

1 A bill to be entitled

2 An act relating to energy efficiency and alternative fuel;  
3 amending s. 196.175, F.S.; revising provisions for the  
4 renewable energy source exemption; excluding the assessed  
5 value of certain real property for determination of such  
6 exemption; amending s. 212.08, F.S.; revising the  
7 definition of "ethanol"; increasing the cap on the sales  
8 tax exemption for materials used in the distribution of  
9 biodiesel and ethanol fuels; specifying eligible items as  
10 limited to one refund; requiring a purchaser who receives  
11 a refund to notify a subsequent purchaser of such refund;  
12 creating s. 212.086, F.S.; providing financial incentives  
13 for the purchase or lease of an alternative motor vehicle;  
14 providing that any person who purchases or leases an  
15 alternative motor vehicle from a sales tax dealer is  
16 eligible for a refund of the sales tax paid; requiring the  
17 alternative motor vehicle to be certified under the  
18 Internal Revenue Code of 1986, as amended, as a new  
19 qualified hybrid motor vehicle, new qualified alternative  
20 fuel motor vehicle, new qualified fuel cell motor vehicle,  
21 or new advanced lean-burn technology motor vehicle;  
22 requiring that an application for refund be filed with the  
23 Department of Revenue; providing that the total dollar  
24 amount of refunds is limited to the total amount of  
25 appropriations in any fiscal year; authorizing a request  
26 for a refund to be held for payment in the following  
27 fiscal year under certain circumstances; requiring the  
28 department to adopt rules; providing for future repeal of  
29 the program; amending s. 220.192, F.S.; providing a

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30 definition; providing for the transferability of such tax  
31 credit; providing requirements and procedures therefor;  
32 requiring the Department of Revenue to promulgate a form  
33 and issue certificates; amending s. 220.193, F.S.;

34 providing a definition; providing that a taxpayer's use of  
35 certain credits does not prohibit the use of other  
36 authorized credits; amending s. 255.251, F.S.; revising a  
37 short title; amending s. 255.252, F.S.; revising criteria  
38 for energy conservation and sustainability for state-owned  
39 buildings; requiring buildings constructed and financed by  
40 the state to meet a rating system as approved by the  
41 department; requiring state agencies to identify state-  
42 owned buildings that are suitable for guaranteed energy  
43 performance savings contracts; providing requirements and  
44 procedures therefor; requiring the Department of  
45 Management Services to evaluate identified facilities and  
46 develop an energy efficiency project schedule; providing  
47 criteria for such schedule; amending s. 255.253, F.S.;

48 providing definitions; amending s. 255.254, F.S.;

49 requiring certain state-owned buildings to meet  
50 sustainable building ratings; amending s. 255.255, F.S.;

51 requiring the department to adopt rules and procedures for  
52 energy conservation performance guidelines based on  
53 sustainable building ratings; amending s. 287.064, F.S.;

54 extending the period of time allowed for the repayment of  
55 funds for certain purchases relating to energy  
56 conservation measures; amending s. 377.802, F.S.;

57 providing for the annual designation of "Energy Efficiency  
58 and Conservation Month"; amending s. 377.803, F.S.;

59 | revising definitions; amending s. 377.804, F.S.; deleting  
60 | provisions relating to bioenergy projects under the  
61 | Renewable Energy Technologies Grants Program; amending s.  
62 | 377.806, F.S.; revising rebate eligibility and application  
63 | requirements for solar thermal systems; requiring  
64 | applicants to apply for rebate reservations; authorizing  
65 | homebuilders and developers to file a single application  
66 | form for multiple project sites; providing for  
67 | distribution of rebate funds; revising rulemaking  
68 | authority; amending s. 403.50663, F.S.; revising the  
69 | requirements for notice of certain informational public  
70 | meetings by local governments and regional planning  
71 | councils relating to power plant siting; amending s.  
72 | 403.50665, F.S.; authorizing local governments to  
73 | determine incompleteness of information on certain siting  
74 | applications as inconsistent with land use plans and  
75 | zoning ordinances; revising provisions for the filing of  
76 | certain petitions relating to land use; amending s.  
77 | 403.508, F.S.; revising provisions for land use  
78 | certification hearings relating to power plant siting;  
79 | amending s. 403.509, F.S.; revising provisions for the  
80 | final disposition of power plant siting applications;  
81 | amending s. 403.5113, F.S.; revising provisions relating  
82 | to power plant siting postcertification amendments and  
83 | review; amending s. 403.5115, F.S.; revising provisions  
84 | for public notice of activities relating to power plant  
85 | siting; specifying requirements for such notice; amending  
86 | s. 403.5252, F.S.; revising the timeframes for agencies  
87 | and the Department of Environmental Protection to provide

88 | statements relating to the completeness of applications  
89 | for power plant siting certification; amending s. 403.527,  
90 | F.S.; revising the timeframe for the administrative law  
91 | judge to cancel power plant siting certification hearings  
92 | and relinquish jurisdiction to the Department of  
93 | Environmental Protection upon request by the applicant or  
94 | the department; amending s. 403.5271, F.S.; revising  
95 | provisions relating to the completeness of applications  
96 | for alternate corridors; amending s. 403.5272, F.S.;  
97 | revising the requirements for local governments and  
98 | regional planning councils to notice certain informational  
99 | public meetings; amending s. 403.5317, F.S.; revising  
100 | provisions for power plant siting postcertification  
101 | activities; amending s. 403.5363, F.S.; revising  
102 | provisions for public notices of power plant siting  
103 | certification hearings; requiring local governments and  
104 | regional planning councils to publish notice of certain  
105 | informational meetings; providing requirements for such  
106 | publication; amending s. 489.145, F.S.; revising  
107 | provisions relating to guaranteed energy performance  
108 | savings contracting to include energy consumption and  
109 | energy-related operational savings; revising provisions  
110 | for the financing of guaranteed energy performance savings  
111 | contracts; revising criteria for proposed contracts;  
112 | requiring that consolidated financing of deferred payment  
113 | commodity contracts are secured by certain funds;  
114 | requiring the Chief Financial Officer to review proposed  
115 | guaranteed energy performance savings contracts; creating  
116 | s. 570.956, F.S.; establishing the Farm-to-Fuel Advisory

117 Council within the Department of Agriculture and Consumer  
 118 Services; providing membership requirements; providing for  
 119 council duties; creating s. 570.957, F.S.; establishing  
 120 the Farm-to-Fuel Grants Program within the Department of  
 121 Agriculture and Consumer Services; providing definitions;  
 122 specifying the use of grants for certain bioenergy  
 123 projects; providing eligibility requirements; authorizing  
 124 the department to adopt rules; providing criteria for  
 125 grant award consideration; requiring the department to  
 126 consult with the Department of Environmental Protection,  
 127 the Office of Tourism, Trade, and Economic Development,  
 128 and certain experts when evaluating applications; creating  
 129 s. 570.958, F.S.; establishing the Biofuel Retail Sales  
 130 Incentive Program; establishing goals for replacing  
 131 petroleum consumption; providing definitions; providing  
 132 incentive payments to qualified retail dealers for  
 133 increases in the amount of biofuels offered for sale;  
 134 providing requirements and procedures therefor; creating  
 135 s. 570.959, F.S.; establishing the Florida Biofuel  
 136 Production Incentive Program; providing definitions;  
 137 providing incentive payments to producers of certain  
 138 biofuels; providing requirements and procedures therefor;  
 139 authorizing the Department of Agriculture and Consumer  
 140 Services to adopt rules; directing the Florida Building  
 141 Commission to convene a workgroup to develop a model  
 142 residential energy efficiency ordinance; requiring the  
 143 commission to consult with specified entities to review  
 144 the cost-effectiveness of energy efficiency measures in  
 145 the construction of residential, commercial, and

146 government buildings; requiring the commission to consult  
147 with specified entities to develop and implement a public  
148 awareness campaign; requiring the commission to provide  
149 reports to the Legislature; requiring all county,  
150 municipal, and public community college buildings to meet  
151 certain energy efficiency standards for construction;  
152 providing applicability; specifying a period during which  
153 the sale of energy-efficient products is exempt from  
154 certain tax; providing a limitation; providing a  
155 definition; authorizing the Department of Revenue to adopt  
156 rules; establishing standards for diesel fuel purchases  
157 for use by state-owned diesel vehicles and equipment to  
158 include biodiesel purchase requirements; establishing  
159 standards for the use of biodiesel fuels by school  
160 district transportation services; providing legislative  
161 intent relating to the leverage of state funds for certain  
162 research and production; amending s. 403.0874, F.S.;  
163 requiring the Department of Environmental Protection to  
164 develop greenhouse gas inventories; creating the Florida  
165 Alternative Energy Technology Center, Inc., as a not-for-  
166 profit corporation; providing legislative findings;  
167 providing definitions; requiring compliance with public  
168 meetings and records laws; providing for the organization,  
169 purpose, and duties of the center; providing for the  
170 membership on the board of directors of the center;  
171 requiring the disclosure of financial interests by board  
172 members; specifying the powers and duties of the board;  
173 requiring an annual report; providing for the construction  
174 and operation of a multifaceted Research and Demonstration

175 Cellulosic Ethanol Plant; requiring the Florida Energy  
 176 Commission to conduct a study to determine the appropriate  
 177 goals for renewable energy resources; requiring a report;  
 178 providing for appropriations; providing effective dates.

179  
 180 Be It Enacted by the Legislature of the State of Florida:

181  
 182 Section 1. Section 196.175, Florida Statutes, is amended to  
 183 read:

184 196.175 Renewable energy source exemption.--

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

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

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

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

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

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

204 to the satisfaction of the property appraiser that he or she  
 205 meets the requirements for exemption under this section and that  
 206 the original cost ~~pursuant to paragraph (1)(b)~~ and the period for  
 207 which the device was operative, as indicated on the exemption  
 208 application, are correct.

209 (4) No exemption authorized pursuant to this section shall  
 210 be granted for a period of more than 10 years. No exemption shall  
 211 be granted with respect to renewable energy source devices  
 212 installed before July 1, 2007 ~~January 1, 1980, or after December~~  
 213 ~~31, 1990.~~

214 Section 2. Paragraph (ccc) of subsection (7) of section  
 215 212.08, Florida Statutes, is amended to read:

216 212.08 Sales, rental, use, consumption, distribution, and  
 217 storage tax; specified exemptions.--The sale at retail, the  
 218 rental, the use, the consumption, the distribution, and the  
 219 storage to be used or consumed in this state of the following are  
 220 hereby specifically exempt from the tax imposed by this chapter.

221 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any  
 222 entity by this chapter do not inure to any transaction that is  
 223 otherwise taxable under this chapter when payment is made by a  
 224 representative or employee of the entity by any means, including,  
 225 but not limited to, cash, check, or credit card, even when that  
 226 representative or employee is subsequently reimbursed by the  
 227 entity. In addition, exemptions provided to any entity by this  
 228 subsection do not inure to any transaction that is otherwise  
 229 taxable under this chapter unless the entity has obtained a sales  
 230 tax exemption certificate from the department or the entity  
 231 obtains or provides other documentation as required by the  
 232 department. Eligible purchases or leases made with such a



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233 certificate must be in strict compliance with this subsection and  
234 departmental rules, and any person who makes an exempt purchase  
235 with a certificate that is not in strict compliance with this  
236 subsection and the rules is liable for and shall pay the tax. The  
237 department may adopt rules to administer this subsection.

238 (ccc) Equipment, machinery, and other materials for  
239 renewable energy technologies.--

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

241 a. "Biodiesel" means the mono-alkyl esters of long-chain  
242 fatty acids derived from plant or animal matter for use as a  
243 source of energy and meeting the specifications for biodiesel and  
244 biodiesel blends with petroleum products as adopted by the  
245 Department of Agriculture and Consumer Services. Biodiesel may  
246 refer to biodiesel blends designated BXX, where XX represents the  
247 volume percentage of biodiesel fuel in the blend.

248 b. "Ethanol" means an ~~nominally~~ anhydrous denatured alcohol  
249 produced by the conversion of carbohydrates ~~fermentation of plant~~  
250 ~~sugars~~ meeting the specifications for fuel ethanol and fuel  
251 ethanol blends with petroleum products as adopted by the  
252 Department of Agriculture and Consumer Services. Ethanol may  
253 refer to fuel ethanol blends designated EXX, where XX represents  
254 the volume percentage of fuel ethanol in the blend.

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

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

260 a. Hydrogen-powered vehicles, materials incorporated into  
261 hydrogen-powered vehicles, and hydrogen-fueling stations, up to a

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262 limit of \$2 million in tax each state fiscal year for all  
263 taxpayers.

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

266 c. Materials used in the distribution of biodiesel (B10-  
267 B100) and ethanol (E10-100), including fueling infrastructure,  
268 transportation, and storage, up to a limit of \$2 ~~\$1~~ million in  
269 tax each state fiscal year for all taxpayers. Gasoline fueling  
270 station pump retrofits for ethanol (E10-E100) distribution  
271 qualify for the exemption provided in this sub-subparagraph.

272 3. The Department of Environmental Protection shall provide  
273 to the department a list of items eligible for the exemption  
274 provided in this paragraph.

275 4.a. The exemption provided in this paragraph shall be  
276 available to a purchaser only through a refund of previously paid  
277 taxes. Only one purchase of an eligible item is subject to  
278 refund. A purchaser who has received a refund on an eligible item  
279 must notify any subsequent purchaser of the item that the item is  
280 no longer eligible for a refund of tax paid. This notification  
281 must be provided to the purchaser on the sales invoice or other  
282 proof of purchase.

283 b. To be eligible to receive the exemption provided in this  
284 paragraph, a purchaser shall file an application with the  
285 Department of Environmental Protection. The application shall be  
286 developed by the Department of Environmental Protection, in  
287 consultation with the department, and shall require:

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

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

292 (III) The sales invoice or other proof of purchase showing  
293 the amount of sales tax paid, the date of purchase, and the name  
294 and address of the sales tax dealer from whom the property was  
295 purchased.

296 (IV) A sworn statement that the information provided is  
297 accurate and that the requirements of this paragraph have been  
298 met.

299 c. Within 30 days after receipt of an application, the  
300 Department of Environmental Protection shall review the  
301 application and shall notify the applicant of any deficiencies.  
302 Upon receipt of a completed application, the Department of  
303 Environmental Protection shall evaluate the application for  
304 exemption and issue a written certification that the applicant is  
305 eligible for a refund or issue a written denial of such  
306 certification within 60 days after receipt of the application.  
307 The Department of Environmental Protection shall provide the  
308 department with a copy of each certification issued upon approval  
309 of an application.

310 d. Each certified applicant shall be responsible for  
311 forwarding a certified copy of the application and copies of all  
312 required documentation to the department within 6 months after  
313 certification by the Department of Environmental Protection.

314 e. The provisions of s. 212.095 do not apply to any refund  
315 application made pursuant to this paragraph. A refund approved  
316 pursuant to this paragraph shall be made within 30 days after  
317 formal approval by the department.

318 f. The department may adopt all rules pursuant to ss.  
 319 120.536(1) and 120.54 to administer this paragraph, including  
 320 rules establishing forms and procedures for claiming this  
 321 exemption.

322 g. The Department of Environmental Protection shall be  
 323 responsible for ensuring that the total amounts of the exemptions  
 324 authorized do not exceed the limits as specified in subparagraph  
 325 2.

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

329 6. This paragraph expires July 1, 2010.

330 Section 3. Section 212.086, Florida Statutes, is created to  
 331 read:

332 212.086 Energy Efficient Motor Vehicle Sales Tax Refund  
 333 Program.--

334 (1) The energy efficient motor vehicle sales tax refund is  
 335 established to provide financial incentives for the purchase of  
 336 alternative motor vehicles as specified by this section.

337 (2) Any person who purchases an alternative motor vehicle  
 338 is eligible for a refund of the tax imposed under this chapter.  
 339 The tax that is eligible for refund shall be computed on the  
 340 lesser of \$15,000 or the sales price as provided in s. 212.02.

341 (3) In order to qualify for the sales tax refund under this  
 342 section, the alternative motor vehicle must be certified as a new  
 343 qualified hybrid motor vehicle, new qualified alternative fuel  
 344 motor vehicle, new qualified fuel cell motor vehicle, or new  
 345 advanced lean-burn technology motor vehicle by the Internal  
 346 Revenue Service for the income tax credit for alternative motor

347 vehicles under s. 30B of the Internal Revenue Code of 1986, as  
348 amended.

349 (4) Notwithstanding ss. 212.095 and 215.26, an application  
350 for refund must be filed with the department within 90 days after  
351 purchase of the alternative motor vehicle and must contain the  
352 following:

353 (a) The name and address of the person claiming the refund.

354 (b) A specific description of the alternative motor vehicle  
355 for which a refund is sought, including the vehicle  
356 identification number.

357 (c) The sales invoice or other proof of purchase showing  
358 the amount of sales tax paid, the date of purchase, and the name  
359 and address of the sales tax dealer from whom the alternative  
360 motor vehicle was purchased.

361 (d) A sworn statement that the information provided is  
362 accurate and that the requirements of this section have been met.

363 (5) The total dollar amount of all refunds issued by the  
364 department is limited to the total amount of appropriations in  
365 any fiscal year for this program. The department may approve  
366 refunds up to the amount appropriated for this refund program  
367 based on the date of filing an application for refund pursuant to  
368 subsection (4). If the funds are insufficient during the current  
369 fiscal year, any requests for refund received during that fiscal  
370 year may be processed during the following fiscal year, subject  
371 to the appropriation, and have priority over new applications for  
372 refund filed in the following fiscal year. The provisions of s.  
373 213.255 do not apply to requests for refund which are held for  
374 payment in the following fiscal year.

375 (6) The department may adopt rules pursuant to ss.

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376 120.536(1) and 120.54 to administer this section, including rules  
 377 establishing forms and procedures for claiming this refund.

378 (7) A person who receives a refund pursuant to s.  
 379 212.08(7)(ccc) may not be allowed a refund provided in this  
 380 section.

381 (8) This section is repealed July 1, 2010.

382 Section 4. Section (1) of section 220.192, Florida  
 383 Statutes, is amended, and subsection (8) is added to that  
 384 section, to read:

385 220.192 Renewable energy technologies investment tax  
 386 credit.--

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

388 (a) "Biodiesel" means biodiesel as defined in s.  
 389 212.08(7)(ccc).

390 (b) "Corporation" means all general partnerships, limited  
 391 partnerships, limited liability companies, unincorporated  
 392 businesses, and all other business entities in which a taxpayer  
 393 owns an interest and which are taxed as partnerships or are  
 394 disregarded as separate entities from the taxpayer for tax  
 395 purposes. Tax credits derived by such entities treated as  
 396 corporations pursuant to this provision that are not transferred  
 397 by such entities to other taxpayers pursuant to subsection (8)  
 398 shall be passed through to the taxpayers designated as partners,  
 399 members, or owners, respectively, in any manner agreed to by such  
 400 persons, whether or not such persons are allocated or allowed any  
 401 portion of the federal energy tax credit with respect to the  
 402 eligible costs. The Department of Revenue shall adopt rules to  
 403 implement and administer the provisions allowing a pass through  
 404 of tax credits, including rules prescribing forms, reporting

405 requirements, and the specific procedures, guidelines, and  
406 requirements necessary for a tax credit to be passed through to  
407 an owner, member, or partner.

408 (c)(b) "Eligible costs" means:

409 1. Seventy-five percent of all capital costs, operation and  
410 maintenance costs, and research and development costs incurred  
411 between July 1, 2006, and June 30, 2010, up to a limit of \$3  
412 million per state fiscal year for all taxpayers, in connection  
413 with an investment in hydrogen-powered vehicles and hydrogen  
414 vehicle fueling stations in the state, including, but not limited  
415 to, the costs of constructing, installing, and equipping such  
416 technologies in the state.

417 2. Seventy-five percent of all capital costs, operation and  
418 maintenance costs, and research and development costs incurred  
419 between July 1, 2006, and June 30, 2010, up to a limit of \$1.5  
420 million per state fiscal year for all taxpayers, and limited to a  
421 maximum of \$12,000 per fuel cell, in connection with an  
422 investment in commercial stationary hydrogen fuel cells in the  
423 state, including, but not limited to, the costs of constructing,  
424 installing, and equipping such technologies in the state.

425 3. Seventy-five percent of all capital costs, operation and  
426 maintenance costs, and research and development costs incurred  
427 between July 1, 2006, and June 30, 2010, up to a limit of \$6.5  
428 million per state fiscal year for all taxpayers, in connection  
429 with an investment in the production, storage, and distribution  
430 of biodiesel (B10-B100) and ethanol (E10-E100) in the state,  
431 including the costs of constructing, installing, and equipping  
432 such technologies in the state. Gasoline fueling station pump

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433 retrofits for ethanol (E10-E100) distribution qualify as an  
434 eligible cost under this subparagraph.

435 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.  
436 212.08(7)(ccc).

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

439 (8) TRANSFERABILITY OF CREDIT.--

440 (a) Any corporation and any subsequent transferee allowed  
441 the tax credit may transfer the tax credit, in whole or in part,  
442 to any taxpayer by written agreement, without the requirement of  
443 transferring any ownership interest in the property generating  
444 the tax credit or any interest in the entity which owns the  
445 property. Transferees are entitled to apply the credits against  
446 the tax with the same effect as if the transferee had incurred  
447 the eligible costs.

448 (b) To perfect the transfer, the transferor shall provide a  
449 written transfer statement providing notice to the Department of  
450 Revenue of the assignor's intent to transfer the tax credits to  
451 the assignee, the date the transfer is effective, the assignee's  
452 name, address, federal taxpayer identification number and tax  
453 period, and the amount of tax credits to be transferred. The  
454 Department of Revenue may adopt rules to implement and administer  
455 this section, including rules prescribing forms, reporting  
456 requirements, and the specific procedures, guidelines, and  
457 requirements necessary to transfer a tax credit. The Department  
458 of Revenue shall issue, upon receipt of a transfer statement  
459 conforming to the requirements of this section, a certificate to  
460 the assignee reflecting the tax credit amounts transferred, a



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461 copy of which shall be attached to each tax return by an assignee  
462 in which such tax credits are used.

463 Section 5. Paragraph (f) is added to subsection (2) and  
464 paragraph (j) is added to subsection (3) of section 220.193,  
465 Florida Statutes, to read:

466 220.193 Florida renewable energy production credit.--

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

468 (f) "Sale" or "sold" includes the use of the electricity by  
469 the producer of the electricity when such use decreases the  
470 amount of electricity that would otherwise be purchased by the  
471 producer thereof.

472 (3) An annual credit against the tax imposed by this  
473 section shall be allowed to a taxpayer, based on the taxpayer's  
474 production and sale of electricity from a new or expanded Florida  
475 renewable energy facility. For a new facility, the credit shall  
476 be based on the taxpayer's sale of the facility's entire  
477 electrical production. For an expanded facility, the credit shall  
478 be based on the increases in the facility's electrical production  
479 that are achieved after May 1, 2006.

480 (j) A taxpayer's use of the credit granted pursuant to this  
481 section shall not reduce the amount of any credit authorized by  
482 s. 220.186 that would otherwise be available to that taxpayer.

483 Section 6. Section 255.251, Florida Statutes, is amended to  
484 read:

485 255.251 Energy Conservation and Sustainable ~~in~~ Buildings  
486 Act; short title.--This act shall be cited as the "Florida Energy  
487 Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

488 Section 7. Section 255.252, Florida Statutes, is amended to  
489 read:

490 255.252 Findings and intent.--

491 (1) Operating and maintenance expenditures associated with  
492 energy equipment and with energy consumed in state-financed and  
493 leased buildings represent a significant cost over the life of a  
494 building. Energy conserved by appropriate building design not  
495 only reduces the demand for energy but also reduces costs for  
496 building operation. ~~For example, commercial buildings are~~  
497 ~~estimated to use from 20 to 80 percent more energy than would be~~  
498 ~~required if energy conserving designs were used.~~ The size,  
499 design, orientation, and operability of windows, the ratio of  
500 ventilating air to air heated or cooled, the level of lighting  
501 consonant with space-use requirements, the handling of occupancy  
502 loads, and the ability to zone off areas not requiring equivalent  
503 levels of heating or cooling are but a few of the considerations  
504 necessary to conserving energy.

505 (2) Significant efforts are needed to build energy-  
506 efficient state-owned buildings that meet environmental standards  
507 ~~underway by the General Services Administration, the National~~  
508 ~~Institute of Standards and Technology, and others to detail the~~  
509 ~~considerations and practices for energy conservation in~~  
510 ~~buildings.~~ Most important is that energy-efficient designs  
511 provide energy savings over the life of the building structure.  
512 ~~Conversely, energy inefficient designs cause excess and wasteful~~  
513 ~~energy use and high costs over that life.~~ With buildings lasting  
514 many decades and with energy costs escalating rapidly, it is  
515 essential that the costs of operation and maintenance for energy-  
516 using equipment and sustainable materials be included in all  
517 design proposals for state-owned state buildings.

518           (3) In order that such energy-efficiency and sustainable  
519 materials considerations become a function of building design,  
520 and also a model for future application in the private sector, it  
521 shall be the policy of the state that buildings constructed and  
522 financed by the state be designed and constructed to meet the  
523 United States Green Building Council (USGBC) Leadership in Energy  
524 and Environmental Design (LEED) rating system, Green Building  
525 Initiative's Green Globes rating system, or a nationally-  
526 recognized, high performance green building rating system as  
527 approved by the department in a manner which will minimize the  
528 consumption of energy used in the operation and maintenance of  
529 such buildings. It is further the policy of the state, when  
530 economically feasible, to retrofit existing state-owned buildings  
531 in a manner that ~~which~~ will minimize the consumption of energy  
532 used in the operation and maintenance of such buildings.

533           (4) In addition to designing and constructing new buildings  
534 to be energy efficient ~~energy-efficient~~, it shall be the policy  
535 of the state to operate, maintain, and renovate existing state-  
536 owned ~~state~~ facilities, or provide for their renovation, in a  
537 manner that ~~which~~ will minimize energy consumption and maximize  
538 their sustainability as well as ensure that facilities leased by  
539 the state are operated so as to minimize energy use. Agencies are  
540 encouraged to consider shared savings financing of such energy  
541 projects, using contracts that ~~which~~ split the resulting savings  
542 for a specified period of time between the agency and the private  
543 firm or cogeneration contracts which otherwise permit the state  
544 to lower its energy costs. Such energy contracts may be funded  
545 from the operating budget.

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546       (5) Each state agency must identify and compile a list of  
547 all state-owned buildings within its inventory that would be  
548 suitable for a guaranteed energy performance savings contract  
549 pursuant to s. 489.145. Such list shall be submitted to the  
550 Department of Management Services by December 31, 2007, and shall  
551 include all facilities over 5,000 square feet in area and for  
552 which the agency is responsible for paying the expenses of  
553 utilities and other operating expenses as they relate to energy  
554 use. In consultation with each department secretary or director,  
555 by March 1, 2008, the Department of Management Services shall  
556 evaluate each agency's facilities suitable for energy  
557 conservation projects and shall develop an energy efficiency  
558 project schedule based on factors such as project magnitude,  
559 efficiency and effectiveness of energy conservation measures to  
560 be implemented, and other factors that may prove to be  
561 advantageous to pursue. Such schedule shall provide the deadline  
562 for guaranteed energy performance savings contract improvements  
563 to be made to the state-owned buildings.

564       Section 8. Subsections (6) and (7) are added to section  
565 255.253, Florida Statutes, to read:

566       255.253 Definitions; ss. 255.251-255.258.--

567       (6) "Sustainable building" means a building that is healthy  
568 and comfortable for its occupants and is economical to operate  
569 while conserving resources, including energy, water, raw  
570 materials, and land, and minimizing the generation of toxic  
571 materials and waste in its design, construction, landscaping, and  
572 operation.

573       (7) "Sustainable building rating" means a rating  
574 established by the United States Green Building Council (USGBC)

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575 Leadership in Energy and Environmental Design (LEED) rating  
576 system, Green Building Initiative's Green Globes rating system,  
577 or a nationally-recognized, high performance green building  
578 rating system as approved by the department.

579 Section 9. Section 255.254, Florida Statutes, is amended to  
580 read:

581 255.254 No facility constructed ~~or leased~~ without life-  
582 cycle costs.--

583 (1) No state agency shall ~~lease,~~ construct, or have  
584 constructed, within limits prescribed herein, a facility without  
585 having secured from the department an ~~a proper~~ evaluation of  
586 life-cycle costs based on sustainable building ratings, ~~as~~  
587 ~~computed by an architect or engineer.~~ Furthermore, construction  
588 shall proceed only upon disclosing, for the facility chosen, the  
589 life-cycle costs as determined in s. 255.255, its sustainable  
590 building rating, and the capitalization of the initial  
591 construction costs of the building. The life-cycle costs shall be  
592 a primary consideration in the selection of a building design in  
593 addition to its sustainable building rating. ~~Such analysis shall~~  
594 ~~be required only for construction of buildings with an area of~~  
595 ~~5,000 square feet or greater.~~ For leased buildings 5,000 square  
596 feet or greater ~~areas of 20,000 square feet or greater~~ within a  
597 given building boundary, an energy performance analysis ~~a life-~~  
598 ~~cycle analysis~~ shall be performed, and a lease shall only be made  
599 where there is a showing that the energy ~~life-cycle~~ costs  
600 incurred by the state are minimal compared to available like  
601 facilities.

602 (2) On and after January 1, 1979, no state agency shall  
603 initiate construction or have construction initiated, prior to

604 approval thereof by the department, on a facility or self-  
 605 contained unit of any facility, the design and construction of  
 606 which incorporates or contemplates the use of an energy system  
 607 other than a solar energy system when the life-cycle costs  
 608 analysis prepared by the department has determined that a solar  
 609 energy system is the most cost-efficient energy system for the  
 610 facility or unit.

611 (3) After September 30, 1985, when any state agency must  
 612 replace or supplement major items of energy-consuming equipment  
 613 in existing state-owned ~~or leased~~ facilities or any self-  
 614 contained unit of any facility with other major items of energy-  
 615 consuming equipment, the selection of such items shall be made on  
 616 the basis of a life-cycle cost analysis of alternatives in  
 617 accordance with rules promulgated by the department under s.  
 618 255.255.

619 Section 10. Subsection (1) of section 255.255, Florida  
 620 Statutes, is amended to read:

621 255.255 Life-cycle costs.--

622 (1) The department shall promulgate rules and procedures,  
 623 including energy conservation performance guidelines based on  
 624 sustainable building ratings, for conducting a life-cycle cost  
 625 analysis of alternative architectural and engineering designs and  
 626 alternative major items of energy-consuming equipment to be  
 627 retrofitted in existing state-owned or leased facilities and for  
 628 developing energy performance indices to evaluate the efficiency  
 629 of energy utilization for competing designs in the construction  
 630 of state-financed and leased facilities.

631 Section 11. Subsection (10) of section 287.064, Florida  
 632 Statutes, is amended to read:

633           287.064 Consolidated financing of deferred-payment  
634 purchases.--

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

648           Section 12. Section 377.802, Florida Statutes, is amended  
649 to read:

650           377.802 Purposes ~~Purpose~~.--

651           (1) This act is intended to provide matching grants to  
652 stimulate capital investment in the state and to enhance the  
653 market for and promote the statewide utilization of renewable  
654 energy technologies. The targeted grants program is designed to  
655 advance the already growing establishment of renewable energy  
656 technologies in the state and encourage the use of other  
657 incentives such as tax exemptions and regulatory certainty to  
658 attract additional renewable energy technology producers,  
659 developers, and users to the state.

660           (2) This act is ~~also~~ intended to provide incentives for the  
661 purchase of energy-efficient appliances and rebates for solar

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662 energy equipment installations for residential and commercial  
663 buildings. In order to promote energy efficiency and conservation  
664 of the state's resources, the month of October shall annually be  
665 designated "Energy Efficiency and Conservation Month."

666 Section 13. Subsection (2) of section 377.803, Florida  
667 Statutes, is amended, and subsections (3) through (10) of that  
668 section are redesignated as subsections (2) through (9),  
669 respectively, to read:

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

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

675 Section 14. Subsection (6) of section 377.804, Florida  
676 Statutes, is amended to read:

677 377.804 Renewable Energy Technologies Grants Program.--

678 ~~(6) The department shall coordinate and actively consult~~  
679 ~~with the Department of Agriculture and Consumer Services during~~  
680 ~~the review and approval process of grants relating to bioenergy~~  
681 ~~projects for renewable energy technology, and the departments~~  
682 ~~shall jointly determine the grant awards to these bioenergy~~  
683 ~~projects. No grant funding shall be awarded to any bioenergy~~  
684 ~~project without such joint approval. Factors for consideration in~~  
685 ~~awarding grants may include, but are not limited to, the degree~~  
686 ~~to which:~~

687 ~~(a) The project stimulates in-state capital investment and~~  
688 ~~economic development in metropolitan and rural areas, including~~  
689 ~~the creation of jobs and the future development of a commercial~~  
690 ~~market for bioenergy.~~



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691 ~~(b) The project produces bioenergy from Florida grown crops~~  
692 ~~or biomass.~~

693 ~~(c) The project demonstrates efficient use of energy and~~  
694 ~~material resources.~~

695 ~~(d) The project fosters overall understanding and~~  
696 ~~appreciation of bioenergy technologies.~~

697 ~~(e) Matching funds and in-kind contributions from an~~  
698 ~~applicant are available.~~

699 ~~(f) The project duration and the timeline for expenditures~~  
700 ~~are acceptable.~~

701 ~~(g) The project has a reasonable assurance of enhancing the~~  
702 ~~value of agricultural products or will expand agribusiness in the~~  
703 ~~state.~~

704 ~~(h) Preliminary market and feasibility research has been~~  
705 ~~conducted by the applicant or others and shows there is a~~  
706 ~~reasonable assurance of a potential market.~~

707 Section 15. Subsections (3), (5), (6), and (7) of section  
708 377.806, Florida Statutes, are amended to read:

709 377.806 Solar Energy System Incentives Program.--

710 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

711 (a) Eligibility requirements.--A solar thermal system  
712 qualifies for a rebate if:

713 1. The system is installed by a state-licensed solar or  
714 plumbing contractor.

715 2. The system complies with all applicable building codes  
716 as defined by the local jurisdictional authority.

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

719 1. Five hundred dollars for a residence.

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

725 (5) APPLICATION.--To qualify for a rebate, an applicant  
 726 must:

727 (a) Apply for a rebate reservation at least 10 days before  
 728 the date of installation of any solar equipment. Homebuilders or  
 729 developers may file a single application form for project sites  
 730 containing more than 25 homes. For project sites containing fewer  
 731 than 25 homes, the homebuilder or developer must file a separate  
 732 rebate reservation application for each home; and

733 (b) Submit a separate application for a rebate payment  
 734 within 90 days after the installation of any solar equipment.  
 735 ~~Application for a rebate must be made within 90 days after the~~  
 736 ~~purchase of the solar energy equipment.~~

737 (6) REBATE AVAILABILITY.--The department shall determine  
 738 and publish on a regular basis the amount of rebate funds  
 739 remaining in each fiscal year. The total dollar amount of all  
 740 rebates issued by the department is subject to the total amount  
 741 of appropriations in any fiscal year for this program. If funds  
 742 are insufficient during the current fiscal year, any requests for  
 743 rebates received during that fiscal year may be processed during  
 744 the following fiscal year. Requests for rebates received in a  
 745 fiscal year that are processed during the following fiscal year  
 746 shall be given priority over requests for rebates received during  
 747 the following fiscal year. At least 60 percent of rebate funds

748 appropriated under this program shall be earmarked for homeowners  
749 installing solar equipment in new or renovated homes.

750 (7) RULES.--The department shall adopt rules pursuant to  
751 ss. 120.536(1) and 120.54 to develop ~~rebate~~ applications for  
752 rebate reservations and rebate payments and administer the  
753 issuance of rebates.

754 Section 16. Section 403.0874, Florida Statutes, is created  
755 to read:

756 403.0874 Greenhouse Gas Inventories.--

757 (1) "Greenhouse gases" mean gases that trap heat in the  
758 atmosphere. The principal greenhouse gases are: carbon dioxide  
759 (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated gases  
760 (such as hydroflurorcarbons, perfluorocarbons, and sulfur  
761 hexafluoride).

762 (2) The department shall develop greenhouse gas inventories  
763 that account for annual greenhouse gases emitted and removed  
764 from the atmosphere, and forecast gases emitted and removed, for  
765 all major greenhouse gases, for time periods determined  
766 sufficient by the department to provide for adequate analysis and  
767 planning.

768 (3) By rule, the department shall define what greenhouse  
769 gases are to be included in each inventory, the criteria for  
770 defining major emitters, which emitters must report emissions,  
771 and what methodologies shall be used to estimate gases emitted  
772 and removed from those not required to report.

773 (4) The department is authorized to require all major  
774 emitters of defined greenhouse gases to report emissions  
775 according to methodologies and reporting systems approved by the  
776 department and established by rule, which may include the use of

777 quality-assured data from continuous emissions monitoring  
 778 systems.

779 Section 17. Subsection (3) of section 403.50663, Florida  
 780 Statutes, is amended to read:

781 403.50663 Informational public meetings.--

782 (3) A local government or regional planning council that  
 783 intends to conduct an informational public meeting must provide  
 784 notice of the meeting to all parties not less than 15 ~~5~~ days  
 785 prior to the meeting and to the general public, in accordance  
 786 with the provisions of s. 403.5115(5).

787 Section 18. Subsections (2), (3), and (4) of section  
 788 403.50665, Florida Statutes, are amended to read:

789 403.50665 Land use consistency.--

790 (2) Within 45 days after the filing of the application,  
 791 each local government shall file a determination with the  
 792 department, the applicant, the administrative law judge, and all  
 793 parties on the consistency of the site or any directly associated  
 794 facilities with existing land use plans and zoning ordinances  
 795 that were in effect on the date the application was filed, based  
 796 on the information provided in the application. The local  
 797 government may issue its determination up to 35 days later if the  
 798 local government has requested additional information on land use  
 799 and zoning consistency as part of the local government's  
 800 statement on completeness of the application submitted pursuant  
 801 to s. 403.5066(1)(a). Incompleteness of information necessary for  
 802 a local government to evaluate an application may be claimed by  
 803 the local government as cause for a statement of inconsistency  
 804 with existing land use plans and zoning ordinances. Notice of the

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805 consistency determination shall be published in accordance with  
806 the requirements of s. 403.5115.

807 (3) If the local government issues a determination that the  
808 proposed electrical power plant is not consistent or in  
809 compliance with local land use plans and zoning ordinances, the  
810 applicant may apply to the local government for the necessary  
811 local approval to address the inconsistencies in the local  
812 government's determination. If the applicant makes such an  
813 application to the local government, the time schedules under  
814 this act shall be tolled until the local government issues its  
815 revised determination on land use and zoning or the applicant  
816 otherwise withdraws its application to the local government. If  
817 the applicant applies to the local government for necessary local  
818 land use or zoning approval, the local government shall issue a  
819 revised determination within 30 days following the conclusion of  
820 any that local proceeding held by the local government to  
821 consider the application for land use or zoning approval, and the  
822 time schedules and notice requirements under this act shall apply  
823 to such revised determination.

824 (4) If any substantially affected person wishes to dispute  
825 the local government's determination, he or she shall file a  
826 petition with the designated administrative law judge ~~department~~  
827 within 21 days after the publication of notice of the local  
828 government's determination. If a hearing is requested, the  
829 provisions of s. 403.508(1) shall apply.

830 Section 19. Paragraph (a) of subsection (1) and paragraph  
831 (a) of subsection (2) of section 403.508, Florida Statutes, are  
832 amended to read:

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833 403.508 Land use and certification hearings, parties,  
834 participants.--

835 (1) (a) Within 5 days after the filing of ~~If~~ a petition for  
836 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,  
837 the designated administrative law judge shall schedule ~~conduct~~ a  
838 land use hearing to be conducted in the county of the proposed  
839 site or directly associated facility, as applicable, as  
840 expeditiously as possible, but not later than 30 days after the  
841 department's receipt of the petition. The place of such hearing  
842 shall be as close as possible to the proposed site or directly  
843 associated facility. If a petition is filed, the hearing shall be  
844 held regardless of the status of the completeness of the  
845 application. ~~However, incompleteness of information necessary for~~  
846 ~~a local government to evaluate an application may be claimed by~~  
847 ~~the local government as cause for a statement of inconsistency~~  
848 ~~with existing land use plans and zoning ordinances under s.~~  
849 ~~403.50665.~~

850 (2) (a) A certification hearing shall be held by the  
851 designated administrative law judge no later than 265 days after  
852 the application is filed with the department. The certification  
853 hearing shall be held at a location in proximity to the proposed  
854 site. ~~At the conclusion of the certification hearing, the~~  
855 ~~designated administrative law judge shall, after consideration of~~  
856 ~~all evidence of record, submit to the board a recommended order~~  
857 ~~no later than 45 days after the filing of the hearing transcript.~~

858 Section 20. Subsection (5) of section 403.509, Florida  
859 Statutes, is amended to read:

860 403.509 Final disposition of application.--

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861           (5) For certifications issued by the board in regard to the  
862 properties and works of any agency which is a party to the  
863 certification hearing, the board shall have the authority to  
864 decide issues relating to the use, the connection thereto, or the  
865 crossing thereof, for the electrical power plant and directly  
866 associated facilities and to direct any such agency to execute,  
867 within 30 days after the entry of certification, the necessary  
868 license or easement for such use, connection, or crossing,  
869 subject only to the conditions set forth in such certification.  
870 For certifications issued by the department in regard to the  
871 properties and works of any agency which is a party to the  
872 proceeding, any stipulation filed pursuant to s. 403.508(6)(a)  
873 must include a stipulation regarding any issues relating to the  
874 use, the connection thereto, or the crossing thereof, for the  
875 electrical power plant and directly associated facilities. Any  
876 agency stipulating to the use, connection to, or crossing of its  
877 property must agree to execute, within 30 days after the entry of  
878 certification, the necessary license or easement for such use,  
879 connection, or crossing, subject only to the conditions set forth  
880 in such certification.

881           Section 21. Section 403.5113, Florida Statutes, is amended  
882 to read:

883           403.5113 Postcertification amendments and review.--

884           (1) POSTCERTIFICATION AMENDMENTS.--

885           (a) If, subsequent to certification by the board, a  
886 licensee proposes any material change to the application and  
887 revisions or amendments thereto, as certified, the licensee shall  
888 submit a written request for amendment and a description of the  
889 proposed change to the application to the department. Within 30

890 days after the receipt of the request for the amendment, the  
 891 department shall determine whether the proposed change to the  
 892 application requires a modification of the conditions of  
 893 certification.

894 ~~(b)(2)~~ If the department concludes that the change would  
 895 not require a modification of the conditions of certification,  
 896 the department shall provide written notification of the  
 897 determination on approval of the proposed amendment to the  
 898 licensee, all agencies, and all other parties.

899 ~~(c)(3)~~ If the department concludes that the change would  
 900 require a modification of the conditions of certification, the  
 901 department shall provide written notification to the licensee  
 902 that the proposed change to the application requires a request  
 903 for modification pursuant to s. 403.516.

904 ~~(2)(4)~~ POSTCERTIFICATION REVIEW. -- Postcertification  
 905 submittals filed by the licensee with one or more agencies are  
 906 for the purpose of monitoring for compliance with the issued  
 907 certification and must be reviewed by the agencies on an  
 908 expedited and priority basis because each facility certified  
 909 under this act is a critical infrastructure facility. In no event  
 910 shall a postcertification review be completed in more than 90  
 911 days after complete information is submitted to the reviewing  
 912 agencies.

913 Section 22. Section 403.5115, Florida Statutes, is amended  
 914 to read:

915 403.5115 Public notice.--

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



918 (a) Notice of the filing of a notice of intent under s.  
919 403.5063, which shall be published within 21 days after the  
920 filing of the notice. The notice shall be published as specified  
921 by subsection (2), except that the newspaper notice shall be one-  
922 fourth page in size in a standard size newspaper or one-half page  
923 in size in a tabloid size newspaper.

924 (b) Notice of filing of the application, which shall  
925 include a description of the proceedings required by this act,  
926 within 21 days after the date of the application filing. Such  
927 notice shall give notice of the provisions of s. 403.511(1) and  
928 (2).

929 (c) If applicable, notice of the land use determination  
930 made pursuant to s. 403.50665(1) within 21 days after the  
931 determination is filed.

932 (d) If applicable, notice of the land use hearing, which  
933 shall be published as specified in subsection (2), no later than  
934 15 days before the hearing.

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

939 (f) Notice of the cancellation of the certification  
940 hearing, if applicable, no later than 3 days before the date of  
941 the originally scheduled certification hearing.

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

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946 1. Within 21 days after receipt of a request for  
947 modification. The newspaper notice shall be of a size as directed  
948 by the department commensurate with the scope of the  
949 modification.

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

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

955 ~~(i) Notice of existing site certification pursuant to s.~~  
956 ~~403.5175. Notices shall be published as specified in paragraph~~  
957 ~~(b) and subsection (2).~~

958 (2) Notices provided by the applicant shall be published in  
959 newspapers of general circulation within the county or counties  
960 in which the proposed electrical power plant will be located. The  
961 newspaper notices shall be at least one-half page in size in a  
962 standard size newspaper or a full page in a tabloid size  
963 newspaper. These notices shall include a map generally depicting  
964 the project and all associated facilities corridors. A newspaper  
965 of general circulation shall be the newspaper which has the  
966 largest daily circulation in that county and has its principal  
967 office in that county. If the newspaper with the largest daily  
968 circulation has its principal office outside the county, the  
969 notices shall appear in both the newspaper having the largest  
970 circulation in that county and in a newspaper authorized to  
971 publish legal notices in that county.

972 (3) All notices published by the applicant shall be paid  
973 for by the applicant and shall be in addition to the application  
974 fee.

975 (4) The department shall arrange for publication of the  
 976 following notices in the manner specified by chapter 120 and  
 977 provide copies of those notices to any persons who have requested  
 978 to be placed on the departmental mailing list for this purpose  
 979 for each case for which an application has been received by the  
 980 department:

981 (a) Notice of the filing of the notice of intent within 15  
 982 days after receipt of the notice.

983 (b) Notice of the filing of the application, no later than  
 984 21 days after the application filing.

985 (c) Notice of the land use determination made pursuant to  
 986 s. 403.50665(1) within 21 days after the determination is filed.

987 (d) Notice of the land use hearing before the  
 988 administrative law judge, if applicable, no later than 15 days  
 989 before the hearing.

990 (e) Notice of the land use hearing before the board, if  
 991 applicable.

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

994 (g) Notice of the cancellation of the certification  
 995 hearing, if applicable, no later than 3 days prior to the date of  
 996 the originally scheduled certification hearing.

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

998 (i) Notice of stipulations, proposed agency action, or  
 999 petitions for modification.

1000 (5) A local government or regional planning council that  
 1001 proposes to conduct an informational public meeting pursuant to  
 1002 s. 403.50663 must publish notice of the meeting in a newspaper of  
 1003 general circulation within the county or counties in which the

1004 proposed electrical power plant will be located no later than 7  
 1005 days prior to the meeting. A newspaper of general circulation  
 1006 shall be the newspaper which has the largest daily circulation in  
 1007 that county and has its principal office in that county. If the  
 1008 newspaper with the largest daily circulation has its principal  
 1009 office outside the county, the notices shall appear in both the  
 1010 newspaper having the largest circulation in that county and in a  
 1011 newspaper authorized to publish legal notices in that county.

1012 Section 23. Subsection (1) of section 403.5252, Florida  
 1013 Statutes, is amended to read:

1014 403.5252 Determination of completeness.--

1015 (1) (a) Within 30 days after the filing ~~distribution~~ of an  
 1016 application, the affected agencies shall file a statement with  
 1017 the department containing the recommendations of each agency  
 1018 concerning the completeness of the application for certification.

1019 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the  
 1020 application ~~completeness statements of each agency~~, the  
 1021 department shall file a statement with the Division of  
 1022 Administrative Hearings, with the applicant, and with all parties  
 1023 declaring its position with regard to the completeness of the  
 1024 application. The statement of the department shall be based upon  
 1025 its consultation with the affected agencies.

1026 Section 24. Paragraph (a) of subsection (6) of section  
 1027 403.527, Florida Statutes, is amended to read:

1028 403.527 Certification hearing, parties, participants.--

1029 (6) (a) No later than 29 ~~25~~ days before the certification  
 1030 hearing, the department or the applicant may request that the  
 1031 administrative law judge cancel the certification hearing and  
 1032 relinquish jurisdiction to the department if all parties to the

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1033 proceeding stipulate that there are no disputed issues of  
1034 material fact or law to be raised at the certification hearing.

1035 Section 25. Paragraph (e) of subsection (1) of section  
1036 403.5271, Florida Statutes, is amended to read:

1037 403.5271 Alternate corridors.--

1038 (1) No later than 45 days before the originally scheduled  
1039 certification hearing, any party may propose alternate  
1040 transmission line corridor routes for consideration under the  
1041 provisions of this act.

1042 (e)1. Reviewing agencies shall advise the department of any  
1043 issues concerning completeness no later than 15 days after the  
1044 submittal of the data required by paragraph (d). Within 22 days  
1045 after receipt of the data, the department shall issue a  
1046 determination of completeness.

1047 2. If the department determines that the data required by  
1048 paragraph (d) is not complete, the party proposing the alternate  
1049 corridor must file such additional data to correct the  
1050 incompleteness. This additional data must be submitted within 14  
1051 days after the determination by the department.

1052 3. Reviewing agencies may advise the department of any  
1053 issues concerning completeness of the additional data within 10  
1054 days after the filing by the party proposing the alternate  
1055 corridor. If the department, within 14 days after receiving the  
1056 additional data, determines that the data remains incomplete, the  
1057 incompleteness of the data is deemed a withdrawal of the proposed  
1058 alternate corridor. The department may make its determination  
1059 based on recommendations made by other affected agencies.

1060 Section 26. Subsection (3) of section 403.5272, Florida  
1061 Statutes, is amended to read:

1062 403.5272 Informational public meetings.--

1063 (3) A local government or regional planning council that  
 1064 intends to conduct an informational public meeting must provide  
 1065 notice of the meeting, with notice sent to all parties listed in  
 1066 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting, to  
 1067 the general public, in accordance with the provisions of s.  
 1068 403.5363(4).

1069 Section 27. Paragraph (b) of subsection (1) of section  
 1070 403.5317, Florida Statutes, is amended to read:

1071 403.5317 Postcertification activities.--

1072 (1)

1073 (b) If the department concludes that the change would not  
 1074 require a modification of the conditions of certification, the  
 1075 department shall notify, in writing, the licensee, all agencies,  
 1076 and all parties of the determination on approval ~~approval~~ of the  
 1077 amendment.

1078 Section 28. Paragraph (c) of subsection (3) of section  
 1079 403.5363, Florida Statutes, is amended, and subsection (4) is  
 1080 added to that section, to read:

1081 403.5363 Public notices; requirements.--

1082 (3) The department shall arrange for the publication of the  
 1083 following notices in the manner specified by chapter 120:

1084 (c) The notice of the cancellation of a certification  
 1085 hearing, if applicable. The notice must be published not later  
 1086 than 3 ~~7~~ days before the date of the originally scheduled  
 1087 certification hearing.

1088 (4) A local government or regional planning council that  
 1089 proposes to conduct an informational public meeting pursuant to  
 1090 s. 403.5272 must publish notice of the meeting in a newspaper of

1091 general circulation within the county or counties in which the  
 1092 proposed electrical transmission line will be located no later  
 1093 than 7 days prior to the meeting. A newspaper of general  
 1094 circulation shall be the newspaper which has the largest daily  
 1095 circulation in that county and has its principal office in that  
 1096 county. If the newspaper with the largest daily circulation has  
 1097 its principal office outside the county, the notices shall appear  
 1098 in both the newspaper having the largest circulation in that  
 1099 county and in a newspaper authorized to publish legal notices in  
 1100 that county.

1101 Section 29. Section 489.145, Florida Statutes, is amended  
 1102 to read:

1103 489.145 Guaranteed energy performance savings  
 1104 contracting.--

1105 (1) SHORT TITLE.--This section may be cited as the  
 1106 "Guaranteed Energy Performance Savings Contracting Act."

1107 (2) LEGISLATIVE FINDINGS.--The Legislature finds that  
 1108 investment in energy conservation measures in agency facilities  
 1109 can reduce the amount of energy consumed and produce immediate  
 1110 and long-term savings. It is the policy of this state to  
 1111 encourage agencies to invest in energy conservation measures ~~that~~  
 1112 ~~reduce energy consumption, produce a cost savings for the agency,~~  
 1113 ~~and improve the quality of indoor air in public facilities and to~~  
 1114 ~~operate, maintain, and, when economically feasible, build or~~  
 1115 ~~renovate existing agency facilities in such a manner as to~~  
 1116 minimize energy consumption and maximize energy savings. It is  
 1117 further the policy of this state to encourage agencies to  
 1118 reinvest any energy savings resulting from energy conservation  
 1119 measures in additional energy conservation efforts.

1120 (3) DEFINITIONS.--As used in this section, the term:  
 1121 (a) "Agency" means the state, a municipality, or a  
 1122 political subdivision.  
 1123 (b) "Energy conservation measure" means a ~~training program,~~  
 1124 facility alteration, or an equipment purchase to be used in new  
 1125 construction, including an addition to an existing facility,  
 1126 which reduces energy or energy-related operating costs and  
 1127 includes, but is not limited to:  
 1128 1. Insulation of the facility structure and systems within  
 1129 the facility.  
 1130 2. Storm windows and doors, caulking or weatherstripping,  
 1131 multiglazed windows and doors, heat-absorbing, or heat-  
 1132 reflective, glazed and coated window and door systems, additional  
 1133 glazing, reductions in glass area, and other window and door  
 1134 system modifications that reduce energy consumption.  
 1135 3. Automatic energy control systems.  
 1136 4. Heating, ventilating, or air-conditioning system  
 1137 modifications or replacements.  
 1138 5. Replacement or modifications of lighting fixtures to  
 1139 increase the energy efficiency of the lighting system, which, at  
 1140 a minimum, must conform to the applicable state or local building  
 1141 code.  
 1142 6. Energy recovery systems.  
 1143 7. Cogeneration systems that produce steam or forms of  
 1144 energy such as heat, as well as electricity, for use primarily  
 1145 within a facility or complex of facilities.  
 1146 8. Energy conservation measures that reduce Btu, kW, or kWh  
 1147 consumed, or provide long-term operating cost reductions ~~or~~  
 1148 ~~significantly reduce Btu consumed.~~



- 1149 | 9. Renewable energy systems, such as solar, biomass, or
- 1150 | wind systems.
- 1151 | 10. Devices that reduce water consumption or sewer charges.
- 1152 | 11. Storage systems, such as fuel cells and thermal
- 1153 | storage.
- 1154 | 12. Generating technologies, such as microturbines.
- 1155 | 13. Any other repair, replacement, or upgrade of existing
- 1156 | equipment.

1157 | (c) "Energy cost savings" means a measured reduction in the  
 1158 | cost of fuel, energy consumption, and stipulated operation and  
 1159 | maintenance created from the implementation of one or more energy  
 1160 | conservation measures when compared with an established baseline  
 1161 | for the previous cost of fuel, energy consumption, and stipulated  
 1162 | operation and maintenance.

1163 | (d) "Guaranteed energy performance savings contract" means  
 1164 | a contract for the evaluation, recommendation, and implementation  
 1165 | of energy conservation measures or energy-related operational  
 1166 | saving measures, which, at a minimum, shall include:

1167 | 1. The design and installation of equipment to implement  
 1168 | one or more of such measures and, if applicable, operation and  
 1169 | maintenance of such measures.

1170 | 2. The amount of any actual annual savings that meet or  
 1171 | exceed total annual contract payments made by the agency for the  
 1172 | contract and may include allowable cost avoidance. As used in  
 1173 | this section, allowable cost avoidance calculations include, but  
 1174 | are not limited to, avoided provable budgeted costs contained in  
 1175 | a capital replacement plan, and current undepreciated value of  
 1176 | replaced equipment subtracted from the replacement cost of the  
 1177 | new equipment.

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1178 3. The finance charges incurred by the agency over the life  
1179 of the contract.

1180 (e) "Guaranteed energy performance savings contractor"  
1181 means a person or business that is licensed under chapter 471,  
1182 chapter 481, or this chapter, and is experienced in the analysis,  
1183 design, implementation, or installation of energy conservation  
1184 measures through energy performance contracts.

1185 (4) PROCEDURES.--

1186 (a) An agency may enter into a guaranteed energy  
1187 performance savings contract with a guaranteed energy performance  
1188 savings contractor to significantly reduce energy consumption or  
1189 energy-related operating costs of an agency facility through one  
1190 or more energy conservation measures.

1191 (b) Before design and installation of energy conservation  
1192 measures, the agency must obtain from a guaranteed energy  
1193 performance savings contractor a report that summarizes the costs  
1194 associated with the energy conservation measures or energy-  
1195 related operational cost saving measures and provides an estimate  
1196 of the amount of the ~~energy~~ cost savings. The agency and the  
1197 guaranteed energy performance savings contractor may enter into a  
1198 separate agreement to pay for costs associated with the  
1199 preparation and delivery of the report; however, payment to the  
1200 contractor shall be contingent upon the report's projection of  
1201 energy or operational cost savings being equal to or greater than  
1202 the total projected costs of the design and installation of the  
1203 report's energy conservation measures.

1204 (c) The agency may enter into a guaranteed energy  
1205 performance savings contract with a guaranteed energy performance  
1206 savings contractor if the agency finds that the amount the agency

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1207 would spend on the energy conservation or energy-related cost  
1208 saving measures will not likely exceed the amount of the energy  
1209 or energy-related cost savings for up to 20 years from the date  
1210 of installation, based on the life cycle cost calculations  
1211 provided in s. 255.255, if the recommendations in the report were  
1212 followed and if the qualified provider or providers give a  
1213 written guarantee that the energy or energy-related cost savings  
1214 will meet or exceed the costs of the system. The contract may  
1215 provide for installment payments for a period not to exceed 20  
1216 years.

1217 (d) A guaranteed energy performance savings contractor must  
1218 be selected in compliance with s. 287.055; except that if fewer  
1219 than three firms are qualified to perform the required services,  
1220 the requirement for agency selection of three firms, as provided  
1221 in s. 287.055(4)(b), and the bid requirements of s. 287.057 do  
1222 not apply.

1223 (e) Before entering into a guaranteed energy performance  
1224 savings contract, an agency must provide published notice of the  
1225 meeting in which it proposes to award the contract, the names of  
1226 the parties to the proposed contract, and the contract's purpose.

1227 (f) A guaranteed energy performance savings contract may  
1228 provide for financing, including tax exempt financing, by a third  
1229 party. The contract for third party financing may be separate  
1230 from the energy performance contract. A separate contract for  
1231 third party financing pursuant to this paragraph must include a  
1232 provision that the third party financier must not be granted  
1233 rights or privileges that exceed the rights and privileges  
1234 available to the guaranteed energy performance savings  
1235 contractor.

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1236 (g) Financing for guaranteed energy performance savings  
1237 contracts may be provided under the authority of s. 287.064.

1238 (h) The Office of the Chief Financial Officer shall review  
1239 proposals to ensure that the most effective financing is being  
1240 used.

1241 (i)~~(g)~~ In determining the amount the agency will finance to  
1242 acquire the energy conservation measures, the agency may reduce  
1243 such amount by the application of any grant moneys, rebates, or  
1244 capital funding available to the agency for the purpose of buying  
1245 down the cost of the guaranteed energy performance savings  
1246 contract. However, in calculating the life cycle cost as required  
1247 in paragraph (c), the agency shall not apply any grants, rebates,  
1248 or capital funding.

1249 (5) CONTRACT PROVISIONS.--

1250 (a) A guaranteed energy performance savings contract must  
1251 include a written guarantee that may include, but is not limited  
1252 to the form of, a letter of credit, insurance policy, or  
1253 corporate guarantee by the guaranteed energy performance savings  
1254 contractor that annual energy cost savings will meet or exceed  
1255 the amortized cost of energy conservation measures.

1256 (b) The guaranteed energy performance savings contract must  
1257 provide that all payments, except obligations on termination of  
1258 the contract before its expiration, may be made over time, but  
1259 not to exceed 20 years from the date of complete installation and  
1260 acceptance by the agency, and that the annual savings are  
1261 guaranteed to the extent necessary to make annual payments to  
1262 satisfy the guaranteed energy performance savings contract.

1263 (c) The guaranteed energy performance savings contract must  
1264 require that the guaranteed energy performance savings contractor

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1265 to whom the contract is awarded provide a 100-percent public  
1266 construction bond to the agency for its faithful performance, as  
1267 required by s. 255.05.

1268 (d) The guaranteed energy performance savings contract may  
1269 contain a provision allocating to the parties to the contract any  
1270 annual energy cost savings that exceed the amount of the energy  
1271 cost savings guaranteed in the contract.

1272 (e) The guaranteed energy performance savings contract  
1273 shall require the guaranteed energy performance savings  
1274 contractor to provide to the agency an annual reconciliation of  
1275 the guaranteed energy or energy-related cost savings. If the  
1276 reconciliation reveals a shortfall in annual energy or energy-  
1277 related cost savings, the guaranteed energy performance savings  
1278 contractor is liable for such shortfall. If the reconciliation  
1279 reveals an excess in annual ~~energy~~ cost savings, the excess  
1280 savings may be allocated under paragraph (d) but may not be used  
1281 to cover potential energy cost savings shortages in subsequent  
1282 contract years.

1283 (f) The guaranteed energy performance savings contract must  
1284 provide for payments of not less than one-twentieth of the price  
1285 to be paid within 2 years from the date of the complete  
1286 installation and acceptance by the agency using straight-line  
1287 amortization for the term of the loan, and the remaining costs to  
1288 be paid at least quarterly, not to exceed a 20-year term, based  
1289 on life cycle cost calculations.

1290 (g) The guaranteed energy performance savings contract may  
1291 extend beyond the fiscal year in which it becomes effective;  
1292 however, the term of any contract expires at the end of each  
1293 fiscal year and may be automatically renewed annually for up to

1294 20 years, subject to the agency making sufficient annual  
 1295 appropriations based upon continued realized energy savings.

1296 (h) The guaranteed energy performance savings contract must  
 1297 stipulate that it does not constitute a debt, liability, or  
 1298 obligation of the state.

1299 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The  
 1300 Department of Management Services, with the assistance of the  
 1301 Office of the Chief Financial Officer, shall ~~may~~, within  
 1302 available resources, provide technical content assistance to  
 1303 state agencies contracting for energy conservation measures and  
 1304 engage in other activities considered appropriate by the  
 1305 department for promoting and facilitating guaranteed energy  
 1306 performance contracting by state agencies. The Office of the  
 1307 Chief Financial Officer, with the assistance of the Department of  
 1308 Management Services, shall ~~may, within available resources,~~  
 1309 develop model contractual and related documents for use by state  
 1310 agencies. Prior to entering into a guaranteed energy performance  
 1311 savings contract, any contract or lease for third-party  
 1312 financing, or any combination of such contracts, a state agency  
 1313 shall submit such proposed contract or lease to the Office of the  
 1314 Chief Financial Officer for review and approval. A proposed  
 1315 contract or lease shall include:

- 1316 (a) Supporting information required by s. 216.023(4)(a)9.
- 1317 (b) Documentation supporting recurring funds requirements  
 1318 in ss. 287.063(5) and 287.064(11).
- 1319 (c) Approval by the agency head or his or her designee.

1320 (7) FUNDING SUPPORT.--For purposes of consolidated  
 1321 financing of deferred payment commodity contracts under this  
 1322 section by a state agency, any such contract must be supported

1323 from available recurring funds appropriated to the agency in an  
 1324 appropriation category, other than the expense appropriation  
 1325 category as defined in chapter 216, that the Chief Financial  
 1326 Officer has determined is appropriate or that the Legislature has  
 1327 designated for payment of the obligation incurred under this  
 1328 section.

1329 Section 30. Section 570.956, Florida Statutes, is created  
 1330 to read:

1331 570.956 Farm-to-Fuel Advisory Council.--

1332 (1) The Farm-to-Fuel Advisory Council is created within the  
 1333 department to provide advice and counsel to the commissioner  
 1334 concerning the production of renewable energy in this state. The  
 1335 advisory council shall consist of 15 members, 14 of whom shall be  
 1336 appointed by the commissioner and one of whom shall be appointed  
 1337 the Governor for 4-year terms or until a successor is duly  
 1338 qualified and appointed. Members shall include:

1339 (a) One citizen-at-large member who shall represent the  
 1340 views of the public toward renewable energy.

1341 (b) Six members each of whom is a producer or grower  
 1342 actively engaged in the agricultural area of one of the following  
 1343 industries:

- 1344 1. Sugarcane.
- 1345 2. Citrus.
- 1346 3. Field crops.
- 1347 4. Dairy.
- 1348 5. Livestock or poultry.
- 1349 6. Forestry.

1350 (c) One member who represents the petroleum industry or who  
 1351 is actively engaged in the trade of petroleum products.

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1352        (d) One member who represents public utilities or the  
1353 electric power industry.

1354        (e) Two members who represent colleges and universities in  
1355 this state and who are engaged in research involving alternative  
1356 fuels or renewable energy.

1357        (f) One member who represents the environmental community  
1358 or an environmental organization.

1359        (g) One member who represents the ethanol industry or who  
1360 has expertise in the production of ethanol.

1361        (h) One member who represents the biodiesel industry or who  
1362 has expertise in the production of biodiesel.

1363        (i) One member appointed by the Governor.

1364        (2) The council is an advisory committee the operation of  
1365 which is governed by s. 570.0705.

1366        Section 31. Section 570.957, Florida Statutes, is created  
1367 to read:

1368        570.957 Farm-to-Fuel Grants Program.--

1369        (1) As used in this section, the term:

1370        (a) "Bioenergy" means useful, renewable energy produced  
1371 from organic matter through the conversion of the complex  
1372 carbohydrates in organic matter to energy. Organic matter may  
1373 either be used directly as a fuel, processed into liquids and  
1374 gases, or be a residue of processing and conversion.

1375        (b) "Department" means the Department of Agriculture and  
1376 Consumer Services.

1377        (c) "Person" means an individual, partnership, joint  
1378 venture, private or public corporation, association, firm, public  
1379 service company, or any other public or private entity.



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1380        (d) "Renewable energy" means electrical, mechanical, or  
1381 thermal energy produced from a method that uses one or more of  
1382 the following fuels or energy sources: hydrogen, biomass, solar  
1383 energy, geothermal energy, wind energy, ocean energy, waste heat,  
1384 or hydroelectric power.

1385        (2) The Farm-to-Fuel Grants Program is established within  
1386 the Department of Agriculture and Consumer Services to provide  
1387 renewable energy matching grants for demonstration,  
1388 commercialization, research, and development projects relating to  
1389 bioenergy projects.

1390        (a) Matching grants for bioenergy demonstration,  
1391 commercialization, research, and development projects may be made  
1392 to any of the following:

- 1393        1. Municipalities and county governments.  
1394        2. Established for-profit companies licensed to do business  
1395 in the state.  
1396        3. Universities and colleges in the state.  
1397        4. Utilities located and operating within the state.  
1398        5. Not-for-profit organizations.  
1399        6. Other qualified persons, as determined by the Department  
1400 of Agriculture and Consumer Services.

1401        (b) The Department of Agriculture and Consumer Services may  
1402 adopt rules to provide for allocation of grant funds by project  
1403 type, application requirements, ranking of applications, and  
1404 awarding of grants under this program.

1405        (c) Factors for consideration in awarding grants may  
1406 include, but are not limited to, the degree to which:

- 1407        1. The project produces bioenergy from Florida-grown crops  
1408 or biomass.

1409        2. The project demonstrates efficient use of energy and  
 1410 material resources.

1411        3. Matching funds and in-kind contributions from an  
 1412 applicant are available.

1413        4. The project has a reasonable assurance of enhancing the  
 1414 value of agricultural products or will expand agribusiness in the  
 1415 state.

1416        5. Preliminary market and feasibility research has been  
 1417 conducted by the applicant or others and shows there is a  
 1418 reasonable assurance of a potential market.

1419        6. The project stimulates in-state capital investment and  
 1420 economic development in metropolitan and rural areas, including  
 1421 the creation of jobs and the future development of a commercial  
 1422 market for bioenergy.

1423        (d) In evaluating and awarding grants under this section,  
 1424 the Department of Agriculture and Consumer Services shall consult  
 1425 with and solicit input from the Department of Environmental  
 1426 Protection.

1427        (e) In determining the technical feasibility of grant  
 1428 applications, the Department of Agriculture and Consumer Services  
 1429 shall coordinate and actively consult with persons having  
 1430 expertise in renewable energy technologies.

1431        (f) In determining the economic feasibility of bioenergy  
 1432 grant applications, the Department of Agriculture and Consumer  
 1433 Services shall consult with the Office of Tourism, Trade, and  
 1434 Economic Development.

1435        Section 32. Section 570.958, Florida Statutes, is created  
 1436 to read:

1437        570.958 Biofuel Retail Sales Incentive Program.--

1438       (1) The purpose of this section is to encourage the retail  
1439 sale of biofuels in this state and replace petroleum consumption  
1440 in the state by the following percentages over the specified  
1441 periods:

1442       (a) Three percent from January 1, 2008, through December  
1443 31, 2008.

1444       (b) Five percent from January 1, 2009, through December 31,  
1445 2009.

1446       (c) Seven percent from January 1, 2010, through December  
1447 31, 2010.

1448       (d) Ten percent from January 1, 2011, through December 31,  
1449 2011.

1450       (2) As used in this section:

1451       (a) "Biodiesel" means the mono-alkyl esters of long-chain  
1452 fatty acids derived from plant or animal matter for use as a  
1453 source of energy and meeting the specifications for biodiesel and  
1454 biodiesel blended with petroleum products as adopted by the  
1455 department.

1456       (b) "Biodiesel blended fuel" means a fuel mixture  
1457 containing 10 percent or more biodiesel with the balance  
1458 comprised of diesel fuel and meeting the specifications for  
1459 biodiesel blends as adopted by the department.

1460       (c) "Biofuel" means E85 fuel ethanol, E10 motor fuel,  
1461 biodiesel, and biodiesel blended fuel.

1462       (d) "E85 fuel ethanol" means ethanol blended with gasoline  
1463 and formulated with a nominal percentage of 85 percent ethanol by  
1464 volume and meeting the applicable fuel quality specifications as  
1465 adopted by the department.

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1466 (e) "E10 motor fuel" means a motor fuel blend consisting of  
1467 nominal percentages of 90 percent gasoline by volume and 10  
1468 percent ethanol by volume and meeting the fuel quality  
1469 specifications for gasoline as adopted by the department.

1470 (f) "Ethanol or fuel ethanol" means an anhydrous denatured  
1471 alcohol produced by the conversion of carbohydrates and meeting  
1472 the specifications for fuel ethanol as adopted by the department.

1473 (g) "Fuel dispenser" means a pump, meter, or similar device  
1474 used to measure and deliver motor fuel or diesel fuel on a retail  
1475 basis.

1476 (h) "Retail dealer" means any person who is engaged in the  
1477 business of selling fuel at retail at posted retail prices.

1478 (i) "Retail motor fuel site" means a geographic location in  
1479 this state where a retail dealer sells or offers for sale motor  
1480 fuel, diesel fuel, or biofuel to the general public.

1481 (3) (a) Subject to specific appropriation, a retail dealer  
1482 who sells biofuel through fuel dispensers at retail motor fuel  
1483 sites is entitled to an incentive payment which shall be computed  
1484 as follows:

1485 1. An incentive of 1 cent for each gallon of E10 motor fuel  
1486 sold through a fuel dispenser.

1487 2. An incentive of 3 cents for each gallon of E85 fuel  
1488 ethanol sold through a fuel dispenser.

1489 3. An incentive of 1 cent for each gallon of biodiesel  
1490 blended fuel sold through a fuel dispenser.

1491 4. An incentive of 3 cents for each gallon of biodiesel  
1492 sold through a fuel dispenser.

1493 (b) The incentive may be claimed for biofuel sold on or  
1494 after January 1, 2008. Beginning in 2009, each applicant claiming

1495 an incentive under this section must first apply to the  
 1496 department by February 1 of each year for an allocation of the  
 1497 available incentive for the preceding calendar year. The  
 1498 department shall develop an application form. The application  
 1499 form shall, at a minimum, require a sworn affidavit from each  
 1500 retail dealer certifying the following information:

1501 1. The name and principal address of the retail dealer.

1502 2. The address of the retail dealer's retail motor fuel  
 1503 sites from which it sold biofuels during the preceding calendar  
 1504 year.

1505 3. The total gallons of E10 ethanol sold through fuel  
 1506 dispensers.

1507 4. The total gallons of E85 ethanol sold through fuel  
 1508 dispensers.

1509 5. The total gallons of biodiesel blended fuel sold through  
 1510 fuel dispensers.

1511 6. The total gallons of biodiesel sold through fuel  
 1512 dispensers.

1513 7. Any other information deemed necessary by the department  
 1514 to adequately ensure that the incentive allowed under this  
 1515 section shall be made only to qualified Florida retail dealers.

1516 (c) The department shall determine the amount of the  
 1517 incentive allowed under this section.

1518 (4) If the amount of incentives applied for each year  
 1519 exceeds the amount appropriated, the department shall pay to each  
 1520 applicant a prorated amount based on each applicant's gallonage  
 1521 of qualified biofuel sold and dispensed that is eligible for the  
 1522 incentive under this section.

1523           (5) The department may adopt rules pursuant to ss.  
 1524 120.536(1) and 120.54 to implement and administer this section,  
 1525 including rules prescribing forms, the documentation needed to  
 1526 substantiate a claim for the incentive, and the specific  
 1527 procedures and guidelines for claiming the incentive.

1528           Section 33. Section 570.959, Florida Statutes, is created  
 1529 to read:

1530           570.959 Florida Biofuel Production Incentive Program.--

1531           (1) The purpose of this section is to encourage the  
 1532 development and expansion of facilities that produce biofuels in  
 1533 this state from crops, agricultural waste and residues, and other  
 1534 biomass produced in Florida by providing economic incentives to  
 1535 do so.

1536           (2) As used in this section, the term:

1537           (a) "Biodiesel" means the mono-alkyl esters of long-chain  
 1538 fatty acids derived from plant or animal matter for use as a  
 1539 source of energy and meeting the specifications for biodiesel and  
 1540 biodiesel blended with petroleum products as adopted by the  
 1541 department.

1542           (b) "Biofuel" means ethanol or biodiesel.

1543           (c) "Ethanol" or "fuel ethanol" means an anhydrous  
 1544 denatured alcohol produced by the conversion of carbohydrates and  
 1545 meeting the specifications for fuel ethanol adopted by the  
 1546 department.

1547           (d) "Florida biofuel production" means production of  
 1548 biofuel in the state from crops, agricultural waste and residues,  
 1549 and other biomass produced in Florida.

1550           (3) In order to be eligible for the incentive provided in  
 1551 this section, a producer must have registered and have met the

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1552 requirements contained in chapter 206.

1553 (4) An incentive, subject to appropriation, shall be paid  
1554 to a producer based on Florida biofuel production as follows:

1555 (a) The incentive shall be 5 cents for each gallon of  
1556 unblended Florida biofuel produced, exclusive of denaturant,  
1557 during a given calendar year and sold to an unrelated blender of  
1558 biofuel.

1559 (b) The incentive may be earned for production on or after  
1560 January 1, 2008. Beginning in 2009, each producer claiming an  
1561 incentive under this section must first apply to the department  
1562 by February 1 of each year for an allocation of available  
1563 incentives. The department shall develop an application form that  
1564 shall, at a minimum, require a sworn affidavit from each producer  
1565 certifying the production that forms the basis of the application  
1566 and certifying that all information contained in the application  
1567 is true and correct.

1568 (c) The department shall determine whether or not such  
1569 production is eligible for the incentive under this section.

1570 (d) If the amount of incentives applied for each year  
1571 exceeds the amount appropriated, the department shall pay to each  
1572 applicant a prorated amount based on the percentage of biofuel  
1573 produced that is eligible for the incentive under this section.

1574 (5) The department may adopt rules pursuant to ss.  
1575 120.536(1) and 120.54 to implement and administer this section,  
1576 including rules prescribing forms, the documentation needed to  
1577 substantiate a claim for the incentive, and the specific  
1578 procedures and guidelines for claiming the incentive.

1579 Section 34. (1) The Florida Building Commission shall  
1580 convene a workgroup comprised of representatives from the Florida

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1581 Energy Commission, the Department of Community Affairs, the  
1582 Building Officials Association of Florida, the Florida Energy  
1583 Office, the Florida Home Builders Association, the Association of  
1584 Counties, the League of Cities, and other stakeholders to develop  
1585 a model residential energy efficiency ordinance that provides  
1586 incentives to meet energy efficiency standards. The commission  
1587 must report back to the Legislature with a developed ordinance by  
1588 March 1, 2008.

1589 (2) The Florida Building Commission shall, in consultation  
1590 with the Florida Energy Commission, the Building Officials  
1591 Association of Florida, the Florida Energy Office, the Florida  
1592 Home Builders Association, the Association of Counties, the  
1593 League of Cities, and other stakeholders, review the Florida  
1594 Energy Code for Building Construction. Specifically, the  
1595 commission shall revisit the analysis of cost-effectiveness that  
1596 serves as the basis for energy efficiency levels for residential  
1597 buildings, identify cost-effective means to improve energy  
1598 efficiency in commercial buildings, and compare the code to the  
1599 International Energy Conservation Code and the American Society  
1600 of Heating Air-Conditioning and Refrigeration Engineers Standards  
1601 90.1 and 90.2. The commission shall provide a report with a  
1602 standard to the Legislature by March 1, 2008, that may be adopted  
1603 for the construction of all new residential, commercial, and  
1604 government buildings.

1605 (3) The Florida Building Commission, in consultation with  
1606 the Florida Solar Energy Center, the Florida Energy Commission,  
1607 the Department of Environmental Protection's Energy Office, and  
1608 the Florida Home Builders Association, shall develop and  
1609 implement a public awareness campaign that promotes energy



1610 efficiency and the benefits of building green by January 1, 2008.  
 1611 The campaign shall include enhancement of an existing web site  
 1612 from which all citizens can obtain information pertaining to  
 1613 green building practices, calculate anticipated savings from use  
 1614 of those options, as well as learn about energy efficiency  
 1615 strategies that may be used in their existing home or when  
 1616 building a home. The campaign shall focus on the benefits of  
 1617 promoting energy efficiency to the purchasers of new homes, the  
 1618 various green building standards available and the promotion of  
 1619 various energy efficient products through existing trade shows.  
 1620 The campaign shall also include strategies for utilizing print  
 1621 advertising, press releases, and television advertising to  
 1622 promote voluntary utilization of green building practices.

1623 Section 35. (1) The Legislature declares that there is an  
 1624 important state interest in promoting the construction of energy  
 1625 efficient and sustainable buildings. Government leadership is  
 1626 vital to demonstrate the state's commitment to energy  
 1627 conservation, saving taxpayers money, and raising public  
 1628 awareness of energy-rating systems.

1629 (2) All county, municipal, and public community college  
 1630 buildings shall be constructed to meet the United States Green  
 1631 Building Council (USGBC) Leadership in Energy and Environmental  
 1632 Design (LEED) rating system, Green Building Initiative's Green  
 1633 Globes rating system, or a nationally-recognized, high  
 1634 performance green building rating system as approved by the  
 1635 Department of Management Services. This section shall apply to  
 1636 all county, municipal, and public community college buildings  
 1637 whose architectural plans are started after July 1, 2008.

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1638           Section 36. The tax levied under chapter 212, Florida  
1639 Statutes, may not be collected on the first \$1,500 of the selling  
1640 price of a new energy-efficient product during the period from  
1641 12:01 a.m., October 1, 2007, through midnight, October 14, 2007.  
1642 Such period shall be designated as the "Energy Efficiency Sales  
1643 Tax Holiday." As used in this section, the term "energy-  
1644 efficient product" means a dishwasher, clothes washer, air  
1645 conditioner, ceiling fan, ventilating fan, compact fluorescent  
1646 light bulb, dehumidifier, programmable thermostat, or  
1647 refrigerator that has been designated by the United States  
1648 Environmental Protection Agency or by the United States  
1649 Department of Energy as meeting or exceeding the requirements  
1650 under the Energy Star Program of either agency. The Department of  
1651 Revenue may adopt rules under ss. 120.536(1) and 120.54, Florida  
1652 Statutes, to administer this section.

1653           Section 37. State fleet biodiesel usage.--

1654           (1) By July 1, 2008, a minimum of 5 percent, by January 1,  
1655 2009, a minimum of 10 percent, and by January 1, 2010, a minimum  
1656 of 20 percent of total diesel fuel purchases for use by state-  
1657 owned diesel vehicles and equipment shall be biodiesel, subject  
1658 to availability.

1659           (2) The Department of Management Services shall provide for  
1660 the proper administration, implementation, and enforcement of  
1661 this section.

1662           (3) The Department of Management Services shall report to  
1663 the Legislature on or before March 1, 2008, and annually  
1664 thereafter, the extent of biodiesel use in the state fleet. The  
1665 report shall contain the number of gallons purchased since July

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1666 1, 2007, the average price of biodiesel, and a description of  
1667 fleet performance.

1668 Section 38. School district biodiesel usage.--

1669 (1) By January 1, 2008, a minimum of 20 percent of total  
1670 diesel fuel purchases for use by school districts shall be  
1671 biodiesel, subject to availability.

1672 (2) If a school district contracts with another government  
1673 entity or private entity to provide transportation services for  
1674 any of its pupils, the biodiesel blend fuel requirement  
1675 established pursuant to subsection (1) shall be part of that  
1676 contract. However, this requirement shall apply only to contracts  
1677 entered into on or after July 1, 2007.

1678 Section 39. (1) The Legislature recognizes the need for  
1679 expanded collaboration between the public and private sectors and  
1680 increased public/private joint ventures in the areas of energy  
1681 research, alternative fuel production, space exploration, and  
1682 technological advances in the energy and aerospace industries.

1683 (2) Subject to appropriation, there is created within the  
1684 Executive Office of the Governor, the Florida Energy, Aerospace,  
1685 and Technology Fund (F.E.A.T.), to encourage a state partnership  
1686 with the federal government and the private sector to identify  
1687 business and investment opportunities and target performance  
1688 goals for those investments in the areas of alternative energy  
1689 development and production infrastructure; biofuel, wind power,  
1690 solar energy technology development and applications; ethanol  
1691 production and systems for conversion and use of ethanol fuels;  
1692 cryogenics and hydrogen-based technology applications, storage,  
1693 and conversion systems; hybrid engine power systems conversion  
1694 technologies and production facilities; aerospace industry

1695 expansion or development opportunities; aerospace facility  
 1696 modifications and upgrades; build outs; new spaceport, range and  
 1697 ground support infrastructure; new aerospace facilities and  
 1698 laboratories; new simulation, communications, and command and  
 1699 control systems; and other aerospace manufacturing and  
 1700 maintenance support infrastructure.

1701 (3) A complete and detailed report shall be provide to the  
 1702 Governor, the President of the Senate, and the Speaker of the  
 1703 House of Representatives, setting forth the following:

1704 (a) An accounting of all state funds committed and invested  
 1705 by the fund;

1706 (b) A qualitative and quantitative assessment of each fund  
 1707 investment against the investment performance goals established  
 1708 for investment, as well as an assessment of overall fund  
 1709 performance against investment objectives established for the  
 1710 fund overall; and

1711 (c) An evaluation of all activities of the fund and  
 1712 recommendations for change.

1713 Section 40. Research and Demonstration Cellulosic Ethanol  
 1714 Plant.--

1715 (1) There shall be constructed a multifaceted Research and  
 1716 Demonstration Cellulosic Ethanol Plant designed to conduct  
 1717 research and to demonstrate and advance the commercialization of  
 1718 cellulose-to-ethanol technology, including technology licensed  
 1719 from the University of Florida, and to facilitate further  
 1720 research and testing of multiple cellulosic feedstocks in  
 1721 Florida.

1722        (a) This plant, herein called facility, shall be used to  
1723 convert the initially treated material through to the final  
1724 ethanol product.

1725        (b) To save in capital costs, this facility shall be  
1726 situated near an industrial site with infrastructure already  
1727 developed, thus avoiding or reducing significant capital costs in  
1728 waste treatment and roads. This site shall be served by a range  
1729 of suppliers and transportation companies and be in good  
1730 proximity to gasoline and ethanol blending facilities on either  
1731 coast of Florida. This industrial site shall have the capacity  
1732 to provide steam and electric power; waste treatment; and a  
1733 steady stream of feedstocks, including but not limited to  
1734 bagasse, woody biomass and cane field residues to allow a  
1735 commercial scale plant to operate year around.

1736        (c) The facility shall also be located near pre-existing  
1737 on-site technical support staff and other resources for  
1738 electrical, mechanical, and instrumentation services. In  
1739 addition, this facility shall have access to pre-existing on site  
1740 laboratory facilities and scientific personnel, and shall include  
1741 the critical aspects of tying in with existing facilities and  
1742 meeting with construction codes and permit requirements.

1743        (d) The facility of which the University of Florida shall  
1744 act as the owner and proprietor shall include a permanent  
1745 research and development laboratory operated as a satellite  
1746 facility of the Institute of Food and Agriculture Sciences at the  
1747 University of Florida.

1748        (e) There shall be a scientific and technical advisory  
1749 panel to advise on the technology to be applied.

1750           (f) Ownership of all patents, copyrights, trademarks,  
 1751 licenses, and rights or interests thereunder or therein shall  
 1752 vest in the state. The university, pursuant to s. 1004.23, shall  
 1753 have full right of use and full right to retain the revenues  
 1754 derived therefrom.

1755           (2) Technology and information transfer to agricultural  
 1756 users.--

1757           (a) The Senior Vice President for the Institute of Food and  
 1758 Agriculture Sciences at the University of Florida shall ensure  
 1759 that applicable, non-proprietary research results and  
 1760 technologies from the plant authorized under this initiative are  
 1761 adapted, made available, and disseminated through its respective  
 1762 services, as appropriate.

1763           (b) Not later than 2 years after the date of the enactment  
 1764 of this act, the Senior Vice President for the Institute of Food  
 1765 and Agriculture Sciences at the University of Florida shall  
 1766 submit to the Legislature a report on the activities conducted by  
 1767 their services under this subsection.

1768           Section 41. (1) The Florida Energy Commission shall  
 1769 conduct a study in conjunction with the Florida Public Service  
 1770 Commission and the Department of Agriculture and Consumer  
 1771 Services to recommend and appropriate Renewable Portfolio  
 1772 Standard for the State of Florida.

1773           (2) The study shall include current and future availability  
 1774 of renewable fuels, incentives to attract large scale renewable  
 1775 energy development, proposed changes to current regulatory and  
 1776 market practices to encourage renewable energy development, the  
 1777 impact on utility costs and rates, environmental benefits of a

1778 Renewable Portfolio Standard, and economic development associated  
 1779 with Florida renewable energy.

1780 (3) The Florida Energy Commission shall hold public  
 1781 hearings on these and other related issues and submit a report  
 1782 containing specific recommendations to the Legislature no later  
 1783 than January 1, 2008.

1784 Section 42. For the 2007-2008 fiscal year, the sum of  
 1785 \$65,763 is appropriated from the General Revenue Fund to the  
 1786 Department of Revenue for the purpose of administering the Energy  
 1787 Efficient Sales Tax Holiday.

1788 Section 43. For the 2007-2008 fiscal year, the sum of  
 1789 \$20,000,000 in nonrecurring funds is appropriated from the  
 1790 General Revenue Fund to the University of Florida, Institute of  
 1791 Food and Agriculture Sciences for the purpose of establishing the  
 1792 Research and Demonstration Cellulosic Ethanol Plant.

1793 Section 44. For the 2007-2008 fiscal year, the sum of  
 1794 \$10,000,000 in nonrecurring funds is appropriated from the  
 1795 General Revenue Fund to the Department of Environmental  
 1796 Protection for the purpose of funding the Renewable Energy  
 1797 Technologies Grants Program authorized in s. 377.804, Florida  
 1798 Statutes.

1799 Section 45. For the 2007-2008 fiscal year, the sum of  
 1800 \$2,500,000 in nonrecurring funds is appropriated from the General  
 1801 Revenue Fund to the Department of Environmental Protection for  
 1802 the purpose of funding commercial and consumer solar rebates  
 1803 authorized in s. 377.806, Florida Statutes.

1804 Section 46. For the 2007-2008 fiscal year, the sum of  
 1805 \$40,000,000 in nonrecurring funds is appropriated from the  
 1806 General Revenue Fund to the Department of Agriculture and

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1807 Consumer Services for the purpose of funding the Farm-to-Fuel  
 1808 Grants program authorized in s. 570.957, Florida Statutes.

1809 Section 47. For the 2007-2008 fiscal year, the sum of  
 1810 \$12,600,000 in nonrecurring funds is appropriated from the  
 1811 General Revenue Fund to the Administrative Trust Fund of the  
 1812 Department of Revenue for the purpose of paying sales tax refunds  
 1813 as authorized in s. 212.086, Florida Statutes.

1814 Section 48. For the 2007-2008 fiscal year, the sum of  
 1815 \$100,000 in nonrecurring funds is appropriated from the General  
 1816 Revenue Fund to the Department of Community Affairs for the  
 1817 purposes of convening a workgroup to develop a model residential  
 1818 energy efficient ordinance and to review the cost-effectiveness  
 1819 of energy efficiency measures in the construction of certain  
 1820 buildings.

1821 Section 49. For the 2007-2008 fiscal year, the sum of  
 1822 \$334,237 in nonrecurring funds is appropriated from the General  
 1823 Revenue Fund to the Department of Community Affairs for the  
 1824 purposes of developing and implementing a public awareness  
 1825 campaign that promotes energy efficiency and the benefits of  
 1826 building green.

1827 Section 50. This act shall take effect July 1, 2007.