

1 A bill to be entitled
 2 An act relating to Energy; amending s. 74.051, F.S.;
 3 requiring a court to conduct a hearing and issue a final
 4 judgment on a petition for a taking within specified times
 5 after a utility's request for such hearing; amending s.
 6 186.007, F.S.; authorizing the Executive Office of the
 7 Governor to include in the state comprehensive plan goals,
 8 objectives, and policies related to energy and global
 9 climate change; amending s. 187.201, F.S.; expanding the
 10 air quality, energy, and land use goals of the State
 11 Comprehensive Plan to include the development of low
 12 carbon emitting electric power plants, the reduction of
 13 atmospheric carbon dioxide, the promotion of the use and
 14 development of renewable energy resources, and provide for
 15 the siting of low carbon emitting electric power plants,
 16 including nuclear plants; amending ss. 196.012 and
 17 196.175, F.S.; deleting outdated, obsolete language;
 18 removing the expiration date of the property tax exemption
 19 for real property on which a renewable energy source
 20 device is installed and revising the options for
 21 calculating the amount of the exemption; amending s.
 22 206.43, F.S.; requiring each terminal supplier, importer,
 23 exporter, blender, and wholesaler to provide in a report
 24 to the Department of Revenue the number of gallons of
 25 gasoline fuel meeting and not meeting the required fuel
 26 standard; amending s. 212.08, F.S.; revising the
 27 definition of "ethanol"; specifying eligible items as

28 limited to one refund; requiring a purchaser who receives
 29 a refund to notify a subsequent purchaser of such refund;
 30 requiring the Department of Environmental Protection to
 31 adopt, by rule, an application form for claiming a tax
 32 exemption; amending s. 220.192, F.S.; defining terms
 33 related to a tax credit; allowing the tax credit to be
 34 transferred for a specified period; providing procedures
 35 and requirements; requiring the Department of Revenue to
 36 adopt rules for implementation and administration of the
 37 program; amending s. 220.193, F.S.; defining the terms
 38 "sale" or "sold"; defining the term "taxpayer"; providing
 39 for retroactivity; providing that the use of the renewable
 40 energy production credit does not reduce the alternative
 41 minimum tax credit; amending s. 253.02, F.S.; authorizing
 42 the Secretary of Environmental Protection to grant
 43 easements across lands owned by the Board of Trustees of
 44 the Internal Improvement Trust Fund under certain
 45 conditions; amending s. 253.034, F.S.; granting a utility
 46 the use of nonsovereignty state-owned lands upon a showing
 47 of competent substantial evidence that the use is
 48 reasonable; establishing criteria relating to the title,
 49 distribution, and cost of such lands; amending s. 255.251,
 50 F.S.; creating the "Florida Energy Conservation and
 51 Sustainable Buildings Act"; amending s. 255.252, F.S.;
 52 providing findings and legislative intent; providing that
 53 it is the policy of the state that buildings constructed
 54 and financed by the state be designed to meet the United

55 States Green Building Council (USGBC) Leadership in Energy
 56 and Environmental Design (LEED) rating system, the Green
 57 Building Initiative's Green Globes rating system, the
 58 Florida Green Building Coalition standards, or a
 59 nationally recognized green building rating system as
 60 approved by the department; requiring each state agency
 61 occupying space owned or managed by the department to
 62 identify and compile a list of projects suitable for a
 63 guaranteed energy, water, and wastewater performance
 64 savings contract; amending s. 255.253, F.S.; defining
 65 terms relating to energy conservation for buildings;
 66 amending s. 255.254, F.S.; prohibiting a state agency from
 67 leasing or constructing a facility without having secured
 68 from the Department of Management Services a proper
 69 evaluation of life-cycle costs for the building; amending
 70 s. 255.255, F.S.; requiring the department to use
 71 sustainable building ratings for conducting a life-cycle
 72 cost analysis; amending s. 255.257, F.S.; requiring all
 73 state agencies to adopt an energy efficiency rating system
 74 as approved by the department for all new buildings and
 75 renovations to existing buildings; requiring all county,
 76 municipal, school district, water management district,
 77 state university, community college, and Florida state
 78 court buildings to meet certain energy efficiency
 79 standards for construction; providing applicability;
 80 creating s. 286.28, F.S.; requiring the Department of
 81 Management Services to develop the Florida Climate

82 Friendly Preferred Products List; requiring state agencies
 83 to consult the list and purchase products from the list if
 84 the price is comparable; requiring state agencies to
 85 contract for meeting and conference space with facilities
 86 having the "Green Lodging" designation; authorizing the
 87 Department of Environmental Protection to adopt rules;
 88 requiring the department to establish voluntary technical
 89 assistance programs for various businesses; requiring
 90 state agencies to maintain vehicles according to minimum
 91 standards and follow certain procedures when procuring new
 92 vehicles; requiring state agencies to use ethanol and
 93 biodiesel-blended fuels when available; amending s.
 94 287.063, F.S.; prohibiting the payment term for equipment
 95 from exceeding the useful life of the equipment unless the
 96 contract provides for the replacement or the extension of
 97 the useful life of the equipment during the term of the
 98 loan; amending s. 287.064, F.S.; authorizing an extension
 99 of the master equipment financing agreement for energy
 100 conservation equipment; requiring the guaranteed energy,
 101 water, and wastewater savings contractor to provide for
 102 the replacement or the extension of the useful life of the
 103 energy conservation equipment during the term of the
 104 contract; amending s. 316.0741, F.S.; requiring all hybrid
 105 and other low-emission and energy-efficient vehicles that
 106 do not meet the minimum occupancy requirement and are
 107 driven in a high occupancy vehicle lane to comply with
 108 federally mandated minimum fuel economy standards;

109 | amending s. 337.401, F.S.; requiring the Department of
 110 | Environmental Protection to adopt rules relating to the
 111 | placement of and access to aerial and underground electric
 112 | transmission lines having certain specifications; defining
 113 | the term "base load generating facilities"; amending s.
 114 | 339.175, F.S.; requiring each metropolitan planning
 115 | organization to develop a long-range transportation plan
 116 | and an annual project priority list that, among other
 117 | considerations, provide for sustainable growth and reduce
 118 | greenhouse gas emissions; amending s. 366.82, F.S.;
 119 | requiring the Florida Energy and Climate Commission to be
 120 | a party with the Public Service Commission in the
 121 | proceedings to adopt goals; amending s. 366.8255, F.S.;
 122 | redefining the term "environmental compliance costs" to
 123 | include costs or expenses prudently incurred for
 124 | scientific research and geological assessments of carbon
 125 | capture and storage for the purpose of reducing an
 126 | electric utility's greenhouse gas emissions; amending s.
 127 | 366.91, F.S.; clarifying the definition of "biomass" to
 128 | include waste, byproducts; requiring each municipal
 129 | electric utility and rural electric utility cooperative to
 130 | develop a standardized interconnection and net metering
 131 | program for customer-owned renewable generation;
 132 | authorizing net metering to be available when a utility
 133 | purchases power generated from biogas produced by anaerobic
 134 | digestion; amending s. 366.92, F.S.; establishing a
 135 | renewable portfolio standard; providing for an economic

136 and environmental assessment of energy sources and the
 137 development of a successor renewable portfolio standard;
 138 prohibiting the renewable portfolio standard rule from
 139 taking effect until ratified by the Legislature; amending
 140 s. 366.93, F.S.; revising the definitions of "cost" and
 141 "preconstruction"; requiring the Public Service Commission
 142 to establish rules relating to cost recovery for the
 143 construction of new, expanded, or relocated electrical
 144 transmission lines and facilities for a nuclear power
 145 plant; amending s. 377.601, F.S.; revising legislative
 146 intent with respect to the need to implement alternative
 147 energy technologies; providing for a Type Two transfer of
 148 the powers, duties and functions, records, personnel,
 149 property, and unexpended balances of appropriations of the
 150 Florida Energy Commission to the Florida Energy and
 151 Climate Commission within the Executive Office of the
 152 Governor; creating s. 377.6015, F.S.; providing for the
 153 membership, meetings, duties and responsibilities of the
 154 Florida Energy and Climate Commission; providing
 155 rulemaking authority; amending s. 377.602, F.S.; revising
 156 the definition of "energy resources"; providing for
 157 conforming changes; amending ss. 377.603, 377.604,
 158 377.605, 377.606, 377.703, and 377.705, F.S.; providing
 159 for conforming changes; amending s. 377.801, F.S.;
 160 providing a short title; amending s. 377.802, F.S.;
 161 providing the purpose of the Florida Energy and Climate
 162 Protection Act; amending s. 377.803, F.S.; revising

163 definitions; clarifying the definition of "renewal energy"
 164 to include biomass, as defined in s. 366.91, F.S. ;
 165 amending s. 377.804, F.S., relating to the Renewable
 166 Energy and Energy-Efficient Technologies Grant Program;
 167 providing for the program to include matching grants for
 168 technologies that increase the energy efficiency of
 169 vehicles and commercial buildings; providing for the
 170 solicitation of expertise of other entities; providing
 171 application requirements; amending s. 377.806, F.S.,
 172 relating to the Solar Energy System Incentives Program;
 173 requiring compliance with the Florida Building Code rather
 174 than local codes in order to be eligible for a rebate
 175 under the program; creating s. 377.808, F.S.; establishing
 176 the "Florida Green Government Grants Act;" providing for
 177 grants to be awarded to local governments in the
 178 development of programs that achieve green standards;
 179 amending ss. 380.23 and 403.031, F.S.; conforming cross-
 180 references; creating s. 403.44, F.S.; creating the Florida
 181 Climate Protection Act; defining terms; requiring the
 182 Department of Environmental Protection to establish the
 183 methodologies, reporting periods, and reporting systems
 184 that must be used when major emitters report to The
 185 Climate Registry; authorizing the department to adopt
 186 rules for a cap-and-trade regulatory program to reduce
 187 greenhouse gas emissions from major emitters; providing
 188 for the content of the rule; prohibiting the rules from
 189 being adopted until after January 1, 2010, and from

190 becoming effective until ratified by the Legislature;
 191 amending s. 403.502, F.S.; providing legislative intent;
 192 amending s. 403.503, F.S.; defining the term "alternate
 193 corridor" and redefining the term "corridor" for purposes
 194 of the Florida Electrical Power Plant Siting Act; amending
 195 s. 403.504, F.S.; requiring the Department of
 196 Environmental Protection to determine whether a proposed
 197 alternate corridor is acceptable; amending s. 403.506,
 198 F.S.; exempting an electric utility from obtaining
 199 certification under the Florida Electrical Power Plant
 200 Siting Act before constructing facilities for a power
 201 plant using nuclear materials as fuel; providing that a
 202 utility may obtain separate licenses, permits, and
 203 approvals for such construction under certain
 204 circumstances; exempting such provisions from review under
 205 ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an
 206 applicant to submit a statement to the department if such
 207 applicant opts for consideration of alternate corridors;
 208 amending s. 403.5065, F.S.; providing for conforming
 209 changes; amending s. 403.50663, F.S.; providing for notice
 210 of meeting to the general public; amending s. 403.50665,
 211 F.S.; requiring an application to include a statement on
 212 the consistency of directly associated facilities
 213 constituting a "development"; requiring the Department of
 214 Environmental Protection to address at the certification
 215 hearing the issue of compliance with land use plans and
 216 zoning ordinances for a proposed substation located in or

217 along an alternate corridor; amending s. 403.507, F.S.;

218 providing for reports to be submitting to the department

219 no later than 100 days after certification application has

220 been determined complete; amending s. 403.508, F.S.;

221 providing for land use and certification hearings;

222 amending s. 403.509, F.S.; requiring the Governor and

223 Cabinet sitting as the siting board to certify the

224 corridor having the least adverse impact; authorizing the

225 board to deny certification or allow a party to amend its

226 proposal; amending s. 403.511, F.S.; providing for

227 conforming changes; amending s. 403.5112, F.S.; providing

228 for filing of notice; amending s. 403.5113, F.S.;

229 providing for postcertification amendments and

230 postcertification review; amending s. 403.5115, F.S.;

231 requiring the applicant proposing the alternate corridor

232 to publish all notices relating to the application;

233 requiring that such notices comply with certain

234 requirements; requiring that notices be published at least

235 45 days before the rescheduled certification hearing;

236 amending ss. 403.516, 403.517, and 403.5175, F.S.;

237 providing conforming changes and cross-references;

238 amending s. 403.518, F.S.; authorizing the Department of

239 Environmental Protection to charge an application fee for

240 an alternate corridor; amending ss. 403.519, 403.5252,

241 403.526, 403.527, 403.5271, 403.5272, 403.5312, 403.5363,

242 403.5365, and 403.814, F.S.; relating to determinations of

243 need and general permits; and conforming provisions to

244 changes made by the act; amending s. 489.145, F.S.;

245 revising provisions of the Guaranteed Energy, Water, and

246 Wastewater Performance Savings Contracting Act; requiring

247 that each proposed contract or lease contain certain

248 agreements concerning operational cost-saving measures;

249 requiring the Office of the Chief Financial Officer to

250 review contract proposals; redefining terms; defining the

251 term "investment grade energy audit"; requiring that

252 certain baseline information, supporting information, and

253 documentation be included in contracts; requiring the

254 Office of the Chief Financial Officer to review contract

255 proposals; providing audit requirements; requiring

256 contract approval by the Chief Financial Officer; creating

257 s. 526.201, F.S.; creating the "Florida Renewable Fuel

258 Standard Act"; creating s. 526.202, F.S.; establishing

259 legislative findings for the act; creating s. 526.203,

260 F.S.; providing definitions, fuel standard, exemptions,

261 and reporting; creating s. 526.204, F.S.; providing for

262 suspension of standard requirement during declared

263 emergencies; creating s. 526.205, F.S.; providing for

264 enforcement of the act; creating s. 526.206, F.S.;

265 providing for rulemaking authority by the Department of

266 Revenue; creating s. 526.207, F.S.; requiring studies and

267 reports by the Florida Energy and Climate Commission;

268 creating s. 553.9061, F.S.; requiring the Florida Building

269 Commission to establish a schedule of increases in the

270 energy performance of buildings subject to the Energy

271 Efficiency Code for Building Construction; providing a
 272 process for implementing goals to increase energy-
 273 efficiency performance in new buildings; providing a
 274 schedule for the implementation of such goals; identifying
 275 energy-efficiency performance options and elements
 276 available to meet energy-efficiency performance
 277 requirements; providing a schedule for the review and
 278 adoption of renewable energy-efficiency goals by the
 279 commission; requiring the commission to conduct a study to
 280 evaluate the energy-efficiency rating of new buildings and
 281 appliances; requiring the commission to submit a report to
 282 the President of the Senate and the Speaker of the House
 283 of Representatives on or before a specified date;
 284 requiring the commission to conduct a study to evaluate
 285 opportunities to restructure the Florida Energy Code for
 286 Building Construction, including the integration of the
 287 Thermal Efficiency Code, the Energy Conservation Standards
 288 Act, and the Florida Building Energy-Efficiency Rating
 289 Act; requiring the commission to submit a report to the
 290 President of the Senate and the Speaker of the House of
 291 Representatives on or before a specified date; amending s.
 292 553.957, F.S.; including certain home and commercial
 293 appliances in the requirements for testing and
 294 certification for meeting certain energy-conservation
 295 standards; creating an undesignated statutory provision
 296 relating to the Agency for Enterprise Information
 297 Technology; creating s. 1004.648, F.S.; establishing the

298 Florida Energy Systems Consortium; providing for a
 299 steering committee; requiring an annual report; requiring
 300 an economic impact analysis on the effects of granting
 301 financial incentives to energy producers who use woody
 302 biomass as fuel; amending s. 366.04, F.S.; revising
 303 functions and jurisdiction of the Florida Public Service
 304 Commission; providing that the commission shall determine
 305 revenue requirements of certain municipal utilities and
 306 determine the manner of recovery of that revenue;
 307 requiring approval of revenue sufficient to cover certain
 308 expenses and obligations; specifying that a municipality
 309 may levy a municipal utility tax on customers within the
 310 city or apply a county electric surcharge to residents
 311 outside the city if a cost differential for providing
 312 service within and outside the city can be justified;
 313 providing that any taxes or assessments adopted by a
 314 county governing board shall not be considered in
 315 determining whether a rate or charge by a municipal
 316 utility is fair, just, and reasonable; repealing s.
 317 377.701, F.S.; relating to petroleum allocation; s.
 318 377.901, F.S.; relating to the Florida Energy Commission;
 319 providing an effective date.

320
 321 Be It Enacted by the Legislature of the State of Florida:

322
 323 Section 1. Present subsection (3) of section 74.051,
 324 Florida Statutes, is redesignated as subsection (4), and a new

325 subsection (3) is added to that section, to read:

326 74.051 Hearing on order of taking.--

327 (3) If a defendant requests a hearing and the petitioner
 328 is an electric utility that is seeking to appropriate property
 329 necessary for an electric generation plant, an associated
 330 facility of such plant, an electric substation, or a power line,
 331 the court shall conduct the hearing no more than 120 days after
 332 the petition is filed. The court shall issue its final judgment
 333 no more than 30 days after the hearing.

334 Section 2. Subsection (3) of section 186.007, Florida
 335 Statutes, is amended to read:

336 186.007 State comprehensive plan; preparation; revision.--

337 (3) In the state comprehensive plan, the Executive Office
 338 of the Governor may include goals, objectives, and policies
 339 related to the following program areas: economic opportunities;
 340 agriculture; employment; public safety; education; energy;
 341 global climate change; health concerns; social welfare concerns;
 342 housing and community development; natural resources and
 343 environmental management; recreational and cultural
 344 opportunities; historic preservation; transportation; and
 345 governmental direction and support services.

346 Section 3. Subsections (10), (11), and (15) of section
 347 187.201, Florida Statutes, are amended to read:

348 187.201 State Comprehensive Plan adopted.—The Legislature
 349 hereby adopts as the State Comprehensive Plan the following
 350 specific goals and policies:

351 (10) AIR QUALITY.—

352 (a) Goal.—Florida shall comply with all national air
 353 quality standards by 1987, and by 1992 meet standards which are
 354 more stringent than 1985 state standards.

355 (b) Policies.—

356 1. Improve air quality and maintain the improved level to
 357 safeguard human health and prevent damage to the natural
 358 environment.

359 2. Ensure that developments and transportation systems are
 360 consistent with the maintenance of optimum air quality.

361 3. Reduce sulfur dioxide and nitrogen oxide emissions and
 362 mitigate their effects on the natural and human environment.

363 4. Encourage the use of alternative energy resources that
 364 do not degrade air quality.

365 5. Ensure, at a minimum, that power plant fuel conversion
 366 does not result in higher levels of air pollution.

367 6. Encourage the development of low carbon emitting
 368 electric power plants.

369 (11) ENERGY.—

370 (a) Goal.—Florida shall reduce its energy requirements
 371 through enhanced conservation and efficiency measures in all
 372 end-use sectors, and shall reduce atmospheric carbon dioxide by
 373 ~~while at the same time~~ promoting an increased use of renewable
 374 energy resources and low carbon emitting electric power plants.

375 (b) Policies.—

376 1. Continue to reduce per capita energy consumption.

377 2. Encourage and provide incentives for consumer and
 378 producer energy conservation and establish acceptable energy
 379 performance standards for buildings and energy consuming items.

380 3. Improve the efficiency of traffic flow on existing
 381 roads.

382 4. Ensure energy efficiency in transportation design and
 383 planning and increase the availability of more efficient modes
 384 of transportation.

385 5. Reduce the need for new power plants by encouraging
 386 end-use efficiency, reducing peak demand, and using cost-
 387 effective alternatives.

388 6. Increase the efficient use of energy in design and
 389 operation of buildings, public utility systems, and other
 390 infrastructure and related equipment.

391 7. Promote the development and application of solar energy
 392 technologies and passive solar design techniques.

393 8. Provide information on energy conservation through
 394 active media campaigns.

395 9. Promote the use and development of renewable energy
 396 resources and low carbon emitting electric power plants.

397 10. Develop and maintain energy preparedness plans that
 398 will be both practical and effective under circumstances of
 399 disrupted energy supplies or unexpected price surges.

400 (15) LAND USE.—

401 (a) Goal.—In recognition of the importance of preserving
 402 the natural resources and enhancing the quality of life of the
 403 state, development shall be directed to those areas which have

404 in place, or have agreements to provide, the land and water
 405 resources, fiscal abilities, and service capacity to accommodate
 406 growth in an environmentally acceptable manner.

407 (b) Policies.—

408 1. Promote state programs, investments, and development
 409 and redevelopment activities which encourage efficient
 410 development and occur in areas which will have the capacity to
 411 service new population and commerce.

412 2. Develop a system of incentives and disincentives which
 413 encourages a separation of urban and rural land uses while
 414 protecting water supplies, resource development, and fish and
 415 wildlife habitats.

416 3. Enhance the livability and character of urban areas
 417 through the encouragement of an attractive and functional mix of
 418 living, working, shopping, and recreational activities.

419 4. Develop a system of intergovernmental negotiation for
 420 siting locally unpopular public and private land uses which
 421 considers the area of population served, the impact on land
 422 development patterns or important natural resources, and the
 423 cost-effectiveness of service delivery.

424 5. Encourage and assist local governments in establishing
 425 comprehensive impact-review procedures to evaluate the effects
 426 of significant development activities in their jurisdictions.

427 6. Consider, in land use planning and regulation, the
 428 impact of land use on water quality and quantity; the
 429 availability of land, water, and other natural resources to meet
 430 demands; and the potential for flooding.

431 7. Provide educational programs and research to meet
 432 state, regional, and local planning and growth-management needs.

433 8. Provide for the siting of low carbon emitting electric
 434 power plants, including nuclear power plants, to meet the
 435 state's determined need for electric power generation.

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

438 196.012 Definitions.—For the purpose of this chapter, the
 439 following terms are defined as follows, except where the context
 440 clearly indicates otherwise:

441 (14) "Renewable energy source device" or "device" means
 442 any of the following equipment which, when installed in
 443 connection with a dwelling unit or other structure, collects,
 444 transmits, stores, or uses solar energy, wind energy, or energy
 445 derived from geothermal deposits:

446 (a) Solar energy collectors.

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

449 (c) Rockbeds.

450 (d) Thermostats and other control devices.

451 (e) Heat exchange devices.

452 (f) Pumps and fans.

453 (g) Roof ponds.

454 (h) Freestanding thermal containers.

455 (i) Pipes, ducts, refrigerant handling systems, and other
 456 equipment used to interconnect such systems; however,

457 conventional backup systems of any type are not included in this
458 definition.

459 (j) Windmills.

460 (k) Wind-driven generators.

461 (l) Power conditioning and storage devices that use wind
462 energy to generate electricity or mechanical forms of energy.

463 (m) Pipes and other equipment used to transmit hot
464 geothermal water to a dwelling or structure from a geothermal
465 deposit.

466

467 ~~"Renewable energy source device" or "device" also means any heat~~
468 ~~pump with an energy efficiency ratio (EER) or a seasonal energy~~
469 ~~efficiency ratio (SEER) exceeding 8.5 and a coefficient of~~
470 ~~performance (COP), exceeding 2.8; waste heat recovery system; or~~
471 ~~water heating system the primary heat source of which is a~~
472 ~~dedicated heat pump or the otherwise unused capacity of a heat~~
473 ~~pump heating, ventilating, and air conditioning system, provided~~
474 ~~such device is installed in a structure substantially complete~~
475 ~~before January 1, 1985, and whether or not solar energy, wind~~
476 ~~energy, or energy derived from geothermal deposits is collected,~~
477 ~~transmitted, stored, or used by such device.~~

478 Section 5. Section 196.175, Florida Statutes, is amended
479 to read:

480 196.175 Renewable energy source exemption.--

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

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

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

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

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

498 (3) It shall be the responsibility of the applicant for an
 499 exemption pursuant to this section to demonstrate affirmatively
 500 to the satisfaction of the property appraiser that he or she
 501 meets the requirements for exemption under this section and that
 502 the original cost pursuant to paragraph (1)(b) and the period
 503 for which the device was operative, as indicated on the
 504 exemption application, are correct.

505 (4) No exemption authorized pursuant to this section shall
 506 be granted for a period of more than 10 years. No exemption
 507 shall be granted with respect to renewable energy source devices
 508 installed before July 1, 2008 ~~January 1, 1980, or after December~~
 509 ~~31, 1990.~~

510 Section 6. Subsection (2) of section 206.43, Florida

511 Statutes, is amended to read:

512 206.43 Terminal supplier, importer, exporter, blender, and
 513 wholesaler to report to department monthly; deduction.--The
 514 taxes levied and assessed as provided in this part shall be paid
 515 to the department monthly in the following manner:

516 (2) (a) Such report may show in detail the number of
 517 gallons so sold and delivered by the terminal supplier,
 518 importer, exporter, blender, or wholesaler in the state, and the
 519 destination as to the county in the state to which the motor
 520 fuel was delivered for resale at retail or use shall be
 521 specified in the report. The total taxable gallons sold shall
 522 agree with the total gallons reported to the county destinations
 523 for resale at retail or use. All gallons of motor fuel sold
 524 shall be invoiced and shall name the county of destination for
 525 resale at retail or use.

526 (b) Each terminal supplier, importer, exporter, blender,
 527 and wholesaler shall also include in the report to the
 528 department, the number of gallons of gasoline fuel meeting and
 529 not meeting the requirements of s. 526.203.

530 Section 7. Paragraph (ccc) of subsection (7) of section
 531 212.08, Florida Statutes, is amended to read:

532 212.08 Sales, rental, use, consumption, distribution, and
 533 storage tax; specified exemptions.--The sale at retail, the
 534 rental, the use, the consumption, the distribution, and the
 535 storage to be used or consumed in this state of the following
 536 are hereby specifically exempt from the tax imposed by this
 537 chapter.

538 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 539 entity by this chapter do not inure to any transaction that is
 540 otherwise taxable under this chapter when payment is made by a
 541 representative or employee of the entity by any means,
 542 including, but not limited to, cash, check, or credit card, even
 543 when that representative or employee is subsequently reimbursed
 544 by the entity. In addition, exemptions provided to any entity by
 545 this subsection do not inure to any transaction that is
 546 otherwise taxable under this chapter unless the entity has
 547 obtained a sales tax exemption certificate from the department
 548 or the entity obtains or provides other documentation as
 549 required by the department. Eligible purchases or leases made
 550 with such a certificate must be in strict compliance with this
 551 subsection and departmental rules, and any person who makes an
 552 exempt purchase with a certificate that is not in strict
 553 compliance with this subsection and the rules is liable for and
 554 shall pay the tax. The department may adopt rules to administer
 555 this subsection.

556 (ccc) Equipment, machinery, and other materials for
 557 renewable energy technologies.--

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

559 a. "Biodiesel" means the mono-alkyl esters of long-chain
 560 fatty acids derived from plant or animal matter for use as a
 561 source of energy and meeting the specifications for biodiesel
 562 and biodiesel blends with petroleum products as adopted by the
 563 Department of Agriculture and Consumer Services. Biodiesel may
 564 refer to biodiesel blends designated BXX, where XX represents

565 the volume percentage of biodiesel fuel in the blend.

566 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
 567 alcohol produced by the conversion of carbohydrates ~~fermentation~~
 568 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
 569 fuel ethanol blends with petroleum products as adopted by the
 570 Department of Agriculture and Consumer Services. Ethanol may
 571 refer to fuel ethanol blends designated EXX, where XX represents
 572 the volume percentage of fuel ethanol in the blend.

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

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

578 a. Hydrogen-powered vehicles, materials incorporated into
 579 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
 580 a limit of \$2 million in tax each state fiscal year for all
 581 taxpayers.

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

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

591 3. The Department of Environmental Protection shall

592 provide to the department a list of items eligible for the
 593 exemption provided in this paragraph.

594 4.a. The exemption provided in this paragraph shall be
 595 available to a purchaser only through a refund of previously
 596 paid taxes. Only the initial purchase of an eligible item from
 597 the manufacturer is subject to refund. A purchaser who has
 598 received a refund on an eligible item must notify any subsequent
 599 purchaser of the item that the item is no longer eligible for a
 600 refund of tax paid. This notification must be provided to the
 601 subsequent purchaser on the sales invoice or other proof of
 602 purchase.

603 b. To be eligible to receive the exemption provided in
 604 this paragraph, a purchaser shall file an application with the
 605 Department of Environmental Protection. The application shall be
 606 developed by the Department of Environmental Protection, in
 607 consultation with the department, and shall require:

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

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

613 (III) The sales invoice or other proof of purchase showing
 614 the amount of sales tax paid, the date of purchase, and the name
 615 and address of the sales tax dealer from whom the property was
 616 purchased.

617 (IV) A sworn statement that the information provided is
 618 accurate and that the requirements of this paragraph have been

619 met.

620 c. Within 30 days after receipt of an application, the
 621 Department of Environmental Protection shall review the
 622 application and shall notify the applicant of any deficiencies.
 623 Upon receipt of a completed application, the Department of
 624 Environmental Protection shall evaluate the application for
 625 exemption and issue a written certification that the applicant
 626 is eligible for a refund or issue a written denial of such
 627 certification within 60 days after receipt of the application.
 628 The Department of Environmental Protection shall provide the
 629 department with a copy of each certification issued upon
 630 approval of an application.

631 d. Each certified applicant shall be responsible for
 632 forwarding a certified copy of the application and copies of all
 633 required documentation to the department within 6 months after
 634 certification by the Department of Environmental Protection.

635 e. ~~The provisions of s. 212.095 do not apply to any refund~~
 636 ~~application made pursuant to this paragraph.~~ A refund approved
 637 pursuant to this paragraph shall be made within 30 days after
 638 formal approval by the department.

639 f. The Department of Environmental Protection may adopt the
 640 form for the application for a certificate, requirements for the
 641 content and format of information submitted to the Department of
 642 Environmental Protection in support of the application, other
 643 procedural requirements, and criteria by which the application
 644 will be determined by rule. The department may adopt all other
 645 rules pursuant to ss. 120.536(1) and 120.54 to administer this

646 paragraph, including rules establishing additional forms and
 647 procedures for claiming this exemption.

648 g. The Department of Environmental Protection shall be
 649 responsible for ensuring that the total amounts of the
 650 exemptions authorized do not exceed the limits as specified in
 651 subparagraph 2.

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

655 6. This paragraph expires July 1, 2010.

656 Section 8. Subsection (1) of section 220.192, Florida
 657 Statutes, is amended, present subsection (6) is renumbered as
 658 subsection (7) and amended, present subsection (7) is renumbered
 659 as subsection (8), and a new subsection (6) is added to that
 660 section, to read:

661 220.192 Renewable energy technologies investment tax
 662 credit.--

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

664 (a) "Biodiesel" means biodiesel as defined in s.
 665 212.08(7)(ccc).

666 (b) "Corporation" includes a general partnership, limited
 667 partnership, limited liability company, unincorporated business,
 668 or other business entity, including entities taxed as
 669 partnerships for federal income tax purposes.

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

671 1. Seventy-five percent of all capital costs, operation
 672 and maintenance costs, and research and development costs

673 incurred between July 1, 2006, and June 30, 2010, up to a limit
 674 of \$3 million per state fiscal year for all taxpayers, in
 675 connection with an investment in hydrogen-powered vehicles and
 676 hydrogen vehicle fueling stations in the state, including, but
 677 not limited to, the costs of constructing, installing, and
 678 equipping such technologies in the state.

679 2. Seventy-five percent of all capital costs, operation
 680 and maintenance costs, and research and development costs
 681 incurred between July 1, 2006, and June 30, 2010, up to a limit
 682 of \$1.5 million per state fiscal year for all taxpayers, and
 683 limited to a maximum of \$12,000 per fuel cell, in connection
 684 with an investment in commercial stationary hydrogen fuel cells
 685 in the state, including, but not limited to, the costs of
 686 constructing, installing, and equipping such technologies in the
 687 state.

688 3. Seventy-five percent of all capital costs, operation
 689 and maintenance costs, and research and development costs
 690 incurred between July 1, 2006, and June 30, 2010, up to a limit
 691 of \$6.5 million per state fiscal year for all taxpayers, in
 692 connection with an investment in the production, storage, and
 693 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
 694 the state, including the costs of constructing, installing, and
 695 equipping such technologies in the state. Gasoline fueling
 696 station pump retrofits for ethanol (E10-E100) distribution
 697 qualify as an eligible cost under this subparagraph.

698 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
 699 212.08 (7) (ccc) .

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

702 (f) "Taxpayer" includes corporations as defined in ss.
 703 220.03 or 220.192.

704 (6) TRANSFERABILITY OF CREDIT.--

705 (a) For tax years beginning on or after January 1, 2009,
 706 any corporation or subsequent transferee allowed a tax credit
 707 under this section may transfer the credit, in whole or in part,
 708 to any taxpayer by written agreement without transferring any
 709 ownership interest in the property generating the credit or any
 710 interest in the entity owning such property. The transferee is
 711 entitled to apply the credits against the tax with the same
 712 effect as if the transferee had incurred the eligible costs.

713 (b) To perfect the transfer, the transferor shall provide
 714 the department with a written transfer statement notifying the
 715 department of the transferor's intent to transfer the tax
 716 credits to the transferee; the date the transfer is effective;
 717 the transferee's name, address, and federal taxpayer
 718 identification number; the tax period; and the amount of tax
 719 credits to be transferred. The department shall, upon receipt of
 720 a transfer statement conforming to the requirements of this
 721 section, provide the transferee with a certificate reflecting
 722 the tax credit amounts transferred. A copy of the certificate
 723 must be attached to each tax return for which the transferee
 724 seeks to apply such tax credits.

725 (c) A tax credit authorized under this section that is
 726 held by a corporation and not transferred under this subsection

727 shall be passed through to the taxpayers designated as
 728 partners, members, or owners, respectively, in the manner agreed
 729 to by such persons whether or not such partners, members, or
 730 owners are allocated or allowed any portion of the federal
 731 energy tax credit for the eligible costs.

732 (7)-(6) RULES.--The Department of Revenue shall have the
 733 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 734 to administer this section, including rules relating to:

735 (a) The forms required to claim a tax credit under this
 736 section, the requirements and basis for establishing an
 737 entitlement to a credit, and the examination and audit
 738 procedures required to administer this section.

739 (b) The implementation and administration of the
 740 provisions allowing a transfer of a tax credit, including rules
 741 prescribing forms, reporting requirements, and specific
 742 procedures, guidelines, and requirements necessary to transfer a
 743 tax credit.

744 Section 9. Paragraphs (f) and (g) are added to subsection
 745 (2) and paragraphs (j) and (k) are added to subsection (3) of
 746 section 220.193, Florida Statutes, to read:

747 220.193 Florida renewable energy production credit.--

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

749 (f) "Sale" or "sold" includes the use of electricity by
 750 the producer of such electricity which decreases the amount of
 751 electricity that the producer would otherwise have to purchase.

752 (g) "Taxpayer" includes a general partnership, limited
 753 partnership, limited liability company, trust, or other

754 artificial entity in which a corporation, as defined in s.
 755 220.03(1)(e), owns an interest and is taxed as a partnership or
 756 is disregarded as a separate entity from the corporation under
 757 chapter 220.

758 (3) An annual credit against the tax imposed by this
 759 section shall be allowed to a taxpayer, based on the taxpayer's
 760 production and sale of electricity from a new or expanded
 761 Florida renewable energy facility. For a new facility, the
 762 credit shall be based on the taxpayer's sale of the facility's
 763 entire electrical production. For an expanded facility, the
 764 credit shall be based on the increases in the facility's
 765 electrical production that are achieved after May 1, 2006.

766 (j) When an entity treated as a partnership or a
 767 disregarded entity under this chapter produces and sells
 768 electricity from a new or expanded renewable energy facility,
 769 the credit earned by such entity shall pass through in the same
 770 manner as items of income and expense pass through for federal
 771 income tax purposes.

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

775
 776 It is the intent of the Legislature that paragraphs (f), (g),
 777 (j), and (k) are remedial in nature and apply retroactively to
 778 the effective date of the law establishing the credit.

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

781 253.02 Board of trustees; powers and duties.--

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

786 (b) In order to promote efficient, effective, and
 787 economical management of state lands and utility services and if
 788 the Public Service Commission has determined a need exists or
 789 the Federal Energy Regulatory Commission has granted a
 790 Certificate of Public Convenience and Necessity, the authority
 791 to grant easements for rights-of-way over, across, and upon
 792 lands the title to which is vested in the board of trustees for
 793 the construction and operation of natural gas pipeline
 794 transmission and linear facilities, including electric
 795 transmission and distribution facilities, may be delegated to
 796 the Secretary of the Department of Environmental Protection for
 797 facilities subject to part II of chapter 403 or facilities
 798 subject to part IV of chapter 373.

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

801 253.034 State-owned lands; uses.--

802 (14) (a) If a public utility, regional transmission
 803 organization, or natural gas company presents competent and
 804 substantial evidence that its use of nonsovereignty state-owned
 805 lands is reasonable based upon a consideration of economic and
 806 environmental factors, including an assessment of practicable
 807 alternative alignments and assurance that the lands will remain

808 in their predominantly natural condition, the public utility,
 809 regional transmission organization, or natural gas company may
 810 be granted fee simple title, easements, or other interests in
 811 nonsovereignty state-owned lands title to which is vested in the
 812 board of trustees, a water management district, or any other
 813 agency in the state for:

- 814 1. Electric transmission and distribution lines;
- 815 2. Natural gas pipelines; or
- 816 3. Other linear facilities for which the Public Service
 817 Commission has determined a need exists or the Federal Energy
 818 Regulatory Commission has issued a Certificate of Public
 819 Convenience and Necessity.

820 (b) In exchange for less than a fee simple interest
 821 acquired pursuant to this subsection, the grantee shall pay an
 822 amount equal to the fair market value of the interest acquired.
 823 In addition, for the initial grant of such interests only, the
 824 grantee shall also vest in the grantor a fee simple interest to
 825 other available land that is 1.5 times the size of the land
 826 acquired by the grantee. The grantor shall approve the property
 827 with a less than fee simple interest on its behalf based on the
 828 geographic location in relation to the land relinquished by the
 829 grantor agency and a determination that the economic,
 830 ecological, and recreational value is at least equivalent to
 831 that of the property transferred to the public utility, regional
 832 transmission organization, or natural gas company.

833 (c) In exchange for a fee simple interest acquired
 834 pursuant to this subsection, the grantee shall pay an amount

835 equal to the fair market value of the interest acquired. In
 836 addition, for the initial grant of such interests only, the
 837 grantee shall also vest in the grantor a fee simple title to
 838 other available land that is 2 times the size of the land
 839 acquired by the grantee. The grantor shall approve the land to
 840 be acquired on its behalf based on a determination that the
 841 economic and ecological or recreational value is at least
 842 equivalent to that of the property transferred to the public
 843 utility, regional transmission organization, or natural gas
 844 company.

845 (d) As an alternative to the consideration provided for in
 846 paragraphs (b) and (c) above, the grantee may, subject to the
 847 grantor's approval, pay the fair market value of the state-owned
 848 land plus one-half of the cost differential between the cost of
 849 constructing the facility on state-owned land and the cost of
 850 avoiding state-owned lands, up to a maximum of twice the fair
 851 market value of the land acquired by the grantee. The grantor
 852 may use these moneys to acquire fee simple or less than fee
 853 simple interest in other available land.

854 Section 12. Section 255.251, Florida Statutes, is amended
 855 to read:

856 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 857 Act; short title.--This act shall be cited as the "Florida
 858 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

859 Section 13. Section 255.252, Florida Statutes, is amended
 860 to read:

861 255.252 Findings and intent.--

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862 (1) Operating and maintenance expenditures associated with
863 energy equipment and with energy consumed in state-financed and
864 leased buildings represent a significant cost over the life of a
865 building. Energy conserved by appropriate building design not
866 only reduces the demand for energy but also reduces costs for
867 building operation. ~~For example, commercial buildings are~~
868 ~~estimated to use from 20 to 80 percent more energy than would be~~
869 ~~required if energy conserving designs were used.~~ The size,
870 design, orientation, and operability of windows, the ratio of
871 ventilating air to air heated or cooled, the level of lighting
872 consonant with space-use requirements, the handling of occupancy
873 loads, and the ability to zone off areas not requiring
874 equivalent levels of heating or cooling are but a few of the
875 considerations necessary to conserving energy.

876 (2) Significant efforts are needed to build energy-
877 efficient state-owned buildings that meet environmental
878 standards and ~~underway by the General Services Administration,~~
879 ~~the National Institute of Standards and Technology, and others~~
880 ~~to detail the considerations and practices for energy~~
881 ~~conservation in buildings. Most important is that energy-~~
882 ~~efficient designs~~ provide energy savings over the life of the
883 building structure. ~~Conversely, energy inefficient designs cause~~
884 ~~excess and wasteful energy use and high costs over that life.~~
885 With buildings lasting many decades and with energy costs
886 escalating rapidly, it is essential that the costs of operation
887 and maintenance for energy-using equipment and sustainable

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888 materials be included in all design proposals for state-owned
 889 state buildings.

890 (3) In order that such energy-efficiency and sustainable
 891 materials considerations become a function of building design,
 892 and also a model for future application in the private sector,
 893 it shall be the policy of the state that buildings constructed
 894 and financed by the state be designed and constructed to meet
 895 the United States Green Building Council (USGBC) Leadership in
 896 Energy and Environmental Design (LEED) rating system, the Green
 897 Building Initiative's Green Globes rating system, the Florida
 898 Green Building Coalition standards, or a nationally recognized,
 899 high-performance green building rating system as approved by the
 900 department in a manner which will minimize the consumption of
 901 energy used in the operation and maintenance of such buildings.

902 It is further the policy of the state, when economically
 903 feasible, to retrofit existing state-owned buildings in a manner
 904 which will minimize the consumption of energy used in the
 905 operation and maintenance of such buildings.

906 (4) In addition to designing and constructing new
 907 buildings to be energy-efficient, it shall be the policy of the
 908 state to operate and maintain, ~~and renovate existing~~ state
 909 facilities, ~~or provide for their renovation,~~ in a manner which
 910 will minimize energy consumption and maximize building
 911 sustainability as well as ensure that facilities leased by the
 912 state are operated so as to minimize energy use. It is further
 913 the policy of this state that the renovation of existing state
 914 facilities be in accordance with the United States Green

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915 Building Council's Leadership in Energy and Environmental Design
916 (LEED) rating system, the Green Building Initiative's Green
917 Globes rating system, the Florida Green Building Coalition
918 standards, or a nationally recognized, high-performance green
919 building rating system as approved by the department. State
920 agencies are encouraged to consider shared savings financing of
921 such energy efficiency and conservation projects, using
922 contracts which split the resulting savings for a specified
923 period of time between the state agency and the private firm or
924 cogeneration contracts that ~~which~~ otherwise permit the state to
925 lower its net energy costs. Such energy contracts may be funded
926 from the operating budget.

927 (5) Each state agency occupying space within buildings
928 owned or managed by the Department of Management Services must
929 identify and compile a list of projects determined to be
930 suitable for a guaranteed energy, water, and wastewater
931 performance savings contract pursuant to s. 489.145. The list of
932 projects compiled by each state agency shall be submitted to the
933 Department of Management Services by December 31, 2008, and must
934 include all criteria used to determine suitability. The list of
935 projects shall be developed from the list of state-owned
936 facilities greater than 5,000 square feet in area and for which
937 the state agency is responsible for paying the expenses of
938 utilities and other operating expenses as they relate to energy
939 use. In consultation with each state agency executive officer,
940 by July 1, 2009, the department shall prioritize all projects
941 deemed suitable by each state agency and shall develop an energy

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942 efficiency project schedule based on factors such as project
 943 magnitude, efficiency and effectiveness of energy conservation
 944 measures to be implemented, and other factors that may prove to
 945 be advantageous to pursue. The schedule shall provide the
 946 deadline for guaranteed energy, water, and wastewater
 947 performance savings contract improvements to be made to the
 948 state-owned buildings.

949 Section 14. Subsections (6) and (7) are added to section
 950 255.253, Florida Statutes, to read:

951 255.253 Definitions; ss. 255.251-255.258.--

952 (6) "Sustainable building" means a building that is
 953 healthy and comfortable for its occupants and is economical to
 954 operate while conserving resources, including energy, water, raw
 955 materials and land, and minimizing the generation and use of
 956 toxic materials and waste in its design, construction,
 957 landscaping, and operation.

958 (7) "Sustainable building rating" means a rating
 959 established by the United States Green Building Council (USGBC)
 960 Leadership in Energy and Environmental Design (LEED) rating
 961 system, the Green Building Initiative's Green Globes rating
 962 system, the Florida Green Building Coalition standards, or a
 963 nationally recognized, high-performance green building rating
 964 system as approved by the department.

965 Section 15. Section 255.254, Florida Statutes, is amended
 966 to read:

967 255.254 No facility constructed or leased without life-
 968 cycle costs.--

969 (1) No state agency shall lease, construct, or have
 970 constructed, within limits prescribed herein, a facility without
 971 having secured from the department an a proper evaluation of
 972 life-cycle costs based on sustainable building ratings, ~~as~~
 973 ~~computed by an architect or engineer.~~ Furthermore, construction
 974 shall proceed only upon disclosing to the department, for the
 975 facility chosen, the life-cycle costs as determined in s.
 976 255.255, its sustainable building rating goal, and the
 977 capitalization of the initial construction costs of the
 978 building. The life-cycle costs and the sustainable building
 979 rating goal shall be a primary considerations ~~consideration~~ in
 980 the selection of a building design. ~~Such analysis shall be~~
 981 ~~required only for construction of buildings with an area of~~
 982 ~~5,000 square feet or greater.~~ For leased buildings 5,000 square
 983 feet or greater ~~areas of 20,000 square feet or greater~~ within a
 984 given building boundary, an energy performance analysis a life-
 985 cycle analysis consisting of a projection of the annual energy
 986 consumption costs in dollars per square foot of major energy-
 987 consuming equipment and systems based on actual expenses, from
 988 the last three years, and projected forward for the term of the
 989 proposed lease shall be performed. ~~, and a~~ The lease shall only
 990 be made where there is a showing that the energy life cycle
 991 costs incurred by the state are minimal compared to available
 992 like facilities. Any building leased by the state from a
 993 private sector entity shall include, as a part of the lease,
 994 provisions for monthly energy use data to be collected and
 995 submitted monthly to the department by the owner of the

996 building.

997 (2) On and after January 1, 1979, no state agency shall
 998 initiate construction or have construction initiated, prior to
 999 approval thereof by the department, on a facility or self-
 1000 contained unit of any facility, the design and construction of
 1001 which incorporates or contemplates the use of an energy system
 1002 other than a solar energy system when the life-cycle costs
 1003 analysis prepared by the department has determined that a solar
 1004 energy system is the most cost-efficient energy system for the
 1005 facility or unit.

1006 (3) After September 30, 1985, when any state agency must
 1007 replace or supplement major items of energy-consuming equipment
 1008 in existing state-owned or leased facilities or any self-
 1009 contained unit of any facility with other major items of energy-
 1010 consuming equipment, the selection of such items shall be made
 1011 on the basis of a life-cycle cost analysis of alternatives in
 1012 accordance with rules promulgated by the department under s.
 1013 255.255.

1014 Section 16. Subsection (1) of section 255.255, Florida
 1015 Statutes, is amended to read:

1016 255.255 Life-cycle costs.--

1017 (1) The department shall promulgate rules and procedures,
 1018 including energy conservation performance guidelines based on
 1019 sustainable building ratings, for conducting a life-cycle cost
 1020 analysis of alternative architectural and engineering designs
 1021 and alternative major items of energy-consuming equipment to be
 1022 retrofitted in existing state-owned ~~or leased~~ facilities and for

1023 developing energy performance indices to evaluate the efficiency
 1024 of energy utilization for competing designs in the construction
 1025 of state-financed and leased facilities.

1026 Section 17. Section 255.257, Florida Statutes, is amended
 1027 to read:

1028 255.257 Energy management; buildings occupied by state
 1029 agencies.--

1030 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
 1031 shall collect data on energy consumption and cost. The data
 1032 gathered shall be on state-owned facilities and metered state-
 1033 leased facilities of 5,000 net square feet or more. These data
 1034 will be used in the computation of the effectiveness of the
 1035 state energy management plan and the effectiveness of the energy
 1036 management program of each of the state agencies. Collected
 1037 data shall be reported annually to the department in a format
 1038 prescribed by the department.

1039 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency,
 1040 the Florida Public Service Commission, the Department of
 1041 Military Affairs, and the judicial branch shall appoint a
 1042 coordinator whose responsibility shall be to advise the head of
 1043 the state agency on matters relating to energy consumption in
 1044 facilities under the control of that head or in space occupied
 1045 by the various units comprising that state agency, in vehicles
 1046 operated by that state agency, and in other energy-consuming
 1047 activities of the state agency. The coordinator shall implement
 1048 the energy management program agreed upon by the state agency

1049 concerned and assist the department in the development of the
 1050 State Energy Management Plan.

1051 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
 1052 Department of Management Services shall ~~may~~ develop a state
 1053 energy management plan consisting of, but not limited to, the
 1054 following elements:

- 1055 (a) Data-gathering requirements;
- 1056 (b) Building energy audit procedures;
- 1057 (c) Uniform data analysis procedures;
- 1058 (d) Employee energy education program measures;
- 1059 (e) Energy consumption reduction techniques;
- 1060 (f) Training program for state agency energy management
 1061 coordinators; and
- 1062 (g) Guidelines for building managers.

1063
 1064 The plan shall include a description of actions that state
 1065 agencies shall take to reduce consumption of electricity and
 1066 nonrenewable energy sources used for space heating and cooling,
 1067 ventilation, lighting, water heating, and transportation.

1068 (4) All state agencies shall adopt the United States Green
 1069 Building Council's Leadership in Energy and Environmental Design
 1070 (LEED) rating system, the Green Building Initiative's Green
 1071 Globes rating system, the Florida Green Building Coalition
 1072 standards, or a nationally recognized, high-performance green
 1073 building rating system as approved by the department for all new
 1074 buildings and renovations to existing buildings.

1075 (5) No state agency shall enter into new leasing
 1076 agreements for office space that does not meet Energy Star
 1077 building standards, except when determined by the appropriate
 1078 state government entity executive that no other viable or cost-
 1079 effective alternative exists.

1080 (6) All state agencies shall develop energy conservation
 1081 measures and guidelines for new and existing office space where
 1082 state agencies occupy more than 5,000 square feet. These
 1083 conservation measures shall focus on programs that may reduce
 1084 energy consumption and when established, provide a net reduction
 1085 in occupancy costs.

1086 Section 18. (1) The Legislature declares that there is an
 1087 important state interest in promoting the construction of
 1088 energy-efficient and sustainable buildings. Government
 1089 leadership in promoting these standards is vital to demonstrate
 1090 the state's commitment to energy conservation, saving taxpayers
 1091 money, and raising public awareness of energy-rating systems.

1092 (2) All county, municipal, school district, water
 1093 management district, state university, community college, and
 1094 Florida state court buildings shall be constructed to meet the
 1095 United States Green Building Council (USGBC) Leadership in
 1096 Energy and Environmental Design (LEED) rating system, the Green
 1097 Building Initiative's Green Globes rating system, the Florida
 1098 Green Building Coalition standards, or a nationally recognized,
 1099 high-performance green building rating system as approved by the
 1100 department. This section shall apply to all county, municipal,
 1101 school district, water management district, state university,

1102 community college, and Florida state court buildings whose
 1103 architectural plans are started after July 1, 2008.

1104 Section 19. Section 286.28, Florida Statutes, is created
 1105 to read:

1106 286.28 Climate Friendly Public Business.-

1107 (1) The Legislature recognizes the importance of
 1108 leadership by state government in the area of energy efficiency
 1109 and in reducing the greenhouse gas emissions of state government
 1110 operations. The following shall pertain to all state agencies
 1111 when conducting public business:

1112 (a) The Department of Management Services shall develop
 1113 the "Florida Climate Friendly Preferred Products List." In
 1114 maintaining that list, the department, in consultation with the
 1115 Department of Environmental Protection, will continually assess
 1116 products currently available for purchase under State Term
 1117 Contracts to identify specific products and vendors that have
 1118 clear energy efficiency or other environmental benefit over
 1119 competing products. When procuring products from state term
 1120 contracts, state agencies shall first consult the Florida
 1121 Climate Friendly Preferred Products List and procure such
 1122 products if the price is comparable.

1123 (b) Effective July 1, 2008, state agencies shall only
 1124 contract for meeting and conference space with hotels or
 1125 conference facilities that have received the "Green Lodging"
 1126 designation from the Department of Environmental Protection for
 1127 best practices in water, energy and waste efficiency standards,
 1128 unless the responsible state agency's chief executive officer

1129 makes a determination that no other viable alternative exists.
 1130 The Department of Environmental Protection is authorized to
 1131 adopt rules to implement the "Green Lodging" program.

1132 (c) Each state agency shall assure that all maintained
 1133 vehicles meet minimum maintenance schedules shown to reduce fuel
 1134 consumption which include: assuring appropriate tire pressures
 1135 and tread depth; replacing fuel filters and emission filters at
 1136 recommended intervals; using proper motor oils; and performing
 1137 timely motor maintenance. Each state agency will measure and
 1138 report compliance to the Department of Management Services
 1139 through the Equipment Management Information System database.

1140 (d) When procuring new vehicles, all state agencies shall
 1141 first define the intended purpose for a vehicle and determine
 1142 which of the following use classes the vehicle is being procured
 1143 for:

- 1144 1. State business travel, designated operator;
- 1145 2. State business travel, pool operators;
- 1146 3. Construction, agricultural or maintenance work;
- 1147 4. Conveyance of passengers;
- 1148 5. Conveyance of building or maintenance materials and
 1149 supplies;
- 1150 6. Off-road vehicles, motorcycles and all-terrain
 1151 vehicles;
- 1152 7. Emergency response; or
- 1153 8. Other.

1154
 1155 Vehicles in subparagraphs 1. through 8., when being processed

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1156 for purchase or leasing agreements, must be selected for the
1157 greatest fuel efficiency available for a given use class when
1158 fuel economy data are available. Exceptions may be made for
1159 certain individual vehicles in subparagraph 7., when
1160 accompanied, during the procurement process, by documentation
1161 indicating that the operator or operators will exclusively be
1162 emergency first responders or have special documented need for
1163 exceptional vehicle performance characteristics. Any request
1164 for an exception must be approved by the purchasing agency's
1165 chief executive officer and any exceptional performance
1166 characteristics denoted as a part of the procurement process
1167 prior to purchase.

1168 (f) All state agencies shall use ethanol and biodiesel
1169 blended fuels, when available. State agencies administering
1170 central fueling operations for state-owned vehicles shall
1171 procure biofuels for fleet needs to the greatest extent
1172 practicable.

1173 Section 20. Paragraph (b) of subsection (2) and subsection
1174 (5) of section 287.063, Florida Statutes, are amended to read:

1175 287.063 Deferred-payment commodity contracts; preaudit
1176 review.—

1177 (2)

1178 (b) The Chief Financial Officer shall establish, by rule,
1179 criteria for approving purchases made under deferred-payment
1180 contracts which require the payment of interest. Criteria shall
1181 include, but not be limited to, the following provisions:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

1182 1. No contract shall be approved in which interest exceeds
 1183 the statutory ceiling contained in this section. However, the
 1184 interest component of any master equipment financing agreement
 1185 entered into for the purpose of consolidated financing of a
 1186 deferred-payment, installment sale, or lease-purchase shall be
 1187 deemed to comply with the interest rate limitation of this
 1188 section so long as the interest component of every interagency
 1189 agreement under such master equipment financing agreement
 1190 complies with the interest rate limitation of this section.

1191 2. No deferred-payment purchase for less than \$30,000
 1192 shall be approved, unless it can be satisfactorily demonstrated
 1193 and documented to the Chief Financial Officer that failure to
 1194 make such deferred-payment purchase would adversely affect an
 1195 agency in the performance of its duties. However, the Chief
 1196 Financial Officer may approve any deferred-payment purchase if
 1197 the Chief Financial Officer determines that such purchase is
 1198 economically beneficial to the state.

1199 ~~3. No agency shall obligate an annualized amount of~~
 1200 ~~payments for deferred payment purchases in excess of current~~
 1201 ~~operating capital outlay appropriations, unless specifically~~
 1202 ~~authorized by law or unless it can be satisfactorily~~
 1203 ~~demonstrated and documented to the Chief Financial Officer that~~
 1204 ~~failure to make such deferred payment purchase would adversely~~
 1205 ~~affect an agency in the performance of its duties.~~

1206 3. ~~4.~~ No contract shall be approved which extends payment
 1207 beyond 5 years, unless it can be satisfactorily demonstrated and
 1208 documented to the Chief Financial Officer that failure to make

1209 such deferred-payment purchase would adversely affect an agency
 1210 in the performance of its duties. The payment term may not
 1211 exceed the useful life of the equipment unless the contract
 1212 provides for the replacement or the extension of the useful life
 1213 of the equipment during the term of the loan.

1214 (c) The Chief Financial Officer shall require written
 1215 justification based on need, usage, size of the purchase, and
 1216 financial benefit to the state for deferred-payment purchases
 1217 made pursuant to this subsection.

1218 (5) For purposes of this section, the annualized amount of
 1219 any such deferred payment commodity contract must be supported
 1220 from available recurring funds appropriated to the agency in an
 1221 appropriation category, ~~other than the expense appropriation~~
 1222 ~~category~~ as defined in chapter 216, which that the Chief
 1223 Financial Officer has determined is appropriate or which that
 1224 the Legislature has designated for payment of the obligation
 1225 incurred under this section.

1226 Section 21. Subsections (10) and (11) of section 287.064,
 1227 Florida Statutes, are amended to read:

1228 287.064 Consolidated financing of deferred-payment
 1229 purchases.--

1230 (10) (a) A master equipment financing agreement may finance
 1231 the cost of energy, water, or wastewater efficiency and
 1232 conservation measures, as defined in s. 489.145, excluding the
 1233 costs of training, operation, and maintenance, for a term or
 1234 repayment that may exceed 5 years but not more than 20 years.

1235 (b) The guaranteed energy, water, and wastewater savings
 1236 contractor shall provide for the replacement or the extension of
 1237 the useful life of the equipment during the term of the
 1238 contract. ~~Costs incurred pursuant to a guaranteed energy~~
 1239 ~~performance savings contract, including the cost of energy~~
 1240 ~~conservation measures, each as defined in s. 489.145, may be~~
 1241 ~~financed pursuant to a master equipment financing agreement;~~
 1242 ~~however, the costs of training, operation, and maintenance may~~
 1243 ~~not be financed. The period of time for repayment of the funds~~
 1244 ~~drawn pursuant to the master equipment financing agreement under~~
 1245 ~~this subsection may exceed 5 years but may not exceed 10 years.~~

1246 (11) For purposes of consolidated financing of deferred
 1247 payment commodity contracts under this section by a state
 1248 agency, the annualized amount of any such contract must be
 1249 supported from available recurring funds appropriated to the
 1250 agency in an appropriation category, ~~other than the expense~~
 1251 ~~appropriation category~~ as defined in chapter 216, which ~~that~~ the
 1252 Chief Financial Officer has determined is appropriate or which
 1253 ~~that~~ the Legislature has designated for payment of the
 1254 obligation incurred under this section.

1255 Section 22. Section 316.0741, Florida Statutes, is amended
 1256 to read:

1257 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
 1258 lanes.--

1259 (1) As used in this section, the term:

1260 (a) "High-occupancy-vehicle ~~"High-occupancy vehicle lane"~~
 1261 or "HOV lane" means a lane of a public roadway designated for

1262 use by vehicles in which there is more than one occupant unless
 1263 otherwise authorized by federal law.

1264 (b) "Hybrid vehicle" means a motor vehicle:

1265 1. That draws propulsion energy from onboard sources of
 1266 stored energy which are both an internal combustion or heat
 1267 engine using combustible fuel and a rechargeable energy-storage
 1268 system; and

1269 2. That, in the case of a passenger automobile or light
 1270 truck, has received a certificate of conformity under the Clean
 1271 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
 1272 equivalent qualifying California standards for a low-emission
 1273 vehicle.

1274 (2) The number of persons that must be in a vehicle to
 1275 qualify for legal use of the HOV lane and the hours during which
 1276 the lane will serve as an HOV lane, if it is not designated as
 1277 such on a full-time basis, must also be indicated on a traffic
 1278 control device.

1279 (3) Except as provided in subsection (4), a vehicle may
 1280 not be driven in an HOV lane if the vehicle is occupied by fewer
 1281 than the number of occupants indicated by a traffic control
 1282 device. A driver who violates this section shall be cited for a
 1283 moving violation, punishable as provided in chapter 318.

1284 (4) (a) Notwithstanding any other provision of this
 1285 section, an inherently low-emission vehicle (ILEV) that is
 1286 certified and labeled in accordance with federal regulations may
 1287 be driven in an HOV lane at any time, regardless of its
 1288 occupancy. In addition, upon the state's receipt of written

1289 notice from the proper federal regulatory agency authorizing
 1290 such use, a vehicle defined as a hybrid vehicle under this
 1291 section may be driven in an HOV lane at any time, regardless of
 1292 its occupancy.

1293 (b) All eligible hybrid and all eligible other low-
 1294 emission and energy-efficient vehicles driven in an HOV lane
 1295 must comply with the minimum fuel economy standards in 23 U.S.C.
 1296 s. 166(f)(3)(B).

1297 (c) Upon its effective date, the eligibility of hybrid and
 1298 other low-emission and energy-efficient vehicles for operation
 1299 in an HOV lane regardless of occupancy shall be determined in
 1300 accordance with the applicable final rule issued by the United
 1301 States Environmental Protection Agency pursuant to 23 U.S.C. s.
 1302 166(e).

1303 (5) The department shall issue a decal and registration
 1304 certificate, to be renewed annually, reflecting the HOV lane
 1305 designation on ~~such~~ vehicles meeting the criteria in subsection
 1306 (4) authorizing driving in an HOV lane at any time ~~such~~ use. The
 1307 department may charge a fee for a decal, not to exceed the costs
 1308 of designing, producing, and distributing each decal, or \$5,
 1309 whichever is less. The proceeds from sale of the decals shall be
 1310 deposited in the Highway Safety Operating Trust Fund. The
 1311 department may, for reasons of operation and management of HOV
 1312 facilities, limit or discontinue issuance of decals for the use
 1313 of HOV facilities by hybrid and low-emission and energy-
 1314 efficient vehicles regardless of occupancy if it has been

1315 determined by the Department of Transportation that the
 1316 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

1317 (6) Any HOV lane facility that is redesignated as open
 1318 tolling lanes may continue to allow vehicles that comply with
 1319 the minimum fuel economy standards under 23 U.S.C. s.
 1320 166(f)(3)(B) to use the lane without requiring payment of the
 1321 toll.

1322 ~~(5) As used in this section, the term "hybrid vehicle"~~
 1323 ~~means a motor vehicle:~~

1324 ~~(a) That draws propulsion energy from onboard sources of~~
 1325 ~~stored energy which are both:~~

1326 ~~1. An internal combustion or heat engine using combustible~~
 1327 ~~fuel; and~~

1328 ~~2. A rechargeable energy storage system; and~~

1329 ~~(b) That, in the case of a passenger automobile or light~~
 1330 ~~truck:~~

1331 ~~1. Has received a certificate of conformity under the~~
 1332 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

1333 ~~2. Meets or exceeds the equivalent qualifying California~~
 1334 ~~standards for a low emission vehicle.~~

1335 (7) ~~(6)~~ The department may adopt rules necessary to
 1336 administer this section.

1337 Section 23. Subsection (1) of section 337.401, Florida
 1338 Statutes, is amended to read:

1339 337.401 Use of right-of-way for utilities subject to
 1340 regulation; permit; fees.--

1341 (1) The department and local governmental entities,
 1342 referred to in ss. 337.401-337.404 as the "authority," that have
 1343 jurisdiction and control of public roads or publicly owned rail
 1344 corridors are authorized to prescribe and enforce reasonable
 1345 rules or regulations with reference to the placing and
 1346 maintaining along, across, or on any road or publicly owned rail
 1347 corridors under their respective jurisdictions any electric
 1348 transmission, telephone, telegraph, or other communications
 1349 services lines; pole lines; poles; railways; ditches; sewers;
 1350 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 1351 pumps; or other structures ~~hereinafter~~ referred to in this
 1352 section as the "utility." For aerial and underground electric
 1353 utility transmission lines designed to operate at 69 kV or more
 1354 which are needed to accommodate the additional electrical
 1355 transfer capacity on the transmission grid resulting from new
 1356 base load generating facilities, where there is no other
 1357 practicable alternative available for placement of the electric
 1358 utility transmission lines on the department's rights-of-way,
 1359 the department's rules shall provide for placement of and access
 1360 to such transmission lines adjacent to and within the right-of-
 1361 way of any department-controlled public roads, including
 1362 longitudinally within limited access facilities to the greatest
 1363 extent allowed by federal law, if compliance with the standards
 1364 established by such rules is achieved. Such rules may include,
 1365 but need not be limited to, presentation of competent and
 1366 substantial evidence that the use of the right-of-way is
 1367 reasonable based upon a consideration of economic and

1368 environmental factors, including, without limitation, other
 1369 utility corridors and easements and minimum clear zones and
 1370 other safety standards if such improvements do not interfere
 1371 with operational requirements of the transportation facility or
 1372 planned or potential future expansion of such transportation
 1373 facility. If the department approves longitudinal placement of
 1374 electric utility transmission lines in limited access
 1375 facilities, compensation for the use of the right-of-way is
 1376 required. Such consideration or compensation paid by the
 1377 electric utility in connection with the department's issuance of
 1378 a permit does not create any property right in the department's
 1379 property regardless of the amount of consideration paid or the
 1380 improvements constructed on the property by the utility. Upon
 1381 notice by the department that the property is needed for
 1382 expansion or improvement of the transportation facility, the
 1383 electric utility transmission line will relocate from the
 1384 facility at the electric utility's sole expense. Such
 1385 relocation shall occur under a schedule mutually agreed upon by
 1386 the department and the electric utility, taking into
 1387 consideration the maintenance of overall grid reliability and
 1388 minimizing the relocation costs to the electric utility's
 1389 customers. If the utility fails to meet the agreed upon
 1390 schedule for relocation, the utility shall be responsible for
 1391 reasonable direct delay damages due to the sole negligence of
 1392 the electric utility as determined by a court of competent
 1393 jurisdiction. As used in this subsection, the term "base load
 1394 generating facilities" mean electrical power plants that are

1395 certified under part II of chapter 403. The department may
 1396 enter into a permit-delegation agreement with a governmental
 1397 entity if issuance of a permit is based on requirements that the
 1398 department finds will ensure the safety and integrity of
 1399 facilities of the Department of Transportation; however, the
 1400 permit-delegation agreement does not apply to facilities of
 1401 electric utilities as defined in s. 366.02(2).

1402 Section 24. Subsections (1) and (7) of section 339.175,
 1403 Florida Statutes, are amended to read:

1404 339.175 Metropolitan planning organization.—

1405 (1) PURPOSE.--It is the intent of the Legislature to
 1406 encourage and promote the safe and efficient management,
 1407 operation, and development of surface transportation systems
 1408 that will serve the mobility needs of people and freight and
 1409 foster economic growth and development within and through
 1410 urbanized areas of this state while minimizing transportation-
 1411 related fuel consumption, ~~and~~ air pollution and greenhouse gas
 1412 emissions through metropolitan transportation planning processes
 1413 identified in this section. To accomplish these objectives,
 1414 metropolitan planning organizations, referred to in this section
 1415 as M.P.O.'s, shall develop, in cooperation with the state and
 1416 public transit operators, transportation plans and programs for
 1417 metropolitan areas. The plans and programs for each metropolitan
 1418 area must provide for the development and integrated management
 1419 and operation of transportation systems and facilities,
 1420 including pedestrian walkways and bicycle transportation
 1421 facilities that will function as an intermodal transportation

1422 system for the metropolitan area, based upon the prevailing
 1423 principles provided in s. 334.046(1). The process for developing
 1424 such plans and programs shall provide for consideration of all
 1425 modes of transportation and shall be continuing, cooperative,
 1426 and comprehensive, to the degree appropriate, based on the
 1427 complexity of the transportation problems to be addressed. To
 1428 ensure that the process is integrated with the statewide
 1429 planning process, M.P.O.'s shall develop plans and programs that
 1430 identify transportation facilities that should function as an
 1431 integrated metropolitan transportation system, giving emphasis
 1432 to facilities that serve important national, state, and regional
 1433 transportation functions. For the purposes of this section,
 1434 those facilities include the facilities on the Strategic
 1435 Intermodal System designated under s. 339.63 and facilities for
 1436 which projects have been identified pursuant to s. 339.2819(4).

1437 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 1438 develop a long-range transportation plan that addresses at least
 1439 a 20-year planning horizon. The plan must include both long-
 1440 range and short-range strategies and must comply with all other
 1441 state and federal requirements. The prevailing principles to be
 1442 considered in the long-range transportation plan are: preserving
 1443 the existing transportation infrastructure; enhancing Florida's
 1444 economic competitiveness; and improving travel choices to ensure
 1445 mobility. The long-range transportation plan must be consistent,
 1446 to the maximum extent feasible, with future land use elements
 1447 and the goals, objectives, and policies of the approved local
 1448 government comprehensive plans of the units of local government

1449 | located within the jurisdiction of the M.P.O. Each M.P.O. is
 1450 | encouraged to consider strategies that integrate transportation
 1451 | and land use planning to provide for sustainable development and
 1452 | reduce greenhouse gas emissions. The approved long-range
 1453 | transportation plan must be considered by local governments in
 1454 | the development of the transportation elements in local
 1455 | government comprehensive plans and any amendments thereto. The
 1456 | long-range transportation plan must, at a minimum:

1457 | (a) Identify transportation facilities, including, but not
 1458 | limited to, major roadways, airports, seaports, spaceports,
 1459 | commuter rail systems, transit systems, and intermodal or
 1460 | multimodal terminals that will function as an integrated
 1461 | metropolitan transportation system. The long-range
 1462 | transportation plan must give emphasis to those transportation
 1463 | facilities that serve national, statewide, or regional
 1464 | functions, and must consider the goals and objectives identified
 1465 | in the Florida Transportation Plan as provided in s. 339.155. If
 1466 | a project is located within the boundaries of more than one
 1467 | M.P.O., the M.P.O.'s must coordinate plans regarding the project
 1468 | in the long-range transportation plan.

1469 | (b) Include a financial plan that demonstrates how the
 1470 | plan can be implemented, indicating resources from public and
 1471 | private sources which are reasonably expected to be available to
 1472 | carry out the plan, and recommends any additional financing
 1473 | strategies for needed projects and programs. The financial plan
 1474 | may include, for illustrative purposes, additional projects that
 1475 | would be included in the adopted long-range transportation plan

1476 if reasonable additional resources beyond those identified in
 1477 the financial plan were available. For the purpose of developing
 1478 the long-range transportation plan, the M.P.O. and the
 1479 department shall cooperatively develop estimates of funds that
 1480 will be available to support the plan implementation. Innovative
 1481 financing techniques may be used to fund needed projects and
 1482 programs. Such techniques may include the assessment of tolls,
 1483 the use of value capture financing, or the use of value pricing.

1484 (c) Assess capital investment and other measures necessary
 1485 to:

1486 1. Ensure the preservation of the existing metropolitan
 1487 transportation system including requirements for the operation,
 1488 resurfacing, restoration, and rehabilitation of major roadways
 1489 and requirements for the operation, maintenance, modernization,
 1490 and rehabilitation of public transportation facilities; and

1491 2. Make the most efficient use of existing transportation
 1492 facilities to relieve vehicular congestion and maximize the
 1493 mobility of people and goods.

1494 (d) Indicate, as appropriate, proposed transportation
 1495 enhancement activities, including, but not limited to,
 1496 pedestrian and bicycle facilities, scenic easements,
 1497 landscaping, historic preservation, mitigation of water
 1498 pollution due to highway runoff, and control of outdoor
 1499 advertising.

1500 (e) In addition to the requirements of paragraphs (a) - (d),
 1501 in metropolitan areas that are classified as nonattainment areas
 1502 for ozone or carbon monoxide, the M.P.O. must coordinate the

1503 development of the long-range transportation plan with the State
 1504 Implementation Plan developed pursuant to the requirements of
 1505 the federal Clean Air Act.

1506
 1507 In the development of its long-range transportation plan, each
 1508 M.P.O. must provide the public, affected public agencies,
 1509 representatives of transportation agency employees, freight
 1510 shippers, providers of freight transportation services, private
 1511 providers of transportation, representatives of users of public
 1512 transit, and other interested parties with a reasonable
 1513 opportunity to comment on the long-range transportation plan.
 1514 The long-range transportation plan must be approved by the
 1515 M.P.O.

1516 Section 25. Paragraph (b) of subsection (6) of section
 1517 366.82, Florida Statutes, is amended to read:

1518 366.82 Definition; goals; plans; programs; annual reports;
 1519 energy audits.--

1520 (6)

1521 (b) The Florida Energy and Climate Commission, created in
 1522 s. 377.6015, ~~Executive Office of the Governor~~ shall be a party
 1523 in the proceedings to adopt goals and shall file with the
 1524 commission comments on the proposed goals including, but not
 1525 limited to:

1526 1. An evaluation of utility load forecasts, including an
 1527 assessment of alternative supply and demand side resource
 1528 options.

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1529 2. An analysis of various policy options which can be
 1530 implemented to achieve a least-cost strategy.

1531 Section 26. Section 366.8255, Florida Statutes, is amended
 1532 to read:

1533 366.8255 Environmental cost recovery.--

1534 (1) As used in this section, the term:

1535 (a) "Electric utility" or "utility" means any investor-
 1536 owned electric utility that owns, maintains, or operates an
 1537 electric generation, transmission, or distribution system within
 1538 the State of Florida and that is regulated under this chapter.

1539 (b) "Commission" means the Florida Public Service
 1540 Commission.

1541 (c) "Environmental laws or regulations" includes all
 1542 federal, state, or local statutes, administrative regulations,
 1543 orders, ordinances, resolutions, or other requirements that
 1544 apply to electric utilities and are designed to protect the
 1545 environment.

1546 (d) "Environmental compliance costs" includes all costs or
 1547 expenses incurred by an electric utility in complying with
 1548 environmental laws or regulations, including but not limited to:

- 1549 1. Inservice capital investments, including the electric
- 1550 utility's last authorized rate of return on equity thereon;
- 1551 2. Operation and maintenance expenses;
- 1552 3. Fuel procurement costs;
- 1553 4. Purchased power costs;
- 1554 5. Emission allowance costs;
- 1555 6. Costs or expenses prudently incurred for the

1556 quantification, reporting, and third party verification as
 1557 required for participation in greenhouse gas emission registries
 1558 for greenhouse gases as defined in s. 403.44;

1559 7. Costs or expenses prudently incurred for scientific
 1560 research and geological assessments of carbon capture and
 1561 storage conducted in Florida for the purpose of reducing an
 1562 electric utility's greenhouse gas emissions when such costs or
 1563 expenses are incurred in joint research projects with State of
 1564 Florida government agencies and State of Florida universities;

1565 8. ~~6.~~ Direct taxes on environmental equipment; and

1566 9. ~~7.~~ Costs or expenses prudently incurred by an electric
 1567 utility pursuant to an agreement entered into on or after the
 1568 effective date of this act and prior to October 1, 2002, between
 1569 the electric utility and the Florida Department of Environmental
 1570 Protection or the United States Environmental Protection Agency
 1571 for the exclusive purpose of ensuring compliance with ozone
 1572 ambient air quality standards by an electrical generating
 1573 facility owned by the electric utility.

1574 Section 27. Section 366.91, Florida Statutes, is amended
 1575 to read:

1576 366.91 Renewable energy.--

1577 (1) The Legislature finds that it is in the public
 1578 interest to promote the development of renewable energy
 1579 resources in this state. Renewable energy resources have the
 1580 potential to help diversify fuel types to meet Florida's growing
 1581 dependency on natural gas for electric production, minimize the
 1582 volatility of fuel costs, encourage investment within the state,

1583 improve environmental conditions, and make Florida a leader in
 1584 new and innovative technologies.

1585 (2) As used in this section, the term:

1586 (a) "Biomass" means a power source that is comprised of,
 1587 but not limited to, combustible residues or gases from forest
 1588 products manufacturing, waste, byproducts or products from
 1589 agricultural and orchard crops, waste and co-products from
 1590 livestock and poultry operations, waste and byproducts from ~~and~~
 1591 food processing, urban wood waste, municipal solid waste,
 1592 municipal liquid waste treatment operations, and landfill gas.

1593 (b) "Renewable energy" means electrical energy produced
 1594 from a method that uses one or more of the following fuels or
 1595 energy sources: hydrogen produced from sources other than fossil
 1596 fuels, biomass, solar energy, geothermal energy, wind energy,
 1597 ocean energy, and hydroelectric power. The term includes the
 1598 alternative energy resource, waste heat, from sulfuric acid
 1599 manufacturing operations.

1600 (c) "Customer-owned renewable generation" means an
 1601 electric generating system located on a customer's premises that
 1602 is primarily intended to offset part or all of the customer's
 1603 electricity requirements with renewable energy.

1604 (d) "Net metering" means a metering and billing methodology
 1605 whereby customer-owned renewable generation is allowed to offset
 1606 the customer's electricity consumption on-site.

1607 (3) On or before January 1, 2006, each public utility must
 1608 continuously offer a purchase contract to producers of renewable
 1609 energy. The commission shall establish requirements relating to

1610 the purchase of capacity and energy by public utilities from
 1611 renewable energy producers and may adopt rules to administer
 1612 this section. The contract shall contain payment provisions for
 1613 energy and capacity which are based upon the utility's full
 1614 avoided costs, as defined in s. 366.051; however, capacity
 1615 payments are not required if, due to the operational
 1616 characteristics of the renewable energy generator or the
 1617 anticipated peak and off-peak availability and capacity factor
 1618 of the utility's avoided unit, the producer is unlikely to
 1619 provide any capacity value to the utility or the electric grid
 1620 during the contract term. Each contract must provide a contract
 1621 term of at least 10 years. Prudent and reasonable costs
 1622 associated with a renewable energy contract shall be recovered
 1623 from the ratepayers of the contracting utility, without
 1624 differentiation among customer classes, through the appropriate
 1625 cost-recovery clause mechanism administered by the commission.

1626 (4) On or before January 1, 2006, each municipal electric
 1627 utility and rural electric cooperative whose annual sales, as of
 1628 July 1, 1993, to retail customers were greater than 2,000
 1629 gigawatt hours must continuously offer a purchase contract to
 1630 producers of renewable energy containing payment provisions for
 1631 energy and capacity which are based upon the utility's or
 1632 cooperative's full avoided costs, as determined by the governing
 1633 body of the municipal utility or cooperative; however, capacity
 1634 payments are not required if, due to the operational
 1635 characteristics of the renewable energy generator or the
 1636 anticipated peak and off-peak availability and capacity factor

1637 of the utility's avoided unit, the producer is unlikely to
 1638 provide any capacity value to the utility or the electric grid
 1639 during the contract term. Each contract must provide a contract
 1640 term of at least 10 years.

1641 (5) On or before January 1, 2009, each public utility must
 1642 develop a standardized interconnection agreement and net
 1643 metering program for customer-owned renewable generation. The
 1644 commission shall establish requirements relating to the
 1645 expedited interconnection and net metering of customer-owned
 1646 renewable generation by public utilities and may adopt rules to
 1647 administer this section.

1648 (6) On or before January 1, 2009, each municipal electric
 1649 utility and rural electric cooperative must develop a
 1650 standardized interconnection and net metering program for
 1651 customer-owned renewable generation. The standardized
 1652 interconnection agreement shall provide explicit directions for
 1653 the application and interconnection process, detailing specific
 1654 due dates for action by the utility and the customer in order to
 1655 simplify and expedite the interconnection process. The
 1656 standardized interconnection agreement shall incorporate
 1657 nationally recognized standards for interconnection and safety.
 1658 The net metering program shall provide for any excess energy
 1659 delivered to the electric grid in one billing period be carried
 1660 over to directly offset the customer's consumption in the next
 1661 billing period, for a period up to 12 months. Any excess energy
 1662 credits remaining at the end of the calendar year shall be
 1663 purchased by the utility based upon a rate to be determined by

1664 the governing body of the municipal utility or cooperative. The
 1665 requirements established by a municipal or cooperative utility
 1666 must be consistent with the interconnection and net metering
 1667 rules adopted by the commission for the public utilities. By
 1668 April 1 of each year, each municipal electric utility and rural
 1669 electric cooperative utility shall file a report with the
 1670 commission detailing customer participation in the
 1671 interconnection and net metering program, including but not
 1672 limited to the number and total capacity of interconnected
 1673 generating systems and the total energy net metered in the
 1674 previous year.

1675 (7) Under the provisions of subsections (5) and (6), when
 1676 a utility purchases power generated from biogas produced by the
 1677 anerobic digestion of agricultural or food waste, net metering
 1678 is available at a single metering point or is available as a
 1679 part of conjunctive billing of multiple points for a customer at
 1680 a single location.

1681 (8) ~~(5)~~ A contracting producer of renewable energy must pay
 1682 the actual costs of its interconnection with the transmission
 1683 grid or distribution system.

1684 Section 28. Section 366.92, Florida Statutes, is amended
 1685 to read:

1686 366.92 Florida Renewable Energy Policy.--

1687 (1) It is the intent of the Legislature to promote the
 1688 development of renewable energy; protect the economic viability
 1689 of Florida's existing renewable energy facilities; diversify the
 1690 types of fuel used to generate electricity in Florida; lessen

1691 Florida's dependence on natural gas and fuel oil for the
 1692 production of electricity; minimize the volatility of fuel
 1693 costs; encourage investment within the state; improve
 1694 environmental conditions; and, at the same time, minimize the
 1695 costs of power supply to electric utilities and their customers.

1696 (2) For the purposes of this section, "Florida renewable
 1697 energy resources" shall mean renewable energy, as defined in s.
 1698 377.803, that is produced in Florida.

1699 (3) As used in this section, the term:

1700 (a) "Renewable Energy Credit" or "REC" shall mean a product
 1701 that (i) represents the unbundled, separable, renewable
 1702 attribute of renewable energy and (ii) is equivalent to one
 1703 megawatt-hour of electricity generated by a source of renewable
 1704 energy located in Florida.

1705 (b) "Provider" means an electric utility as defined in s.
 1706 366.02(2).

1707 (c) "Renewable portfolio standard" or "RPS" means the
 1708 minimum percentage of total annual retail electricity sales by a
 1709 Provider to consumers in Florida that shall be supplied by
 1710 renewable energy produced in Florida.

1711 (4) RENEWABLE PORTFOLIO STANDARD.--

1712 (a) Beginning in calendar year 2009, each provider shall
 1713 comply with the renewable portfolio standards in this section by
 1714 supplying renewable energy to its customers, either directly or
 1715 through RECs, in amounts that equal or exceed the applicable
 1716 percentages for each of the following calendar years:

1717 2009: 2.25 percent

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1718 2010: 2.50 percent
 1719 2011: 2.75 percent
 1720 2012: 2.75 percent
 1721 2013: 3.00 percent
 1722 2014: 3.25 percent
 1723 2015: 3.50 percent
 1724 2016: 3.75 percent
 1725 2017: 3.75 percent
 1726 2018: 4.00 percent
 1727 2019: 4.25 percent
 1728 2020: 4.50 percent
 1729 2021: 5.00 percent

1730 (b) For each year after 2021, the commission shall
 1731 determine the appropriate RPS, which shall not be less than
 1732 5.0%.

1733 (c) If a provider finds that, in any given year, the cost
 1734 of a particular source of renewable energy or REC that would
 1735 need to be procured or generated for purposes of compliance
 1736 with the RPS would be greater than 90% of the provider's
 1737 current, average residential retail price of electricity per
 1738 kilowatt hour, the provider shall not be required to incur the
 1739 cost of procuring or generating such source of renewable energy
 1740 or REC; however, the existence of this condition excusing full
 1741 compliance in any given year shall not operate to delay any
 1742 increases in the RPS pursuant to section 366.92(4)(a).

1743 (d) Notwithstanding s. 366.91(3) and (4), the
 1744 commission is authorized to approve projects, power sales

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1745 agreements with renewable power producers, and the sale of RECs
1746 which are needed to comply with the RPS percentages set forth in
1747 s. 366.92(4)(a). In the event of any conflict, this section
1748 shall supersede s. 366.91(3) and (4).

1749 (e) Beginning on January 1, 2010, each provider shall
1750 submit a report to the commission describing the steps that have
1751 been taken in the previous year and the steps that will be
1752 taken in the future to add renewable energy to the provider's
1753 energy supply portfolio. The report shall state whether the
1754 provider was in compliance with the RPS during the previous year
1755 and how it will comply with the RPS in the upcoming year.

1756 (f) The commission shall take appropriate steps to ensure
1757 that each provider complies with the RPS. However, the
1758 commission shall excuse full compliance with the RPS in any year
1759 in which the provider demonstrates to the commission that full
1760 compliance was not achieved because the cost of renewable
1761 energy, was too high, as described in section 366.92(4)(c), or
1762 the supply of renewable energy was not adequate to satisfy the
1763 demand for such energy.

1764 (g) Compliance with the RPS shall be determined on a
1765 calendar year basis.

1766 (h) For the purposes of this section, RECs may be used for
1767 two years after the date when they are created.

1768 (5) No provision in this section shall be construed to
1769 impede or impair terms and conditions in existing contracts.

1770 (6) By January 1, 2009, the Florida Public Service
1771 Commission shall submit a report to the Florida Energy and

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1772 Climate Commission evaluating each method used, or proposed to
1773 be used, to generate electricity in the state to determine its
1774 efficacy in achieving the goals of reliability, affordability,
1775 efficiency, and diversity. This evaluation process should
1776 establish the levelized cost in cents per kilowatt hour and
1777 incremental capacity in kilowatts for each generation method.

1778 (7) By January 1, 2009, the Department of Environmental
1779 Protection shall submit a report to the Florida Energy and
1780 Climate Commission measuring the environmental effects of each
1781 method used, or proposed to be used, to generate electricity in
1782 the state in order to create an emission profile and determine a
1783 greenhouse coefficient for each generation method measured in
1784 equivalent pounds of carbon dioxide emitted per megawatt hour of
1785 electricity generated.

1786 (8) By July 1, 2009, the Florida Energy and Climate
1787 Commission shall prepare and submit a report to the Governor,
1788 the President of the Senate, the Speaker of the House of
1789 Representatives and the Public Service Commission, providing a
1790 current and comprehensive assessment of renewable energy
1791 opportunities, and energy efficiency and demand-side management
1792 resources and technologies in the state. The report also shall
1793 address existing and potential renewable resources and
1794 technologies, economic considerations, and environmental issues,
1795 and shall:

1796 (a) Establish a ranking for all generation methods used,
1797 or proposed to be used, in the generation of electricity in the

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1798 state based on the quantitative results determined by the Public
 1799 Service Commission under subsection (6).

1800 (b) Determine how to mitigate state greenhouse gas
 1801 emissions using the quantitative results determined by the
 1802 department under subsection (7) within the content of the
 1803 ranking established under paragraph (a). The greenhouse effect
 1804 of each generation method may be calculated using greenhouse
 1805 coefficients and incremental capacity data.

1806 (9) By February 1, 2010, the Florida Public Service
 1807 Commission shall use the rankings established under subsection
 1808 (8) to develop and adopt, by rule, a renewable energy portfolio
 1809 standard to replace the renewable portfolio standard established
 1810 in subsection (4). Such rule shall not become effective until
 1811 ratified by the Legislature.

1812 ~~(3) The commission may adopt appropriate goals for~~
 1813 ~~increasing the use of existing, expanded, and new Florida~~
 1814 ~~renewable energy resources. The commission may change the goals.~~
 1815 ~~The commission may review and reestablish the goals at least~~
 1816 ~~once every 5 years.~~

1817 (10) ~~(4)~~ The commission may adopt rules to administer and
 1818 implement the provisions of this section.

1819 Section 29. Section 366.93, Florida Statutes, is amended
 1820 to read:

1821 366.93 Cost recovery for the siting, design, licensing,
 1822 and construction of nuclear and integrated gasification combined
 1823 cycle power plants.--

1824 (1) As used in this section, the term:

1825 (a) "Cost" includes, but is not limited to, all capital
 1826 investments, including rate of return, any applicable taxes, and
 1827 all expenses, including operation and maintenance expenses,
 1828 related to or resulting from the siting, licensing, design,
 1829 construction, or operation of the nuclear power plant and any
 1830 new, enlarged, or relocated electrical transmission lines or
 1831 facilities of any size that are necessary to serve the nuclear
 1832 or integrated gasification combined cycle power plant.

1833 (b) "Electric utility" or "utility" has the same meaning
 1834 as that provided in s. 366.8255(1) (a).

1835 (c) "Integrated gasification combined cycle power plant"
 1836 or "plant" is an electrical power plant as defined in s.
 1837 403.503(14) which ~~s. 403.503(13) that~~ uses synthesis gas
 1838 produced by integrated gasification technology.

1839 (d) "Nuclear power plant" or "plant" means ~~is~~ an
 1840 electrical power plant, as defined in s. 403.503(14), which ~~s.~~
 1841 ~~403.503(13) that~~ uses nuclear materials for fuel.

1842 (e) "Power plant" or "plant" means a nuclear power plant
 1843 or an integrated gasification combined cycle power plant.

1844 (f) "Preconstruction" is that period of time after a site,
 1845 including any related electrical transmission lines or
 1846 facilities, has been selected through and including the date the
 1847 utility completes site-clearing ~~site-clearing~~ work.

1848 Preconstruction costs shall be afforded deferred accounting
 1849 treatment and shall accrue a carrying charge equal to the
 1850 utility's allowance for funds during construction (AFUDC) rate
 1851 until recovered in rates.

1852 (2) Within 6 months after the enactment of this act, the
 1853 commission shall establish, by rule, alternative cost recovery
 1854 mechanisms for the recovery of costs incurred in the siting,
 1855 design, licensing, and construction of a nuclear power plant,
 1856 including new, expanded, or relocated electrical transmission
 1857 lines and facilities that are necessary to serve the nuclear or
 1858 integrated gasification combined cycle power plant. Such
 1859 mechanisms shall be designed to promote utility investment in
 1860 nuclear or integrated gasification combined cycle power plants
 1861 and allow for the recovery in rates of all prudently incurred
 1862 costs, and shall include, but need ~~are~~ not be limited to:

1863 (a) Recovery through the capacity cost recovery clause of
 1864 any preconstruction costs.

1865 (b) Recovery through an incremental increase in the
 1866 utility's capacity cost recovery clause rates of the carrying
 1867 costs on the utility's projected construction cost balance
 1868 associated with the nuclear or integrated gasification combined
 1869 cycle power plant. To encourage investment and provide
 1870 certainty, for nuclear or integrated gasification combined cycle
 1871 power plant need petitions submitted on or before December 31,
 1872 2010, associated carrying costs shall be equal to the pretax
 1873 AFUDC in effect upon this act becoming law. For nuclear or
 1874 integrated gasification combined cycle power plants for which
 1875 need petitions are submitted after December 31, 2010, the
 1876 utility's existing pretax AFUDC rate is presumed to be
 1877 appropriate unless determined otherwise by the commission in the
 1878 determination of need for the nuclear or integrated gasification

1879 combined cycle power plant.

1880 (3) After a petition for determination of need is granted,
 1881 a utility may petition the commission for cost recovery as
 1882 permitted by this section and commission rules.

1883 (4) When the nuclear or integrated gasification combined
 1884 cycle power plant is placed in commercial service, the utility
 1885 shall be allowed to increase its base rate charges by the
 1886 projected annual revenue requirements of the nuclear or
 1887 integrated gasification combined cycle power plant based on the
 1888 jurisdictional annual revenue requirements of the plant for the
 1889 first 12 months of operation. The rate of return on capital
 1890 investments shall be calculated using the utility's rate of
 1891 return last approved by the commission prior to the commercial
 1892 inservice date of the nuclear or integrated gasification
 1893 combined cycle power plant. If any existing generating plant is
 1894 retired as a result of operation of the nuclear or integrated
 1895 gasification combined cycle power plant, the commission shall
 1896 allow for the recovery, through an increase in base rate
 1897 charges, of the net book value of the retired plant over a
 1898 period not to exceed 5 years.

1899 (5) The utility shall report to the commission annually
 1900 the budgeted and actual costs as compared to the estimated
 1901 inservice cost of the nuclear or integrated gasification
 1902 combined cycle power plant provided by the utility pursuant to
 1903 s. 403.519(4), until the commercial operation of the nuclear or
 1904 integrated gasification combined cycle power plant. The utility
 1905 shall provide such information on an annual basis following the

1906 final order by the commission approving the determination of
 1907 need for the nuclear or integrated gasification combined cycle
 1908 power plant, with the understanding that some costs may be
 1909 higher than estimated and other costs may be lower.

1910 (6) If ~~In the event~~ the utility elects not to complete or
 1911 is precluded from completing construction of the nuclear power
 1912 plant, including any new, expanded, or relocated electrical
 1913 transmission lines or facilities or integrated gasification
 1914 combined cycle power plant, the utility shall be allowed to
 1915 recover all prudent preconstruction and construction costs
 1916 incurred following the commission's issuance of a final order
 1917 granting a determination of need for the nuclear power plant and
 1918 electrical transmission lines and facilities or integrated
 1919 gasification combined cycle power plant. The utility shall
 1920 recover such costs through the capacity cost recovery clause
 1921 over a period equal to the period during which the costs were
 1922 incurred or 5 years, whichever is greater. The unrecovered
 1923 balance during the recovery period will accrue interest at the
 1924 utility's weighted average cost of capital as reported in the
 1925 commission's earnings surveillance reporting requirement for the
 1926 prior year.

1927 Section 30. Section 377.601, Florida Statutes, is amended
 1928 to read:

1929 377.601 Legislative intent.--

1930 (1) The Legislature finds that Florida's energy security
 1931 can be increased by lessening dependence on foreign oil; that
 1932 the impacts of global climate change can be reduced through the

1933 reduction of greenhouse gas emissions; and that the
 1934 implementation of alternative energy technologies can be the
 1935 source of new jobs and employment opportunities for many
 1936 Floridians. The Legislature further finds that Florida is
 1937 positioned at the front line against potential impacts of global
 1938 climate change. Human and economic costs of those impacts can
 1939 be averted by global actions and, where necessary, adapted to by
 1940 a concerted effort to make Florida's communities more resilient
 1941 and less vulnerable to these impacts. In focusing the
 1942 government's policy and efforts to benefit and protect our
 1943 state, its citizens and resources, the legislature believes that
 1944 a single government entity with a specific focus on energy and
 1945 climate change is both desirable and advantageous ~~the ability to~~
 1946 ~~deal effectively with present shortages of resources used in the~~
 1947 ~~production of energy is aggravated and intensified because of~~
 1948 ~~inadequate or nonexistent information and that intelligent~~
 1949 ~~response to these problems and to the development of a state~~
 1950 ~~energy policy demands accurate and relevant information~~
 1951 ~~concerning energy supply, distribution, and use. The Legislature~~
 1952 ~~finds and declares that a procedure for the collection and~~
 1953 ~~analysis of data on the energy flow in this state is essential~~
 1954 ~~to the development and maintenance of an energy profile defining~~
 1955 ~~the characteristics and magnitudes of present and future energy~~
 1956 ~~demands and availability so that the state may rationally deal~~
 1957 ~~with present energy problems and anticipate future energy~~
 1958 ~~problems.~~

1959 ~~(2) The Legislature further recognizes that every state~~

1960 ~~official dealing with energy problems should have current and~~
 1961 ~~reliable information on the types and quantity of energy~~
 1962 ~~resources produced, imported, converted, distributed, exported,~~
 1963 ~~stored, held in reserve, or consumed within the state.~~

1964 ~~(3) It is the intent of the Legislature in the passage of~~
 1965 ~~this act to provide the necessary mechanisms for the effective~~
 1966 ~~development of information necessary to rectify the present lack~~
 1967 ~~of information which is seriously handicapping the state's~~
 1968 ~~ability to deal effectively with the energy problem. To this~~
 1969 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
 1970 ~~broadest possible interpretation consistent with the stated~~
 1971 ~~legislative desire to procure vital information.~~

1972 (2) ~~(4)~~ It is the policy of the State of Florida to:

1973 (a) Develop and promote the effective use of energy in the
 1974 state, and discourage all forms of energy waste, and recognize
 1975 and address the potential of global climate change wherever
 1976 possible.

1977 (b) Play a leading role in developing and instituting
 1978 energy management programs aimed at promoting energy
 1979 conservation, energy security and the reduction of greenhouse
 1980 gas emissions.

1981 (c) Include energy considerations in all state, regional
 1982 and local planning.

1983 (d) Utilize and manage effectively energy resources used
 1984 within state agencies.

1985 (e) Encourage local governments to include energy
 1986 considerations in all planning and to support their work in

1987 promoting energy management programs.

1988 (f) Include the full participation of citizens in the
 1989 development and implementation of energy programs.

1990 (g) Consider in its decisions the energy needs of each
 1991 economic sector, including residential, industrial, commercial,
 1992 agricultural, and governmental uses and reduce those needs
 1993 whenever possible.

1994 (h) Promote energy education and the public dissemination
 1995 of information on energy and its environmental, economic, and
 1996 social impact.

1997 (i) Encourage the research, development, demonstration,
 1998 and application of alternative energy resources, particularly
 1999 renewable energy resources.

2000 (j) Consider, in its decisionmaking, the social, economic,
 2001 and environmental impacts of energy-related activities,
 2002 including the whole life cycle impacts of any potential energy
 2003 use choices, so that detrimental effects of these activities are
 2004 understood and minimized.

2005 (k) Develop and maintain energy emergency preparedness
 2006 plans to minimize the effects of an energy shortage within
 2007 Florida.

2008 Section 31. All of the statutory powers, duties and
 2009 functions, records, personnel, property, and unexpended balances
 2010 of appropriations, allocations, or other funds for the
 2011 administration of section 377.901, Florida Statutes, related to
 2012 the Florida Energy Commission, shall be transferred by a type
 2013 two transfer, as defined in s. 20.06(2), Florida Statutes, from

2014 the Office of Legislative Services to the Florida Energy and
 2015 Climate Commission within the Executive Office of the Governor.

2016 Section 32. Section 377.6015, Florida Statutes, is created
 2017 to read:

2018 377.6015 Florida Energy and Climate Commission.--

2019 (1) The Florida Energy and Climate Commission is created
 2020 and shall be located within the Executive Office of the
 2021 Governor. The commission shall be comprised of 7 members, and
 2022 shall be appointed by the Governor pursuant to paragraphs (a)
 2023 and (b).

2024 (a) The Governor shall select from three persons nominated
 2025 by the Florida Public Service Commission Nominating Council,
 2026 created in s. 350.031, for each seat on the commission.

2027 1. The council shall submit the recommendations to the
 2028 Governor by September 1 of those years in which the terms are to
 2029 begin the following October, or within 60 days after a vacancy
 2030 occurs for any reason other than the expiration of the term.

2031 2. The Governor shall fill a vacancy occurring on the
 2032 commission by appointment of one of the applicants nominated by
 2033 the council only after a background investigation of such
 2034 applicant has been conducted by the Florida Department of Law
 2035 Enforcement.

2036 3. Members shall be appointed to 3-year terms; however,
 2037 in order to establish staggered terms, for the initial
 2038 appointments, the Governor shall appoint four members to 3-year
 2039 terms, two members to 2-year terms, and one member to a 1-year
 2040 term.

2041 4. The council shall nominate three persons from which the
 2042 Governor shall select the chair of the commission.

2043 5. Vacancies on the commission shall be filled for the
 2044 unexpired portion of the time in the same manner as original
 2045 appointments to the commission.

2046 6. If the Governor has not made an appointment within 30
 2047 consecutive calendar days after the receipt of the
 2048 recommendations, the council shall initiate, in accordance with
 2049 this section, the nominating process within 30 days.

2050 7. Each appointment to the commission shall be subject to
 2051 confirmation by the Senate during the next regular session after
 2052 the vacancy occurs. If the Senate refuses to confirm or fails
 2053 to consider the Governor's appointment, the council shall
 2054 initiate, in accordance with this section, the nominating
 2055 process within 30 days.

2056 8. The Governor or the Governor's successor may recall an
 2057 appointee.

2058 (b) Members must meet the following qualifications and
 2059 restrictions:

2060 1. A member must be an expert in one or more of the
 2061 following fields: energy, natural resource conservation,
 2062 economics, engineering, finance, law, transportation and land
 2063 use, consumer protection, state energy policy, or another field
 2064 substantially related to the duties and functions of the
 2065 commission. The commission shall fairly represent the fields
 2066 specified in this subparagraph.

2067 2. Each member shall, at the time of appointment and at

2068 each commission meeting during his or her term of office,
 2069 disclose:

2070 a. Whether he or she has any financial interest, other
 2071 than ownership of shares in a mutual fund, in any business
 2072 entity that, directly or indirectly, owns or controls, or is an
 2073 affiliate or subsidiary of, any business entity that may be
 2074 affected by the policy recommendations developed by the
 2075 commission.

2076 b. Whether he or she is employed by or is engaged in any
 2077 business activity with any business entity that, directly or
 2078 indirectly, owns or controls, or is an affiliate or subsidiary
 2079 of, any business entity that may be affected by the policy
 2080 recommendations developed by the commission.

2081 (c) The chair may designate ex-officio non-voting members
 2082 to provide information and advice to the commission. The
 2083 following shall serve as ex-officio non-voting members and may
 2084 provide information and advice at the request of the chair:

2085 1. The chair of the Florida Public Service Commission, or
 2086 designee;

2087 2. The Public Counsel, or designee;

2088 3. A representative of the Department of Agriculture and
 2089 Consumer Services;

2090 4. A representative of the Department of Financial
 2091 Services;

2092 5. A representative of the Department of Environmental
 2093 Protection;

2094 6. A representative of the Department of Community

2095 Affairs;
 2096 7. A representative of the Board of Governors of the State
 2097 University System; and
 2098 8. A representative of the Department of Transportation.
 2099 (2) Members shall serve without compensation but are
 2100 entitled to reimbursement for per diem and travel expenses as
 2101 provided in s. 112.061.
 2102 (3) Meetings of the commission may be held in various
 2103 locations around the state and at the call of the chair;
 2104 however, the commission must meet at least six times each year.
 2105 (4) (a) The commission may employ staff and counsel as
 2106 needed in the performance of its duties. The commission may
 2107 prosecute and defend legal actions in its own name.
 2108 (b) The commission may form advisory groups consisting of
 2109 members of the public to provide information on specific issues.
 2110 (5) The commission shall:
 2111 (a) Administer the Florida Renewable Energy and Energy
 2112 Efficient Technologies Grant Program authorized under s. 377.804
 2113 to assure a robust grant portfolio.
 2114 (b) Develop policy for requiring grantees to provide
 2115 royalty-sharing or licensing agreements with state government
 2116 for commercialized products developed under a state grant.
 2117 (c) Administer the Florida Green Government Grants Act
 2118 pursuant to s. 377.808 and set annual priorities for grants.
 2119 (d) Administer the information gathering and reporting
 2120 functions pursuant to ss. 377.601-377.608.
 2121 (e) Administer the petroleum planning and emergency

2122 contingency planning pursuant to ss. 377.703-377.704.

2123 (f) Represent Florida in the Southern States Energy
 2124 Compact pursuant to ss. 377.71-377.712.

2125 (g) Complete the annual assessment of the efficacy of
 2126 Florida's Energy and Climate Change Action Plan, upon completion
 2127 by the Governor's Action Team on Energy and Climate Change,
 2128 pursuant to the Governor's Executive Order 2007-128, and
 2129 provide specific recommendations to the Governor and the
 2130 Legislature each year to improve results.

2131 (h) Administer the provisions of the Florida Energy and
 2132 Climate Protection Act pursuant to ss. 377.801-377.806.

2133 (i) Advocate for energy and climate change issues and
 2134 provide educational outreach and technical assistance in
 2135 cooperation with Florida's academic institutions.

2136 (j) Be a party in the proceedings to adopt goals and
 2137 submit comments to the Public Service Commission pursuant to s.
 2138 366.82.

2139 (k) Adopt rules pursuant to chapter 120 in order to
 2140 implement all powers and duties described in this section.

2141 Section 33. Section 377.602, Florida Statutes, is amended
 2142 to read:

2143 377.602 Definitions.--As used in ss. 377.601-377.608:

2144 (1) "Energy resources" includes, but shall not be limited
 2145 to:

2146 (a) Energy converted from solar radiation, wind, hydraulic
 2147 potential, tidal movements, biomass, geothermal sources, and
 2148 other energy resources the commission determines to be important

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2149 to the production or supply of energy.

2150 (b) Propane, butane, motor gasoline, kerosene, home
2151 heating oil, diesel fuel, other middle distillates, aviation
2152 gasoline, kerosene-type jet fuel, naphtha-type jet fuel,
2153 residual fuels, crude oil, and other petroleum products and
2154 hydrocarbons as may be determined by the department to be of
2155 importance.

2156 (c) ~~(b)~~ All natural gas, including casinghead gas, all
2157 other hydrocarbons not defined as petroleum products in
2158 paragraph (a), and liquefied petroleum gas as defined in s.
2159 527.01.

2160 (d) ~~(e)~~ All types of coal and products derived from its
2161 conversion and used as fuel.

2162 (e) ~~(d)~~ All types of nuclear energy, special nuclear
2163 material, and source material, as defined in s. 290.07.

2164 ~~(e) Every other energy resource, whether natural or~~
2165 ~~manmade which the department determines to be important to the~~
2166 ~~production or supply of energy, including, but not limited to,~~
2167 ~~energy converted from solar radiation, wind, hydraulic~~
2168 ~~potential, tidal movements, and geothermal sources.~~

2169 (f) All electrical energy.

2170 (2) "Commission" means the Florida Energy and Climate
2171 Commission.

2172 (3) ~~(2)~~ "Department" means the Department of Environmental
2173 Protection.

2174 (4) ~~(3)~~ "Person" means producer, refiner, wholesaler,
2175 marketer, consignee, jobber, distributor, storage operator,

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2176 importer, exporter, firm, corporation, broker, cooperative,
 2177 public utility as defined in s. 366.02, rural electrification
 2178 cooperative, municipality engaged in the business of providing
 2179 electricity or other energy resources to the public, pipeline
 2180 company, person transporting any energy resources as defined in
 2181 subsection (1), and person holding energy reserves for further
 2182 production; however, "person" does not include persons
 2183 exclusively engaged in the retail sale of petroleum products.

2184 Section 34. Section 377.603, Florida Statutes, is amended
 2185 to read:

2186 377.603 Energy data collection; powers and duties of the
 2187 commission ~~Department of Environmental Protection~~.--

2188 (1) The commission ~~department~~ may ~~shall~~ collect data on
 2189 the extraction, production, importation, exportation,
 2190 refinement, transportation, transmission, conversion, storage,
 2191 sale, or reserves of energy resources in this state in an
 2192 efficient and expeditious manner.

2193 (2) The commission ~~department~~ may ~~shall~~ prepare ~~periodic~~
 2194 reports of energy data it collects.

2195 ~~(3) The department shall prescribe and furnish forms for~~
 2196 ~~the collection of information as required by ss. 377.601-377.608~~
 2197 ~~and shall consult with other state entities to assure that such~~
 2198 ~~data collected will meet their data requirements.~~

2199 (3) ~~(4)~~ The commission ~~department~~ may adopt and promulgate
 2200 such rules and regulations as are necessary to carry out the
 2201 provisions of ss. 377.601-377.608. Such rules shall be pursuant
 2202 to chapter 120.

2203 (4) ~~(5)~~ The commission ~~department~~ shall maintain internal
 2204 validation procedures to assure the accuracy of information
 2205 received.

2206 Section 35. Section 377.604, Florida Statutes, is amended
 2207 to read:

2208 377.604 Required reports.--Every person who produces,
 2209 imports, exports, refines, transports, transmits, converts,
 2210 stores, sells, or holds known reserves of any form of energy
 2211 resources used as fuel shall report to the commission,
 2212 ~~department~~ at the request of the commission, ~~at a frequency set,~~
 2213 ~~and~~ in a manner prescribed, by the commission ~~department~~, on
 2214 forms provided by the commission ~~department~~ and prepared with
 2215 ~~the advice of representatives of the energy industry~~. Such forms
 2216 shall be designed in such a manner as to indicate:

2217 (1) The identity of the person or persons making the
 2218 report.

2219 (2) The quantity of energy resources extracted, produced,
 2220 imported, exported, refined, transported, transmitted,
 2221 converted, stored, or sold except at retail.

2222 (3) The quantity of energy resources known to be held in
 2223 reserve in the state.

2224 (4) The identity of each refinery from which petroleum
 2225 products have normally been obtained and the type and quantity
 2226 of products secured from that refinery for sale or resale in
 2227 this state.

2228 (5) Any other information which the commission ~~department~~
 2229 deems proper pursuant to the intent of ss. 377.601-377.608.

2230 Section 36. Section 377.605, Florida Statutes, is amended
 2231 to read:

2232 377.605 Use of existing information.--The commission
 2233 ~~department~~ may ~~shall~~ utilize to the fullest extent possible any
 2234 existing energy information already prepared for state or
 2235 federal agencies. Every state, county, and municipal agency
 2236 shall cooperate with the commission, ~~department~~ and shall submit
 2237 any information on energy to the commission ~~department~~ upon
 2238 request.

2239 Section 37. Section 377.606, Florida Statutes, is amended
 2240 to read:

2241 377.606 Records of the commission ~~department~~; limits of
 2242 confidentiality.--The information or records of individual
 2243 persons, as defined herein, obtained by the commission
 2244 ~~department~~ as a result of a report, investigation, or
 2245 verification required by the commission ~~department~~, shall be
 2246 open to the public, except such information the disclosure of
 2247 which would be likely to cause substantial harm to the
 2248 competitive position of the person providing such information
 2249 and which is requested to be held confidential by the person
 2250 providing such information. Such proprietary information is
 2251 confidential and exempt from the provisions of s. 119.07(1).
 2252 Information reported by entities other than the department in
 2253 documents or reports open to public inspection shall under no
 2254 circumstances be classified as confidential by the commission
 2255 ~~department~~. Divulgence of proprietary information as is
 2256 requested to be held confidential, except upon order of a court

2257 of competent jurisdiction or except to an officer of the state
 2258 entitled to receive the same in his or her official capacity,
 2259 shall be a misdemeanor of the second degree, punishable as
 2260 provided in ss. 775.082 and 775.083. Nothing herein shall be
 2261 construed to prohibit the publication or divulgence by other
 2262 means of data so classified as to prevent identification of
 2263 particular accounts or reports made to the department in
 2264 compliance with s. 377.603 or to prohibit the disclosure of such
 2265 information to properly qualified legislative committees. The
 2266 commission ~~department~~ shall establish a system which permits
 2267 reasonable access to information developed.

2268 Section 38. Section 377.703, Florida Statutes, is amended
 2269 to read:

2270 377.703 Additional functions of the commission ~~Department~~
 2271 ~~of Environmental Protection; energy emergency contingency plan;~~
 2272 ~~federal and state conservation programs.--~~

2273 (1) LEGISLATIVE INTENT.--Recognizing that energy supply
 2274 and demand questions have become a major area of concern to the
 2275 state which must be dealt with by effective and well-coordinated
 2276 state action, it is the intent of the Legislature to promote the
 2277 efficient, effective, and economical management of energy
 2278 problems, centralize energy coordination responsibilities,
 2279 pinpoint responsibility for conducting energy programs, and
 2280 ensure the accountability of state agencies for the
 2281 implementation of s. 377.601(2), the state energy policy. It is
 2282 the specific intent of the Legislature that nothing in this act
 2283 shall in any way change the powers, duties, and responsibilities

2284 assigned by the Florida Electrical Power Plant Siting Act, part
 2285 II of chapter 403, or the powers, duties, and responsibilities
 2286 of the Florida Public Service Commission.

2287 ~~(2) DEFINITIONS.—~~

2288 ~~(a) "Coordinate," "coordination," or "coordinating" means~~
 2289 ~~the examination and evaluation of state plans and programs and~~
 2290 ~~the providing of recommendations to the Cabinet, Legislature,~~
 2291 ~~and appropriate state agency on any measures deemed necessary to~~
 2292 ~~ensure that such plans and programs are consistent with state~~
 2293 ~~energy policy.~~

2294 ~~(b) "Energy conservation" means increased efficiency in~~
 2295 ~~the utilization of energy.~~

2296 ~~(c) "Energy emergency" means an actual or impending~~
 2297 ~~shortage or curtailment of usable, necessary energy resources,~~
 2298 ~~such that the maintenance of necessary services, the protection~~
 2299 ~~of public health, safety, and welfare, or the maintenance of~~
 2300 ~~basic sound economy is imperiled in any geographical section of~~
 2301 ~~the state or throughout the entire state.~~

2302 ~~(d) "Energy source" means electricity, fossil fuels, solar~~
 2303 ~~power, wind power, hydroelectric power, nuclear power, or any~~
 2304 ~~other resource which has the capacity to do work.~~

2305 ~~(e) "Facilities" means any building or structure not~~
 2306 ~~otherwise exempted by the provisions of this act.~~

2307 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~
 2308 ~~coal, natural gas, or any other substance used primarily for its~~
 2309 ~~energy content.~~

2310 ~~(g) "Local government" means any county, municipality,~~

2311 ~~regional planning agency, or other special district or local~~
 2312 ~~governmental entity the policies or programs of which may affect~~
 2313 ~~the supply or demand, or both, for energy in the state.~~

2314 ~~(h) "Promotion" or "promote" means to encourage, aid,~~
 2315 ~~assist, provide technical and financial assistance, or otherwise~~
 2316 ~~seek to plan, develop, and expand.~~

2317 ~~(i) "Regional planning agency" means those agencies~~
 2318 ~~designated as regional planning agencies by the Department of~~
 2319 ~~Community Affairs.~~

2320 ~~(j) "Renewable energy resource" means any method, process,~~
 2321 ~~or substance the use of which does not diminish its availability~~
 2322 ~~or abundance, including, but not limited to, biomass conversion,~~
 2323 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~
 2324 ~~from waste, ocean thermal gradient power, hydroelectric power,~~
 2325 ~~and fuels derived from agricultural products.~~

2326 ~~(2) (3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT~~
 2327 ~~OF ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department~~
 2328 ~~of Environmental Protection shall, in addition to assuming the~~
 2329 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
 2330 ~~perform the following functions consistent with the development~~
 2331 ~~of a state energy policy:~~

2332 ~~(a) The commission department shall assume the~~
 2333 ~~responsibility for development of an energy emergency~~
 2334 ~~contingency plan to respond to serious shortages of primary and~~
 2335 ~~secondary energy sources. Upon a finding by the Governor,~~
 2336 ~~implementation of any emergency program shall be upon order of~~
 2337 ~~the Governor that a particular kind or type of fuel is, or that~~

2338 the occurrence of an event which is reasonably expected within
 2339 30 days will make the fuel, in short supply. The commission
 2340 ~~department~~ shall then respond by instituting the appropriate
 2341 measures of the contingency plan to meet the given emergency or
 2342 energy shortage. The Governor may utilize the provisions of s.
 2343 252.36(5) to carry out any emergency actions required by a
 2344 serious shortage of energy sources.

2345 (b) The commission ~~department~~ shall be ~~constitute~~ the
 2346 responsible ~~state agency~~ for performing or coordinating the
 2347 functions of any federal energy programs delegated to the state,
 2348 including energy supply, demand, conservation, or allocation.

2349 (c) The commission ~~department~~ shall analyze present and
 2350 proposed federal energy programs and make recommendations
 2351 regarding those programs to the Governor and the Legislature.

2352 (d) The commission ~~department~~ shall coordinate efforts to
 2353 seek federal support or other support for state energy
 2354 activities, including energy conservation, research, or
 2355 development, and shall be ~~the state agency~~ responsible for the
 2356 coordination of multiagency energy conservation programs and
 2357 plans.

2358 (e) The commission ~~department~~ shall analyze energy data
 2359 collected and prepare long-range forecasts of energy supply and
 2360 demand in coordination with the Florida Public Service
 2361 Commission, which shall have responsibility for electricity and
 2362 natural gas forecasts. To this end, the forecasts shall contain:

2363 1. An analysis of the relationship of state economic
 2364 growth and development to energy supply and demand, including

2365 the constraints to economic growth resulting from energy supply
 2366 constraints.

2367 2. Plans for the development of renewable energy resources
 2368 and reduction in dependence on depletable energy resources,
 2369 particularly oil and natural gas, and an analysis of the extent
 2370 to which renewable energy sources are being utilized in the
 2371 state.

2372 3. Consideration of alternative scenarios of statewide
 2373 energy supply and demand for 5, 10, and 20 years, to identify
 2374 strategies for long-range action, including identification of
 2375 potential social, economic, and environmental effects.

2376 4. An assessment of the state's energy resources,
 2377 including examination of the availability of commercially
 2378 developable and imported fuels, and an analysis of anticipated
 2379 effects on the state's environment and social services resulting
 2380 from energy resource development activities or from energy
 2381 supply constraints, or both.

2382 (f) The commission ~~department~~ shall annually make and
 2383 submit a report, ~~as requested by~~ to the Governor and ~~or~~ the
 2384 Legislature, reflecting its activities and making
 2385 recommendations of policies for improvement of the state's
 2386 response to energy supply and demand and its effect on the
 2387 health, safety, and welfare of the people of Florida. The report
 2388 shall include a report from the Florida Public Service
 2389 Commission on electricity and natural gas and information on
 2390 energy conservation programs conducted and under way in the past
 2391 year and shall include recommendations for energy conservation

2392 programs for the state, including, but not limited to, the
 2393 following factors:

2394 1. Formulation of specific recommendations for improvement
 2395 in the efficiency of energy utilization in governmental,
 2396 residential, commercial, industrial, and transportation sectors.

2397 2. Collection and dissemination of information relating to
 2398 energy conservation.

2399 3. Development and conduct of educational and training
 2400 programs relating to energy conservation.

2401 4. An analysis of the ways in which state agencies are
 2402 seeking to implement s. 377.601(2), the state energy policy, and
 2403 recommendations for better fulfilling this policy.

2404 (g) The commission ~~department~~ has authority to adopt rules
 2405 pursuant to ss. 120.536(1) and 120.54 to implement the
 2406 provisions of this act.

2407 (h) The commission shall promote ~~Promote~~ the development
 2408 and use of renewable energy resources, in conformance with the
 2409 provisions of chapter 187 and s. 377.601, by:

2410 1. Establishing goals and strategies for increasing the
 2411 use of solar energy in this state.

2412 2. Aiding and promoting the commercialization of solar
 2413 energy technology, in cooperation with the Florida Solar Energy
 2414 Center, Enterprise Florida, Inc., and any other federal, state,
 2415 or local governmental agency which may seek to promote research,
 2416 development, and demonstration of solar energy equipment and
 2417 technology.

2418 3. Identifying barriers to greater use of solar energy

2419 systems in this state, and developing specific recommendations
 2420 for overcoming identified barriers, with findings and
 2421 recommendations to be submitted annually in the report to the
 2422 Legislature required under paragraph (f).

2423 4. In cooperation with the Department of Environmental
 2424 Protection, Department of Transportation, the Department of
 2425 Community Affairs, Enterprise Florida, Inc., the Florida Solar
 2426 Energy Center, and the Florida Solar Energy Industries
 2427 Association, investigating opportunities, pursuant to the
 2428 National Energy Policy Act of 1992 and the Housing and Community
 2429 Development Act of 1992, and any subsequent federal legislation,
 2430 for solar electric vehicles and other solar energy
 2431 manufacturing, distribution, installation, and financing efforts
 2432 which will enhance this state's position as the leader in solar
 2433 energy research, development, and use.

2434 5. Undertaking other initiatives to advance the
 2435 development and use of renewable energy resources in this state.

2436
 2437 In the exercise of its responsibilities under this paragraph,
 2438 the commission ~~department~~ shall seek the assistance of the solar
 2439 energy industry in this state and other interested parties and
 2440 is authorized to enter into contracts, retain professional
 2441 consulting services, and expend funds appropriated by the
 2442 Legislature for such purposes.

2443 (i) The commission ~~department~~ shall promote energy
 2444 conservation in all energy use sectors throughout the state and
 2445 shall constitute the state agency primarily responsible for this

2446 function. To this end, the commission ~~department~~ shall
 2447 coordinate the energy conservation programs of all state
 2448 agencies and review and comment on the energy conservation
 2449 programs of all state agencies.

2450 (j) The commission ~~department~~ shall serve as the state
 2451 clearinghouse for indexing and gathering all information related
 2452 to energy programs in state universities, in private
 2453 universities, in federal, state, and local government agencies,
 2454 and in private industry and shall prepare and distribute such
 2455 information in any manner necessary to inform and advise the
 2456 citizens of the state of such programs and activities. This
 2457 shall include developing and maintaining a current index and
 2458 profile of all research activities, which shall be identified by
 2459 energy area and may include a summary of the project, the amount
 2460 and sources of funding, anticipated completion dates, or, in
 2461 case of completed research, conclusions, recommendations, and
 2462 applicability to state government and private sector functions.
 2463 The commission ~~department~~ shall coordinate, promote, and respond
 2464 to efforts by all sectors of the economy to seek financial
 2465 support for energy activities. The commission ~~department~~ shall
 2466 provide information to consumers regarding the anticipated
 2467 energy-use and energy-saving characteristics of products and
 2468 services in coordination with any federal, state, or local
 2469 governmental agencies as may provide such information to
 2470 consumers.

2471 (k) The commission ~~department~~ shall coordinate energy-
 2472 related programs of state government, including, but not limited

2473 to, the programs provided in this section. To this end, the
 2474 commission ~~department~~ shall:

2475 1. Provide assistance to other state agencies, counties,
 2476 municipalities, and regional planning agencies to further and
 2477 promote their energy planning activities.

2478 2. Require, in cooperation with the Department of
 2479 Management Services, all state agencies to operate state-owned
 2480 and state-leased buildings in accordance with energy
 2481 conservation standards as adopted by the Department of
 2482 Management Services. Every 3 months, the Department of
 2483 Management Services shall furnish the commission ~~department~~ data
 2484 on agencies' energy consumption and emissions of greenhouse
 2485 gases in a format prescribed by the commission. ~~mutually agreed~~
 2486 ~~upon by the two departments.~~

2487 3. Promote the development and use of renewable energy
 2488 resources, energy efficiency technologies, and conservation
 2489 measures.

2490 4. Promote the recovery of energy from wastes, including,
 2491 but not limited to, the use of waste heat, the use of
 2492 agricultural products as a source of energy, and recycling of
 2493 manufactured products. Such promotion shall be conducted in
 2494 conjunction with, and after consultation with, the Department of
 2495 Environmental Protection, and the Florida Public Service
 2496 Commission where electrical generation or natural gas is
 2497 involved, and any other relevant federal, state, or local
 2498 governmental agency having responsibility for resource recovery
 2499 programs.

2500 (1) The commission ~~department~~ shall develop, coordinate,
 2501 and promote a comprehensive research plan for state programs.
 2502 Such plan shall be consistent with state energy policy and shall
 2503 be updated on a biennial basis.

2504 (m) In recognition of the devastation to the economy of
 2505 this state and the dangers to the health and welfare of
 2506 residents of this state caused by severe hurricanes, ~~Hurricane~~
 2507 ~~Andrew~~, and the potential for such impacts caused by other
 2508 natural disasters, the commission ~~department~~ shall include in
 2509 its energy emergency contingency plan and provide to the Florida
 2510 Building Commission ~~Department of Community Affairs~~ for
 2511 inclusion in the Florida Energy Efficiency Code for Building
 2512 Construction ~~state model energy efficiency building code~~
 2513 specific provisions to facilitate the use of cost-effective
 2514 solar energy technologies as emergency remedial and preventive
 2515 measures for providing electric power, street lighting, and
 2516 water heating service in the event of electric power outages.

2517 (3) ~~(4)~~ The commission ~~department~~ shall be responsible for
 2518 the administration of the Coastal Energy Impact Program provided
 2519 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

2520 Section 39. Subsection (2) of section 377.705, Florida
 2521 Statutes, is amended to read:

2522 377.705 Solar Energy Center; development of solar energy
 2523 standards.--

2524 (2) LEGISLATIVE FINDINGS AND INTENT.--

2525 (a) ~~The Legislature recognizes that if present trends~~
 2526 ~~continue, Florida will increase present energy consumption~~

2527 ~~sixfold by the year 2000. Because of this dramatic increase and~~
 2528 ~~because existing domestic conventional energy resources will not~~
 2529 ~~provide sufficient energy to meet the nation's future needs, new~~
 2530 ~~sources of energy must be developed and applied. One such~~
 2531 ~~source, solar energy, has been in limited use in Florida for 30~~
 2532 ~~years. Applications of incident solar energy, the use of solar~~
 2533 ~~radiation to provide energy for water heating, space heating,~~
 2534 ~~space cooling, and other uses, through suitable absorbing~~
 2535 ~~equipment on or near a residence or commercial structure, must~~
 2536 ~~be extensively expanded. Unfortunately, the initial costs with~~
 2537 ~~regard to the production of solar energy have been prohibitively~~
 2538 ~~expensive. However,~~ Because of increases in the cost of
 2539 conventional fuel, certain applications of solar energy are
 2540 becoming competitive, particularly when life-cycle costs are
 2541 considered. It is the intent of the Legislature in formulating a
 2542 sound and balanced energy policy for the state to encourage the
 2543 development of an alternative energy capability in the form of
 2544 incident solar energy.

2545 (b) Toward this purpose, the Legislature intends to
 2546 provide incentives for the production and sale of, and to set
 2547 standards for, solar energy systems. Such standards shall ensure
 2548 that solar energy systems manufactured or sold within the state
 2549 are effective and represent a high level of quality of
 2550 materials, workmanship, and design.

2551 Section 40. Section 377.801, Florida Statutes, is amended
 2552 to read:

2553 377.801 Short title.--Sections 377.801-377.806 may be
 2554 cited as the "Florida Energy and Climate Protection Act."
 2555 ~~"Florida Renewable Energy Technologies and Energy Efficiency~~
 2556 ~~Act."~~

2557 Section 41. Section 377.802, Florida Statutes, is amended
 2558 to read:

2559 377.802 Purpose.--This act is intended to provide
 2560 incentives for Florida's citizens, businesses, school districts
 2561 and local governments to take action to diversify Florida's
 2562 energy supplies, reduce dependence on foreign oil, and mitigate
 2563 the effects of climate change by providing funding for
 2564 activities designed to achieve these goals. The grant programs
 2565 in this act are intended to stimulate capital investment and
 2566 enhance the market for renewable energy technologies and
 2567 technologies intended to diversify Florida's energy supplies,
 2568 reduce dependence on foreign oil, and combat or limit climate
 2569 change impacts. This act is also intended to provide incentives
 2570 for the purchase of energy-efficient appliances and rebates for
 2571 solar energy equipment installations for residential and
 2572 commercial buildings. ~~This act is intended to provide matching~~
 2573 ~~grants to stimulate capital investment in the state and to~~
 2574 ~~enhance the market for and promote the statewide utilization of~~
 2575 ~~renewable energy technologies. The targeted grants program is~~
 2576 ~~designed to advance the already growing establishment of~~
 2577 ~~renewable energy technologies in the state and encourage the use~~
 2578 ~~of other incentives such as tax exemptions and regulatory~~
 2579 ~~certainty to attract additional renewable energy technology~~

2580 ~~producers, developers, and users to the state. This act is also~~
 2581 ~~intended to provide incentives for the purchase of energy-~~
 2582 ~~efficient appliances and rebates for solar energy equipment~~
 2583 ~~installations for residential and commercial buildings.~~

2584 Section 42. Section 377.803, Florida Statutes, is amended
 2585 to read:

2586 377.803 Definitions.--As used in ss. 377.801-377.808
 2587 ~~377.806~~, the term:

2588 (1) "Act" means the Florida Energy and Climate Protection
 2589 ~~Act~~ Florida Renewable Energy Technologies and Energy Efficiency
 2590 ~~Act.~~

2591 ~~(2) "Approved metering equipment" means a device capable~~
 2592 ~~of measuring the energy output of a solar thermal system that~~
 2593 ~~has been approved by the commission.~~

2594 (2) ~~(3)~~ "Commission" means the Florida Energy and Climate
 2595 Commission ~~Florida Public Service Commission.~~

2596 ~~(4) "Department" means the Department of Environmental~~
 2597 ~~Protection.~~

2598 (3) ~~(5)~~ "Person" means an individual, partnership, joint
 2599 venture, private or public corporation, association, firm,
 2600 public service company, or any other public or private entity.

2601 (4) ~~(6)~~ "Renewable energy" means electrical, mechanical, or
 2602 thermal energy produced from a method that uses one or more of
 2603 the following fuels or energy sources: hydrogen, biomass, as
 2604 defined in s. 366.91, solar energy, geothermal energy, wind
 2605 energy, ocean energy, waste heat, or hydroelectric power.

2606 (5) ~~(7)~~ "Renewable energy technology" means any technology

2607 that generates or utilizes a renewable energy resource.

2608 (6) ~~(8)~~ "Solar energy system" means equipment that
 2609 provides for the collection and use of incident solar energy for
 2610 water heating, space heating or cooling, or other applications
 2611 that would normally require a conventional source of energy such
 2612 as petroleum products, natural gas, or electricity that performs
 2613 primarily with solar energy. In other systems in which solar
 2614 energy is used in a supplemental way, only those components that
 2615 collect and transfer solar energy shall be included in this
 2616 definition.

2617 (7) ~~(9)~~ "Solar photovoltaic system" means a device that
 2618 converts incident sunlight into electrical current.

2619 (8) ~~(10)~~ "Solar thermal system" means a device that traps
 2620 heat from incident sunlight in order to heat water.

2621 Section 43. Section 377.804, Florida Statutes, is amended
 2622 to read:

2623 377.804 Renewable Energy and Energy Efficient Technologies
 2624 Grants Program.--

2625 (1) The Renewable Energy and Energy Efficient Technologies
 2626 Grants Program is established within the commission ~~department~~
 2627 to provide renewable energy matching grants for demonstration,
 2628 commercialization, research, and development projects relating
 2629 to renewable energy technologies and innovative technologies
 2630 that significantly increase energy efficiency for vehicles and
 2631 commercial buildings.

2632 (2) Matching grants for renewable energy technology
 2633 demonstration, commercialization, research, and development

2634 projects may be made to any of the following:

2635 (a) Municipalities and county governments.

2636 (b) Established for-profit companies licensed to do
2637 business in the state.

2638 (c) Universities and colleges in the state.

2639 (d) Utilities located and operating within the state.

2640 (e) Not-for-profit organizations.

2641 (f) Other qualified persons, as determined by the
2642 commission ~~department~~.

2643 (3) The commission ~~department~~ may adopt rules pursuant to
2644 ss. 120.536(1) and 120.54 to provide for application
2645 requirements, provide for ranking of applications, and
2646 administer the awarding of grants under this program.

2647 (4) Factors the commission ~~department~~ shall consider in
2648 awarding grants include, but are not limited to:

2649 (a) The availability of matching funds or other in-kind
2650 contributions applied to the total project from an applicant.
2651 The commission ~~department~~ shall give greater preference to
2652 projects that provide such matching funds or other in-kind
2653 contributions.

2654 (b) The degree to which the project stimulates in-state
2655 capital investment and economic development in metropolitan and
2656 rural areas, including the creation of jobs and the future
2657 development of a commercial market for renewable energy
2658 technologies.

2659 (c) The extent to which the proposed project has been
2660 demonstrated to be technically feasible based on pilot project

2661 demonstrations, laboratory testing, scientific modeling, or
 2662 engineering or chemical theory that supports the proposal.

2663 (d) The degree to which the project incorporates an
 2664 innovative new technology or an innovative application of an
 2665 existing technology.

2666 (e) The degree to which a project generates thermal,
 2667 mechanical, or electrical energy by means of a renewable energy
 2668 resource that has substantial long-term production potential.

2669 (f) The degree to which a project demonstrates efficient
 2670 use of energy and material resources.

2671 (g) The degree to which the project fosters overall
 2672 understanding and appreciation of renewable energy technologies.

2673 (h) The ability to administer a complete project.

2674 (i) Project duration and timeline for expenditures.

2675 (j) The geographic area in which the project is to be
 2676 conducted in relation to other projects.

2677 (k) The degree of public visibility and interaction.

2678 (5) The commission ~~department~~ shall solicit the expertise
 2679 of other state agencies, Enterprise Florida, Inc., and state
 2680 universities, and may solicit the expertise of other public and
 2681 private entities it deems appropriate, in evaluating project
 2682 proposals. State agencies shall cooperate with the commission
 2683 ~~Department of Environmental Protection~~ and provide such
 2684 assistance as requested.

2685 (6) The commission ~~department~~ shall coordinate and
 2686 actively consult with the Department of Agriculture and Consumer
 2687 Services during the review and approval process of grants

2688 relating to bioenergy projects for renewable energy technology,
 2689 ~~and the departments shall jointly determine the grant awards to~~
 2690 ~~these bioenergy projects. No grant funding shall be awarded to~~
 2691 ~~any bioenergy project without such joint approval.~~ Factors for
 2692 consideration in awarding grants may include, but are not
 2693 limited to, the degree to which:

2694 (a) The project stimulates in-state capital investment and
 2695 economic development in metropolitan and rural areas, including
 2696 the creation of jobs and the future development of a commercial
 2697 market for bioenergy.

2698 (b) The project produces bioenergy from Florida-grown
 2699 crops or biomass.

2700 (c) The project demonstrates efficient use of energy and
 2701 material resources.

2702 (d) The project fosters overall understanding and
 2703 appreciation of bioenergy technologies.

2704 (e) Matching funds and in-kind contributions from an
 2705 applicant are available.

2706 (f) The project duration and the timeline for expenditures
 2707 are acceptable.

2708 (g) The project has a reasonable assurance of enhancing
 2709 the value of agricultural products or will expand agribusiness
 2710 in the state.

2711 (h) Preliminary market and feasibility research has been
 2712 conducted by the applicant or others and shows there is a
 2713 reasonable assurance of a potential market.

2714 (7) Each application shall be accompanied by an affidavit
 2715 from the applicant attesting to the veracity of the statements
 2716 contained therein.

2717 Section 44. Section 377.806, Florida Statutes, is amended
 2718 to read:

2719 377.806 Solar Energy System Incentives Program.--

2720 (1) PURPOSE.--The Solar Energy System Incentives Program
 2721 is established within the commission ~~department~~ to provide
 2722 financial incentives for the purchase and installation of solar
 2723 energy systems. Any resident of the state who purchases and
 2724 installs a new solar energy system of 2 kilowatts or larger for
 2725 a solar photovoltaic system, a solar energy system that provides
 2726 at least 50 percent of a building's hot water consumption for a
 2727 solar thermal system, or a solar thermal pool heater, from July
 2728 1, 2006, through June 30, 2010, is eligible for a rebate on a
 2729 portion of the purchase price of that solar energy system.

2730 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

2731 (a) *Eligibility requirements.*--A solar photovoltaic system
 2732 qualifies for a rebate if:

2733 1. The system is installed by a state-licensed master
 2734 electrician, electrical contractor, or solar contractor.

2735 2. The system complies with state interconnection
 2736 standards as provided by the Public Service Commission
 2737 ~~commission~~.

2738 3. The system complies with all applicable building codes
 2739 as defined by the Florida Building Code ~~local jurisdictional~~
 2740 ~~authority~~.

2741 (b) *Rebate amounts.*--The rebate amount shall be set at \$4
 2742 per watt based on the total wattage rating of the system. The
 2743 maximum allowable rebate per solar photovoltaic system
 2744 installation shall be as follows:

- 2745 1. Twenty thousand dollars for a residence.
- 2746 2. One hundred thousand dollars for a place of business, a
 2747 publicly owned or operated facility, or a facility owned or
 2748 operated by a private, not-for-profit organization, including
 2749 condominiums or apartment buildings.

2750 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

2751 (a) *Eligibility requirements.*--A solar thermal system
 2752 qualifies for a rebate if:

- 2753 1. The system is installed by a state-licensed solar or
 2754 plumbing contractor.
- 2755 2. The system complies with all applicable building codes
 2756 as defined by the Florida Building Code ~~local jurisdictional~~
 2757 ~~authority.~~

2758 (b) *Rebate amounts.*--Authorized rebates for installation
 2759 of solar thermal systems shall be as follows:

- 2760 1. Five hundred dollars for a residence.
- 2761 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
 2762 for a place of business, a publicly owned or operated facility,
 2763 or a facility owned or operated by a private, not-for-profit
 2764 organization, including condominiums or apartment buildings. ~~Btu~~
 2765 ~~must be verified by approved metering equipment.~~

2766 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

2767 (a) *Eligibility requirements.*--A solar thermal pool heater

2768 | qualifies for a rebate if the system is installed by a state-
 2769 | licensed solar or plumbing contractor and the system complies
 2770 | with all applicable building codes as defined by the Florida
 2771 | Building Code ~~local jurisdictional authority~~.

2772 | (b) *Rebate amount.*--Authorized rebates for installation of
 2773 | solar thermal pool heaters shall be \$100 per installation.

2774 | (5) APPLICATION.--Application for a rebate must be made
 2775 | within 120 ~~90~~ days after the purchase of the solar energy
 2776 | equipment.

2777 | (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
 2778 | determine and publish on a regular basis the amount of rebate
 2779 | funds remaining in each fiscal year. The total dollar amount of
 2780 | all rebates issued ~~by the department~~ is subject to the total
 2781 | amount of appropriations in any fiscal year for this program. If
 2782 | funds are insufficient during the current fiscal year, any
 2783 | requests for rebates received during that fiscal year may be
 2784 | processed during the following fiscal year. Requests for rebates
 2785 | received in a fiscal year that are processed during the
 2786 | following fiscal year shall be given priority over requests for
 2787 | rebates received during the following fiscal year.

2788 | (7) RULES.--The commission ~~department~~ shall adopt rules
 2789 | pursuant to ss. 120.536(1) and 120.54 to develop rebate
 2790 | applications and administer the issuance of rebates.

2791 | Section 45. Section 377.808, Florida Statutes, is created
 2792 | to read:

2793 | 377.808 Florida Green Government Grants Act.--

2794 | (1) This section may be cited as the "Florida Green

2795 Government Grants Act."

2796 (2) The commission shall use funds specifically
 2797 appropriated to award grants under this section to assist local
 2798 governments, including municipalities, counties and school
 2799 districts, in the development of programs that achieve green
 2800 standards. Those standards are to be determined by the
 2801 commission and must provide for cost-efficient solutions,
 2802 reducing greenhouse gas emissions, improving quality of life and
 2803 strengthening Florida's economy.

2804 (3) (a) The commission shall adopt rules pursuant to
 2805 Chapter 120 to administer the grants provided for in this
 2806 section. In accordance with the rules adopted by the commission
 2807 under this section, the commission may provide grants, from
 2808 funds specifically appropriated for this purpose to local
 2809 governments for the costs of achieving green standards,
 2810 including necessary administrative expenses.

2811 (b) The rules of the commission must:

2812 1. Designate one or more suitable green government
 2813 standards framework from which local governments may develop a
 2814 greening government initiative, and from which projects may be
 2815 eligible for funding pursuant to this statute.

2816 2. Require that projects that plan, design, construct,
 2817 upgrade, or replace facilities be cost-effective,
 2818 environmentally sound, reduce greenhouse gas emissions, and be
 2819 permissible and implementable.

2820 3. Require local governments to match state funds with
 2821 direct project cost share or in-kind services.

2822 4. Provide for a scale of matching requirements for local
 2823 governments on the basis of population in order to assist rural
 2824 and undeveloped areas of the state with any financial burden of
 2825 addressing climate change impacts.

2826 5. Require grant applications to be submitted on
 2827 appropriate forms developed and adopted by the commission with
 2828 appropriate supporting documentation, and require records to be
 2829 maintained.

2830 6. Establish a system to determine the relative priority
 2831 of grant applications. The system must consider greenhouse gas
 2832 reductions, energy savings and efficiencies and proven
 2833 technologies.

2834 7. Establish requirements for competitive procurement of
 2835 engineering and construction services, materials and equipment.

2836 8. Provide for termination of grants when program
 2837 requirements are not met.

2838 9. Each local government is limited to not more than two
 2839 grant applications during each application period announced by
 2840 the commission. However, a local government may not have more
 2841 than three active projects expending grant funds during any
 2842 state fiscal year.

2843 (c) The commission must perform adequate overview of each
 2844 grant, which may include technical review, site inspections,
 2845 disbursement approvals, and auditing to successfully implement
 2846 this section.

2847 Section 46. Paragraph (c) of subsection (3) of section
 2848 380.23, Florida Statutes, is amended to read:

2849 380.23 Federal consistency.--

2850 (3) Consistency review shall be limited to review of the
 2851 following activities, uses, and projects to ensure that such
 2852 activities, uses, and projects are conducted in accordance with
 2853 the state's coastal management program:

2854 (c) Federally licensed or permitted activities affecting
 2855 land or water uses when such activities are in or seaward of the
 2856 jurisdiction of local governments required to develop a coastal
 2857 zone protection element as provided in s. 380.24 and when such
 2858 activities involve:

2859 1. Permits and licenses required under the Rivers and
 2860 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

2861 2. Permits and licenses required under the Marine
 2862 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
 2863 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

2864 3. Permits and licenses required under the Federal Water
 2865 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
 2866 amended, unless such permitting activities have been delegated
 2867 to the state pursuant to said act.

2868 4. Permits and licenses relating to the transportation of
 2869 hazardous substance materials or transportation and dumping
 2870 which are issued pursuant to the Hazardous Materials
 2871 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
 2872 33 U.S.C. s. 1321, as amended.

2873 5. Permits and licenses required under 15 U.S.C. ss. 717-
 2874 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
 2875 1331-1356 for construction and operation of interstate gas

2876 pipelines and storage facilities.

2877 6. Permits and licenses required for the siting and
 2878 construction of any new electrical power plants as defined in s.
 2879 403.503(14) ~~s. 403.503(13)~~, as amended, and the licensing and
 2880 relicensing of hydroelectric power plants under the Federal
 2881 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

2882 7. Permits and licenses required under the Mining Law of
 2883 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
 2884 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
 2885 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
 2886 amended; the Federal Land Policy and Management Act, 43 U.S.C.
 2887 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
 2888 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
 2889 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
 2890 pipelines, geological and geophysical activities, or rights-of-
 2891 way on public lands and permits and licenses required under the
 2892 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
 2893 amended.

2894 8. Permits and licenses for areas leased under the OCS
 2895 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
 2896 leases and approvals of exploration, development, and production
 2897 plans.

2898 9. Permits and licenses required under the Deepwater Port
 2899 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

2900 10. Permits required for the taking of marine mammals
 2901 under the Marine Mammal Protection Act of 1972, as amended, 16
 2902 U.S.C. s. 1374.

2903 Section 47. Subsection (20) of section 403.031, Florida
 2904 Statutes, is amended to read:

2905 403.031 Definitions.--In construing this chapter, or rules
 2906 and regulations adopted pursuant hereto, the following words,
 2907 phrases, or terms, unless the context otherwise indicates, have
 2908 the following meanings:

2909 (20) "Electrical power plant" means, for purposes of this
 2910 part of this chapter, any electrical generating facility that
 2911 uses any process or fuel and that is owned or operated by an
 2912 electric utility, as defined in s. 403.503(14) ~~s. 403.503(13)~~,
 2913 and includes any associated facility that directly supports the
 2914 operation of the electrical power plant.

2915 Section 48. Section 403.44, Florida Statutes, is created
 2916 to read:

2917 403.44 Florida Climate Protection Act.--

2918 (1) The Legislature finds it is in the best interest of
 2919 this state to document, to the greatest extent practicable,
 2920 greenhouse gas (GHG) emissions and to pursue a market-based
 2921 emissions abatement program, such as cap-and-trade, to address
 2922 GHG emissions reductions.

2923 (2) As used in this section, the term:

2924 (a) "Allowance" means a credit issued by the department
 2925 through allotments or auction which represents an authorization
 2926 to emit specific amounts of greenhouse gases, as further defined
 2927 in department rule.

2928 (b) "Cap-and-trade" or "emissions trading" means an
 2929 administrative approach used to control pollution by providing a

2930 limit on total allowable emissions, providing for allowances to
 2931 emit pollutants, and providing for the transfer of the
 2932 allowances among pollutant sources as a means of compliance with
 2933 emission limits.

2934 (c) "Greenhouse gas" means carbon dioxide, methane,
 2935 nitrous oxide, and fluorinated gases such as hydrofluorocarbons,
 2936 perfluorocarbons, and sulfur hexafluoride.

2937 (d) "Leakage" means the offset of emission abatement that
 2938 is achieved in one location subject to emission control
 2939 regulation by increased emissions in unregulated locations.

2940 (e) "Major emitter" means an electric utility regulated
 2941 under this chapter.

2942 (3) A major emitter must use The Climate Registry for
 2943 purposes of emission registration and reporting.

2944 (4) The Department of Environmental Protection shall
 2945 establish the methodologies, reporting periods, and reporting
 2946 systems that must be used when major emitters report to The
 2947 Climate Registry. The department may require the use of quality-
 2948 assured data from continuous emissions-monitoring systems.

2949 (5) The department may adopt rules for a cap-and-trade
 2950 regulatory program to reduce greenhouse gas emissions from major
 2951 emitters. When developing the rules, the department shall
 2952 consult with the Florida Energy and Climate Commission and the
 2953 Public Service Commission, and may consult with the Governor's
 2954 Action Team for Energy and Climate Change. The department shall
 2955 not adopt rules until after January 1, 2010. The rules shall not
 2956 become effective until ratified by the Legislature.

2957 (6) The rules of the cap-and-trade regulatory program
 2958 shall include, but are not limited to:

2959 (a) A statewide limit or cap on the amount of GHG
 2960 emissions emitted by major emitters.

2961 (b) Methods, requirements, and conditions for allocating
 2962 the cap among major emitters.

2963 (c) Methods, requirements, and conditions for emissions
 2964 allowances and the process for issuing emissions allowances.

2965 (d) The relationship between allowances and the specific
 2966 amounts of greenhouse gases they represent.

2967 (e) The length of allowance periods and the time over which
 2968 entities must account for emissions and surrender allowances
 2969 equal to emissions.

2970 (f) The time path of allowances from the initiation of the
 2971 program through to 2050.

2972 (g) A process for the trade of allowances between major
 2973 emitters, including a registry, tracking, or accounting system
 2974 for such trades.

2975 (h) Cost containment mechanisms to reduce price and cost
 2976 risks associated with the electric generation market in this
 2977 state. Cost containment mechanisms to be considered for
 2978 inclusion in the rule include, but are not limited to:

2979 1. Allowing major emitters to borrow allowances from
 2980 future time periods to meet their emission limit.

2981 2. Allowing major emitters to bank emission reductions in
 2982 the current year to be used to meet emission limits in future
 2983 years.

2984 3. Allowing major emitters to purchase emissions offsets
 2985 from other entities who produce verifiable reductions in
 2986 unregulated greenhouse gas emissions or who produce verifiable
 2987 reductions in greenhouse gases through voluntary practices that
 2988 capture and store greenhouse gases that otherwise would be
 2989 released into the atmosphere. In considering this cost
 2990 containment mechanism, the department shall identify sectors and
 2991 activities outside of the capped sectors, including other state
 2992 or international activities, and the conditions under which
 2993 reductions there can be credited against emissions of capped
 2994 entities in place of allowances issued by the department. The
 2995 department shall also consider potential methods, and their
 2996 effectiveness, to avoid double-incentivizing such activities.

2997 4. Providing a safety valve mechanism to ensure that the
 2998 market prices for allowances or offsets do not surpass a
 2999 predetermined level compatible with the affordability of
 3000 electric utility rates and the well being of the state's
 3001 economy. In considering this cost containment mechanism, the
 3002 department shall evaluate different prices levels for the safety
 3003 valve and methods to change the price level over time to reflect
 3004 changing state, federal and international markets, regulatory
 3005 environments, and technological advancements.

3006
 3007 In considering cost containment mechanisms for inclusion in the
 3008 rule, the department shall evaluate the anticipated overall
 3009 effect of each mechanism on the abatement of greenhouse gas
 3010 emissions, electricity rate payers, and the well being of the

3011 state's economy, and shall also consider the interrelationships
 3012 between the mechanisms under consideration.

3013 (g) A process to allow the department to exercise its
 3014 authority to discourage leakage of GHG emissions to neighboring
 3015 states attributable to the implementation of this program.

3016 (h) Provisions for a trial period on the trading of
 3017 allowances before full implementation of a trading system.

3018 (7) In recommending and evaluating proposed features of the
 3019 cap and trade system, the following factors shall be considered:

3020 (a) The overall cost-effectiveness of the cap and trade
 3021 system in combination with other policies and measures in
 3022 meeting statewide targets.

3023 (b) Minimizing the administrative burden to the state of
 3024 implementing, monitoring and enforcing the program.

3025 (c) Minimizing the administrative burden on entities
 3026 covered under the cap.

3027 (d) The impacts on electricity prices for consumers.

3028 (e) The potential effects on leakage if economic activity
 3029 relocates out of the state.

3030 (f) The effectiveness of the combination of measures in
 3031 meeting identified targets.

3032 (g) The implications for near-term periods of long run
 3033 targets specified in the overall policy.

3034 (h) The overall cost to the Florida economy.

3035 (i) How to moderate impacts on low income consumers that
 3036 result from energy price increases.

3037 (j) Consistency of the program with other state and

3038 possible Federal efforts.

3039 (k) The feasibility and cost-effectiveness of extending
 3040 the program scope as broadly as possible among emitting
 3041 activities and sinks in Florida.

3042 (l) Evaluation of the conditions under which Florida
 3043 should consider linking its trading system to other states' or
 3044 other countries' systems, and how that might be affected by the
 3045 potential inclusion in the rule of a safety valve.

3046 (8) Recognizing that the international, national,
 3047 neighboring state policies and the science of climate change
 3048 will evolve, prior to submitting the proposed rules to the
 3049 Legislature for its consideration, the department shall submit
 3050 the proposed rules to the Florida Energy and Climate Commission,
 3051 which shall review the proposed rule and submit a report to the
 3052 Governor, the President of the Florida Senate, the Speaker of
 3053 the Florida House of Representatives, and the department. The
 3054 report shall address:

3055 (a) The overall cost-effectiveness of the proposed cap and
 3056 trade system in combination with other policies and measures in
 3057 meeting statewide targets.

3058 (b) The administrative burden to the state of
 3059 implementing, monitoring and enforcing the program.

3060 (c) The administrative burden on entities covered under
 3061 the cap.

3062 (d) The impacts on electricity prices for consumers.

3063 (e) The potential effects on leakage if economic activity
 3064 relocates out of the state.

3065 (f) The effectiveness of the combination of measures in
 3066 meeting identified targets.

3067 (g) The economic implications for near-term periods of
 3068 short-term and long-term targets specified in the overall
 3069 policy.

3070 (h) The overall cost to the Florida economy.

3071 (i) The impacts on low income consumers that result from
 3072 energy price increases.

3073 (j) The consistency of the program with other state and
 3074 possible Federal efforts.

3075 (k) The evaluation of the conditions under which Florida
 3076 should consider linking its trading system to other states' or
 3077 other countries' systems, and how that might be affected by the
 3078 potential inclusion in the rule of a safety valve.

3079 (l) The timing and changes in the external environment,
 3080 such as proposals by other states or implementation of a Federal
 3081 program that would spur reevaluation of the Florida program.

3082 (m) The conditions and options for eliminating the Florida
 3083 program if a Federal program were to supplant it.

3084 (n) The need for a regular re-evaluation of the progress
 3085 of other emitting regions of the country and of the world, and
 3086 whether other regions are abating emissions in a commensurate
 3087 manner.

3088 (o) The desirability of and possibilities of broadening the
 3089 scope of Florida's cap and trade system at a later date to
 3090 include more emitting activities as well as sinks in Florida,
 3091 and the conditions that would need to be met to do so, as well

3092 as how the program would encourage these conditions to be met
 3093 such as developing monitoring and measuring techniques for land
 3094 use emissions and sinks, regulating sources up stream, and other
 3095 considerations.

3096 Section 49. Section 403.502, Florida Statutes, is amended
 3097 to read:

3098 403.502 Legislative intent.--The Legislature finds that
 3099 the present and predicted growth in electric power demands in
 3100 this state requires the development of a procedure for the
 3101 selection and utilization of sites for electrical generating
 3102 facilities and the identification of a state position with
 3103 respect to each proposed site and its associated facilities. The
 3104 Legislature recognizes that the selection of sites and the
 3105 routing of associated facilities including transmission lines
 3106 will have a significant impact upon the welfare of the
 3107 population, the location and growth of industry, and the use of
 3108 the natural resources of the state. The Legislature finds that
 3109 the efficiency of the permit application and review process at
 3110 both the state and local level would be improved with the
 3111 implementation of a process whereby a permit application would
 3112 be centrally coordinated and all permit decisions could be
 3113 reviewed on the basis of standards and recommendations of the
 3114 deciding agencies. It is the policy of this state that, while
 3115 recognizing the pressing need for increased power generation
 3116 facilities, the state shall ensure through available and
 3117 reasonable methods that the location and operation of electrical
 3118 power plants will produce minimal adverse effects on human

3119 health, the environment, the ecology of the land and its
 3120 wildlife, and the ecology of state waters and their aquatic life
 3121 and will not unduly conflict with the goals established by the
 3122 applicable local comprehensive plans. It is the intent to seek
 3123 courses of action that will fully balance the increasing demands
 3124 for electrical power plant location and operation with the broad
 3125 interests of the public. Such action will be based on these
 3126 premises:

3127 (1) To assure the citizens of Florida that operation
 3128 safeguards are technically sufficient for their welfare and
 3129 protection.

3130 (2) To effect a reasonable balance between the need for
 3131 the facility and the environmental impact resulting from
 3132 construction and operation of the facility, including air and
 3133 water quality, fish and wildlife, and the water resources and
 3134 other natural resources of the state.

3135 (3) To meet the need for electrical energy as established
 3136 pursuant to s. 403.519.

3137 (4) To assure the citizens of Florida that renewable
 3138 energy sources and technologies, as well as conservation
 3139 measures, are utilized to the extent reasonably available.

3140 Section 50. Subsections (6), (8), (10), (13), (27), and
 3141 (29) of section 403.503, Florida Statutes, are amended, new
 3142 subsections (3) and (13) are added, and subsequent subsections
 3143 are renumbered to read:

3144 403.503 Definitions relating to Florida Electrical Power
 3145 Plant Siting Act.--As used in this act:

3146 (3) "Alternate corridor" means an area that is proposed by
 3147 the applicant or a third party within which all or part of an
 3148 associated electrical transmission line right-of-way is to be
 3149 located and that is different from the preferred transmission
 3150 line corridor proposed by the applicant. The width of the
 3151 alternate corridor proposed for certification for an associated
 3152 electrical transmission line may be the width of the proposed
 3153 right-of-way or a wider boundary not to exceed a width of 1
 3154 mile. The area within the alternate corridor may be further
 3155 restricted as a condition of certification. The alternate
 3156 corridor may include alternate electrical substation sites if
 3157 the applicant has proposed an electrical substation as part of
 3158 the portion of the proposed electrical transmission line.

3159 (6) "Associated facilities" means, for the purpose of
 3160 certification, those on-site and off-site facilities which
 3161 directly support the construction and operation of the
 3162 electrical generating facility ~~power plant~~ such as electrical
 3163 transmission lines, substations, fuel unloading facilities;
 3164 pipelines necessary for transporting fuel for the operation of
 3165 the facility or other fuel transportation facilities; water or
 3166 wastewater transport pipelines; construction, maintenance, and
 3167 access roads; and railway lines necessary for transport of
 3168 construction equipment or fuel for the operation of the
 3169 facility.

3170 (8) "Certification" means the written order of the board,
 3171 or Secretary when applicable, approving an application for the
 3172 licensing of an electrical power plant, in whole or with such

3173 changes or conditions as the board may deem appropriate.

3174 (11) ~~(10)~~ "Corridor" means the proposed area within which
 3175 an associated linear facility right-of-way is to be located.
 3176 The width of the corridor proposed for certification as an
 3177 associated facility, at the option of the applicant, may be the
 3178 width of the right-of-way or a wider boundary, not to exceed a
 3179 width of 1 mile. The area within the corridor in which a right-
 3180 of-way may be located may be further restricted by a condition
 3181 of certification. After all property interests required for the
 3182 right-of-way have been acquired by the licensee, the boundaries
 3183 of the area certified shall narrow to only that land within the
 3184 boundaries of the right-of-way. The corridors proper for
 3185 certification shall be those addressed in the application, in
 3186 amendments to the application filed under s. 403.5064, and in
 3187 notices of acceptance of proposed alternate corridors filed by
 3188 an applicant and the department pursuant to s. 403.5271 as
 3189 incorporated by reference in s. 403.5064(1)(b) for which the
 3190 required information for the preparation of agency supplemental
 3191 reports was filed.

3192 (13) "Electrical generating facility" means that portion
 3193 of the electrical power plant where fuel or solar energy is
 3194 transformed into electrical energy. Typical components include
 3195 steam-generation boilers, combustion turbines, heat-recovery
 3196 equipment, fluidized bed equipment, solar collectors, steam
 3197 turbines, smoke-stacks, cooling towers, air-pollution control
 3198 equipment, generators and exciters, containment buildings, and
 3199 main plus auxiliary transformers. The term does not include on-

3200 site associated facilities such as cooling ponds, coal piles,
 3201 fuel tanks or related support equipment, or off-site associated
 3202 facilities.

3203 (14) ~~(13)~~ "Electrical power plant" means, for the purpose
 3204 of certification, any steam or solar electrical generating
 3205 facility using any process or fuel, including nuclear materials,
 3206 except that this term does not include any steam or solar
 3207 electrical generating facility of less than 75 megawatts in
 3208 capacity unless the applicant for such a facility elects to
 3209 apply for certification under this act. This term also includes
 3210 the site, all associated facilities that will ~~to~~ be owned by the
 3211 applicant that ~~which~~ are physically connected to the ~~electrical~~
 3212 ~~power plant~~ site; all associated facilities that ~~or which~~ are
 3213 indirectly ~~directly~~ connected to the ~~electrical power plant~~ site
 3214 by other proposed associated facilities that will ~~to~~ be owned by
 3215 the applicant; and ~~and~~ associated transmission lines that will ~~to~~
 3216 be owned by the applicant that ~~which~~ connect the electrical
 3217 generating facility ~~power plant~~ to an existing transmission
 3218 network or rights-of-way to ~~of~~ which the applicant intends to
 3219 connect. At the applicant's option, this term may include any
 3220 offsite associated facilities that ~~which~~ will not be owned by
 3221 the applicant; offsite associated facilities that ~~which~~ are
 3222 owned by the applicant but which are not directly connected to
 3223 the ~~electrical power plant~~ site; any proposed terminal or
 3224 intermediate substations or substation expansions connected to
 3225 the associated transmission line; or new transmission lines,
 3226 upgrades, or improvements of an existing transmission line on

3227 any portion of the applicant's electrical transmission system
 3228 necessary to support the generation injected into the system
 3229 from the proposed electrical generating facility ~~power plant~~.

3230 (28) ~~(27)~~ "Site" means any proposed location within which
 3231 will be located ~~wherein~~ an electrical power plant's generating
 3232 facility and on-site support facilities ~~plant~~, or an ~~electrical~~
 3233 ~~power plant~~ alteration or addition of electrical generating
 3234 facilities and on-location support facilities resulting in an
 3235 increase in generating capacity, ~~will be located~~, including
 3236 offshore sites within state jurisdiction.

3237 (30) ~~(29)~~ "Ultimate site capacity" means the maximum gross
 3238 generating capacity for a site as certified by the board, unless
 3239 otherwise specified as net generating capacity.

3240 Section 51. Subsections (2), (3), (4), (5), (9), and (11)
 3241 of section 403.504, Florida Statutes, are amended to read:

3242 403.504 Department of Environmental Protection; powers and
 3243 duties enumerated.—The department shall have the following
 3244 powers and duties in relation to this act:

3245 (2) To prescribe the form and content of the public
 3246 notices and the notice of intent and the form, content, and
 3247 necessary supporting documentation and studies to be prepared by
 3248 the applicant for electrical power plant ~~site~~ certification
 3249 applications.

3250 (3) To receive applications for electrical power plant
 3251 ~~site~~ certifications and to determine the completeness and
 3252 sufficiency thereof.

3253 (4) To make, or contract for, studies of electrical power

3254 plant ~~site~~ certification applications.

3255 (5) To administer the processing of applications for
 3256 electric power plant ~~site~~ certifications and to ensure that the
 3257 applications are processed as expeditiously as possible.

3258 (9) To determine whether an alternate corridor proposed
 3259 for consideration under s. 403.5064(4) is acceptable.

3260 (11) To administer and manage the terms and conditions of
 3261 the certification order and supporting documents and records for
 3262 the life of the electrical power plant facility.

3263 Section 52. Subsection (1) and (3) of section 403.506,
 3264 Florida Statutes, is amended to read:

3265 403.506 Applicability, thresholds, and certification.--

3266 (1) The provisions of this act shall apply to any
 3267 electrical power plant as defined herein, except that the
 3268 provisions of this act shall not apply to any electrical power
 3269 plant ~~or steam generating plant~~ of less than 75 megawatts in
 3270 gross capacity including its ~~or to any associated facilities~~
 3271 ~~substation to be constructed as part of an associated~~
 3272 ~~transmission line~~ unless the applicant has elected to apply for
 3273 certification of such electrical power plant ~~or substation~~ under
 3274 this act. The provisions of this act shall not apply to ~~any unit~~
 3275 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
 3276 aggregate, of an existing exothermic reaction cogeneration
 3277 electrical generating facility ~~unit~~ that was exempt from this
 3278 act when it was originally built; however, this exemption shall
 3279 not apply if the unit uses oil or natural gas for purposes other
 3280 than unit startup. No construction of any new electrical power

3281 plant or expansion in steam generating capacity as measured by
 3282 an increase in the maximum electrical generator rating of any
 3283 existing electrical power plant may be undertaken after October
 3284 1, 1973, without first obtaining certification in the manner as
 3285 herein provided, except that this act shall not apply to any
 3286 such electrical power plant which is presently operating or
 3287 under construction or which has, upon the effective date of
 3288 chapter 73-33, Laws of Florida, applied for a permit or
 3289 certification under requirements in force prior to the effective
 3290 date of such act.

3291 (3) An electric utility may obtain separate licenses,
 3292 permits, and approvals for the construction of facilities
 3293 necessary to construct an electrical power plant without first
 3294 obtaining certification under this act if the utility intends to
 3295 locate, license, and construct a proposed or expanded electrical
 3296 power plant that uses nuclear materials as fuel. Such facilities
 3297 may include, but are not limited to, access and onsite roads,
 3298 rail lines, electrical transmission facilities to support
 3299 construction, and facilities necessary for waterborne delivery
 3300 of construction materials and project components. This exemption
 3301 applies to such facilities regardless of whether the facilities
 3302 are used for operation of the power plant. The applicant shall
 3303 file with the department a statement that declares that the
 3304 construction of such facilities is necessary for the timely
 3305 construction of the proposed electrical power plant and
 3306 identifies those facilities that the applicant intends to seek
 3307 licenses for and construct prior to or separate from

3308 certification of the project. The facilities may be located
 3309 within or off of the site for the proposed electrical power
 3310 plant. The filing of an application under this act does not
 3311 affect other applications for separate licenses which are
 3312 pending at the time of filing the application. Furthermore, the
 3313 filing of an application does not prevent an electric utility
 3314 from seeking separate licenses for facilities that are necessary
 3315 to construct the electrical power plant. Licenses, permits, or
 3316 approvals issued by any state, regional, or local agency for
 3317 such facilities shall be incorporated by the department into a
 3318 final certification upon completion of construction. Any
 3319 facilities necessary for construction of the electrical power
 3320 plant shall become part of the certified electrical power plant
 3321 upon completion of the electrical power plant's construction.
 3322 The exemption in this subsection does not require or authorize
 3323 agency rulemaking, and any action taken under this subsection is
 3324 not subject to chapter 120. This subsection shall be given
 3325 retroactive effect and applies to applications filed after May
 3326 1, 2008.

3327 Section 53. Subsections (1) and (4) of section 403.5064,
 3328 Florida Statutes, are amended to read:

3329 403.5064 Application; schedules.--

3330 (1) The formal date of filing of a certification
 3331 application and commencement of the certification review process
 3332 shall be when the applicant submits:

3333 (a) Copies of the certification application in a quantity
 3334 and format as prescribed by rule to the department and other

3335 agencies identified in s. 403.507(2)(a).

3336 (b) If the applicant opts to allow consideration of
 3337 alternate corridors for any associated transmission line
 3338 corridors, the applicant shall file a statement with the
 3339 department affirming the exercise of this option. If alternate
 3340 corridors are allowed, at the applicant's option, the portion of
 3341 the application addressing associated transmission line
 3342 corridors shall be processed under the schedule of the Florida
 3343 Electric Transmission Line Siting Act, sections 403.521-403.526
 3344 and 403.5271, including the opportunity for the filing and
 3345 review of alternate corridors, provided that any party proposing
 3346 alternate transmission line corridor routes for consideration
 3347 must do so no later than 115 days prior to the certification
 3348 hearing that is scheduled for the power plant, including any
 3349 associated transmission line corridors, in accordance with s.
 3350 403.508(2).

3351 (c) ~~(b)~~ The application fee specified under s. 403.518 to
 3352 the department.

3353 (4) Within 7 days after the filing of an application, the
 3354 department shall prepare a proposed schedule of dates for
 3355 determination of completeness, submission of statements of
 3356 issues, submittal of final reports, and other significant dates
 3357 to be followed during the certification process, including dates
 3358 for filing notices of appearance to be a party pursuant to s.
 3359 403.508(3). If the application includes one or more associated
 3360 transmission line corridors, at the request of the applicant
 3361 filed concurrently with the application, the department shall

3362 incorporate the application processing schedule of the Florida
 3363 Electric Transmission Line Siting Act, sections 403.521-403.526
 3364 and 403.5271 for the associated transmission line corridors,
 3365 including the opportunity for the filing and review of alternate
 3366 corridors, providing that any party may propose alternate
 3367 transmission line corridor routes for consideration no later
 3368 than 115 days prior to the scheduled certification hearing.
 3369 Notwithstanding an applicant's option for the transmission line
 3370 corridor portion of its application to be processed under this
 3371 optional schedule, only one certification hearing will be held
 3372 for the entire power plant in accordance with s. 403.508(2).
 3373 The proposed ~~This~~ schedule shall be timely provided by the
 3374 department to the applicant, the administrative law judge, all
 3375 agencies identified pursuant to subsection (2), and all parties.
 3376 Within 7 days after the filing of the proposed schedule, the
 3377 administrative law judge shall issue an order establishing a
 3378 schedule for the matters addressed in the department's proposed
 3379 schedule and other appropriate matters, if any.

3380 Section 54. Subsection (1) of section 403.5065, Florida
 3381 Statutes, is amended to read:

3382 403.5065 Appointment of administrative law judge; powers
 3383 and duties.—

3384 (1) Within 7 days after receipt of an application, the
 3385 department shall request the Division of Administrative Hearings
 3386 to designate an administrative law judge to conduct the hearings
 3387 required by this act. The division director shall designate an
 3388 administrative law judge within 7 days after receipt of the

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3389 request from the department. In designating an administrative
 3390 law judge for this purpose, the division director shall,
 3391 whenever practicable, assign an administrative law judge who has
 3392 had prior experience or training in electrical power plant ~~site~~
 3393 certification proceedings. Upon being advised that an
 3394 administrative law judge has been appointed, the department
 3395 shall immediately file a copy of the application and all
 3396 supporting documents with the designated administrative law
 3397 judge, who shall docket the application.

3398 Section 55. Subsection (3) of section 403.50663, Florida
 3399 Statutes, is amended to read:

3400 403.50663 Informational public meetings.--

3401 (3) A local government or regional planning council that
 3402 intends to conduct an informational public meeting must provide
 3403 notice of the meeting to all parties not less than 5 days prior
 3404 to the meeting and to the general public, in accordance with the
 3405 provisions of s. 403.5115(5). The expense for such notice is
 3406 eligible for reimbursement under the provisions of s.
 3407 403.518(2)(c)1.

3408 Section 56. Section 403.50665, Florida Statutes, is
 3409 amended to read:

3410 403.50665 Land use consistency.--

3411 (1) The applicant shall include in the application a
 3412 statement on the consistency of the site and ~~or~~ any ~~directly~~
 3413 associated facilities that constitute a "development," as
 3414 defined by s. 380.04, with existing land use plans and zoning
 3415 ordinances that were in effect on the date the application was

3416 filed and a full description of such consistency. This
 3417 information shall include an identification of those associated
 3418 facilities that the applicant believes are exempt from the
 3419 requirements of land use plans and zoning ordinances under the
 3420 provisions of the Local Government Comprehensive Planning and
 3421 Land Development Regulation Act provisions of Chapter 163 and s.
 3422 380.04(3).

3423 (2) (a) Within 45 days after the filing of the application,
 3424 each local government shall file a determination with the
 3425 department, the applicant, the administrative law judge, and all
 3426 parties on the consistency of the site, and ~~or~~ any ~~directly~~
 3427 associated facilities that are not exempt from the requirements
 3428 of land use plans and zoning ordinances under the provisions of
 3429 Chapter 163 and s. 380.04(3), with existing land use plans and
 3430 zoning ordinances that were in effect on the date the
 3431 application was filed, based on the information provided in the
 3432 application. However, this requirement does not apply to any
 3433 new electrical generation unit proposed to be constructed and
 3434 operated:

3435 1. On the site of a previously certified electrical power
 3436 plant; or [Crystal river]

3437 2. On the site of a power plant that was not previously
 3438 certified that will be wholly contained within the boundaries of
 3439 the existing site.

3440 (b) The local government may issue its determination up to
 3441 55 ~~35~~ days later if the application has been determined
 3442 incomplete based in whole or part upon a local government

3443 request for ~~has requested~~ additional information on land use and
 3444 zoning consistency as part of the local government's statement
 3445 on completeness of the application submitted pursuant to s.
 3446 403.5066(1)(a). Incompleteness of information necessary for a
 3447 local government to evaluate an application may be claimed by
 3448 the local government as cause for a statement of inconsistency
 3449 with existing land use plans and zoning ordinances.

3450 (c) Notice of the consistency determination shall be
 3451 published in accordance with the requirements of s. 403.5115.

3452 (3) If the local government issues a determination that
 3453 the proposed site and any non-exempt associated facilities are
 3454 ~~electrical power plant is~~ not consistent or in compliance with
 3455 local land use plans and zoning ordinances, the applicant may
 3456 apply to the local government for the necessary local approval
 3457 to address the inconsistencies identified in the local
 3458 government's determination.

3459 (a) If the applicant makes such an application to the
 3460 local government, the time schedules under this act shall be
 3461 tolled until the local government issues its revised
 3462 determination on land use and zoning or the applicant otherwise
 3463 withdraws its application to the local government.

3464 (b) If the applicant applies to the local government for
 3465 necessary local land use or zoning approval, the local
 3466 government shall commence a proceeding to consider the
 3467 application for land use or zoning approval within 45 days of
 3468 receipt of the complete request, and shall issue a revised
 3469 determination within 30 days following the conclusion of that

3470 local proceeding. ~~and~~ The time schedules and notice
 3471 requirements under this act shall apply to such revised
 3472 determination.

3473 (4) If any substantially affected person wishes to dispute
 3474 the local government's determination, he or she shall file a
 3475 petition with the designated administrative law judge ~~department~~
 3476 within 21 days after the publication of notice of the local
 3477 government's determination. If a hearing is requested, the
 3478 provisions of s. 403.508(1) shall apply.

3479 (5) The dates in this section may be altered upon
 3480 agreement between the applicant, the local government, and the
 3481 department pursuant to s. 403.5095.

3482 (6) If it is determined by the local government that the
 3483 proposed site or non-exempt ~~directly~~ associated facility does
 3484 conform with existing land use plans and zoning ordinances in
 3485 effect as of the date of the application and no petition has
 3486 been filed, the responsible zoning or planning authority shall
 3487 not thereafter change such land use plans or zoning ordinances
 3488 so as to foreclose construction and operation of the proposed
 3489 site or ~~directly~~ associated facilities unless certification is
 3490 subsequently denied or withdrawn.

3491 (7) The issue of land use and zoning consistency for any
 3492 proposed alternate intermediate electrical substation which is
 3493 proposed as part of an alternate electrical transmission line
 3494 corridor which is accepted by the applicant and the department
 3495 under s. 403.5271(1)(b) shall be addressed in the supplementary
 3496 report prepared by the local government on the proposed

3497 alternate corridor and shall be considered as an issue at any
 3498 final certification hearing. If such a proposed intermediate
 3499 electrical substation is determined to not be consistent with
 3500 local land use plans and zoning ordinances, then that alternate
 3501 electrical substation shall not be certified.

3502 Section 57. Paragraph (a) of subsection (2) of section
 3503 403.507, Florida Statutes, is amended to read:

3504 403.507 Preliminary statements of issues, reports,
 3505 project analyses, and studies.--

3506 (2) (a) The ~~No later than 100 days after the certification~~
 3507 ~~application has been determined complete,~~ the following agencies
 3508 shall prepare reports as provided below and shall submit them to
 3509 the department and the applicant no later than 100 days after
 3510 the certification application has been determined complete,
 3511 unless a final order denying the Determination of Need has been
 3512 issued under the provisions of s. 403.519:

3513 Section 58. Subsection (1) and paragraph (a) of subsection
 3514 (2) of section 403.508, Florida Statutes, are amended to read:

3515 403.508 Land use and certification hearings, parties,
 3516 participants.--

3517 (1) (a) Within 5 days after the filing of ~~If~~ a petition for
 3518 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
 3519 the designated administrative law judge shall schedule ~~conduct~~ a
 3520 land use hearing to be conducted in the county of the proposed
 3521 site, ~~or directly~~ associated facility that is not exempt from
 3522 the requirements of land use plans and zoning ordinances under
 3523 the provisions of Chapter 163 and s. 380.04(3), as applicable,

3524 as expeditiously as possible, but not later than 30 days after
 3525 the designated administrative law judge's ~~department's~~ receipt
 3526 of the petition. The place of such hearing shall be as close as
 3527 possible to the proposed site or ~~directly~~ associated facility.
 3528 If a petition is filed, the hearing shall be held regardless of
 3529 the status of the completeness of the application. ~~However,~~
 3530 ~~incompleteness of information necessary for a local government~~
 3531 ~~to evaluate an application may be claimed by the local~~
 3532 ~~government as cause for a statement of inconsistency with~~
 3533 ~~existing land use plans and zoning ordinances under s.~~
 3534 ~~403.50665.~~

3535 (b) Notice of the land use hearing shall be published in
 3536 accordance with the requirements of s. 403.5115.

3537 (c) The sole issue for determination at the land use
 3538 hearing shall be whether or not the proposed site or non-exempt
 3539 associated facility is consistent and in compliance with
 3540 existing land use plans and zoning ordinances. If the
 3541 administrative law judge concludes that the proposed site or
 3542 non-exempt associated facility is not consistent or in
 3543 compliance with existing land use plans and zoning ordinances,
 3544 the administrative law judge shall receive at the hearing
 3545 evidence on, and address in the recommended order any changes to
 3546 or approvals or variances under, the applicable land use plans
 3547 or zoning ordinances which will render the proposed site or non-
 3548 exempt associated facility consistent and in compliance with the
 3549 local land use plans and zoning ordinances.

3550 (d) The designated administrative law judge's recommended

3551 order shall be issued within 30 days after completion of the
 3552 hearing and shall be reviewed by the board within 60 days after
 3553 receipt of the recommended order by the board.

3554 (e) If it is determined by the board that the proposed
 3555 site or non-exempt associate facility does conform with existing
 3556 land use plans and zoning ordinances in effect as of the date of
 3557 the application, or as otherwise provided by this act, the
 3558 responsible zoning or planning authority shall not thereafter
 3559 change such land use plans or zoning ordinances so as to
 3560 foreclose construction and operation of the proposed electrical
 3561 power plant on the proposed site or ~~directly~~ associated
 3562 facilities unless certification is subsequently denied or
 3563 withdrawn.

3564 (f) If it is determined by the board that the proposed
 3565 site or non-exempt associated facility does not conform with
 3566 existing land use plans and zoning ordinances, the board may, if
 3567 it determines after notice and hearing and upon consideration of
 3568 the recommended order on land use and zoning issues that it is
 3569 in the public interest to authorize the use of the land ~~as a~~
 3570 ~~site~~ for a site or associated facility ~~an electrical power~~
 3571 ~~plant~~, authorize a variance or other necessary approval to the
 3572 adopted land use plan and zoning ordinances required to render
 3573 the proposed site or associated facility consistent with local
 3574 land use plans and zoning ordinances. The board's action shall
 3575 not be controlled by any other procedural requirements of law.
 3576 In the event a variance or other approval is denied by the
 3577 board, it shall be the responsibility of the applicant to make

3578 the necessary application for any approvals determined by the
 3579 board as required to make the proposed site or associated
 3580 facility consistent and in compliance with local land use plans
 3581 and zoning ordinances. No further action may be taken on the
 3582 complete application until the proposed site or associated
 3583 facility conforms to the adopted land use plan or zoning
 3584 ordinances or the board grants relief as provided under this
 3585 act.

3586 (2) (a) A certification hearing shall be held by the
 3587 designated administrative law judge no later than 265 days after
 3588 the application is filed with the department. The certification
 3589 hearing shall be held at a location in proximity to the proposed
 3590 site. ~~At the conclusion of the certification hearing, the~~
 3591 ~~designated administrative law judge shall, after consideration~~
 3592 ~~of all evidence of record, submit to the board a recommended~~
 3593 ~~order no later than 45 days after the filing of the hearing~~
 3594 ~~transcript.~~

3595 Section 59. Subsections (3), (4), and (5) of section
 3596 403.509, Florida Statutes, are amended and a new subsection (4)
 3597 is added to said section to read:

3598 403.509 Final disposition of application.--

3599 (3) In determining whether an application should be
 3600 approved in whole, approved with modifications or conditions, or
 3601 denied, the board, or secretary when applicable, shall consider
 3602 whether, and the extent to which, the location, construction and
 3603 operation of the electrical power plant ~~and directly associated~~
 3604 ~~facilities and their construction and operation~~ will:

3605 (a) Provide reasonable assurance that operational
 3606 safeguards are technically sufficient for the public welfare and
 3607 protection.

3608 (b) Comply with applicable nonprocedural requirements of
 3609 agencies.

3610 (c) Be consistent with applicable local government
 3611 comprehensive plans and land development regulations.

3612 (d) Meet the electrical energy needs of the state in an
 3613 orderly, reliable, and timely fashion.

3614 (e) Effect a reasonable balance between the need for the
 3615 facility as established pursuant to s. 403.519 and the impacts
 3616 upon air and water quality, fish and wildlife, water resources,
 3617 and other natural resources of the state resulting from the
 3618 construction and operation of the facility.

3619 (f) Minimize, through the use of reasonable and available
 3620 methods, the adverse effects on human health, the environment,
 3621 and the ecology of the land and its wildlife and the ecology of
 3622 state waters and their aquatic life.

3623 (g) Serve and protect the broad interests of the public.

3624 (4) (a) Any transmission line corridor certified by the
 3625 board, or secretary if applicable, shall meet the criteria of
 3626 this section. When more than one transmission line corridor is
 3627 proper for certification under s. 403.503(10) and meets the
 3628 criteria of this section, the board, or secretary if applicable,
 3629 shall certify the transmission line corridor that has the least
 3630 adverse impact regarding the criteria in subsection (3),
 3631 including costs.

3632 (b) If the board, or secretary if applicable, finds that
 3633 an alternate corridor rejected pursuant to s. 403.5271 as
 3634 incorporated by reference in s. 403.5064(1)(b) meets the
 3635 criteria of subsection (3) and has the least adverse impact
 3636 regarding the criteria in subsection (3), the board, or
 3637 secretary if applicable, shall deny certification or shall allow
 3638 the applicant to submit an amended application to include the
 3639 corridor.

3640 (c) If the board, or secretary if applicable, finds that
 3641 two or more of the corridors that comply with subsection (3)
 3642 have the least adverse impacts regarding the criteria in
 3643 subsection (3), including costs, and that the corridors are
 3644 substantially equal in adverse impacts regarding the criteria in
 3645 subsection (3), including costs, the board, or secretary if
 3646 applicable, shall certify the corridor preferred by the
 3647 applicant if the corridor is one proper for certification under
 3648 s. 403.503(10).

3649 (5) ~~(4)~~ The department's action on a federally required
 3650 new source review or prevention of significant deterioration
 3651 permit shall differ from the actions taken by the siting board
 3652 regarding the certification if the federally approved state
 3653 implementation plan requires such a different action to be taken
 3654 by the department. Nothing in this part shall be construed to
 3655 displace the department's authority as the final permitting
 3656 entity under the federally approved permit program. Nothing in
 3657 this part shall be construed to authorize the issuance of a new
 3658 source review or prevention of significant deterioration permit

3659 which does not conform to the requirements of the federally
 3660 approved state implementation plan.

3661 (6) (5) For certifications issued by the board in regard
 3662 to the properties and works of any agency which is a party to
 3663 the certification hearing, the board shall have the authority to
 3664 decide issues relating to the use, the connection thereto, or
 3665 the crossing thereof, for the electrical power plant and
 3666 directly associated facilities and to direct any such agency to
 3667 execute, within 30 days after the entry of certification, the
 3668 necessary license or easement for such use, connection, or
 3669 crossing, subject only to the conditions set forth in such
 3670 certification. For certifications issued by the department in
 3671 regard to the properties and works of any agency which is a
 3672 party to the proceeding, any stipulation filed pursuant to s.
 3673 403.508(6)(a) must include a stipulation regarding any issues
 3674 relating to the use, the connection thereto, or the crossing
 3675 thereof, for the electrical power plant. Any agency stipulating
 3676 to the use, connection to, or crossing of its property must
 3677 agree to execute, within 30 days after the entry of
 3678 certification, the necessary license or easement for such use,
 3679 connection, or crossing, subject only to the conditions set
 3680 forth in such certification.

3681 Section 60. Subsections (1) and (6) of section 403.511,
 3682 Florida Statutes, are amended to read:

3683 403.511 Effect of certification.--

3684 (1) Subject to the conditions set forth therein, any
 3685 certification shall constitute the sole license of the state and

3686 any agency as to the approval of the location of the site and
 3687 any associated facility and the construction and operation of
 3688 the proposed electrical power plant, except for the issuance of
 3689 department licenses required under any federally delegated or
 3690 approved permit program and except as otherwise provided in
 3691 subsection (4).

3692 (6) No term or condition of an electrical power plant a
 3693 ~~site~~ certification shall be interpreted to supersede or control
 3694 the provisions of a final operation permit for a major source of
 3695 air pollution issued by the department pursuant to s. 403.0872
 3696 to a facility certified under this part.

3697 Section 61. Subsection (1) of section 403.5112, Florida
 3698 Statutes, is amended to read:

3699 403.5112 Filing of notice of certified corridor route.--

3700 (1) Within 60 days after certification of an ~~a directly~~
 3701 associated linear facility pursuant to this act, the applicant
 3702 shall file, in accordance with s. 28.222, with the department
 3703 and the clerk of the circuit court for each county through which
 3704 the corridor will pass, a notice of the certified route.

3705 Section 62. Subsections (1) and (4) of section 403.5113,
 3706 Florida Statutes, are amended to read:

3707 403.5113 Postcertification amendments and review.--

3708 (1) POSTCERTIFICATION AMENDMENTS.--

3709 (a) If, subsequent to certification by the board, a
 3710 licensee proposes any material change to the application and
 3711 revisions or amendments thereto, as certified, the licensee
 3712 shall submit a written request for amendment and a description

3713 of the proposed change to the application to the department.
 3714 Within 30 days after the receipt of the request for the
 3715 amendment, the department shall determine whether the proposed
 3716 change to the application requires a modification of the
 3717 conditions of certification.

3718 (b) ~~(2)~~ If the department concludes that the change would
 3719 not require a modification of the conditions of certification,
 3720 the department shall provide written notification of the
 3721 approval of the proposed amendment to the licensee, all
 3722 agencies, and all other parties.

3723 (c) ~~(3)~~ If the department concludes that the change would
 3724 require a modification of the conditions of certification, the
 3725 department shall provide written notification to the licensee
 3726 that the proposed change to the application requires a request
 3727 for modification pursuant to s. 403.516.

3728 (2) ~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
 3729 submittals filed by the licensee with one or more agencies are
 3730 for the purpose of monitoring for compliance with the issued
 3731 certification and must be reviewed by the agencies on an
 3732 expedited and priority basis because each facility certified
 3733 under this act is a critical infrastructure facility. In no
 3734 event shall a postcertification review be completed in more than
 3735 90 days after complete information is submitted to the reviewing
 3736 agencies.

3737 Section 63. Section 403.5115, Florida Statutes, is amended
 3738 to read:

3739 403.5115 Public notice.--

3740 (1) The following notices are to be published by the
 3741 applicant for all applications:

3742 (a) Notice of the filing of a notice of intent under s.
 3743 403.5063, which shall be published within 21 days after the
 3744 filing of the notice. The notice shall be published as specified
 3745 by subsection (2), except that the newspaper notice shall be
 3746 one-fourth page in size in a standard size newspaper or one-half
 3747 page in size in a tabloid size newspaper.

3748 (b) Notice of filing of the application, which shall
 3749 include a description of the proceedings required by this act,
 3750 within 21 days after the date of the application filing. Such
 3751 notice shall give notice of the provisions of s. 403.511(1) and
 3752 (2).

3753 (c) If applicable, notice of the land use determination
 3754 made pursuant to s. 403.50665(2) ~~(1)~~ within 21 days after the
 3755 deadline for the filing of the determination is filed.

3756 (d) If applicable, notice of the land use hearing, which
 3757 shall be published as specified in subsection (2), no later than
 3758 15 days before the hearing.

3759 (e) Notice of the certification hearing and notice of the
 3760 deadline for filing notice of intent to be a party, which shall
 3761 be published as specified in subsection (2), at least 65 days
 3762 before the date set for the certification hearing.

3763 (f) Notice of the cancellation of the certification
 3764 hearing, if applicable, no later than 3 days before the date of
 3765 the originally scheduled certification hearing. The newspaper
 3766 notice shall be one-fourth page in size in a standard size

3767 newspaper or one-half page in size in a tabloid size newspaper.

3768 (g) Notice of modification when required by the
 3769 department, based on whether the requested modification of
 3770 certification will significantly increase impacts to the
 3771 environment or the public. Such notice shall be published as
 3772 specified under subsection (2):

3773 1. Within 21 days after receipt of a request for
 3774 modification. The newspaper notice shall be of a size as
 3775 directed by the department commensurate with the scope of the
 3776 modification.

3777 2. If a hearing is to be conducted in response to the
 3778 request for modification, then notice shall be published no
 3779 later than 30 days before the hearing.

3780 ~~(h) Notice of a supplemental application, which shall be~~
 3781 ~~published as specified in paragraph (b) and subsection (2).~~

3782 ~~(i) Notice of existing site certification pursuant to s.~~
 3783 ~~403.5175. Notices shall be published as specified in paragraph~~
 3784 ~~(b) and subsection (2).~~

3785 (2) Notices provided by the applicant shall be published
 3786 in newspapers of general circulation within the county or
 3787 counties in which the proposed electrical power plant will be
 3788 located. The newspaper notices, unless otherwise specified,
 3789 shall be at least one-half page in size in a standard size
 3790 newspaper or a full page in a tabloid size newspaper. These
 3791 notices shall include a map generally depicting the project and
 3792 all associated facilities corridors. A newspaper of general
 3793 circulation shall be the newspaper which has the largest daily

3794 circulation in that county and has its principal office in that
 3795 county. If the newspaper with the largest daily circulation has
 3796 its principal office outside the county, the notices shall
 3797 appear in both the newspaper having the largest circulation in
 3798 that county and in a newspaper authorized to publish legal
 3799 notices in that county.

3800 (3) All notices published by the applicant shall be paid
 3801 for by the applicant and shall be in addition to the application
 3802 fee.

3803 (4) The department shall arrange for publication of the
 3804 following notices in the manner specified by chapter 120 and
 3805 provide copies of those notices to any persons who have
 3806 requested to be placed on the departmental mailing list for this
 3807 purpose for each case for which an application has been received
 3808 by the department:

3809 (a) Notice of the filing of the notice of intent within 15
 3810 days after receipt of the notice.

3811 (b) Notice of the filing of the application, no later than
 3812 21 days after the application filing.

3813 (c) Notice of the land use determination made pursuant to
 3814 s. 403.50665(2) ~~(1)~~ within 21 days after the deadline for the
 3815 filing of the determination is filed.

3816 (d) Notice of the land use hearing before the
 3817 administrative law judge, if applicable, no later than 15 days
 3818 before the hearing.

3819 (e) Notice of the land use hearing before the board, if
 3820 applicable.

3821 (f) Notice of the certification hearing at least 45 days
 3822 before the date set for the certification hearing.

3823 (g) Notice of the cancellation of the certification
 3824 hearing, if applicable, no later than 3 days prior to the date
 3825 of the originally scheduled certification hearing.

3826 (h) Notice of the hearing before the board, if applicable.

3827 (i) Notice of stipulations, proposed agency action, or
 3828 petitions for modification.

3829 (5) A local government or regional planning council that
 3830 proposes to conduct an informational public meeting pursuant to
 3831 s. 403.50663 must publish notice of the meeting in a newspaper
 3832 of general circulation within the county or counties in which
 3833 the proposed electrical power plant will be located no later
 3834 than 7 days prior to the meeting. A newspaper of general
 3835 circulation shall be the newspaper which has the largest daily
 3836 circulation in that county and has its principal office in that
 3837 county. If the newspaper with the largest daily circulation has
 3838 its principal office outside the county, the notices shall
 3839 appear in both the newspaper having the largest circulation in
 3840 that county and in a newspaper authorized to publish legal
 3841 notices in that county.

3842 (6) A proponent of an alternate corridor shall publish
 3843 public notices concerning the filing of a proposal for an
 3844 alternate corridor; the route of the alternate corridor; the
 3845 revised time schedules, if any; the filing deadline for a
 3846 petition to become a party; and the date of the rescheduled
 3847 certification hearing, if necessary. For purposes of this

3848 subsection, all notices must be published in a newspaper or
 3849 newspapers of general circulation within the county or counties
 3850 affected by the proposed alternate corridor and must comply with
 3851 the requirements provided in subsection (2). The notices must be
 3852 published at least 45 days before the date of the rescheduled
 3853 certification hearing.

3854 Section 64. Subparagraph 1. of paragraph (b) of subsection
 3855 (1) of section 403.516, Florida Statutes, is amended to read:

3856 403.516 Modification of certification.--

3857 (1) A certification may be modified after issuance in any
 3858 one of the following ways:

3859 (b)1. The department may modify specific conditions of a
 3860 ~~site~~ certification which are inconsistent with the terms of any
 3861 federally delegated or approved permit for the certified
 3862 electrical power plant.

3863 Section 65. Paragraphs (a) and (c) of subsection (1) of
 3864 section 403.517, Florida Statutes, are amended to read:

3865 403.517 Supplemental applications for sites certified for
 3866 ultimate site capacity.--

3867 (1)(a) Supplemental applications may be submitted for
 3868 certification of the construction and operation of electrical
 3869 power plants to be located at sites which have been previously
 3870 certified for an ultimate site capacity pursuant to this act.
 3871 Supplemental applications shall be limited to electrical power
 3872 plants using the fuel type previously certified for that site.
 3873 Such applications shall include all new ~~directly~~ associated
 3874 facilities that support the construction and operation of the

3875 electrical power plant.

3876 (c) The time limits for the processing of a complete
 3877 supplemental application shall be designated by the department
 3878 commensurate with the scope of the supplemental application, but
 3879 shall not exceed any time limitation governing the review of
 3880 initial applications for ~~site~~ certification pursuant to this
 3881 act, it being the legislative intent to provide shorter time
 3882 limitations for the processing of supplemental applications for
 3883 electrical power plants to be constructed and operated at sites
 3884 which have been previously certified for an ultimate site
 3885 capacity.

3886 Section 66. Subsections (1) and (3), and paragraphs (a),
 3887 (b), and (c) of subsection (2) of section 403.5175, Florida
 3888 Statutes, are amended to read:

3889 403.5175 Existing electrical power plant site
 3890 certification.--

3891 (1) An electric utility that owns or operates an existing
 3892 electrical power plant as defined in s. 403.503(14) ~~s.~~
 3893 ~~403.503(13)~~ may apply for certification of an existing power
 3894 plant and its site in order to obtain all agency licenses
 3895 necessary to ensure compliance with federal or state
 3896 environmental laws and regulation using the centrally
 3897 coordinated, one-stop licensing process established by this
 3898 part. An application for ~~site~~ certification under this section
 3899 must be in the form prescribed by department rule. Applications
 3900 must be reviewed and processed using the same procedural steps
 3901 and notices as for an application for a new facility, except

3902 that a determination of need by the Public Service Commission is
 3903 not required.

3904 (2) An application for certification under this section
 3905 must include:

3906 (a) A description of the site and existing power plant
 3907 installations, and associated facilities;

3908 (b) A description of all proposed changes or alterations
 3909 to the site and ~~or electrical power plant,~~ including all new
 3910 associated facilities that are the subject of the application;

3911 (c) A description of the environmental and other impacts
 3912 caused by the existing utilization of the site and ~~directly~~
 3913 associated facilities, and the operation of the electrical power
 3914 plant that is the subject of the application, and of the
 3915 environmental and other benefits, if any, to be realized as a
 3916 result of the proposed changes or alterations if certification
 3917 is approved and such other information as is necessary for the
 3918 reviewing agencies to evaluate the proposed changes and the
 3919 expected impacts;

3920 (3) The land use and zoning determination requirements of
 3921 s. 403.50665 do not apply to an application under this section
 3922 if the applicant does not propose to expand the boundaries of
 3923 the existing site or to add additional offsite associated
 3924 facilities that are not exempt from the provisions of s.
 3925 403.50665. If the applicant proposes to expand the boundaries of
 3926 the existing site or to add additional offsite facilities that
 3927 are not exempt from the provisions of s. 403.50665 to
 3928 accommodate portions of the electrical generation facility plant

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3929 or associated facilities, a land use and zoning determination
 3930 shall be made as specified in s. 403.50665; provided, however,
 3931 that the sole issue for determination is whether the proposed
 3932 site expansion or additional non-exempt associated facilities
 3933 are ~~is~~ consistent and in compliance with the existing land use
 3934 plans and zoning ordinances.

3935 Section 67. Section 403.518, Florida Statutes, is amended
 3936 to read:

3937 403.518 Fees; disposition.--The department shall charge
 3938 the applicant the following fees, as appropriate, which, unless
 3939 otherwise specified, shall be paid into the Florida Permit Fee
 3940 Trust Fund:

3941 (1) A fee for a notice of intent pursuant to s. 403.5063,
 3942 in the amount of \$2,500, to be submitted to the department at
 3943 the time of filing of a notice of intent. The notice-of-intent
 3944 fee shall be used and disbursed in the same manner as the
 3945 application fee.

3946 (2) An application fee, which shall not exceed \$200,000.
 3947 The fee shall be fixed by rule on a sliding scale related to the
 3948 size, type, ultimate site capacity, or increase in electrical
 3949 generating capacity proposed by the application.

3950 (a) Sixty percent of the fee shall go to the department to
 3951 cover any costs associated with coordinating the review and
 3952 acting upon the application, to cover any field services
 3953 associated with monitoring construction and operation of the
 3954 facility, and to cover the costs of the public notices published
 3955 by the department.

3956 (b) The following percentages shall be transferred to the
 3957 Operating Trust Fund of the Division of Administrative Hearings
 3958 of the Department of Management Services:

3959 1. Five percent to compensate expenses from the initial
 3960 exercise of duties associated with the filing of an application.

3961 2. An additional 5 percent if a land use hearing is held
 3962 pursuant to s. 403.508.

3963 3. An additional 10 percent if a certification hearing is
 3964 held pursuant to s. 403.508.

3965 (c)1. Upon written request with proper itemized accounting
 3966 within 90 days after final agency action by the board or
 3967 department, or withdrawal of the application, the agencies that
 3968 prepared reports pursuant to s. 403.507 or participated in a
 3969 hearing pursuant to s. 403.508 may submit a written request to
 3970 the department for reimbursement of expenses incurred during the
 3971 certification proceedings. The request shall contain an
 3972 accounting of expenses incurred which may include time spent
 3973 reviewing the application, preparation of any studies required
 3974 of the agencies by this act, agency travel and per diem to
 3975 attend any hearing held pursuant to this act, and for any ~~agency~~
 3976 ~~or~~ local government's or regional planning council's provision
 3977 of notice of public meetings ~~or hearings~~ required as a result of
 3978 the application for certification. The department shall review
 3979 the request and verify that the expenses are valid. Valid
 3980 expenses shall be reimbursed; however, in the event the amount
 3981 of funds available for reimbursement is insufficient to provide
 3982 for full compensation to the agencies requesting reimbursement,

3983 reimbursement shall be on a prorated basis.

3984 2. If the application review is held in abeyance for more
 3985 than 1 year, the agencies may submit a request for
 3986 reimbursement. This time period shall be measured from the date
 3987 the applicant has provided written notification to the
 3988 department that it desires to have application review process
 3989 placed on hold. The fee disbursement shall be processed in
 3990 accordance with subparagraph 1.

3991 (d) If any sums are remaining, the department shall retain
 3992 them for its use in the same manner as is otherwise authorized
 3993 by this act; provided, however, that if the certification
 3994 application is withdrawn, the remaining sums shall be refunded
 3995 to the applicant within 90 days after the submittal of the
 3996 written notification of withdrawal.

3997 (3)(a) A certification modification fee, which shall not
 3998 exceed \$30,000. The department shall establish rules for
 3999 determining such a fee based on the number of agencies involved
 4000 in the review, equipment redesign, change in site size, type,
 4001 increase in generating capacity proposed, or change in an
 4002 associated ~~linear~~ facility location.

4003 (b) The fee shall be submitted to the department with a
 4004 petition for modification pursuant to s. 403.516. This fee shall
 4005 be established, disbursed, and processed in the same manner as
 4006 the application fee in subsection (2), except that the Division
 4007 of Administrative Hearings shall not receive a portion of the
 4008 fee unless the petition for certification modification is
 4009 referred to the Division of Administrative Hearings for hearing.

4010 If the petition is so referred, only \$10,000 of the fee shall be
 4011 transferred to the Operating Trust Fund of the Division of
 4012 Administrative Hearings of the Department of Management
 4013 Services.

4014 (4) A supplemental application fee, not to exceed \$75,000,
 4015 to cover all reasonable expenses and costs of the review,
 4016 processing, and proceedings of a supplemental application. This
 4017 fee shall be established, disbursed, and processed in the same
 4018 manner as the certification application fee in subsection (2).

4019 (5) An existing ~~site~~ certification application fee, not to
 4020 exceed \$200,000, to cover all reasonable costs and expenses of
 4021 the review processing and proceedings for certification of an
 4022 existing power plant site under s. 403.5175. This fee must be
 4023 established, disbursed, and processed in the same manner as the
 4024 certification application fee in subsection (2).

4025 (6) (a) An application fee for an alternate corridor filed
 4026 pursuant to s. 403.5064(4). The application fee shall be \$750
 4027 per mile for each mile of the alternate corridor located within
 4028 an existing electric transmission line right-of-way or within an
 4029 existing right-of-way for a road, highway, railroad, or other
 4030 aboveground linear facility, or \$1,000 per mile for each mile of
 4031 an electric transmission line corridor proposed to be located
 4032 outside the existing right-of-way.

4033 Section 68. Subsection (4) of section 403.519, Florida
 4034 Statutes, is amended to read:

4035 403.519 Exclusive forum for determination of need.--

4036 (4) In making its determination on a proposed electrical

4037 power plant using nuclear materials or synthesis gas produced by
 4038 integrated gasification combined cycle power plant as fuel, the
 4039 commission shall hold a hearing within 90 days after the filing
 4040 of the petition to determine need and shall issue an order
 4041 granting or denying the petition within 135 days after the date
 4042 of the filing of the petition. The commission shall be the sole
 4043 forum for the determination of this matter and the issues
 4044 addressed in the petition, which accordingly shall not be
 4045 reviewed in any other forum, or in the review of proceedings in
 4046 such other forum. In making its determination to either grant or
 4047 deny the petition, the commission shall consider the need for
 4048 electric system reliability and integrity, including fuel
 4049 diversity, the need for base-load generating capacity, the need
 4050 for adequate electricity at a reasonable cost, and whether
 4051 renewable energy sources and technologies, as well as
 4052 conservation measures, are utilized to the extent reasonably
 4053 available.

- 4054 (a) The applicant's petition shall include:
- 4055 1. A description of the need for the generation capacity.
 - 4056 2. A description of how the proposed nuclear or integrated
 4057 gasification combined cycle power plant will enhance the
 4058 reliability of electric power production within the state by
 4059 improving the balance of power plant fuel diversity and reducing
 4060 Florida's dependence on fuel oil and natural gas.
 - 4061 3. A description of and a nonbinding estimate of the cost
 4062 of the nuclear or integrated gasification combined cycle power
 4063 plant, including any costs associated with new, enlarged, or

4064 relocated electrical transmission lines or facilities of any
 4065 size that are necessary to serve the nuclear power plant.

4066 4. The annualized base revenue requirement for the first
 4067 12 months of operation of the nuclear or integrated gasification
 4068 combined cycle power plant.

4069 5. Information on whether there were any discussions with
 4070 any electric utilities regarding ownership of a portion of the
 4071 nuclear or integrated gasification combined cycle power plant by
 4072 such electric utilities.

4073 (b) In making its determination, the commission shall take
 4074 into account matters within its jurisdiction, which it deems
 4075 relevant, including whether the nuclear or integrated
 4076 gasification combined cycle power plant will:

- 4077 1. Provide needed base-load capacity.
- 4078 2. Enhance the reliability of electric power production
 4079 within the state by improving the balance of power plant fuel
 4080 diversity and reducing Florida's dependence on fuel oil and
 4081 natural gas.
- 4082 3. Provide the most cost-effective source of power, taking
 4083 into account the need to improve the balance of fuel diversity,
 4084 reduce Florida's dependence on fuel oil and natural gas, reduce
 4085 air emission compliance costs, and contribute to the long-term
 4086 stability and reliability of the electric grid.

4087 (c) No provision of rule 25-22.082, Florida Administrative
 4088 Code, shall be applicable to a nuclear or integrated
 4089 gasification combined cycle power plant sited under this act,
 4090 including provisions for cost recovery, and an applicant shall

4091 not otherwise be required to secure competitive proposals for
 4092 power supply prior to making application under this act or
 4093 receiving a determination of need from the commission.

4094 (d) The commission's determination of need for a nuclear
 4095 or integrated gasification combined cycle power plant shall
 4096 create a presumption of public need and necessity and shall
 4097 serve as the commission's report required by s. 403.507(4)(a).
 4098 An order entered pursuant to this section constitutes final
 4099 agency action. Any petition for reconsideration of a final order
 4100 on a petition for need determination shall be filed within 5
 4101 days after the date of such order. The commission's final order,
 4102 including any order on reconsideration, shall be reviewable on
 4103 appeal in the Florida Supreme Court. Inasmuch as delay in the
 4104 determination of need will delay siting of a nuclear or
 4105 integrated gasification combined cycle power plant or diminish
 4106 the opportunity for savings to customers under the federal
 4107 Energy Policy Act of 2005, the Supreme Court shall proceed to
 4108 hear and determine the action as expeditiously as practicable
 4109 and give the action precedence over matters not accorded similar
 4110 precedence by law.

4111 (e) After a petition for determination of need for a
 4112 nuclear or integrated gasification combined cycle power plant
 4113 has been granted, the right of a utility to recover any costs
 4114 incurred prior to commercial operation, including, but not
 4115 limited to, costs associated with the siting, design, licensing,
 4116 or construction of the plant and new, expanded, or relocated
 4117 electrical transmission lines or facilities of any size that are

4118 necessary to serve the nuclear power plant, shall not be subject
 4119 to challenge unless and only to the extent the commission finds,
 4120 based on a preponderance of the evidence adduced at a hearing
 4121 before the commission under s. 120.57, that certain costs were
 4122 imprudently incurred. Proceeding with the construction of the
 4123 nuclear or integrated gasification combined cycle power plant
 4124 following an order by the commission approving the need for the
 4125 nuclear or integrated gasification combined cycle power plant
 4126 under this act shall not constitute or be evidence of
 4127 imprudence. Imprudence shall not include any cost increases due
 4128 to events beyond the utility's control. Further, a utility's
 4129 right to recover costs associated with a nuclear or integrated
 4130 gasification combined cycle power plant may not be raised in any
 4131 other forum or in the review of proceedings in such other forum.
 4132 Costs incurred prior to commercial operation shall be recovered
 4133 pursuant to chapter 366.

4134 Section 69. Subsection (1) of section 403.5252, Florida
 4135 Statutes, is amended to read:

4136 403.5252 Determination of completeness.--

4137 (1) (a) Within 30 days after the filing ~~distribution~~ of an
 4138 application, the affected agencies shall file a statement with
 4139 the department containing the recommendations of each agency
 4140 concerning the completeness of the application for
 4141 certification.

4142 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 4143 application ~~completeness statements of each agency~~, the
 4144 department shall file a statement with the Division of

4145 Administrative Hearings, with the applicant, and with all
 4146 parties declaring its position with regard to the completeness
 4147 of the application. The statement of the department shall be
 4148 based upon its consultation with the affected agencies.

4149 Section 70. Subsection (1) and paragraph (a) of subsection
 4150 (2) of section 403.526, Florida Statutes, are amended to read:

4151 403.526 Preliminary statements of issues, reports, and
 4152 project analyses; studies.--

4153 (1) Each affected agency that is required to file a report
 4154 in accordance with this section shall submit a preliminary
 4155 statement of issues to the department and all parties no later
 4156 than the submittal of each agency's recommendation that the
 4157 application is complete ~~50 days after the filing of the~~
 4158 ~~application. Such statements of issues shall be made available~~
 4159 ~~to each local government for use as information for public~~
 4160 ~~meetings held under s. 403.5272.~~ The failure to raise an issue
 4161 in this preliminary statement of issues does not preclude the
 4162 issue from being raised in the agency's report.

4163 (2) (a) The following agencies shall prepare reports as
 4164 provided below and shall submit them to the department and the
 4165 applicant no later than 90 days after the filing of the
 4166 application, unless a final order denying the Determination of
 4167 Need has been issued under the provisions of s. 403.537:

4168 Section 71. Subsection (4) and paragraph (a) of subsection
 4169 (6) of section 403.527, Florida Statutes, are amended to read:

4170 403.527 Certification hearing, parties, participants.--

4171 (4) (a) One public hearing where members of the public who

4172 are not parties to the certification hearing may testify shall
 4173 be held in conjunction with the certification hearing.

4174 (b) Upon the request of the local government, one public
 4175 hearing where members of the public who are not parties to the
 4176 certification hearing and who reside within the jurisdiction of
 4177 the local government may testify shall be held within the
 4178 boundaries of each county in which a local government that made
 4179 such a request is located, ~~at the option of any local~~
 4180 ~~government.~~

4181 1. (a) A local government shall notify the administrative
 4182 law judge and all parties not later than 50 days after the
 4183 filing of the application ~~21 days after the application has been~~
 4184 ~~determined complete~~ as to whether the local government wishes to
 4185 have a public hearing within the boundaries of its county. ~~If a~~
 4186 ~~filing for an alternate corridor is accepted for consideration~~
 4187 ~~under s. 403.5271(1) by the department and the applicant, any~~
 4188 ~~newly affected local government must notify the administrative~~
 4189 ~~law judge and all parties not later than 10 days after the data~~
 4190 ~~concerning the alternate corridor has been determined complete~~
 4191 ~~as to whether the local government wishes to have such a public~~
 4192 ~~hearing.~~ The local government is responsible for providing the
 4193 location of the public hearing if held separately from the
 4194 certification hearing.

4195 2. (b) Within 5 days after notification, the
 4196 administrative law judge shall determine the date of the public
 4197 hearing, which shall be held before or during the certification
 4198 hearing. If two or more local governments within one county

4199 request a public hearing, the hearing shall be consolidated so
 4200 that only one public hearing is held in any county. The location
 4201 of a consolidated hearing shall be determined by the
 4202 administrative law judge.

4203 3. ~~(e)~~ If a local government does not request a public
 4204 hearing within 50 days after the filing of the application ~~21~~
 4205 ~~days after the application has been determined complete, then~~
 4206 members of the public who are not parties to the certification
 4207 hearing and who reside ~~persons residing~~ within the jurisdiction
 4208 of the local government may testify during the ~~that portion of~~
 4209 ~~the certification~~ hearing held under the provisions of paragraph
 4210 (4) (a) at which public testimony is heard.

4211 (6) (a) No later than 29 ~~25~~ days before the certification
 4212 hearing, the department or the applicant may request that the
 4213 administrative law judge cancel the certification hearing and
 4214 relinquish jurisdiction to the department if all parties to the
 4215 proceeding stipulate that there are no disputed issues of
 4216 material fact or law ~~to be raised at the certification hearing.~~

4217 Section 72. Paragraphs (b), (c) and (e) of subsection (1)
 4218 of section 403.5271, Florida Statutes, are amended to read:

4219 403.5271 Alternate corridors.--

4220 (1) No later than 45 days before the originally scheduled
 4221 certification hearing, any party may propose alternate
 4222 transmission line corridor routes for consideration under the
 4223 provisions of this act.

4224 (b)1. Within 7 days after receipt of the notice, the
 4225 applicant and the department shall file with the administrative

4226 law judge and all parties a notice of acceptance or rejection of
 4227 a proposed alternate corridor for consideration. If the
 4228 alternate corridor is rejected by the applicant or the
 4229 department, the certification hearing and the public hearings
 4230 shall be held as scheduled. If both the applicant and the
 4231 department accept a proposed alternate corridor for
 4232 consideration, the certification hearing and the public hearings
 4233 shall be rescheduled, if necessary. If a filing for an alternate
 4234 corridor is accepted for consideration by the department and the
 4235 applicant, any newly affected local government must notify the
 4236 administrative law judge and all parties not later than 10 days
 4237 after the data concerning the alternate corridor has been
 4238 determined complete as to whether the local government wishes to
 4239 have such a public hearing. The local government is responsible
 4240 for providing the location of the public hearing if held
 4241 separately from the certification hearing. The provisions of s.
 4242 403.527(4)(b) and (c) shall apply. Notice of the local hearings
 4243 shall be published in accordance with s. 403.5363.

4244 2. If rescheduled, the certification hearing shall be held
 4245 no more than 90 days after the previously scheduled
 4246 certification hearing, unless the data submitted under paragraph
 4247 (d) is determined to be incomplete, in which case the
 4248 rescheduled certification hearing shall be held no more than 105
 4249 days after the previously scheduled certification hearing. If
 4250 additional time is needed due to the alternate corridor crossing
 4251 a local government jurisdiction that was not previously
 4252 affected, the remainder of the schedule listed below shall be

4253 appropriately adjusted by the administrative law judge to allow
 4254 that local government to prepare a report pursuant to s.
 4255 403.526(2)(a)5. Notice that the certification hearing has been
 4256 deferred due to the acceptance of the alternate corridor shall
 4257 be published in accordance with s. 403.5363.

4258 (c) Notice of the filing of the alternate corridor, ~~of the~~
 4259 ~~revised time schedules, of the deadline for newly affected~~
 4260 ~~persons and agencies to file notice of intent to become a party,~~
 4261 ~~of the rescheduled hearing date, and of the proceedings shall be~~
 4262 published by the alternate proponent in accordance with s.
 4263 403.5363(2). If the notice is not timely published or does not
 4264 meet the notice requirements, the alternate shall be deemed
 4265 withdrawn.

4266 (e)1. Reviewing agencies shall advise the department of
 4267 any issues concerning completeness no later than 15 days after
 4268 the submittal of the data required by paragraph (d). Within 22
 4269 days after receipt of the data, the department shall issue a
 4270 determination of completeness.

4271 2. If the department determines that the data required by
 4272 paragraph (d) is not complete, the party proposing the alternate
 4273 corridor must file such additional data to correct the
 4274 incompleteness. This additional data must be submitted within 14
 4275 days after the determination by the department.

4276 3. Reviewing agencies may advise the department of any
 4277 issues concerning completeness of the additional data within 10
 4278 days after the filing by the party proposing the alternate
 4279 corridor. If the department, within 14 days after receiving the

4280 additional data, determines that the data remains incomplete,
 4281 the incompleteness of the data is deemed a withdrawal of the
 4282 proposed alternate corridor. The department may make its
 4283 determination based on recommendations made by other affected
 4284 agencies.

4285 Section 73. Subsection (3) of section 403.5272, Florida
 4286 Statutes, is amended to read:

4287 403.5272 Informational public meetings.--

4288 (3) A local government or regional planning council that
 4289 intends to conduct an informational public meeting must provide
 4290 notice of the meeting, with notice sent to all parties listed in
 4291 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting and
 4292 to the general public, in accordance with the provisions of s.
 4293 403.5363(4).

4294 Section 74. Subsection (1) of section 403.5312, Florida
 4295 Statutes, is amended to read:

4296 403.5312 Filing of notice of certified corridor route.--

4297 (1) Within 60 days after certification of a ~~directly~~
 4298 ~~associated transmission line under ss. 403.501-403.518 or a~~
 4299 transmission line corridor under ss. 403.52-403.5365, the
 4300 applicant shall file with the department and, in accordance with
 4301 s. 28.222, with the clerk of the circuit court for each county
 4302 through which the corridor will pass, a notice of the certified
 4303 route.

4304 Section 75. Section 403.5363, Florida Statutes, is amended
 4305 to read:

4306 403.5363 Public notices; requirements.--

4307 (1) (a) The applicant shall arrange for the publication of
 4308 the notices specified in paragraph (b).

4309 1. The notices shall be published in newspapers of general
 4310 circulation within counties crossed by the transmission line
 4311 corridors proper for certification. The required newspaper
 4312 notices ~~for filing of an application and for the certification~~
 4313 ~~hearing shall be one-half page in size in a standard-size~~
 4314 ~~newspaper or a full page in a tabloid size newspaper and~~
 4315 published in a section of the newspaper other than the section
 4316 for legal notices. ~~These two notices must include a map~~
 4317 ~~generally depicting all transmission corridors proper for~~
 4318 ~~certification.~~ A newspaper of general circulation shall be the
 4319 newspaper within a county crossed by a transmission line
 4320 corridor proper for certification which newspaper has the
 4321 largest daily circulation in that county and has its principal
 4322 office in that county. If the newspaper having the largest daily
 4323 circulation has its principal office outside the county, the
 4324 notices must appear in both the newspaper having the largest
 4325 circulation in that county and in a newspaper authorized to
 4326 publish legal notices in that county.

4327 2. The department shall adopt rules specifying the content
 4328 of the newspaper notices.

4329 3. All notices published by the applicant shall be paid
 4330 for by the applicant and shall be in addition to the application
 4331 fee.

4332 (b) Public notices that must be published under this
 4333 section include:

4334 1. The notice of the filing of an application, which must
 4335 include a description of the proceedings required by this act.
 4336 The notice must describe the provisions of s. 403.531(1) and (2)
 4337 and give the date by which notice of intent to be a party or a
 4338 petition to intervene in accordance with s. 403.527(2) must be
 4339 filed. This notice must be published no more than 21 days after
 4340 the application is filed. The notice shall, at a minimum, be
 4341 one-half page in size in a standard-size newspaper or a full
 4342 page in a tabloid-size newspaper. The notice must include a map
 4343 generally depicting all transmission corridors proper for
 4344 certification.

4345 2. The notice of the certification hearing and any ~~other~~
 4346 public hearing held ~~permitted~~ under s. 403.527(4). The notice
 4347 must include the date by which a person wishing to appear as a
 4348 party must file the notice to do so. The notice of the
 4349 originally scheduled certification hearing must be published at
 4350 least 65 days before the date set for the certification hearing.
 4351 The notice shall meet the same size and map requirements
 4352 required in subparagraph 1.

4353 3. The notice of the cancellation of the certification
 4354 hearing under s. 403.527(6), if applicable. The notice must be
 4355 published at least 3 days before the date of the originally
 4356 scheduled certification hearing. The notice shall, at a
 4357 minimum, be one-quarter page in size in a standard-size
 4358 newspaper or one-half page in a tabloid-size newspaper. The
 4359 notice shall not require a map to be included.

4360 4. The notice of the deferment of the certification

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4361 hearing due to the acceptance of an alternate corridor under s.
4362 403.5272(1)(b)2. The notice must be published at least 7 days
4363 before the date of the originally scheduled certification
4364 hearing. The notice shall, at a minimum, be one-eighth page in
4365 size in a standard-size newspaper or one-quarter page in a
4366 tabloid-size newspaper. The notice shall not require a map to be
4367 included.

4368 5. If the notice of the rescheduled certification hearing
4369 required of an alternate proponent under s. 403.5271(1)(c) is
4370 not timely published or does not meet the notice requirements
4371 such that an alternate corridor is withdrawn under the
4372 provisions of s. 403.5271(1)(c), the notice of rescheduled
4373 hearing and any local hearings shall be provided by the
4374 applicant at least 30 days prior to the rescheduled
4375 certification hearing.

4376 6. 4. The notice of the filing of a proposal to modify the
4377 certification submitted under s. 403.5315, if the department
4378 determines that the modification would require relocation or
4379 expansion of the transmission line right-of-way or a certified
4380 substation.

4381 (2) Each ~~The~~ proponent of an alternate corridor shall
4382 arrange for newspaper notice of the publication of the filing of
4383 the proposal for an alternate corridor. If there is more than
4384 one alternate proponent, the proponents may jointly publish
4385 notice, so long as the content requirements below are met and
4386 the maps are legible.

4387 (a) The notice shall specify,~~7~~ the revised time schedules,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

4388 the date by which newly affected persons or agencies may file
 4389 the notice of intent to become a party, ~~and~~ the date of the
 4390 rescheduled hearing, and any public hearing held under s.
 4391 403.5271(1)(b)1.

4392 (b) A notice listed in this subsection must be published
 4393 in a newspaper of general circulation within the county or
 4394 counties crossed by the proposed alternate corridor and comply
 4395 with the content, size, and map requirements set forth in this
 4396 section paragraph (1)(a).

4397 (c) The notice of the alternate corridor proposal must be
 4398 published not less than 45 ~~50~~ days before the rescheduled
 4399 certification hearing.

4400 (3) The department shall arrange for the publication of
 4401 the following notices in the manner specified by chapter 120:

4402 (a) The notice of the filing of an application and the
 4403 date by which a person intending to become a party must file a
 4404 petition to intervene or a notice of intent to be a party. The
 4405 notice must be published no later than 21 days after the
 4406 application has been filed.

4407 (b) The notice of any administrative hearing for
 4408 certification, if applicable. The notice must be published not
 4409 less than 65 days before the date set for a hearing, except that
 4410 notice for a rescheduled certification hearing after acceptance
 4411 of an alternative corridor must be published not less than 40 ~~50~~
 4412 days before the date set for the hearing.

4413 (c) The notice of the cancellation of a certification
 4414 hearing under s. 403.527(6), if applicable. The notice must be

4415 published not later than 7 days before the date of the
 4416 originally scheduled certification hearing.

4417 (d) The notice of the deferment of the certification
 4418 hearing due to the acceptance of an alternate corridor under s.
 4419 403.5272(1)(b)2. The notice must be published at least 7 days
 4420 before the date of the originally scheduled certification
 4421 hearing.

4422 (e) ~~(d)~~ The notice of the hearing before the siting board,
 4423 if applicable.

4424 (f) ~~(e)~~ The notice of stipulations, proposed agency
 4425 action, or a petition for modification.

4426 (4) A local government or regional planning council that
 4427 proposes to conduct an informational public meeting pursuant to
 4428 s. 403.5272 must publish notice of the meeting in a newspaper of
 4429 general circulation within the county or counties in which the
 4430 proposed electrical transmission line will be located no later
 4431 than 7 days prior to the meeting. A newspaper of general
 4432 circulation shall be the newspaper which has the largest daily
 4433 circulation in that county and has its principal office in that
 4434 county. If the newspaper with the largest daily circulation has
 4435 its principal office outside the county, the notices shall
 4436 appear in both the newspaper having the largest circulation in
 4437 that county and in a newspaper authorized to publish legal
 4438 notices in that county.

4439 Section 76. Paragraphs (d) and (e) of subsection (1) of
 4440 section 403.5365, Florida Statutes, are amended to read:

4441 403.5365 Fees; disposition.--The department shall charge

4442 the applicant the following fees, as appropriate, which, unless
 4443 otherwise specified, shall be paid into the Florida Permit Fee
 4444 Trust Fund:

4445 (1) An application fee.

4446 (d)1. Upon written request with proper itemized accounting
 4447 within 90 days after final agency action by the siting board or
 4448 the department or the written notification of the withdrawal of
 4449 the application, the agencies that prepared reports under s.
 4450 403.526 or s. 403.5271 or participated in a hearing under s.
 4451 403.527 or s. 403.5271 may submit a written request to the
 4452 department for reimbursement of expenses incurred during the
 4453 certification proceedings. The request must contain an
 4454 accounting of expenses incurred, which may include time spent
 4455 reviewing the application, preparation of any studies required
 4456 of the agencies by this act, agency travel and per diem to
 4457 attend any hearing held under this act, and for the local
 4458 government or regional planning council providing additional
 4459 notice of the informational public meeting. The department shall
 4460 review the request and verify whether a claimed expense is
 4461 valid. Valid expenses shall be reimbursed; however, if the
 4462 amount of funds available for reimbursement is insufficient to
 4463 provide for full compensation to the agencies, reimbursement
 4464 shall be on a prorated basis.

4465 2. If the application review is held in abeyance for more
 4466 than 1 year, the agencies may submit a request for reimbursement
 4467 under subparagraph 1. This time period shall be measured from
 4468 the date the applicant has provided written notification to the

4469 department that it desires to have the application review
 4470 process placed on hold. The fee disbursement shall be processed
 4471 in accordance with subparagraph 1.

4472 (e) If any sums are remaining, the department shall retain
 4473 them for its use in the same manner as is otherwise authorized
 4474 by this section; however, if the certification application is
 4475 withdrawn, the remaining sums shall be refunded to the applicant
 4476 within 90 days after submittal of the written notification of
 4477 withdrawal.

4478 Section 77. Paragraph (i) of subsection (6) of section
 4479 403.814, Florida Statutes, is amended to read:

4480 403.814 General permits; delegation.--

4481 (6) Construction and maintenance of electric transmission
 4482 or distribution lines in wetlands by electric utilities, as
 4483 defined in s. 366.02, shall be authorized by general permit
 4484 provided the following provisions are implemented:

4485 (i) This subsection applies to transmission lines and
 4486 appurtenances certified pursuant to part II of this chapter.
 4487 However, the criteria of the general permit shall not otherwise
 4488 affect the authority of the siting board to condition
 4489 certification of transmission lines as authorized under part II
 4490 of this chapter.

4491
 4492 Maintenance of existing electric lines and clearing of
 4493 vegetation in wetlands conducted without the placement of
 4494 structures in wetlands or other dredge and fill activities does
 4495 not require an individual or general construction permit. For

4496 the purpose of this subsection, wetlands shall mean the landward
 4497 extent of waters of the state regulated under ss. 403.91-403.929
 4498 and isolated and nonisolated wetlands regulated under part IV of
 4499 chapter 373. The provisions provided in this subsection apply to
 4500 the permitting requirements of the department, any water
 4501 management district, and any local government implementing part
 4502 IV of chapter 373 or part VIII of this chapter.

4503 Section 78. Section 489.145, Florida Statutes, is amended
 4504 to read:

4505 489.145 Guaranteed energy, water, and wastewater
 4506 performance savings contracting.--

4507 (1) SHORT TITLE.--This section may be cited as the
 4508 "Guaranteed Energy, Water, and Wastewater Performance Savings
 4509 Contracting Act."

4510 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
 4511 investment in energy, water, and wastewater efficiency and
 4512 conservation measures in agency facilities can reduce the amount
 4513 of energy and water consumed and wastewater produced and produce
 4514 immediate and long-term savings. It is the policy of this state
 4515 to encourage each agency ~~agencies~~ to invest in energy, water,
 4516 and wastewater efficiency and conservation measures ~~that reduce~~
 4517 ~~energy consumption, produce a cost savings for the agency, and~~
 4518 ~~improve the quality of indoor air in public facilities and to~~
 4519 ~~operate, maintain, and, when economically feasible, build or~~
 4520 ~~renovate existing agency facilities in such a manner as to~~
 4521 minimize energy and water consumption and wastewater production
 4522 and maximize energy, water and wastewater savings. It is further

4523 the policy of this state to encourage agencies to reinvest any
 4524 ~~energy~~ savings resulting from energy, water, and wastewater
 4525 efficiency and conservation measures in additional energy,
 4526 water, and wastewater efficiency and conservation measures
 4527 efforts.

4528 (3) DEFINITIONS.--As used in this section, the term:

4529 (a) "Agency" means the state, a municipality, or a
 4530 political subdivision.

4531 (b) "Energy, water, and wastewater efficiency and
 4532 conservation measure" means a training program incidental to the
 4533 contract, facility alteration, or an equipment purchase to be
 4534 used in new construction, including an addition to ~~an~~ existing
 4535 facilities or infrastructure ~~facility~~, which reduces energy,
 4536 water, or wastewater or energy-related operating costs and
 4537 includes, but is not limited to:

4538 1. Insulation of the facility structure and systems within
 4539 the facility.

4540 2. Storm windows and doors, caulking or weatherstripping,
 4541 multiglazed windows and doors, heat-absorbing, or heat-
 4542 reflective, glazed and coated window and door systems,
 4543 additional glazing, reductions in glass area, and other window
 4544 and door system modifications that reduce energy consumption.

4545 3. Automatic energy control systems.

4546 4. Heating, ventilating, or air-conditioning system
 4547 modifications or replacements.

4548 5. Replacement or modifications of lighting fixtures to
 4549 increase the energy efficiency of the lighting system, which, at

4550 a minimum, must conform to the applicable state or local
 4551 building code.

4552 6. Energy recovery systems.

4553 7. Cogeneration systems that produce steam or forms of
 4554 energy such as heat, as well as electricity, for use primarily
 4555 within a facility or complex of facilities.

4556 8. Energy conservation measures that reduce British
 4557 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)
 4558 consumed or provide long-term operating cost reductions or
 4559 significantly reduce Btu consumed.

4560 9. Renewable energy systems, such as solar, biomass, or
 4561 wind systems.

4562 10. Devices that reduce water consumption or sewer
 4563 charges.

4564 11. Energy storage ~~Storage~~ systems, such as fuel cells and
 4565 thermal storage.

4566 12. Energy generating ~~Generating~~ technologies, such as
 4567 microturbines.

4568 13. Any other repair, replacement, or upgrade of existing
 4569 equipment.

4570 (c) "Energy, water, or wastewater cost savings" means a
 4571 measured reduction in the cost of fuel, energy or water
 4572 consumption or wastewater production, and stipulated operation
 4573 and maintenance created from the implementation of one or more
 4574 energy, water, or wastewater efficiency or conservation measures
 4575 when compared with an established baseline for the previous cost

4576 of fuel, energy or water consumption or wastewater production,
 4577 and stipulated operation and maintenance.

4578 (d) "Guaranteed energy, water, and wastewater performance
 4579 savings contract" means a contract for the evaluation,
 4580 recommendation, and implementation of energy, water, or
 4581 wastewater efficiency or conservation measures, which, at a
 4582 minimum, shall include:

4583 1. The design and installation of equipment to implement
 4584 one or more of such measures and, if applicable, operation and
 4585 maintenance of such measures.

4586 2. The amount of any actual annual savings that meet or
 4587 exceed total annual contract payments made by the agency for the
 4588 contract.

4589 3. The finance charges incurred by the agency over the
 4590 life of the contract.

4591 (e) "Guaranteed energy, water, and wastewater performance
 4592 savings contractor" means a person or business that is licensed
 4593 under chapter 471, chapter 481, or this chapter, and is
 4594 experienced in the analysis, design, implementation, or
 4595 installation of energy, water, and wastewater efficiency and
 4596 conservation measures through energy performance contracts.

4597 (4) PROCEDURES.--

4598 (a) An agency may enter into a guaranteed energy, water,
 4599 and wastewater performance savings contract with a guaranteed
 4600 energy, water, and wastewater performance savings contractor to
 4601 ~~significantly~~ reduce energy or water consumption or wastewater
 4602 production or energy-related operating costs of an agency

4603 facility through one or more energy, water, or wastewater
 4604 efficiency or conservation measures.

4605 (b) Before design and installation of energy, water, or
 4606 wastewater efficiency and conservation measures, the agency must
 4607 obtain from a guaranteed energy, water, and wastewater
 4608 performance savings contractor a report that summarizes the
 4609 costs associated with the energy, water, or wastewater
 4610 efficiency and conservation measures or energy-related
 4611 operational cost saving measures and provides an estimate of the
 4612 amount of the ~~energy~~ cost savings. The agency and the guaranteed
 4613 energy, water, and wastewater performance savings contractor may
 4614 enter into a separate agreement to pay for costs associated with
 4615 the preparation and delivery of the report; however, payment to
 4616 the contractor shall be contingent upon the report's projection
 4617 of energy, water, and wastewater cost savings being equal to or
 4618 greater than the total projected costs of the design and
 4619 installation of the report's energy conservation measures.

4620 (c) The agency may enter into a guaranteed energy, water,
 4621 and wastewater performance savings contract with a guaranteed
 4622 energy, water, and wastewater performance savings contractor if
 4623 the agency finds that the amount the agency would spend on the
 4624 energy, water, and wastewater efficiency and conservation cost
 4625 savings measures will not likely exceed the amount of the ~~energy~~
 4626 cost savings for up to 20 years from the date of installation,
 4627 based on the life cycle cost calculations provided in s.
 4628 255.255, if the recommendations in the report were followed and
 4629 if the qualified provider or providers give a written guarantee

4630 that the ~~energy~~ cost savings will meet or exceed the costs of
 4631 the system. However, actual computed cost savings must meet or
 4632 exceed the estimated cost savings provided in each agency's
 4633 program approval. Baseline adjustments used in calculations must
 4634 be specified in the contract. The contract may provide for
 4635 installment payments for a period not to exceed 20 years.

4636 (d) A guaranteed energy, water, and wastewater performance
 4637 savings contractor must be selected in compliance with s.
 4638 287.055; except that if fewer than three firms are qualified to
 4639 perform the required services, the requirement for agency
 4640 selection of three firms, as provided in s. 287.055(4)(b), and
 4641 the bid requirements of s. 287.057 do not apply.

4642 (e) Before entering into a guaranteed energy, water, and
 4643 wastewater performance savings contract, an agency must provide
 4644 published notice of the meeting in which it proposes to award
 4645 the contract, the names of the parties to the proposed contract,
 4646 and the contract's purpose.

4647 (f) A guaranteed energy, water, and wastewater performance
 4648 savings contract may provide for financing, including tax-exempt
 4649 financing, by a third party. The contract for third party
 4650 financing may be separate from the energy, water, and wastewater
 4651 performance contract. A separate contract for third party
 4652 financing pursuant to this paragraph must include a provision
 4653 that the third party financier must not be granted rights or
 4654 privileges that exceed the rights and privileges available to
 4655 the guaranteed energy, water, and wastewater performance savings
 4656 contractor.

4657 (g) Financing for guaranteed energy, water, and wastewater
 4658 performance savings contracts may be provided under the
 4659 authority of s. 287.064.

4660 (h) The Office of the Chief Financial Officer shall review
 4661 proposals from state agencies to ensure that the most effective
 4662 financing is being used.

4663 (i) Annually, the agency that has entered into the
 4664 contract shall provide the Department of Management Services and
 4665 the Chief Financial Officer the measurement and verification
 4666 report required by the contract to validate that savings have
 4667 occurred.

4668 (j)~~(g)~~ In determining the amount the agency will finance
 4669 to acquire the energy, water, and wastewater efficiency and
 4670 conservation measures, the agency may reduce such amount by the
 4671 application of any grant moneys, rebates, or capital funding
 4672 available to the agency for the purpose of buying down the cost
 4673 of the guaranteed energy, water, and wastewater performance
 4674 savings contract. However, in calculating the life cycle cost as
 4675 required in paragraph (c), the agency shall not apply any
 4676 grants, rebates, or capital funding.

4677 (5) CONTRACT PROVISIONS.--

4678 (a) A guaranteed energy, water, and wastewater performance
 4679 savings contract must include a written guarantee that may
 4680 include, but is not limited to the form of, a letter of credit,
 4681 insurance policy, or corporate guarantee by the guaranteed
 4682 energy, water, and wastewater performance savings contractor
 4683 that annual ~~energy~~ cost savings will meet or exceed the

4684 amortized cost of energy, water, and wastewater efficiency and
 4685 conservation measures.

4686 (b) The guaranteed energy, water, and wastewater
 4687 performance savings contract must provide that all payments,
 4688 except obligations on termination of the contract before its
 4689 expiration, may be made over time, but not to exceed 20 years
 4690 from the date of complete installation and acceptance by the
 4691 agency, and that the annual savings are guaranteed to the extent
 4692 necessary to make annual payments to satisfy the guaranteed
 4693 energy, water, and wastewater performance savings contract.

4694 (c) The guaranteed energy, water, and wastewater
 4695 performance savings contract must require that the guaranteed
 4696 energy, water, and wastewater performance savings contractor to
 4697 whom the contract is awarded provide a 100-percent public
 4698 construction bond to the agency for its faithful performance, as
 4699 required by s. 255.05.

4700 (d) The guaranteed energy, water, and wastewater
 4701 performance savings contract may contain a provision allocating
 4702 to the parties to the contract any annual ~~energy~~ cost savings
 4703 that exceed the amount of the ~~energy~~ cost savings guaranteed in
 4704 the contract.

4705 (e) The guaranteed energy, water, and wastewater
 4706 performance savings contract shall require the guaranteed
 4707 energy, water, and wastewater performance savings contractor to
 4708 provide to the agency an annual reconciliation of the guaranteed
 4709 energy or associated cost savings. If the reconciliation reveals
 4710 a shortfall in annual energy or associated cost savings, the

4711 guaranteed energy, water, and wastewater performance savings
 4712 contractor is liable for such shortfall. If the reconciliation
 4713 reveals an excess in annual ~~energy~~ cost savings, the excess
 4714 savings may be allocated under paragraph (d) but may not be used
 4715 to cover potential energy or associated cost savings shortages
 4716 in subsequent contract years.

4717 (f) The guaranteed energy, water, and wastewater
 4718 performance savings contract must provide for payments of not
 4719 less than one-twentieth of the price to be paid within 2 years
 4720 from the date of the complete installation and acceptance by the
 4721 agency using straight-line amortization for the term of the
 4722 loan, and the remaining costs to be paid at least quarterly, not
 4723 to exceed a 20-year term, based on life cycle cost calculations.

4724 (g) The guaranteed energy, water, and wastewater
 4725 performance savings contract may extend beyond the fiscal year
 4726 in which it becomes effective; however, the term of any contract
 4727 expires at the end of each fiscal year and may be automatically
 4728 renewed annually for up to 20 years, subject to the agency
 4729 making sufficient annual appropriations based upon continued
 4730 realized energy, water, and wastewater savings.

4731 (h) The guaranteed energy, water, and wastewater
 4732 performance savings contract must stipulate that it does not
 4733 constitute a debt, liability, or obligation of the state.

4734 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
 4735 Department of Management Services, with the assistance of the
 4736 Office of the Chief Financial Officer, shall ~~may~~, within
 4737 available resources, provide technical content assistance to

4738 state agencies contracting for energy, water and wastewater
 4739 efficiency and conservation measures and engage in other
 4740 activities considered appropriate by the department for
 4741 promoting and facilitating guaranteed energy, water, and
 4742 wastewater performance contracting by state agencies. The
 4743 Department of Management Services shall review the investment-
 4744 grade audit for each proposed project and certify that the cost
 4745 savings are appropriate and sufficient for the term of the
 4746 contract. The Office of the Chief Financial Officer, with the
 4747 assistance of the Department of Management Services, shall ~~may~~,
 4748 within available resources, develop model contractual and
 4749 related documents for use by state agencies. Prior to entering
 4750 into a guaranteed energy, water, and wastewater performance
 4751 savings contract, any contract or lease for third-party
 4752 financing, or any combination of such contracts, a state agency
 4753 shall submit such proposed contract or lease to the Office of
 4754 the Chief Financial Officer for review and approval. A proposed
 4755 contract or lease shall include:

4756 (a) Supporting information required by s. 216.023(4)(a)9.
 4757 in ss. 287.063(5) and 287.064(11). For contracts approved under
 4758 s. 489.145, the criteria may, add a minimum, include the
 4759 specification of a benchmark cost of capital and minimum real
 4760 rate of return on energy, water, or wastewater savings against
 4761 which proposals shall be evaluated.

4762 (b) Documentation supporting recurring funds requirements
 4763 in ss. 287.063(5) and 287.064(11).

4764 (c) Approval by the agency head of the agency, or his or

4765 her designee.

4766 (d) An agency measurement and verification plan to monitor
 4767 costs savings.

4768 (7) FUNDING SUPPORT.--For purposes of consolidated
 4769 financing of deferred payment commodity contracts under this
 4770 section by an agency, any such contract must be supported from
 4771 available funds appropriated to the agency in an appropriation
 4772 category, as defined in chapter 216, that the Chief Financial
 4773 Officer has determined is appropriate or that the Legislature
 4774 has designated for payment of the obligation incurred under this
 4775 section.

4776 The Office of the Chief Financial Officer may not approve any
 4777 contract submitted under this section from a state agency that
 4778 does not meet the requirements of this section.

4779 Section 79. Section 526.201, Florida Statutes, is created
 4780 to read:

4781 526.201 Short title.--Sections 526.201-526.207 may be
 4782 cited as the "Florida Renewable Fuel Standard Act."

4783 Section 80. Section 526.202, Florida Statutes, is created
 4784 to read:

4785 526.202 Legislative findings.--The Legislature finds it is
 4786 vital to the public interest and to the state's economy to
 4787 establish a market and the necessary infrastructure for
 4788 renewable fuels in this state by requiring that all gasoline
 4789 fuel offered for sale in this state includes a percentage of
 4790 agriculturally derived, denatured ethanol. The Legislature
 4791 further finds that the use of renewable fuel reduces greenhouse

4792 gas emissions and dependence on imports of foreign oil, improves
 4793 the health and quality of life for Floridians, and stimulates
 4794 economic development and the creation of a sustainable industry
 4795 that combines agricultural production with state of the art
 4796 technology.

4797 Section 81. Section 526.203, Florida Statutes, is created
 4798 to read:

4799 526.203 Renewable Fuel Standard.--

4800 (1) DEFINITIONS.--As used in this act, the terms "blender,"
 4801 "exporter," "importer," "terminal supplier," and "wholesaler"
 4802 shall be defined as provided in s. 206.01.

4803 (a) "Fuel ethanol-blended gasoline" means a mixture of
 4804 ninety percent gasoline and ten percent fuel ethanol or similar
 4805 alcohol. The ten percent fuel ethanol, or similar alcohol,
 4806 portion may be derived from any agricultural source.

4807 (b) "Unblended gasoline" means gasoline that has not been
 4808 blended with fuel ethanol.

4809 (2) FUEL STANDARD.--On and after December 31, 2010, all
 4810 gasoline sold or offered for sale in Florida at retail shall
 4811 contain, at a minimum, 10 percent of agriculturally derived,
 4812 denatured ethanol fuel by volume. No terminal supplier,
 4813 importer, exporter, blender, or wholesaler in this state shall
 4814 sell or deliver fuel, as mandated in this act, which does not
 4815 meet the blending requirements of this act.

4816 (3) EXEMPTIONS.--The requirements of this act do not apply
 4817 to the following:

4818 (a) Fuel used in aircraft;

4819 (b) Fuel sold at marinas and mooring docks for use in boats
 4820 and similar watercraft;

4821 (c) Fuel sold at public or private racecourses intended to
 4822 be used exclusively as a fuel for off-highway motor sports
 4823 racing events;

4824 (d) Fuel sold for use in collector vehicles or vehicles
 4825 eligible to be licensed as collector vehicles, off-road
 4826 vehicles, motorcycles, or small engines.

4827 (e) Fuel unable to comply due to requirements of the United
 4828 States Environmental Protection Agency;

4829 (f) Fuel bulk transferred between terminals;

4830 (g) Fuel exported from the state in accordance with s.
 4831 206.052;

4832 (h) Fuel qualifying for any exemption in accordance with
 4833 chapter 206;

4834 (i) Fuel at an electric power plant that is regulated by
 4835 the United States Nuclear Regulatory Commission unless such
 4836 commission has approved the use of fuel meeting the requirements
 4837 of subsection (2);

4838 (j) Fuel for a railroad locomotive; or

4839 (k) Fuel for equipment, including vehicle or vessel,
 4840 covered by a warranty that would be voided, if explicitly stated
 4841 in writing by the vehicle or vessel manufacturer, if it were to
 4842 be operated using fuel meeting the requirements of subsection
 4843 (2).

4844 (4) REPORT.--Pursuant to s. 206.43, each terminal
 4845 supplier, importer, exporter, blender, and wholesaler shall

4846 include in its report to the Department of Revenue, the number
 4847 of gallons of gasoline fuel meeting and not meeting the
 4848 requirements of this act, sold and delivered by the terminal
 4849 supplier, importer, exporter, blender, or wholesaler in the
 4850 state, and the destination as to the county in the state to
 4851 which the gasoline was delivered for resale at retail or use.

4852 Section 82. Section 526.204, Florida Statutes, is created
 4853 to read:

4854 526.204 Suspension during declared emergencies; waivers.--

4855 (1) To account for supply disruptions and ensure reliable
 4856 supplies of motor fuels for Florida, the requirements of this
 4857 act shall be suspended when the provisions of s. 252.36(2) in
 4858 any area of the state are in effect plus an additional thirty
 4859 days.

4860 (2) If a terminal supplier, importer, exporter, blender, or
 4861 wholesaler is unable to obtain fuel ethanol or fuel ethanol-
 4862 blended gasoline at the same or lower price as unblended
 4863 gasoline, then the sale or delivery of unblended gasoline by the
 4864 terminal supplier, importer, exporter, blender, or wholesaler
 4865 shall not be deemed a violation of this act. The terminal
 4866 supplier, importer, exporter, blender, or wholesaler shall, upon
 4867 request, provide the required documentation regarding the sales
 4868 transaction and price of fuel ethanol, fuel ethanol-blended
 4869 gasoline, and unblended gasoline to the Department of Revenue.

4870 Section 83. Section 526.205, Florida Statutes, is created
 4871 to read:

4872 526.205 Enforcement.--

4873 (1) It is unlawful to sell or distribute, or offer for
 4874 sale or distribution, any gasoline which fails to meet the
 4875 requirements of this act.

4876 (2) Upon determining that a terminal supplier, importer,
 4877 exporter, blender, or wholesaler is not meeting the requirements
 4878 of s. 526.203(2), the Department of Revenue shall notify the
 4879 department.

4880 (3) Upon notification by the Department of Revenue of a
 4881 violation of this act, the department shall, subject to
 4882 subsection (1), grant an extension or enter an order imposing
 4883 one or more of the following penalties:

4884 1. Issuance of a warning letter.

4885 2. Imposition of an administrative fine of not more than
 4886 \$1,000 per violation for a first-time offender. For a second-
 4887 time or repeat offender, or any person who is shown to have
 4888 willfully and intentionally violated any provision of this act,
 4889 the administrative fine shall not exceed \$5,000 per violation.
 4890 When imposing any fine under this section, the department shall
 4891 consider the amount of money the violator benefited from by
 4892 noncompliance, whether the violation was committed willfully,
 4893 and the compliance record of the violator.

4894 3. Revocation or suspension of any registration issued by
 4895 the department.

4896 (4) Any terminal supplier, importer, exporter, blender, or
 4897 wholesaler may apply to the department by September 30, 2010,
 4898 for an extension of time to comply with the requirements of this
 4899 act. The application for an extension must demonstrate that the

4900 applicant has made a good faith effort to comply with the
 4901 requirements but has been unable to do so for reasons beyond the
 4902 applicant's control, such as delays in receiving governmental
 4903 permits. The department shall review each application and make
 4904 a determination as to whether the failure to comply was beyond
 4905 the control of the applicant. If the department determines that
 4906 the applicant made a good faith effort to comply, but was unable
 4907 to do so for reasons beyond the applicant's control, the
 4908 department shall grant an extension of time determined necessary
 4909 for the applicant to comply. If no extension is granted, the
 4910 department shall proceed with enforcement pursuant to subsection
 4911 (3).

4912 Section 84. Section 526.206, Florida Statutes, is created
 4913 to read:

4914 526.206 Rules.--

4915 (1) The Department of Revenue is authorized to adopt rules
 4916 pursuant to ss. 120.536(1) and 120.54 to implement the
 4917 provisions of this act.

4918 (2) The Department of Agriculture and Consumer Services is
 4919 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
 4920 to implement the provisions of this act.

4921 Section 85. Section 526.207, Florida Statutes, is created
 4922 to read:

4923 526.207 Studies and Reports.--

4924 (1) The Florida Energy and Climate Commission shall conduct
 4925 a study to evaluate and recommend the lifecycle greenhouse gas
 4926 emissions associated with all renewable fuels including, but not

4927 limited to, biodiesel, renewable diesel, biobutanol, ethanol
 4928 derived from corn, ethanol derived from sugar, and cellulosic
 4929 ethanol. In addition, the study shall evaluate and recommend a
 4930 requirement that all renewable fuels introduced into commerce in
 4931 the state, as a result of the Renewable Fuel Standard, shall
 4932 reduce the lifecycle greenhouse gas emissions by an average
 4933 percentage. The study may also evaluate and recommend any
 4934 benefits associated with the creation, banking, transfer, and
 4935 sale of credits among fuel refiners, blenders, and importers.

4936 (2) The Florida Energy and Climate Commission shall submit
 4937 a report containing specific recommendations to the President of
 4938 the Senate and the Speaker of the House of Representatives no
 4939 later than December 31, 2010.

4940 Section 86. Section 553.9061, Florida Statutes, is created
 4941 to read:

4942 553.9061 Scheduled Increases in Thermal Efficiency
 4943 Standards.--

4944 (1) The purpose of this section is to establish a schedule
 4945 of increases in the energy performance of buildings subject to
 4946 the Florida Energy Efficiency Code for Building Construction.

4947 The Florida Building Commission shall:

4948 (a) Include the necessary provisions by the 2010 edition
 4949 of the Florida Energy Efficiency Code for Building Construction
 4950 to increase the energy performance of new buildings by at least
 4951 20 percent as compared to the energy efficiency provisions of
 4952 the 2007 Florida Building Code adopted October 31, 2007;

4953 (b) Increase energy efficiency requirements by the 2013

4954 edition of the Florida Energy Efficiency Code for Building
 4955 Construction by at least 30 percent as compared to the energy
 4956 efficiency provisions of the 2007 Florida Building Code adopted
 4957 October 31, 2007;

4958 (c) Increase energy efficiency requirements by the 2016
 4959 edition of the Florida Energy Efficiency Code for Building
 4960 Construction by at least 40 percent as compared to the energy
 4961 efficiency provisions of the 2007 Florida Building Code adopted
 4962 October 31, 2007;

4963 (d) Increase energy efficiency requirements by the 2019
 4964 edition of the Florida Energy Efficiency Code for Building
 4965 Construction by at least 50 percent as compared to the energy
 4966 efficiency provisions of the 2007 Florida Building Code adopted
 4967 October 31, 2007;

4968 (2) The Florida Building Commission shall identify within
 4969 code support and compliance documentation the specific building
 4970 options and elements available to meet the energy performance
 4971 goals identified above.

4972 (3) Prior to implementing the goals established in
 4973 subsection (1), the Florida Building Commission must determine
 4974 that proposed increases in energy efficiency requirements are
 4975 cost-effective to the consumer.

4976 Section 87. Subsection (1) of section 553.957, Florida
 4977 Statutes, is amended to read:

4978 553.957 Products covered by this part.--

4979 (1) The provisions of this part apply to the testing,
 4980 certification, and enforcement of energy conservation standards

4981 for the following types of new commercial and residential
 4982 products sold in the state:

4983 (a) Refrigerators, refrigerator-freezers, and freezers
 4984 which can be operated by alternating current electricity,
 4985 excluding:

- 4986 1. Any type designed to be used without doors; and
- 4987 2. Any type which does not include a compressor and
 4988 condenser unit as an integral part of the cabinet assembly.

4989 (b) Lighting equipment.

4990 (c) Showerheads.

4991 (d) Water heaters used to heat potable water in homes or
 4992 businesses.

4993 (e) Swimming pool pumps.

4994 (f) Water heaters for swimming pools.

4995 (g) ~~(d)~~ Any other type of consumer product which the
 4996 department classifies as a covered product as specified in this
 4997 part.

4998 Section 88. (1) By July 1, 2009, the Agency for Enterprise
 4999 Information Technology shall define objective standards for:

5000 (a) Measuring data center energy consumption and
 5001 efficiency, including, but not limited to, airflow and cooling,
 5002 power consumption and distribution, and environmental control
 5003 systems in a data center facility; and

5004 (b) Calculating total cost of ownership of energy
 5005 efficient information technology products, including initial
 5006 purchase, installation, ongoing operation and maintenance, and
 5007 disposal costs over the lifecycle of the product.

5008 (2) State data centers and computing facilities designated
 5009 by the Agency for Enterprise Information Technology shall
 5010 evaluate their data center facilities for energy efficiency
 5011 using the standards established in this section.

5012 (a) Results of these evaluations shall be reported to the
 5013 Agency for Enterprise Information Technology, the President of
 5014 the Senate, and the Speaker of the House. Reports shall enable
 5015 the tracking of energy performance over time and comparisons
 5016 between facilities.

5017 (b) By December 31, 2010, and annually thereafter, the
 5018 Agency for Enterprise IT shall submit to the Legislature
 5019 recommendations for reducing energy consumption and improving
 5020 the energy efficiency of state data centers.

5021 (3) When the total cost of ownership of an energy efficient
 5022 product is less than or equal to the existing data center
 5023 facility or infrastructure, technical specifications for energy
 5024 efficient products should be incorporated in the plans and
 5025 processes for replacing, upgrading, or expanding data center
 5026 facilities or infrastructure, including but not limited to
 5027 network, storage, or computer equipment and software.

5028 Section 89. Section 1004.648, Florida Statutes, is created
 5029 to read:

5030 1004.648 Florida Energy Systems Consortium.--

5031 (1) There is created the Florida Energy Systems Consortium
 5032 (FESC or consortium) to promote collaboration between experts in
 5033 the State University System for the purpose of developing and
 5034 implementing a comprehensive, long-term, environmentally

5035 compatible, sustainable, and efficient energy strategic plan for
 5036 the state. The consortium will focus on an overall broad
 5037 systems approach from energy resource to consumer and for
 5038 producing innovative energy systems that will lead to
 5039 alternative energy strategies, improved energy efficiencies, and
 5040 expanded economic development for the State. The consortium
 5041 shall consist of the University of Florida, Florida State
 5042 University, the University of South Florida, the University of
 5043 Central Florida, and Florida Atlantic University. The
 5044 consortium shall be administered at the University of Florida by
 5045 a director who shall report to an Oversight Board, which shall
 5046 consist of the Vice President for Research at each of the five
 5047 universities. The Oversight Board shall have ultimate
 5048 responsibility for both the technical performance and financial
 5049 management of the FESC. In performing its activities, the FESC
 5050 will collaborate with the Florida Energy and Climate Commission,
 5051 as well as with industry and other affected parties.

5052 (2) Through collaborative research and development across
 5053 the State University System and industry, the goal of the FESC
 5054 is to become a world leader in energy research, education,
 5055 technology, and energy systems analysis. In so doing, the
 5056 consortium shall:

- 5057 a. Coordinate and initiate increased collaborative
- 5058 interdisciplinary energy research amongst universities and the
- 5059 energy industry;
- 5060 b. Create a Florida energy technology industry;
- 5061 c. Provide a state resource for objective energy systems

5062 analysis; and

5063 d. Develop education and outreach programs to prepare a
 5064 qualified energy workforce and informed public.

5065 (3) To promote collaboration between researchers within the
 5066 State University System, with industry, and other external
 5067 partners, the consortium will receive input from an external,
 5068 industry-dominated Advisory Board. The University Council, which
 5069 shall consist of one member from each university designated by
 5070 the corresponding Vice President for Research, will provide
 5071 guidance on vision and direction to the Director. A Steering
 5072 Committee, consisting of the Advisory Board, the chair of the
 5073 Florida Energy and Climate Commission, and the University
 5074 Council is responsible for establishing and assuring the success
 5075 of the FESC's strategic plan.

5076 (4) A major focus of the FESC will be to expedite
 5077 commercialization of innovative energy technologies by taking
 5078 advantage of State University System energy expertise, high
 5079 technology incubators, industrial parks, and industry-driven
 5080 research centers to attract companies to establish manufacturing
 5081 in the state and transition technologies into the State economy.

5082 (5) The consortium shall solicit and leverage state,
 5083 federal, and private funds for the purpose of conducting
 5084 education, research and development in the area of sustainable
 5085 energy. The Oversight Board shall ensure that the FESC maintains
 5086 accurate records of any funds received by the consortium.

5087 (6) Through research and instructional programs, the
 5088 faculty associated with the consortium shall coordinate a state-

5089 wide workforce development initiative focusing on college-level
 5090 degrees, technician training, and public and commercial sectors
 5091 awareness. The consortium will develop specific programs
 5092 targeted at preparing graduates with a background in energy,
 5093 continuing education courses for technical and non-technical
 5094 professionals, and modules, laboratories, and courses to be
 5095 shared among the universities. FESC will work with the Florida
 5096 Community College system using the Florida Advanced
 5097 Technological Education Center (FLATE) for the coordination and
 5098 design of industry-specific training programs for technicians.

5099 (7) By November 1 of each year, FESC shall submit an
 5100 annual report to the Governor, the President of the Senate, the
 5101 Speaker of the House of Representatives, and the Florida Energy
 5102 and Climate Commission regarding its activities including, but
 5103 not limited to, education, research, development, and deployment
 5104 of alternative energy technologies.

5105 Section 90. Energy Bill Economic Study.--The Department of
 5106 Agriculture & Consumer Services in conjunction with the
 5107 Department of Environmental Protection shall conduct an economic
 5108 impact analysis on the effects of granting financial incentives
 5109 to energy producers who use woody biomass as fuel. It shall
 5110 include an analysis of effects on wood supply and prices,
 5111 impacts on current markets and on forest sustainability. The
 5112 results of the study shall be given to the Governor, President
 5113 of the Senate, and the Speaker of the House of Representatives
 5114 no later than March 1, 2010.

5115 Section 91. Subsection (7) is added to section 366.04,
 5116 Florida Statutes, to read:

5117 366.04 Jurisdiction of commission.--

5118 (7) (a) In the exercise of its jurisdiction, when a
 5119 municipal utility serves customers who reside both inside and
 5120 outside the corporate boundaries of the municipality and 33
 5121 percent or more of its customers reside outside the corporate
 5122 boundaries of the municipality, the commission shall have the
 5123 power to determine the revenue requirements and the manner in
 5124 which those revenue requirements are recovered from the
 5125 municipal utility's customers. Sufficient revenues shall be
 5126 approved to pay all the legal and other necessary expenses
 5127 incident to the operation of the utility, including maintenance
 5128 costs, operating charges, upkeep, repairs, depreciation, and
 5129 interest on bonds or other obligations including leases; to pay
 5130 other prudently incurred costs and provide a sinking fund for
 5131 the liquidation of bonds or other obligations including leases;
 5132 to provide debt service reserve for bonds or other obligations,
 5133 not to exceed the maximum debt service on the bonds or other
 5134 obligations; to provide adequate funds for working capital; and
 5135 to provide adequate funds for making extensions and replacements
 5136 to the extent not covered by depreciation.

5137 (b) Nothing in this section prohibits a municipality from
 5138 levying a municipal utility tax on the utility customers
 5139 residing within the city boundaries or from seeking a county
 5140 electric surcharge to be applied to residents outside the city

5141 if a cost differential for providing service within and outside
 5142 the city can be justified.

5143 (c) Any taxes or assessments adopted by a county governing
 5144 board empowered by statute to levy such a tax or assessment
 5145 shall not be considered in determining whether a rate or charge
 5146 by a municipal utility is fair, just, and reasonable.

5147 (d) This subsection does not apply to any municipal owned
 5148 electric utility that is governed by an elected or appointed
 5149 board of directors, utility board, or commission.

5150 Section 92. Section 377.701, Florida Statutes, is
 5151 repealed.

5152 Section 93. Section 377.901, Florida Statutes, is
 5153 repealed.

5154 Section 94. This act shall take effect July 1, 2008.