292 whom the contract is awarded provide a 100-percent public
4293 construction bond to the agency for its faithful performance, as
4294 required by s. 255.05.

4295 (d) The guaranteed energy, water, and wastewater
4296 performance savings contract may contain a provision allocating
4297 to the parties to the contract any annual associated energy cost
4298 savings that exceed the amount of the ~~energy~~ cost savings
4299 guaranteed in the contract.

4300 (e) The guaranteed energy, water, and wastewater
4301 performance savings contract shall require the guaranteed
4302 energy, water, and wastewater performance savings contractor to
4303 provide to the agency an annual reconciliation of the guaranteed
4304 energy or associated cost savings. If the reconciliation reveals
4305 a shortfall in annual energy or associated cost savings, the
4306 guaranteed energy, water, and wastewater performance savings
4307 contractor is liable for such shortfall. If the reconciliation

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4308 reveals an excess in annual ~~energy~~ cost savings, the excess
4309 savings may be allocated under paragraph (d) but may not be used
4310 to cover potential energy or associated cost savings shortages
4311 in subsequent contract years.

4312 (f) The guaranteed energy, water, and wastewater
4313 performance savings contract must provide for payments of not
4314 less than one-twentieth of the price to be paid within 2 years
4315 from the date of the complete installation and acceptance by the
4316 agency using straight-line amortization for the term of the
4317 loan, and the remaining costs to be paid at least quarterly, not
4318 to exceed a 20-year term, based on life cycle cost calculations.

4319 (g) The guaranteed energy, water, and wastewater
4320 performance savings contract may extend beyond the fiscal year
4321 in which it becomes effective; however, the term of any contract
4322 expires at the end of each fiscal year and may be automatically
4323 renewed annually for up to 20 years, subject to the agency
4324 making sufficient annual appropriations based upon continued
4325 realized energy, water, and wastewater savings.

4326 (h) The guaranteed energy, water, and wastewater
4327 performance savings contract must stipulate that it does not
4328 constitute a debt, liability, or obligation of the state.

4329 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
4330 Department of Management Services, with the assistance of the
4331 Office of the Chief Financial Officer, shall may, within
4332 available resources, provide technical content assistance to
4333 state agencies contracting for energy, water and wastewater
4334 efficiency and conservation measures and engage in other

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4335 activities considered appropriate by the department for
 4336 promoting and facilitating guaranteed energy, water, and
 4337 wastewater performance contracting by state agencies. The Office
 4338 of the Chief Financial Officer, with the assistance of the
 4339 Department of Management Services, shall ~~may~~, within available
 4340 resources, develop model contractual and related documents for
 4341 use by state agencies. Prior to entering into a guaranteed
 4342 energy, water, and wastewater performance savings contract, any
 4343 contract or lease for third-party financing, or any combination
 4344 of such contracts, a state agency shall submit such proposed
 4345 contract or lease to the Office of the Chief Financial Officer
 4346 for review and approval. A proposed contract or lease shall
 4347 include:

4348 (a) Supporting information required by s. 216.023(4)(a)9.

4349 (b) Documentation supporting recurring funds requirements
 4350 in ss. 287.063(5) and 287.064(11).

4351 (c) Approval by the chief executive officer of the agency,
 4352 or his or her designee.

4353 (d) An agency measurement and verification plan to monitor
 4354 costs savings.

4355 (7) FUNDING SUPPORT.--For purposes of consolidated
 4356 financing of deferred payment commodity contracts under this
 4357 section by an agency, any such contract must be supported from
 4358 available funds appropriated to the agency in an appropriation
 4359 category, as defined in chapter 216, that the Chief Financial
 4360 Officer has determined is appropriate or that the Legislature
 4361 has designated for payment of the obligation incurred under this

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4362 section. The Office of the Chief Financial Officer may not
 4363 approve any contract submitted under this section from a state
 4364 agency that does not meet the requirements of this section.

4365 Section 78. Section 526.201, Florida Statutes, is created
 4366 to read:

4367 526.201 Short title.--Sections 526.201-526.207 may be
 4368 cited as the "Florida Renewable Fuel Standard Act."

4369 Section 79. Section 526.202, Florida Statutes, is created
 4370 to read:

4371 526.202 Legislative findings.--The Legislature finds it is
 4372 vital to the public interest and to the state's economy to
 4373 establish a market and the necessary infrastructure for
 4374 renewable fuels in this state by requiring that all gasoline
 4375 fuel offered for sale in this state includes a percentage of
 4376 agriculturally derived, denatured ethanol. The Legislature
 4377 further finds that the use of renewable fuel reduces greenhouse
 4378 gas emissions and dependence on imports of foreign oil, improves
 4379 the health and quality of life for Floridians, and stimulates
 4380 economic development and the creation of a sustainable industry
 4381 that combines agricultural production with state of the art
 4382 technology.

4383 Section 80. Section 526.203, Florida Statutes, is created
 4384 to read:

4385 526.203 Renewable Fuel Standard.--

4386 (1) DEFINITIONS.--As used in this act, the terms "blender,"
 4387 "exporter," "importer," "terminal supplier," and "wholesaler"
 4388 shall be defined as provided in s. 206.01.

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4389 (a) "Fuel ethanol-blended gasoline" means a mixture of
 4390 ninety percent gasoline and ten percent fuel ethanol or similar
 4391 alcohol. The ten percent fuel ethanol, or similar alcohol,
 4392 portion may be derived from any agricultural source.

4393 (b) "Unblended gasoline" means gasoline that has not been
 4394 blended with fuel ethanol.

4395 (2) FUEL STANDARD.--On and after December 31, 2010, all
 4396 gasoline sold or offered for sale in Florida at retail shall
 4397 contain, at a minimum 10 percent of a agriculturally derived,
 4398 denatured ethanol fuel by volume. No terminal supplier,
 4399 importer, exporter, blender, or wholesaler in this state shall
 4400 sell or deliver fuel, as mandated in this act, which does not
 4401 meet the blending requirements of this act.

4402 (3) EXEMPTIONS.--The requirements of this act do not apply
 4403 to the following:

4404 (a) Fuel used in aircraft;

4405 (b) Fuel sold at marinas and mooring docks for use in boats
 4406 and similar watercraft;

4407 (c) Fuel sold at public or private racecourses intended to
 4408 be used exclusively as a fuel for off-highway motor sports
 4409 racing events;

4410 (d) Fuel sold for use in collector vehicles or vehicles
 4411 eligible to be licensed as collector vehicles, off-road
 4412 vehicles, motorcycles, or small engines.

4413 (e) Fuel unable to comply due to requirements of the United
 4414 States Environmental Protection Agency;

4415 (f) Fuel bulk transferred between terminals;

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- 4416 (g) Fuel exported from the state in accordance with
 4417 206.052;
- 4418 (h) Fuel qualifying for any exemption in accordance with
 4419 chapter 206;
- 4420 (i) Fuel at an electric power plant that is regulated by
 4421 the United States Nuclear Regulatory Commission unless such
 4422 commission has approved the use of fuel meeting the requirements
 4423 of subsection (2);
- 4424 (j) Fuel for a railroad locomotive; or
- 4425 (k) Fuel for equipment, including vehicle or vessel,
 4426 covered by a warranty that would be voided, if explicitly stated
 4427 in writing by the vehicle or vessel manufacturer, if it were to
 4428 be operated using fuel meeting the requirements of subsection
 4429 (2).
- 4430 (4) REPORT.--Pursuant to s. 206.43, each terminal
 4431 supplier, importer, exporter, blender, and wholesaler shall
 4432 include in its report to the Department of Revenue, the number
 4433 of gallons of gasoline fuel meeting and not meeting the
 4434 requirements of this act, sold and delivered by the terminal
 4435 supplier, importer, exporter, blender, or wholesaler in the
 4436 state, and the destination as to the county in the state to
 4437 which the gasoline was delivered for resale at retail or use.
- 4438 Section 81. Section 526.204, Florida Statutes, is created
 4439 to read:
- 4440 526.204 Suspension during declared emergencies; waivers.--
 4441 (1) To account for supply disruptions and ensure reliable
 4442 supplies of motor fuels for Florida, the requirements of this

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4443 act shall be suspended when the provisions of s. 252.36(2) in
 4444 any area of the state are in effect plus an additional thirty
 4445 days.

4446 (2) If a terminal supplier, importer, exporter, blender, or
 4447 wholesaler is unable to obtain fuel ethanol or fuel ethanol-
 4448 blended gasoline at the same or lower price as unblended
 4449 gasoline, then the sale or delivery of unblended gasoline by the
 4450 terminal supplier, importer, exporter, blender, or wholesaler
 4451 shall not be deemed a violation of this act. The terminal
 4452 supplier, importer, exporter, blender, or wholesaler shall, upon
 4453 request, provide the required documentation regarding the sales
 4454 transaction and price of fuel ethanol, fuel ethanol-blended
 4455 gasoline, and unblended gasoline to the Department of Revenue.

4456 Section 82. Section 526.205, Florida Statutes, is created
 4457 to read:

4458 526.205 Enforcement.--

4459 (1) It is unlawful to sell or distribute, or offer for
 4460 sale or distribution, any gasoline which fails to meet the
 4461 requirements of this act.

4462 (2) Upon determining that a terminal supplier, importer,
 4463 exporter, blender, or wholesaler is not meeting the requirements
 4464 of s. 526.203(2), the Department of Revenue shall notify the
 4465 department.

4466 (3) Upon notification by the Department of Revenue of a
 4467 violation of this act, the department shall, subject to
 4468 subsection (1), grant an extension or enter an order imposing
 4469 one or more of the following penalties:

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- 4470 1. Issuance of a warning letter.
- 4471 2. Imposition of an administrative fine of not more than
 4472 \$1,000 per violation for a first-time offender. For a second-
 4473 time or repeat offender, or any person who is shown to have
 4474 willfully and intentionally violated any provision of this
 4475 chapter, the administrative fine shall not exceed \$5,000 per
 4476 violation. When imposing any fine under this section, the
 4477 department shall consider the amount of money the violator
 4478 benefited from by noncompliance, whether the violation was
 4479 committed willfully, and the compliance record of the violator.
- 4480 3. Revocation or suspension of any registration issued by
 4481 the department.
- 4482 (4) Any terminal supplier, importer, exporter, blender, or
 4483 wholesaler may apply to the department by September 30, 2010,
 4484 for an extension of time to comply with the requirements of this
 4485 act. The application for an extension must demonstrate that the
 4486 applicant has made a good faith effort to comply with the
 4487 requirements but has been unable to do so for reasons beyond the
 4488 applicant's control, such as delays in receiving governmental
 4489 permits. The department shall review each application and make
 4490 a determination as to whether the failure to comply was beyond
 4491 the control of the applicant. If the department determines that
 4492 the applicant made a good faith effort to comply, but was unable
 4493 to do so for reasons beyond the applicant's control, the
 4494 department shall grant an extension of time determined necessary
 4495 for the applicant to comply. If no extension is granted, the

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4496 department shall proceed with enforcement pursuant to subsection
4497 (3).

4498 Section 83. Section 526.206, Florida Statutes, is created
4499 to read:

4500 526.206 Rules.--

4501 (1) The Department of Revenue is authorized to adopt rules
4502 pursuant to ss. 120.536(1) and 120.54 to implement the
4503 provisions of this act.

4504 (2) The Department of Agriculture and Consumer Services is
4505 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
4506 to implement the provisions of this act.

4507 Section 84. Section 526.207, Florida Statutes, is created
4508 to read:

4509 526.207 Studies and Reports.--

4510 (1) The Florida Energy and Climate Commission shall conduct
4511 a study to evaluate and recommend the lifecycle greenhouse gas
4512 emissions associated with all renewable fuels including, but not
4513 limited to, biodiesel, renewable diesel, biobutanol, ethanol
4514 derived from corn, ethanol derived from sugar, and cellulosic
4515 ethanol. In addition, the study shall evaluate and recommend a
4516 requirement that all renewable fuels introduced into commerce in
4517 the state, as a result of the Renewable Fuel Standard, shall
4518 reduce the lifecycle greenhouse gas emissions by an average
4519 percentage. The study may also evaluate and recommend any
4520 benefits associated with the creation, banking, transfer, and
4521 sale of credits among fuel refiners, blenders, and importers.

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4522 (2) The Florida Energy and Climate Commission shall submit
4523 a report containing specific recommendations to the President of
4524 the Senate and the Speaker of the House of Representatives no
4525 later than December 31, 2010.

4526 Section 85. Section 553.9061, Florida Statutes, is created
4527 to read:

4528 553.9061 Scheduled Increases in Thermal Efficiency
4529 Standards.--

4530 (1) The purpose of this section is to establish a schedule
4531 of increases in the energy performance of buildings subject to
4532 the Florida Energy Efficiency Code for Building Construction.
4533 The Florida Building Commission shall implement the following
4534 goals through the triennial code adoption process:

4535 (a) Include the necessary provisions in the 2010 edition
4536 of the Florida Energy Efficiency Code for Building Construction
4537 to increase the energy performance of new buildings by at least
4538 20 percent as compared to the energy efficiency provisions of
4539 the 2007 Florida Building Code adopted October 31, 2007;

4540 (b) Increase the energy efficiency requirements of the
4541 2013 edition of the Florida Energy Efficiency Code for Building
4542 Construction by at least 30 percent as compared to the 2007
4543 Energy Code;

4544 (c) Increase the energy efficiency requirements of the 2016
4545 edition of the Florida Energy Efficiency Code for Building
4546 Construction by at least 40 percent as compared to the 2007
4547 Energy Code;

4548 (d) Increase the energy efficiency requirements of the 2019

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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4549 edition of the Florida Energy Efficiency Code for Building
4550 Construction by at least 50 percent as compared to the 2007
4551 Energy Code;

4552 (2) The Florida Building Commission shall identify within
4553 code support and compliance documentation the specific building
4554 options and elements available to meet the energy performance
4555 goals identified above.

4556 (3) Prior to implementing the goals established in
4557 subsection (1), the Florida Building Commission must determine
4558 that proposed increases in energy efficiency requirements are
4559 cost-effective to the consumer.

4560 Section 86. Subsection (1) of section 553.957, Florida
4561 Statutes, is amended to read:

4562 553.957 Products covered by this part.--

4563 (1) The provisions of this part apply to the testing,
4564 certification, and enforcement of energy conservation standards
4565 for the following types of new commercial and residential
4566 products sold in the state:

4567 (a) Refrigerators, refrigerator-freezers, and freezers
4568 which can be operated by alternating current electricity,
4569 excluding:

- 4570 1. Any type designed to be used without doors; and
- 4571 2. Any type which does not include a compressor and
- 4572 condenser unit as an integral part of the cabinet assembly.

4573 (b) Lighting equipment.

4574 (c) Showerheads.

4575 (d) Water heaters used to heat potable water in homes or

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4576 businesses.

4577 (e) Electric motors used to pump water within swimming
4578 pools.

4579 (f) Water heaters for swimming pools that have solar
4580 thermal radiation devices to heat water.

4581 (g) ~~(d)~~ Any other type of consumer product which the
4582 department classifies as a covered product as specified in this
4583 part.

4584 Section 87. Section 377.701, Florida Statutes, is
4585 repealed.

4586 Section 88. Section 377.901, Florida Statutes, is
4587 repealed.

4588 Section 89. This act shall take effect July 1, 2008.

