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

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

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

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

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109 | driven in a high occupancy vehicle lane to comply with
 110 | federally mandated minimum fuel economy standards;
 111 | amending s. 337.401, F.S.; requiring the Department of
 112 | Environmental Protection to adopt rules relating to the
 113 | placement of and access to aerial and underground electric
 114 | transmission lines having certain specifications; defining
 115 | the term "base load generating facilities"; amending s.
 116 | 339.175, F.S.; requiring each metropolitan planning
 117 | organization to develop a long-range transportation plan
 118 | and an annual project priority list that, among other
 119 | considerations, provide for sustainable growth and reduce
 120 | greenhouse gas emissions; amending s. 366.04, F.S.;;
 121 | revising functions and jurisdiction of the Florida Public
 122 | Service Commission; providing that the commission shall
 123 | determine revenue requirements of certain municipal
 124 | utilities and determine the manner of recovery of that
 125 | revenue; requiring approval of revenue sufficient to cover
 126 | certain expenses and obligations; specifying that a
 127 | municipality may levy a municipal utility tax on customers
 128 | within the city or apply a county electric surcharge to
 129 | residents outside the city if a cost differential for
 130 | providing service within and outside the city can be
 131 | justified; providing that any taxes or assessments adopted
 132 | by a county governing board shall not be considered in
 133 | determining whether a rate or charge by a municipal
 134 | utility is fair, just, and reasonable; amending s. 366.82,
 135 | F.S.; requiring the Florida Energy and Climate Commission

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136 to be a party with the Public Service Commission in the
 137 proceedings to adopt goals; amending s. 366.8255, F.S.;
 138 redefining the term "environmental compliance costs" to
 139 include costs or expenses prudently incurred for
 140 scientific research and geological assessments of carbon
 141 capture and storage for the purpose of reducing an
 142 electric utility's greenhouse gas emissions; amending s.
 143 366.91, F.S.; clarifying the definition of "biomass" to
 144 include waste, byproducts; requiring each municipal
 145 electric utility and rural electric utility cooperative to
 146 develop a standardized interconnection and net metering
 147 program for customer-owned renewable generation;
 148 authorizing net metering to be available when a utility
 149 purchases power generated from biogas produced by
 150 anaerobic digestion; amending s. 366.92, F.S.;
 151 establishing a renewable portfolio standard; providing for
 152 an economic and environmental assessment of energy sources
 153 and the development of a successor renewable portfolio
 154 standard; prohibiting the renewable portfolio standard
 155 rule from taking effect until ratified by the Legislature;
 156 amending s. 366.93, F.S.; revising the definitions of
 157 "cost" and "preconstruction"; requiring the Public Service
 158 Commission to establish rules relating to cost recovery
 159 for the construction of new, expanded, or relocated
 160 electrical transmission lines and facilities for a nuclear
 161 power plant; amending s. 377.601, F.S.; revising
 162 legislative intent with respect to the need to implement

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163 alternative energy technologies; providing for a Type Two
 164 transfer of the powers, duties and functions, records,
 165 personnel, property, and unexpended balances of
 166 appropriations of the Florida Energy Commission to the
 167 Florida Energy and Climate Commission within the Executive
 168 Office of the Governor; creating s. 377.6015, F.S.;
 169 providing for the membership, meetings, duties and
 170 responsibilities of the Florida Energy and Climate
 171 Commission; providing rulemaking authority; amending s.
 172 377.602, F.S.; revising the definition of "energy
 173 resources"; providing for conforming changes; amending ss.
 174 377.603, 377.604, 377.605, 377.606, 377.703, and 377.705,
 175 F.S.; providing for conforming changes; amending s.
 176 377.801, F.S.; providing a short title; amending s.
 177 377.802, F.S.; providing the purpose of the Florida Energy
 178 and Climate Protection Act; amending s. 377.803, F.S.;
 179 revising definitions; clarifying the definition of
 180 "renewal energy" to include biomass, as defined in s.
 181 366.91, F.S.; amending s. 377.804, F.S., relating to the
 182 Renewable Energy and Energy-Efficient Technologies Grants
 183 Program; providing for the program to include matching
 184 grants for technologies that increase the energy
 185 efficiency of vehicles and commercial buildings; providing
 186 for the solicitation of expertise of other entities;
 187 providing application requirements; amending s. 377.806,
 188 F.S., relating to the Solar Energy System Incentives
 189 Program; requiring compliance with the Florida Building

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190 Code rather than local codes in order to be eligible for a
 191 rebate under the program; creating s. 377.808, F.S.;
 192 establishing the "Florida Green Government Grants Act;"
 193 providing for grants to be awarded to local governments in
 194 the development of programs that achieve green standards;
 195 amending ss. 380.23 and 403.031, F.S.; conforming cross-
 196 references; creating s. 403.44, F.S.; creating the Florida
 197 Climate Protection Act; defining terms; requiring the
 198 Department of Environmental Protection to establish the
 199 methodologies, reporting periods, and reporting systems
 200 that must be used when major emitters report to The
 201 Climate Registry; authorizing the department to adopt
 202 rules for a cap-and-trade regulatory program to reduce
 203 greenhouse gas emissions from major emitters; providing
 204 for the content of the rule; prohibiting the rules from
 205 being adopted until after January 1, 2010, and from
 206 becoming effective until ratified by the Legislature;
 207 amending s. 403.502, F.S.; providing legislative intent;
 208 amending s. 403.503, F.S.; defining the term "alternate
 209 corridor" and redefining the term "corridor" for purposes
 210 of the Florida Electrical Power Plant Siting Act; amending
 211 s. 403.504, F.S.; requiring the Department of
 212 Environmental Protection to determine whether a proposed
 213 alternate corridor is acceptable; amending s. 403.506,
 214 F.S.; exempting an electric utility from obtaining
 215 certification under the Florida Electrical Power Plant
 216 Siting Act before constructing facilities for a power

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217 plant using nuclear materials as fuel; providing that a
 218 utility may obtain separate licenses, permits, and
 219 approvals for such construction under certain
 220 circumstances; exempting such provisions from review under
 221 ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an
 222 applicant to submit a statement to the department if such
 223 applicant opts for consideration of alternate corridors;
 224 amending s. 403.5065, F.S.; providing for conforming
 225 changes; amending s. 403.50663, F.S.; providing for notice
 226 of meeting to the general public; amending s. 403.50665,
 227 F.S.; requiring an application to include a statement on
 228 the consistency of directly associated facilities
 229 constituting a "development"; requiring the Department of
 230 Environmental Protection to address at the certification
 231 hearing the issue of compliance with land use plans and
 232 zoning ordinances for a proposed substation located in or
 233 along an alternate corridor; amending s. 403.507, F.S.;

234 providing for reports to be submitting to the department
 235 no later than 100 days after certification application has
 236 been determined complete; amending s. 403.508, F.S.;

237 providing for land use and certification hearings;
 238 amending s. 403.509, F.S.; requiring the Governor and
 239 Cabinet sitting as the siting board to certify the
 240 corridor having the least adverse impact; authorizing the
 241 board to deny certification or allow a party to amend its
 242 proposal; amending s. 403.511, F.S.; providing for
 243 conforming changes; amending s. 403.5112, F.S.; providing

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

245 providing for postcertification amendments and

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

247 requiring the applicant proposing the alternate corridor

248 to publish all notices relating to the application;

249 requiring that such notices comply with certain

250 requirements; requiring that notices be published at least

251 45 days before the rescheduled certification hearing;

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

253 providing conforming changes and cross-references;

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

255 Environmental Protection to charge an application fee for

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

257 403.526, 403.527, 403.5271, 403.5272, 403.5312, 403.5363,

258 403.5365, and 403.814, F.S.; relating to determinations of

259 need and general permits; and conforming provisions to

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

261 revising provisions of the Guaranteed Energy, Water, and

262 Wastewater Performance Savings Contracting Act; requiring

263 that each proposed contract or lease contain certain

264 agreements concerning operational cost-saving measures;

265 requiring the Office of the Chief Financial Officer to

266 review contract proposals; redefining terms; defining the

267 term "investment grade energy audit"; requiring that

268 certain baseline information, supporting information, and

269 documentation be included in contracts; requiring the

270 Office of the Chief Financial Officer to review contract

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271 proposals; providing audit requirements; requiring
 272 contract approval by the Chief Financial Officer; creating
 273 s. 526.201, F.S.; creating the "Florida Renewable Fuel
 274 Standard Act"; creating s. 526.202, F.S.; establishing
 275 legislative findings for the act; creating s. 526.203,
 276 F.S.; providing definitions, fuel standard, exemptions,
 277 and reporting; creating s. 526.204, F.S.; providing for
 278 suspension of standard requirement during declared
 279 emergencies; creating s. 526.205, F.S.; providing for
 280 enforcement of the act; creating s. 526.206, F.S.;
 281 providing for rulemaking authority by the Department of
 282 Revenue; creating s. 526.207, F.S.; requiring studies and
 283 reports by the Florida Energy and Climate Commission;
 284 creating s. 553.9061, F.S.; requiring the Florida Building
 285 Commission to establish a schedule of increases in the
 286 energy performance of buildings subject to the Energy
 287 Efficiency Code for Building Construction; amending s.
 288 553.957, F.S.; including certain home and commercial
 289 appliances in the requirements for testing and
 290 certification for meeting certain energy-conservation
 291 standards; creating an undesignated statutory provision
 292 relating to the Agency for Enterprise Information
 293 Technology; creating s. 1004.648, F.S.; establishing the
 294 Florida Energy Systems Consortium; providing for a
 295 steering committee; requiring an annual report; requiring
 296 an economic impact analysis on the effects of granting
 297 financial incentives to energy producers who use woody

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298 biomass as fuel; repealing s. 377.701, F.S.; relating to
 299 petroleum allocation; repealing s. 377.901, F.S.; relating
 300 to the Florida Energy Commission; providing an effective
 301 date.

302
 303 Be It Enacted by the Legislature of the State of Florida:

304
 305 Section 1. Present subsection (3) of section 74.051,
 306 Florida Statutes, is redesignated as subsection (4), and a new
 307 subsection (3) is added to that section, to read:

308 74.051 Hearing on order of taking.--

309 (3) If a defendant requests a hearing and the petitioner
 310 is an electric utility that is seeking to appropriate property
 311 necessary for an electric generation plant, an associated
 312 facility of such plant, an electric substation, or a power line,
 313 the court shall conduct the hearing no more than 120 days after
 314 the petition is filed. The court shall issue its final judgment
 315 no more than 30 days after the hearing.

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

318 186.007 State comprehensive plan; preparation; revision.--

319 (3) In the state comprehensive plan, the Executive Office
 320 of the Governor may include goals, objectives, and policies
 321 related to the following program areas: economic opportunities;
 322 agriculture; employment; public safety; education; energy;
 323 global climate change; health concerns; social welfare concerns;
 324 housing and community development; natural resources and

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325 environmental management; recreational and cultural
 326 opportunities; historic preservation; transportation; and
 327 governmental direction and support services.

328 Section 3. Subsections (10), (11), and (15) of section
 329 187.201, Florida Statutes, are amended to read:

330 187.201 State Comprehensive Plan adopted.—The Legislature
 331 hereby adopts as the State Comprehensive Plan the following
 332 specific goals and policies:

333 (10) AIR QUALITY.—

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

337 (b) Policies.—

338 1. Improve air quality and maintain the improved level to
 339 safeguard human health and prevent damage to the natural
 340 environment.

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

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

345 4. Encourage the use of alternative energy resources that
 346 do not degrade air quality.

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

349 6. Encourage the development of low carbon emitting
 350 electric power plants.

351 (11) ENERGY.—

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

357 (b) Policies.—

358 1. Continue to reduce per capita energy consumption.

359 2. Encourage and provide incentives for consumer and
 360 producer energy conservation and establish acceptable energy
 361 performance standards for buildings and energy consuming items.

362 3. Improve the efficiency of traffic flow on existing
 363 roads.

364 4. Ensure energy efficiency in transportation design and
 365 planning and increase the availability of more efficient modes
 366 of transportation.

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

370 6. Increase the efficient use of energy in design and
 371 operation of buildings, public utility systems, and other
 372 infrastructure and related equipment.

373 7. Promote the development and application of solar energy
 374 technologies and passive solar design techniques.

375 8. Provide information on energy conservation through
 376 active media campaigns.

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

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379 10. Develop and maintain energy preparedness plans that
 380 will be both practical and effective under circumstances of
 381 disrupted energy supplies or unexpected price surges.

382 (15) LAND USE.—

383 (a) Goal.—In recognition of the importance of preserving
 384 the natural resources and enhancing the quality of life of the
 385 state, development shall be directed to those areas which have
 386 in place, or have agreements to provide, the land and water
 387 resources, fiscal abilities, and service capacity to accommodate
 388 growth in an environmentally acceptable manner.

389 (b) Policies.—

390 1. Promote state programs, investments, and development
 391 and redevelopment activities which encourage efficient
 392 development and occur in areas which will have the capacity to
 393 service new population and commerce.

394 2. Develop a system of incentives and disincentives which
 395 encourages a separation of urban and rural land uses while
 396 protecting water supplies, resource development, and fish and
 397 wildlife habitats.

398 3. Enhance the livability and character of urban areas
 399 through the encouragement of an attractive and functional mix of
 400 living, working, shopping, and recreational activities.

401 4. Develop a system of intergovernmental negotiation for
 402 siting locally unpopular public and private land uses which
 403 considers the area of population served, the impact on land
 404 development patterns or important natural resources, and the
 405 cost-effectiveness of service delivery.

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

409 6. Consider, in land use planning and regulation, the
410 impact of land use on water quality and quantity; the
411 availability of land, water, and other natural resources to meet
412 demands; and the potential for flooding.

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

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

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

420 196.012 Definitions.—For the purpose of this chapter, the
421 following terms are defined as follows, except where the context
422 clearly indicates otherwise:

423 (14) "Renewable energy source device" or "device" means
424 any of the following equipment which, when installed in
425 connection with a dwelling unit or other structure, collects,
426 transmits, stores, or uses solar energy, wind energy, or energy
427 derived from geothermal deposits:

428 (a) Solar energy collectors.

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

431 (c) Rockbeds.

432 (d) Thermostats and other control devices.

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- 433 (e) Heat exchange devices.
- 434 (f) Pumps and fans.
- 435 (g) Roof ponds.
- 436 (h) Freestanding thermal containers.
- 437 (i) Pipes, ducts, refrigerant handling systems, and other
- 438 equipment used to interconnect such systems; however,
- 439 conventional backup systems of any type are not included in this
- 440 definition.
- 441 (j) Windmills.
- 442 (k) Wind-driven generators.
- 443 (l) Power conditioning and storage devices that use wind
- 444 energy to generate electricity or mechanical forms of energy.
- 445 (m) Pipes and other equipment used to transmit hot
- 446 geothermal water to a dwelling or structure from a geothermal
- 447 deposit.
- 448
- 449 ~~"Renewable energy source device" or "device" also means any heat~~
- 450 ~~pump with an energy efficiency ratio (EER) or a seasonal energy~~
- 451 ~~efficiency ratio (SEER) exceeding 8.5 and a coefficient of~~
- 452 ~~performance (COP), exceeding 2.8; waste heat recovery system; or~~
- 453 ~~water heating system the primary heat source of which is a~~
- 454 ~~dedicated heat pump or the otherwise unused capacity of a heat~~
- 455 ~~pump heating, ventilating, and air conditioning system, provided~~
- 456 ~~such device is installed in a structure substantially complete~~
- 457 ~~before January 1, 1985, and whether or not solar energy, wind~~
- 458 ~~energy, or energy derived from geothermal deposits is collected,~~
- 459 ~~transmitted, stored, or used by such device.~~

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460 Section 5. Section 196.175, Florida Statutes, is amended
461 to read:

462 196.175 Renewable energy source exemption.--

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

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

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

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

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

480 (3) It shall be the responsibility of the applicant for an
481 exemption pursuant to this section to demonstrate affirmatively
482 to the satisfaction of the property appraiser that he or she
483 meets the requirements for exemption under this section and that
484 the original cost ~~pursuant to paragraph (1)(b)~~ and the period
485 for which the device was operative, as indicated on the
486 exemption application, are correct.

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487 (4) No exemption authorized pursuant to this section shall
 488 be granted for a period of more than 10 years. No exemption
 489 shall be granted with respect to renewable energy source devices
 490 installed before July 1, 2008 ~~January 1, 1980, or after December~~
 491 ~~31, 1990.~~

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

494 206.43 Terminal supplier, importer, exporter, blender, and
 495 wholesaler to report to department monthly; deduction.--The
 496 taxes levied and assessed as provided in this part shall be paid
 497 to the department monthly in the following manner:

498 (2) (a) Such report may show in detail the number of
 499 gallons so sold and delivered by the terminal supplier,
 500 importer, exporter, blender, or wholesaler in the state, and the
 501 destination as to the county in the state to which the motor
 502 fuel was delivered for resale at retail or use shall be
 503 specified in the report. The total taxable gallons sold shall
 504 agree with the total gallons reported to the county destinations
 505 for resale at retail or use. All gallons of motor fuel sold
 506 shall be invoiced and shall name the county of destination for
 507 resale at retail or use.

508 (b) Each terminal supplier, importer, blender, and
 509 wholesaler shall also include in the report to the department,
 510 the number of gallons of gasoline fuel meeting and not meeting
 511 the requirements of s. 526.203.

512 Section 7. Paragraph (ccc) of subsection (7) of section
 513 212.08, Florida Statutes, is amended to read:

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514 212.08 Sales, rental, use, consumption, distribution, and
 515 storage tax; specified exemptions.--The sale at retail, the
 516 rental, the use, the consumption, the distribution, and the
 517 storage to be used or consumed in this state of the following
 518 are hereby specifically exempt from the tax imposed by this
 519 chapter.

520 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 521 entity by this chapter do not inure to any transaction that is
 522 otherwise taxable under this chapter when payment is made by a
 523 representative or employee of the entity by any means,
 524 including, but not limited to, cash, check, or credit card, even
 525 when that representative or employee is subsequently reimbursed
 526 by the entity. In addition, exemptions provided to any entity by
 527 this subsection do not inure to any transaction that is
 528 otherwise taxable under this chapter unless the entity has
 529 obtained a sales tax exemption certificate from the department
 530 or the entity obtains or provides other documentation as
 531 required by the department. Eligible purchases or leases made
 532 with such a certificate must be in strict compliance with this
 533 subsection and departmental rules, and any person who makes an
 534 exempt purchase with a certificate that is not in strict
 535 compliance with this subsection and the rules is liable for and
 536 shall pay the tax. The department may adopt rules to administer
 537 this subsection.

538 (ccc) Equipment, machinery, and other materials for
 539 renewable energy technologies.--

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

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541 a. "Biodiesel" means the mono-alkyl esters of long-chain
 542 fatty acids derived from plant or animal matter for use as a
 543 source of energy and meeting the specifications for biodiesel
 544 and biodiesel blends with petroleum products as adopted by the
 545 Department of Agriculture and Consumer Services. Biodiesel may
 546 refer to biodiesel blends designated BXX, where XX represents
 547 the volume percentage of biodiesel fuel in the blend.

548 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
 549 alcohol produced by the conversion of carbohydrates ~~fermentation~~
 550 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
 551 fuel ethanol blends with petroleum products as adopted by the
 552 Department of Agriculture and Consumer Services. Ethanol may
 553 refer to fuel ethanol blends designated EXX, where XX represents
 554 the volume percentage of fuel ethanol in the blend.

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

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

560 a. Hydrogen-powered vehicles, materials incorporated into
 561 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
 562 a limit of \$2 million in tax each state fiscal year for all
 563 taxpayers.

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

567 c. Materials used in the distribution of biodiesel (B10-

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568 B100) and ethanol (E10-E100), including fueling infrastructure,
 569 transportation, and storage, up to a limit of \$1 million in tax
 570 each state fiscal year for all taxpayers. Gasoline fueling
 571 station pump retrofits for ethanol (E10-E100) distribution
 572 qualify for the exemption provided in this sub-subparagraph.

573 3. The Department of Environmental Protection shall
 574 provide to the department a list of items eligible for the
 575 exemption provided in this paragraph.

576 4.a. The exemption provided in this paragraph shall be
 577 available to a purchaser only through a refund of previously
 578 paid taxes. Only the initial purchase of an eligible item from
 579 the manufacturer is subject to refund. A purchaser who has
 580 received a refund on an eligible item must notify any subsequent
 581 purchaser of the item that the item is no longer eligible for a
 582 refund of tax paid. This notification must be provided to the
 583 subsequent purchaser on the sales invoice or other proof of
 584 purchase.

585 b. To be eligible to receive the exemption provided in
 586 this paragraph, a purchaser shall file an application with the
 587 Department of Environmental Protection. The application shall be
 588 developed by the Department of Environmental Protection, in
 589 consultation with the department, and shall require:

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

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

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595 (III) The sales invoice or other proof of purchase showing
 596 the amount of sales tax paid, the date of purchase, and the name
 597 and address of the sales tax dealer from whom the property was
 598 purchased.

599 (IV) A sworn statement that the information provided is
 600 accurate and that the requirements of this paragraph have been
 601 met.

602 c. Within 30 days after receipt of an application, the
 603 Department of Environmental Protection shall review the
 604 application and shall notify the applicant of any deficiencies.
 605 Upon receipt of a completed application, the Department of
 606 Environmental Protection shall evaluate the application for
 607 exemption and issue a written certification that the applicant
 608 is eligible for a refund or issue a written denial of such
 609 certification within 60 days after receipt of the application.
 610 The Department of Environmental Protection shall provide the
 611 department with a copy of each certification issued upon
 612 approval of an application.

613 d. Each certified applicant shall be responsible for
 614 forwarding a certified copy of the application and copies of all
 615 required documentation to the department within 6 months after
 616 certification by the Department of Environmental Protection.

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

621 f. The Department of Environmental Protection may adopt the

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622 form for the application for a certificate, requirements for the
 623 content and format of information submitted to the Department of
 624 Environmental Protection in support of the application, other
 625 procedural requirements, and criteria by which the application
 626 will be determined by rule. The department may adopt all other
 627 rules pursuant to ss. 120.536(1) and 120.54 to administer this
 628 paragraph, including rules establishing additional forms and
 629 procedures for claiming this exemption.

630 g. The Department of Environmental Protection shall be
 631 responsible for ensuring that the total amounts of the
 632 exemptions authorized do not exceed the limits as specified in
 633 subparagraph 2.

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

637 6. This paragraph expires July 1, 2010.

638 Section 8. Subsection (1) of section 220.192, Florida
 639 Statutes, is amended, present subsection (6) is renumbered as
 640 subsection (7) and amended, present subsection (7) is renumbered
 641 as subsection (8), and a new subsection (6) is added to that
 642 section, to read:

643 220.192 Renewable energy technologies investment tax
 644 credit.--

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

646 (a) "Biodiesel" means biodiesel as defined in s.
 647 212.08 (7) (ccc) .

648 (b) "Corporation" includes a general partnership, limited

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649 partnership, limited liability company, unincorporated business,
 650 or other business entity, including entities taxed as
 651 partnerships for federal income tax purposes.

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

653 1. Seventy-five percent of all capital costs, operation
 654 and maintenance costs, and research and development costs
 655 incurred between July 1, 2006, and June 30, 2010, up to a limit
 656 of \$3 million per state fiscal year for all taxpayers, in
 657 connection with an investment in hydrogen-powered vehicles and
 658 hydrogen vehicle fueling stations in the state, including, but
 659 not limited to, the costs of constructing, installing, and
 660 equipping such technologies in the state.

661 2. Seventy-five percent of all capital costs, operation
 662 and maintenance costs, and research and development costs
 663 incurred between July 1, 2006, and June 30, 2010, up to a limit
 664 of \$1.5 million per state fiscal year for all taxpayers, and
 665 limited to a maximum of \$12,000 per fuel cell, in connection
 666 with an investment in commercial stationary hydrogen fuel cells
 667 in the state, including, but not limited to, the costs of
 668 constructing, installing, and equipping such technologies in the
 669 state.

670 3. Seventy-five percent of all capital costs, operation
 671 and maintenance costs, and research and development costs
 672 incurred between July 1, 2006, and June 30, 2010, up to a limit
 673 of \$6.5 million per state fiscal year for all taxpayers, in
 674 connection with an investment in the production, storage, and
 675 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in

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676 the state, including the costs of constructing, installing, and
 677 equipping such technologies in the state. Gasoline fueling
 678 station pump retrofits for ethanol (E10-E100) distribution
 679 qualify as an eligible cost under this subparagraph.

680 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
 681 212.08(7)(ccc).

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

684 (f) "Taxpayer" includes corporations as defined in ss.
 685 220.03 or 220.192.

686 (6) TRANSFERABILITY OF CREDIT.--

687 (a) For tax years beginning on or after January 1, 2009,
 688 any corporation or subsequent transferee allowed a tax credit
 689 under this section may transfer the credit, in whole or in part,
 690 to any taxpayer by written agreement without transferring any
 691 ownership interest in the property generating the credit or any
 692 interest in the entity owning such property. The transferee is
 693 entitled to apply the credits against the tax with the same
 694 effect as if the transferee had incurred the eligible costs.

695 (b) To perfect the transfer, the transferor shall provide
 696 the department with a written transfer statement notifying the
 697 department of the transferor's intent to transfer the tax
 698 credits to the transferee; the date the transfer is effective;
 699 the transferee's name, address, and federal taxpayer
 700 identification number; the tax period; and the amount of tax
 701 credits to be transferred. The department shall, upon receipt of
 702 a transfer statement conforming to the requirements of this

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703 section, provide the transferee with a certificate reflecting
 704 the tax credit amounts transferred. A copy of the certificate
 705 must be attached to each tax return for which the transferee
 706 seeks to apply such tax credits.

707 (c) A tax credit authorized under this section that is
 708 held by a corporation and not transferred under this subsection
 709 shall be passed through to the taxpayers designated as
 710 partners, members, or owners, respectively, in the manner agreed
 711 to by such persons whether or not such partners, members, or
 712 owners are allocated or allowed any portion of the federal
 713 energy tax credit for the eligible costs.

714 (7)~~(6)~~ RULES.--The Department of Revenue shall have the
 715 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 716 to administer this section, including rules relating to:

717 (a) The forms required to claim a tax credit under this
 718 section, the requirements and basis for establishing an
 719 entitlement to a credit, and the examination and audit
 720 procedures required to administer this section.

721 (b) The implementation and administration of the
 722 provisions allowing a transfer of a tax credit, including rules
 723 prescribing forms, reporting requirements, and specific
 724 procedures, guidelines, and requirements necessary to transfer a
 725 tax credit.

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

729 220.193 Florida renewable energy production credit.--

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

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

734 (g) "Taxpayer" includes a general partnership, limited
 735 partnership, limited liability company, trust, or other
 736 artificial entity in which a corporation, as defined in s.
 737 220.03(1)(e), owns an interest and is taxed as a partnership or
 738 is disregarded as a separate entity from the corporation under
 739 chapter 220.

740 (3) An annual credit against the tax imposed by this
 741 section shall be allowed to a taxpayer, based on the taxpayer's
 742 production and sale of electricity from a new or expanded
 743 Florida renewable energy facility. For a new facility, the
 744 credit shall be based on the taxpayer's sale of the facility's
 745 entire electrical production. For an expanded facility, the
 746 credit shall be based on the increases in the facility's
 747 electrical production that are achieved after May 1, 2006.

748 (j) When an entity treated as a partnership or a
 749 disregarded entity under this chapter produces and sells
 750 electricity from a new or expanded renewable energy facility,
 751 the credit earned by such entity shall pass through in the same
 752 manner as items of income and expense pass through for federal
 753 income tax purposes.

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

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757 Section 10. It is the intent of the Legislature that the
 758 amendments to s. 220.193, F.S., are remedial in nature and apply
 759 retroactively to the effective date of the law establishing the
 760 credit.

761 Section 11. Subsection (2) of section 253.02, Florida
 762 Statutes, is amended to read:

763 253.02 Board of trustees; powers and duties.--

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

768 (b) In order to promote efficient, effective, and
 769 economical management of state lands and utility services and if
 770 the Public Service Commission has determined a need exists or
 771 the Federal Energy Regulatory Commission has granted a
 772 Certificate of Public Convenience and Necessity, the authority
 773 to grant easements for rights-of-way over, across, and upon
 774 lands the title to which is vested in the board of trustees for
 775 the construction and operation of natural gas pipeline
 776 transmission and linear facilities, including electric
 777 transmission and distribution facilities, may be delegated to
 778 the Secretary of the Department of Environmental Protection for
 779 facilities subject to part II of chapter 403 or facilities
 780 subject to part IV of chapter 373.

781 Section 12. Subsection (14) is added to section 253.034,
 782 Florida Statutes, to read:

783 253.034 State-owned lands; uses.--

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784 (14) (a) If a public utility, regional transmission
 785 organization, or natural gas company presents competent and
 786 substantial evidence that its use of nonsovereignty state-owned
 787 lands is reasonable based upon a consideration of economic and
 788 environmental factors, including an assessment of practicable
 789 alternative alignments and assurance that the lands will remain
 790 in their predominantly natural condition, the public utility,
 791 regional transmission organization, or natural gas company may
 792 be granted fee simple title, easements, or other interests in
 793 nonsovereignty state-owned lands title to which is vested in the
 794 board of trustees, a water management district, or any other
 795 agency in the state for:

- 796 1. Electric transmission and distribution lines;
- 797 2. Natural gas pipelines; or
- 798 3. Other linear facilities for which the Public Service
 799 Commission has determined a need exists or the Federal Energy
 800 Regulatory Commission has issued a Certificate of Public
 801 Convenience and Necessity.

802 (b) In exchange for less than a fee simple interest
 803 acquired pursuant to this subsection, the grantee shall pay an
 804 amount equal to the fair market value of the interest acquired.
 805 In addition, for the initial grant of such interests only, the
 806 grantee shall also vest in the grantor a fee simple interest to
 807 other available land that is 1.5 times the size of the land
 808 acquired by the grantee. The grantor shall approve the property
 809 with a less than fee simple interest on its behalf based on the
 810 geographic location in relation to the land relinquished by the

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811 grantor agency and a determination that the economic,
 812 ecological, and recreational value is at least equivalent to
 813 that of the property transferred to the public utility, regional
 814 transmission organization, or natural gas company.

815 (c) In exchange for a fee simple interest acquired
 816 pursuant to this subsection, the grantee shall pay an amount
 817 equal to the fair market value of the interest acquired. In
 818 addition, for the initial grant of such interests only, the
 819 grantee shall also vest in the grantor a fee simple title to
 820 other available land that is 2 times the size of the land
 821 acquired by the grantee. The grantor shall approve the land to
 822 be acquired on its behalf based on a determination that the
 823 economic and ecological or recreational value is at least
 824 equivalent to that of the property transferred to the public
 825 utility, regional transmission organization, or natural gas
 826 company.

827 (d) As an alternative to the consideration provided for in
 828 paragraphs (b) and (c) above, the grantee may, subject to the
 829 grantor's approval, pay the fair market value of the state-owned
 830 land plus one-half of the cost differential between the cost of
 831 constructing the facility on state-owned land and the cost of
 832 avoiding state-owned lands, up to a maximum of twice the fair
 833 market value of the land acquired by the grantee. The grantor
 834 may use these moneys to acquire fee simple or less than fee
 835 simple interest in other available land.

836 Section 13. Section 255.251, Florida Statutes, is amended
 837 to read:

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838 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 839 Act; short title.--This act shall be cited as the "Florida
 840 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

841 Section 14. Section 255.252, Florida Statutes, is amended
 842 to read:

843 255.252 Findings and intent.--

844 (1) Operating and maintenance expenditures associated with
 845 energy equipment and with energy consumed in state-financed and
 846 leased buildings represent a significant cost over the life of a
 847 building. Energy conserved by appropriate building design not
 848 only reduces the demand for energy but also reduces costs for
 849 building operation. ~~For example, commercial buildings are~~
 850 ~~estimated to use from 20 to 80 percent more energy than would be~~
 851 ~~required if energy conserving designs were used.~~ The size,
 852 design, orientation, and operability of windows, the ratio of
 853 ventilating air to air heated or cooled, the level of lighting
 854 consonant with space-use requirements, the handling of occupancy
 855 loads, and the ability to zone off areas not requiring
 856 equivalent levels of heating or cooling are but a few of the
 857 considerations necessary to conserving energy.

858 (2) Significant efforts are needed to build energy-
 859 efficient state-owned buildings that meet environmental
 860 standards and underway by the General Services Administration,
 861 ~~the National Institute of Standards and Technology, and others~~
 862 ~~to detail the considerations and practices for energy~~
 863 ~~conservation in buildings. Most important is that energy-~~
 864 ~~efficient designs~~ provide energy savings over the life of the

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865 building structure. ~~Conversely, energy inefficient designs cause~~
 866 ~~excess and wasteful energy use and high costs over that life.~~
 867 With buildings lasting many decades and with energy costs
 868 escalating rapidly, it is essential that the costs of operation
 869 and maintenance for energy-using equipment and sustainable
 870 materials be included in all design proposals for state-owned
 871 state buildings.

872 (3) In order that such energy-efficiency and sustainable
 873 materials considerations become a function of building design,
 874 and also a model for future application in the private sector,
 875 it shall be the policy of the state that buildings constructed
 876 and financed by the state be designed and constructed to meet
 877 the United States Green Building Council (USGBC) Leadership in
 878 Energy and Environmental Design (LEED) rating system, the Green
 879 Building Initiative's Green Globes rating system, the Florida
 880 Green Building Coalition standards, or a nationally recognized,
 881 high-performance green building rating system as approved by the
 882 department ~~in a manner which will minimize the consumption of~~
 883 ~~energy used in the operation and maintenance of such buildings.~~
 884 It is further the policy of the state, when economically
 885 feasible, to retrofit existing state-owned buildings in a manner
 886 which will minimize the consumption of energy used in the
 887 operation and maintenance of such buildings.

888 (4) In addition to designing and constructing new
 889 buildings to be energy-efficient, it shall be the policy of the
 890 state to operate and maintain, ~~and renovate existing~~ state
 891 ~~facilities, or provide for their renovation,~~ in a manner which

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892 will minimize energy consumption and maximize building
 893 sustainability as well as ensure that facilities leased by the
 894 state are operated so as to minimize energy use. It is further
 895 the policy of this state that the renovation of existing state
 896 facilities be in accordance with the United States Green
 897 Building Council's Leadership in Energy and Environmental Design
 898 (LEED) rating system, the Green Building Initiative's Green
 899 Globes rating system, the Florida Green Building Coalition
 900 standards, or a nationally recognized, high-performance green
 901 building rating system as approved by the department. State
 902 agencies are encouraged to consider shared savings financing of
 903 such energy efficiency and conservation projects, using
 904 contracts which split the resulting savings for a specified
 905 period of time between the state agency and the private firm or
 906 cogeneration contracts that ~~which~~ otherwise permit the state to
 907 lower its net energy costs. Such energy contracts may be funded
 908 from the operating budget.

909 (5) Each state agency occupying space within buildings
 910 owned or managed by the Department of Management Services must
 911 identify and compile a list of projects determined to be
 912 suitable for a guaranteed energy, water, and wastewater
 913 performance savings contract pursuant to s. 489.145. The list of
 914 projects compiled by each state agency shall be submitted to the
 915 Department of Management Services by December 31, 2008, and must
 916 include all criteria used to determine suitability. The list of
 917 projects shall be developed from the list of state-owned
 918 facilities greater than 5,000 square feet in area and for which

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919 the state agency is responsible for paying the expenses of
 920 utilities and other operating expenses as they relate to energy
 921 use. In consultation with each state agency executive officer,
 922 by July 1, 2009, the department shall prioritize all projects
 923 deemed suitable by each state agency and shall develop an energy
 924 efficiency project schedule based on factors such as project
 925 magnitude, efficiency and effectiveness of energy conservation
 926 measures to be implemented, and other factors that may prove to
 927 be advantageous to pursue. The schedule shall provide the
 928 deadline for guaranteed energy, water, and wastewater
 929 performance savings contract improvements to be made to the
 930 state-owned buildings.

931 Section 15. Subsections (6) and (7) are added to section
 932 255.253, Florida Statutes, to read:

933 255.253 Definitions; ss. 255.251-255.258.--

934 (6) "Sustainable building" means a building that is
 935 healthy and comfortable for its occupants and is economical to
 936 operate while conserving resources, including energy, water, raw
 937 materials and land, and minimizing the generation and use of
 938 toxic materials and waste in its design, construction,
 939 landscaping, and operation.

940 (7) "Sustainable building rating" means a rating
 941 established by the United States Green Building Council (USGBC)
 942 Leadership in Energy and Environmental Design (LEED) rating
 943 system, the Green Building Initiative's Green Globes rating
 944 system, the Florida Green Building Coalition standards, or a
 945 nationally recognized, high-performance green building rating

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946 system as approved by the department.

947 Section 16. Section 255.254, Florida Statutes, is amended
948 to read:

949 255.254 No facility constructed or leased without life-
950 cycle costs.--

951 (1) No state agency shall lease, construct, or have
952 constructed, within limits prescribed herein, a facility without
953 having secured from the department an a proper evaluation of
954 life-cycle costs based on sustainable building ratings, ~~as~~
955 ~~computed by an architect or engineer.~~ Furthermore, construction
956 shall proceed only upon disclosing to the department, for the
957 facility chosen, the life-cycle costs as determined in s.
958 255.255, its sustainable building rating goal, and the
959 capitalization of the initial construction costs of the
960 building. The life-cycle costs and the sustainable building
961 rating goal shall be a primary considerations ~~consideration~~ in
962 the selection of a building design. ~~Such analysis shall be~~
963 ~~required only for construction of buildings with an area of~~
964 5,000 square feet or greater. For leased buildings 5,000 square
965 feet or greater areas of ~~20,000 square feet or greater~~ within a
966 given building boundary, an energy performance analysis a life-
967 cycle analysis consisting of a projection of the annual energy
968 consumption costs in dollars per square foot of major energy-
969 consuming equipment and systems based on actual expenses, from
970 the last three years, and projected forward for the term of the
971 proposed lease shall be performed. ~~, and a~~ The lease shall only
972 be made where there is a showing that the energy life cycle

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973 | costs incurred by the state are minimal compared to available
 974 | like facilities. Any building leased by the state from a
 975 | private sector entity shall include, as a part of the lease,
 976 | provisions for monthly energy use data to be collected and
 977 | submitted monthly to the department by the owner of the
 978 | building.

979 | (2) On and after January 1, 1979, no state agency shall
 980 | initiate construction or have construction initiated, prior to
 981 | approval thereof by the department, on a facility or self-
 982 | contained unit of any facility, the design and construction of
 983 | which incorporates or contemplates the use of an energy system
 984 | other than a solar energy system when the life-cycle costs
 985 | analysis prepared by the department has determined that a solar
 986 | energy system is the most cost-efficient energy system for the
 987 | facility or unit.

988 | (3) After September 30, 1985, when any state agency must
 989 | replace or supplement major items of energy-consuming equipment
 990 | in existing state-owned or leased facilities or any self-
 991 | contained unit of any facility with other major items of energy-
 992 | consuming equipment, the selection of such items shall be made
 993 | on the basis of a life-cycle cost analysis of alternatives in
 994 | accordance with rules promulgated by the department under s.
 995 | 255.255.

996 | Section 17. Subsection (1) of section 255.255, Florida
 997 | Statutes, is amended to read:

998 | 255.255 Life-cycle costs.--

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999 (1) The department shall promulgate rules and procedures,
 1000 including energy conservation performance guidelines based on
 1001 sustainable building ratings, for conducting a life-cycle cost
 1002 analysis of alternative architectural and engineering designs
 1003 and alternative major items of energy-consuming equipment to be
 1004 retrofitted in existing state-owned ~~or leased~~ facilities and for
 1005 developing energy performance indices to evaluate the efficiency
 1006 of energy utilization for competing designs in the construction
 1007 of state-financed and leased facilities.

1008 Section 18. Section 255.257, Florida Statutes, is amended
 1009 to read:

1010 255.257 Energy management; buildings occupied by state
 1011 agencies.--

1012 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
 1013 shall collect data on energy consumption and cost. The data
 1014 gathered shall be on state-owned facilities and metered state-
 1015 leased facilities of 5,000 net square feet or more. These data
 1016 will be used in the computation of the effectiveness of the
 1017 state energy management plan and the effectiveness of the energy
 1018 management program of each of the state agencies. Collected
 1019 data shall be reported annually to the department in a format
 1020 prescribed by the department.

1021 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency,
 1022 the Florida Public Service Commission, the Department of
 1023 Military Affairs, and the judicial branch shall appoint a
 1024 coordinator whose responsibility shall be to advise the head of
 1025 the state agency on matters relating to energy consumption in

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1026 facilities under the control of that head or in space occupied
 1027 by the various units comprising that state agency, in vehicles
 1028 operated by that state agency, and in other energy-consuming
 1029 activities of the state agency. The coordinator shall implement
 1030 the energy management program agreed upon by the state agency
 1031 concerned and assist the department in the development of the
 1032 State Energy Management Plan.

1033 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
 1034 Department of Management Services shall ~~may~~ develop a state
 1035 energy management plan consisting of, but not limited to, the
 1036 following elements:

- 1037 (a) Data-gathering requirements;
- 1038 (b) Building energy audit procedures;
- 1039 (c) Uniform data analysis procedures;
- 1040 (d) Employee energy education program measures;
- 1041 (e) Energy consumption reduction techniques;
- 1042 (f) Training program for state agency energy management
 1043 coordinators; and
- 1044 (g) Guidelines for building managers.

1045
 1046 The plan shall include a description of actions that state
 1047 agencies shall take to reduce consumption of electricity and
 1048 nonrenewable energy sources used for space heating and cooling,
 1049 ventilation, lighting, water heating, and transportation.

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1050 (4) All state agencies shall adopt the United States Green
 1051 Building Council's Leadership in Energy and Environmental Design
 1052 (LEED) rating system, the Green Building Initiative's Green
 1053 Globes rating system, the Florida Green Building Coalition
 1054 standards, or a nationally recognized, high-performance green
 1055 building rating system as approved by the department for all new
 1056 buildings and renovations to existing buildings.

1057 (5) No state agency shall enter into new leasing
 1058 agreements for office space that does not meet Energy Star
 1059 building standards, except when determined by the appropriate
 1060 state government entity executive that no other viable or cost-
 1061 effective alternative exists.

1062 (6) All state agencies shall develop energy conservation
 1063 measures and guidelines for new and existing office space where
 1064 state agencies occupy more than 5,000 square feet. These
 1065 conservation measures shall focus on programs that may reduce
 1066 energy consumption and when established, provide a net reduction
 1067 in occupancy costs.

1068 Section 19. (1) The Legislature declares that there is an
 1069 important state interest in promoting the construction of
 1070 energy-efficient and sustainable buildings. Government
 1071 leadership in promoting these standards is vital to demonstrate
 1072 the state's commitment to energy conservation, saving taxpayers
 1073 money, and raising public awareness of energy-rating systems.

1074 (2) All county, municipal, school district, water
 1075 management district, state university, community college, and
 1076 Florida state court buildings shall be constructed to meet the

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1077 United States Green Building Council (USGBC) Leadership in
 1078 Energy and Environmental Design (LEED) rating system, the Green
 1079 Building Initiative's Green Globes rating system, the Florida
 1080 Green Building Coalition standards, or a nationally recognized,
 1081 high-performance green building rating system as approved by the
 1082 department. This section shall apply to all county, municipal,
 1083 school district, water management district, state university,
 1084 community college, and Florida state court buildings whose
 1085 architectural plans are started after July 1, 2008.

1086 Section 20. Section 286.28, Florida Statutes, is created
 1087 to read:

1088 286.28 Climate Friendly Public Business.—

1089 (1) The Legislature recognizes the importance of
 1090 leadership by state government in the area of energy efficiency
 1091 and in reducing the greenhouse gas emissions of state government
 1092 operations. The following shall pertain to all state agencies
 1093 when conducting public business:

1094 (a) The Department of Management Services shall develop
 1095 the "Florida Climate Friendly Preferred Products List." In
 1096 maintaining that list, the department, in consultation with the
 1097 Department of Environmental Protection, will continually assess
 1098 products currently available for purchase under State Term
 1099 Contracts to identify specific products and vendors that have
 1100 clear energy efficiency or other environmental benefit over
 1101 competing products. When procuring products from state term
 1102 contracts, state agencies shall first consult the Florida
 1103 Climate Friendly Preferred Products List and procure such

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1104 products if the price is comparable.

1105 (b) Effective July 1, 2008, state agencies shall only
 1106 contract for meeting and conference space with hotels or
 1107 conference facilities that have received the "Green Lodging"
 1108 designation from the Department of Environmental Protection for
 1109 best practices in water, energy and waste efficiency standards,
 1110 unless the responsible state agency's chief executive officer
 1111 makes a determination that no other viable alternative exists.
 1112 The Department of Environmental Protection is authorized to
 1113 adopt rules to implement the "Green Lodging" program.

1114 (c) Each state agency shall assure that all maintained
 1115 vehicles meet minimum maintenance schedules shown to reduce fuel
 1116 consumption which include: assuring appropriate tire pressures
 1117 and tread depth; replacing fuel filters and emission filters at
 1118 recommended intervals; using proper motor oils; and performing
 1119 timely motor maintenance. Each state agency will measure and
 1120 report compliance to the Department of Management Services
 1121 through the Equipment Management Information System database.

1122 (d) When procuring new vehicles, all state agencies, state
 1123 universities, community colleges and local governments that
 1124 purchase vehicles under a state purchasing plan, shall first
 1125 define the intended purpose for a vehicle and determine which of
 1126 the following use classes the vehicle is being procured for:

- 1127 1. State business travel, designated operator;
- 1128 2. State business travel, pool operators;
- 1129 3. Construction, agricultural or maintenance work;
- 1130 4. Conveyance of passengers;

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1131 5. Conveyance of building or maintenance materials and
 1132 supplies;

1133 6. Off-road vehicles, motorcycles and all-terrain
 1134 vehicles;

1135 7. Emergency response; or

1136 8. Other.

1137
 1138 Vehicles in subparagraphs 1. through 8., when being processed
 1139 for purchase or leasing agreements, must be selected for the
 1140 greatest fuel efficiency available for a given use class when
 1141 fuel economy data are available. Exceptions may be made for
 1142 certain individual vehicles in subparagraph 7., when
 1143 accompanied, during the procurement process, by documentation
 1144 indicating that the operator or operators will exclusively be
 1145 emergency first responders or have special documented need for
 1146 exceptional vehicle performance characteristics. Any request
 1147 for an exception must be approved by the purchasing agency's
 1148 chief executive officer and any exceptional performance
 1149 characteristics denoted as a part of the procurement process
 1150 prior to purchase.

1151 (f) All state agencies shall use ethanol and biodiesel
 1152 blended fuels, when available. State agencies administering
 1153 central fueling operations for state-owned vehicles shall
 1154 procure biofuels for fleet needs to the greatest extent
 1155 practicable.

1156 Section 21. Paragraph (b) of subsection (2) and subsection
 1157 (5) of section 287.063, Florida Statutes, are amended to read:

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1158 287.063 Deferred-payment commodity contracts; preaudit
1159 review.—

1160 (2)

1161 (b) The Chief Financial Officer shall establish, by rule,
1162 criteria for approving purchases made under deferred-payment
1163 contracts which require the payment of interest. Criteria shall
1164 include, but not be limited to, the following provisions:

1165 1. No contract shall be approved in which interest exceeds
1166 the statutory ceiling contained in this section. However, the
1167 interest component of any master equipment financing agreement
1168 entered into for the purpose of consolidated financing of a
1169 deferred-payment, installment sale, or lease-purchase shall be
1170 deemed to comply with the interest rate limitation of this
1171 section so long as the interest component of every interagency
1172 agreement under such master equipment financing agreement
1173 complies with the interest rate limitation of this section.

1174 2. No deferred-payment purchase for less than \$30,000
1175 shall be approved, unless it can be satisfactorily demonstrated
1176 and documented to the Chief Financial Officer that failure to
1177 make such deferred-payment purchase would adversely affect an
1178 agency in the performance of its duties. However, the Chief
1179 Financial Officer may approve any deferred-payment purchase if
1180 the Chief Financial Officer determines that such purchase is
1181 economically beneficial to the state.

1182 ~~3. No agency shall obligate an annualized amount of~~
1183 ~~payments for deferred payment purchases in excess of current~~
1184 ~~operating capital outlay appropriations, unless specifically~~

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1185 ~~authorized by law or unless it can be satisfactorily~~
 1186 ~~demonstrated and documented to the Chief Financial Officer that~~
 1187 ~~failure to make such deferred payment purchase would adversely~~
 1188 ~~affect an agency in the performance of its duties.~~

1189 3. 4. No contract shall be approved which extends payment
 1190 beyond 5 years, unless it can be satisfactorily demonstrated and
 1191 documented to the Chief Financial Officer that failure to make
 1192 such deferred-payment purchase would adversely affect an agency
 1193 in the performance of its duties. The payment term may not
 1194 exceed the useful life of the equipment unless the contract
 1195 provides for the replacement or the extension of the useful life
 1196 of the equipment during the term of the loan.

1197 (c) The Chief Financial Officer shall require written
 1198 justification based on need, usage, size of the purchase, and
 1199 financial benefit to the state for deferred-payment purchases
 1200 made pursuant to this subsection.

1201 (5) For purposes of this section, the annualized amount of
 1202 any such deferred payment commodity contract must be supported
 1203 from available recurring funds appropriated to the agency in an
 1204 appropriation category, ~~other than the expense appropriation~~
 1205 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
 1206 Financial Officer has determined is appropriate or which ~~that~~
 1207 the Legislature has designated for payment of the obligation
 1208 incurred under this section.

1209 Section 22. Subsections (10) and (11) of section 287.064,
 1210 Florida Statutes, are amended to read:

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1211 287.064 Consolidated financing of deferred-payment
 1212 purchases.--
 1213 (10) (a) A master equipment financing agreement may finance
 1214 the cost of energy, water, or wastewater efficiency and
 1215 conservation measures, as defined in s. 489.145, excluding the
 1216 costs of training, operation, and maintenance, for a term or
 1217 repayment that may exceed 5 years but not more than 20 years.
 1218 (b) The guaranteed energy, water, and wastewater savings
 1219 contractor shall provide for the replacement or the extension of
 1220 the useful life of the equipment during the term of the
 1221 contract. ~~Costs incurred pursuant to a guaranteed energy~~
 1222 ~~performance savings contract, including the cost of energy~~
 1223 ~~conservation measures, each as defined in s. 489.145, may be~~
 1224 ~~financed pursuant to a master equipment financing agreement;~~
 1225 ~~however, the costs of training, operation, and maintenance may~~
 1226 ~~not be financed. The period of time for repayment of the funds~~
 1227 ~~drawn pursuant to the master equipment financing agreement under~~
 1228 ~~this subsection may exceed 5 years but may not exceed 10 years.~~
 1229 (11) For purposes of consolidated financing of deferred
 1230 payment commodity contracts under this section by a state
 1231 agency, the annualized amount of any such contract must be
 1232 supported from available recurring funds appropriated to the
 1233 agency in an appropriation category, ~~other than the expense~~
 1234 ~~appropriation category~~ as defined in chapter 216, which ~~that~~ the
 1235 Chief Financial Officer has determined is appropriate or which
 1236 ~~that~~ the Legislature has designated for payment of the
 1237 obligation incurred under this section.

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1238 Section 23. Section 316.0741, Florida Statutes, is amended
1239 to read:

1240 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
1241 lanes.--

1242 (1) As used in this section, the term:

1243 (a) "High-occupancy-vehicle ~~"High-occupancy vehicle lane"~~
1244 or "HOV lane" means a lane of a public roadway designated for
1245 use by vehicles in which there is more than one occupant unless
1246 otherwise authorized by federal law.

1247 (b) "Hybrid vehicle" means a motor vehicle:

1248 1. That draws propulsion energy from onboard sources of
1249 stored energy which are both an internal combustion or heat
1250 engine using combustible fuel and a rechargeable energy-storage
1251 system; and

1252 2. That, in the case of a passenger automobile or light
1253 truck, has received a certificate of conformity under the Clean
1254 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
1255 equivalent qualifying California standards for a low-emission
1256 vehicle.

1257 (2) The number of persons that must be in a vehicle to
1258 qualify for legal use of the HOV lane and the hours during which
1259 the lane will serve as an HOV lane, if it is not designated as
1260 such on a full-time basis, must also be indicated on a traffic
1261 control device.

1262 (3) Except as provided in subsection (4), a vehicle may
1263 not be driven in an HOV lane if the vehicle is occupied by fewer
1264 than the number of occupants indicated by a traffic control

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1265 device. A driver who violates this section shall be cited for a
 1266 moving violation, punishable as provided in chapter 318.

1267 (4) (a) Notwithstanding any other provision of this
 1268 section, an inherently low-emission vehicle (ILEV) that is
 1269 certified and labeled in accordance with federal regulations may
 1270 be driven in an HOV lane at any time, regardless of its
 1271 occupancy. In addition, upon the state's receipt of written
 1272 notice from the proper federal regulatory agency authorizing
 1273 such use, a vehicle defined as a hybrid vehicle under this
 1274 section may be driven in an HOV lane at any time, regardless of
 1275 its occupancy.

1276 (b) All eligible hybrid and all eligible other low-
 1277 emission and energy-efficient vehicles driven in an HOV lane
 1278 must comply with the minimum fuel economy standards in 23 U.S.C.
 1279 s. 166(f)(3)(B).

1280 (c) Upon its effective date, the eligibility of hybrid and
 1281 other low-emission and energy-efficient vehicles for operation
 1282 in an HOV lane regardless of occupancy shall be determined in
 1283 accordance with the applicable final rule issued by the United
 1284 States Environmental Protection Agency pursuant to 23 U.S.C. s.
 1285 166(e).

1286 (5) The department shall issue a decal and registration
 1287 certificate, to be renewed annually, reflecting the HOV lane
 1288 designation on ~~such~~ vehicles meeting the criteria in subsection
 1289 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
 1290 department may charge a fee for a decal, not to exceed the costs
 1291 of designing, producing, and distributing each decal, or \$5,

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1292 whichever is less. The proceeds from sale of the decals shall be
 1293 deposited in the Highway Safety Operating Trust Fund. The
 1294 department may, for reasons of operation and management of HOV
 1295 facilities, limit or discontinue issuance of decals for the use
 1296 of HOV facilities by hybrid and low-emission and energy-
 1297 efficient vehicles regardless of occupancy if it has been
 1298 determined by the Department of Transportation that the
 1299 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

1300 (6) Any HOV lane facility that is redesignated as open
 1301 tolling lanes may continue to allow vehicles that comply with
 1302 the minimum fuel economy standards under 23 U.S.C. s.
 1303 166(f)(3)(B) to use the lane without requiring payment of the
 1304 toll.

1305 ~~(5) As used in this section, the term "hybrid vehicle"~~
 1306 ~~means a motor vehicle:~~

1307 ~~(a) That draws propulsion energy from onboard sources of~~
 1308 ~~stored energy which are both:~~

1309 ~~1. An internal combustion or heat engine using combustible~~
 1310 ~~fuel; and~~

1311 ~~2. A rechargeable energy storage system; and~~

1312 ~~(b) That, in the case of a passenger automobile or light~~
 1313 ~~truck:~~

1314 ~~1. Has received a certificate of conformity under the~~
 1315 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

1316 ~~2. Meets or exceeds the equivalent qualifying California~~
 1317 ~~standards for a low-emission vehicle.~~

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1318 (7) ~~(6)~~ The department may adopt rules ~~necessary~~ to
 1319 administer this section.

1320 Section 24. Subsection (1) of section 337.401, Florida
 1321 Statutes, is amended to read:

1322 337.401 Use of right-of-way for utilities subject to
 1323 regulation; permit; fees.--

1324 (1) The department and local governmental entities,
 1325 referred to in ss. 337.401-337.404 as the "authority," that have
 1326 jurisdiction and control of public roads or publicly owned rail
 1327 corridors are authorized to prescribe and enforce reasonable
 1328 rules or regulations with reference to the placing and
 1329 maintaining along, across, or on any road or publicly owned rail
 1330 corridors under their respective jurisdictions any electric
 1331 transmission, telephone, telegraph, or other communications
 1332 services lines; pole lines; poles; railways; ditches; sewers;
 1333 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 1334 pumps; or other structures ~~hereinafter~~ referred to in this
 1335 section as the "utility." For aerial and underground electric
 1336 utility transmission lines designed to operate at 69 kV or more
 1337 which are needed to accommodate the additional electrical
 1338 transfer capacity on the transmission grid resulting from new
 1339 base load generating facilities, where there is no other
 1340 practicable alternative available for placement of the electric
 1341 utility transmission lines on the department's rights-of-way,
 1342 the department's rules shall provide for placement of and access
 1343 to such transmission lines adjacent to and within the right-of-
 1344 way of any department-controlled public roads, including

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1345 longitudinally within limited access facilities to the greatest
 1346 extent allowed by federal law, if compliance with the standards
 1347 established by such rules is achieved. Such rules may include,
 1348 but need not be limited to, presentation of competent and
 1349 substantial evidence that the use of the right-of-way is
 1350 reasonable based upon a consideration of economic and
 1351 environmental factors, including, without limitation, other
 1352 utility corridors and easements and minimum clear zones and
 1353 other safety standards if such improvements do not interfere
 1354 with operational requirements of the transportation facility or
 1355 planned or potential future expansion of such transportation
 1356 facility. If the department approves longitudinal placement of
 1357 electric utility transmission lines in limited access
 1358 facilities, compensation for the use of the right-of-way is
 1359 required. Such consideration or compensation paid by the
 1360 electric utility in connection with the department's issuance of
 1361 a permit does not create any property right in the department's
 1362 property regardless of the amount of consideration paid or the
 1363 improvements constructed on the property by the utility. Upon
 1364 notice by the department that the property is needed for
 1365 expansion or improvement of the transportation facility, the
 1366 electric utility transmission line will relocate from the
 1367 facility at the electric utility's sole expense. Such
 1368 relocation shall occur under a schedule mutually agreed upon by
 1369 the department and the electric utility, taking into
 1370 consideration the maintenance of overall grid reliability and
 1371 minimizing the relocation costs to the electric utility's

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1372 customers. If the utility fails to meet the agreed upon
 1373 schedule for relocation, the utility shall be responsible for
 1374 reasonable direct delay damages due to the sole negligence of
 1375 the electric utility as determined by a court of competent
 1376 jurisdiction. As used in this subsection, the term "base load
 1377 generating facilities" mean electrical power plants that are
 1378 certified under part II of chapter 403. The department may
 1379 enter into a permit-delegation agreement with a governmental
 1380 entity if issuance of a permit is based on requirements that the
 1381 department finds will ensure the safety and integrity of
 1382 facilities of the Department of Transportation; however, the
 1383 permit-delegation agreement does not apply to facilities of
 1384 electric utilities as defined in s. 366.02(2).

1385 Section 25. Subsections (1) and (7) of section 339.175,
 1386 Florida Statutes, are amended to read:

1387 339.175 Metropolitan planning organization.—

1388 (1) PURPOSE.--It is the intent of the Legislature to
 1389 encourage and promote the safe and efficient management,
 1390 operation, and development of surface transportation systems
 1391 that will serve the mobility needs of people and freight and
 1392 foster economic growth and development within and through
 1393 urbanized areas of this state while minimizing transportation-
 1394 related fuel consumption, ~~and~~ air pollution and greenhouse gas
 1395 emissions through metropolitan transportation planning processes
 1396 identified in this section. To accomplish these objectives,
 1397 metropolitan planning organizations, referred to in this section
 1398 as M.P.O.'s, shall develop, in cooperation with the state and

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1399 public transit operators, transportation plans and programs for
 1400 metropolitan areas. The plans and programs for each metropolitan
 1401 area must provide for the development and integrated management
 1402 and operation of transportation systems and facilities,
 1403 including pedestrian walkways and bicycle transportation
 1404 facilities that will function as an intermodal transportation
 1405 system for the metropolitan area, based upon the prevailing
 1406 principles provided in s. 334.046(1). The process for developing
 1407 such plans and programs shall provide for consideration of all
 1408 modes of transportation and shall be continuing, cooperative,
 1409 and comprehensive, to the degree appropriate, based on the
 1410 complexity of the transportation problems to be addressed. To
 1411 ensure that the process is integrated with the statewide
 1412 planning process, M.P.O.'s shall develop plans and programs that
 1413 identify transportation facilities that should function as an
 1414 integrated metropolitan transportation system, giving emphasis
 1415 to facilities that serve important national, state, and regional
 1416 transportation functions. For the purposes of this section,
 1417 those facilities include the facilities on the Strategic
 1418 Intermodal System designated under s. 339.63 and facilities for
 1419 which projects have been identified pursuant to s. 339.2819(4).

1420 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 1421 develop a long-range transportation plan that addresses at least
 1422 a 20-year planning horizon. The plan must include both long-
 1423 range and short-range strategies and must comply with all other
 1424 state and federal requirements. The prevailing principles to be
 1425 considered in the long-range transportation plan are: preserving

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1426 the existing transportation infrastructure; enhancing Florida's
 1427 economic competitiveness; and improving travel choices to ensure
 1428 mobility. The long-range transportation plan must be consistent,
 1429 to the maximum extent feasible, with future land use elements
 1430 and the goals, objectives, and policies of the approved local
 1431 government comprehensive plans of the units of local government
 1432 located within the jurisdiction of the M.P.O. Each M.P.O. is
 1433 encouraged to consider strategies that integrate transportation
 1434 and land use planning to provide for sustainable development and
 1435 reduce greenhouse gas emissions. The approved long-range
 1436 transportation plan must be considered by local governments in
 1437 the development of the transportation elements in local
 1438 government comprehensive plans and any amendments thereto. The
 1439 long-range transportation plan must, at a minimum:

1440 (a) Identify transportation facilities, including, but not
 1441 limited to, major roadways, airports, seaports, spaceports,
 1442 commuter rail systems, transit systems, and intermodal or
 1443 multimodal terminals that will function as an integrated
 1444 metropolitan transportation system. The long-range
 1445 transportation plan must give emphasis to those transportation
 1446 facilities that serve national, statewide, or regional
 1447 functions, and must consider the goals and objectives identified
 1448 in the Florida Transportation Plan as provided in s. 339.155. If
 1449 a project is located within the boundaries of more than one
 1450 M.P.O., the M.P.O.'s must coordinate plans regarding the project
 1451 in the long-range transportation plan.

1452 (b) Include a financial plan that demonstrates how the

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1453 plan can be implemented, indicating resources from public and
 1454 private sources which are reasonably expected to be available to
 1455 carry out the plan, and recommends any additional financing
 1456 strategies for needed projects and programs. The financial plan
 1457 may include, for illustrative purposes, additional projects that
 1458 would be included in the adopted long-range transportation plan
 1459 if reasonable additional resources beyond those identified in
 1460 the financial plan were available. For the purpose of developing
 1461 the long-range transportation plan, the M.P.O. and the
 1462 department shall cooperatively develop estimates of funds that
 1463 will be available to support the plan implementation. Innovative
 1464 financing techniques may be used to fund needed projects and
 1465 programs. Such techniques may include the assessment of tolls,
 1466 the use of value capture financing, or the use of value pricing.

1467 (c) Assess capital investment and other measures necessary
 1468 to:

1469 1. Ensure the preservation of the existing metropolitan
 1470 transportation system including requirements for the operation,
 1471 resurfacing, restoration, and rehabilitation of major roadways
 1472 and requirements for the operation, maintenance, modernization,
 1473 and rehabilitation of public transportation facilities; and

1474 2. Make the most efficient use of existing transportation
 1475 facilities to relieve vehicular congestion and maximize the
 1476 mobility of people and goods.

1477 (d) Indicate, as appropriate, proposed transportation
 1478 enhancement activities, including, but not limited to,
 1479 pedestrian and bicycle facilities, scenic easements,

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1480 landscaping, historic preservation, mitigation of water
 1481 pollution due to highway runoff, and control of outdoor
 1482 advertising.

1483 (e) In addition to the requirements of paragraphs (a)-(d),
 1484 in metropolitan areas that are classified as nonattainment areas
 1485 for ozone or carbon monoxide, the M.P.O. must coordinate the
 1486 development of the long-range transportation plan with the State
 1487 Implementation Plan developed pursuant to the requirements of
 1488 the federal Clean Air Act.

1489
 1490 In the development of its long-range transportation plan, each
 1491 M.P.O. must provide the public, affected public agencies,
 1492 representatives of transportation agency employees, freight
 1493 shippers, providers of freight transportation services, private
 1494 providers of transportation, representatives of users of public
 1495 transit, and other interested parties with a reasonable
 1496 opportunity to comment on the long-range transportation plan.
 1497 The long-range transportation plan must be approved by the
 1498 M.P.O.

1499 Section 26. Subsection (7) is added to section 366.04,
 1500 Florida Statutes, to read:

1501 366.04 Jurisdiction of commission.--

1502 (7) As used in this section, the term "affected municipal
 1503 electric utility" means a municipality that operates an electric
 1504 utility that serves two cities in the same county, is located in
 1505 a non-charter county, has between 30,000 and 35,000 retail
 1506 electric customers as of September 30, 2007, and does not have a

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1507 service territory that extends beyond its home county as of
 1508 September 30, 2007.

1509 (a) Each affected municipal electric utility shall conduct
 1510 a referendum election of all of its retail electric customers,
 1511 with each named retail electric customer having one vote,
 1512 concurrent with the next regularly scheduled general election
 1513 following the effective date of this act.

1514 (b) The ballot for the referendum election required in
 1515 paragraph (a) shall contain the following question: "Should a
 1516 separate electric utility authority be created to operate the
 1517 business of the electric utility in the affected municipal
 1518 electric utility?" The statement must be followed by the word
 1519 "yes and also by the word "no."

1520 (c) The provisions of the Election Code relating to notice
 1521 and conduct of the election shall be followed to the extent
 1522 practicable. Costs of the referendum election shall be borne by
 1523 the affected municipal electric utility.

1524 (d) If a majority of the affected municipal electric
 1525 utility's retail electric customers vote in favor of creating a
 1526 separate electric utility authority, then the affected municipal
 1527 electric utility shall transfer operations of its electric
 1528 utility business to a duly-created authority on or before July
 1529 1, 2009.

1530 Section 27. Paragraph (b) of subsection (6) of section
 1531 366.82, Florida Statutes, is amended to read:

1532 366.82 Definition; goals; plans; programs; annual reports;
 1533 energy audits.--

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1534 (6)

1535 (b) The Florida Energy and Climate Commission, created in

1536 s. 377.6015, ~~Executive Office of the Governor~~ shall be a party

1537 in the proceedings to adopt goals and shall file with the

1538 commission comments on the proposed goals including, but not

1539 limited to:

1540 1. An evaluation of utility load forecasts, including an

1541 assessment of alternative supply and demand side resource

1542 options.

1543 2. An analysis of various policy options which can be

1544 implemented to achieve a least-cost strategy.

1545 Section 28. Section 366.8255, Florida Statutes, is amended

1546 to read:

1547 366.8255 Environmental cost recovery.--

1548 (1) As used in this section, the term:

1549 (a) "Electric utility" or "utility" means any investor-

1550 owned electric utility that owns, maintains, or operates an

1551 electric generation, transmission, or distribution system within

1552 the State of Florida and that is regulated under this chapter.

1553 (b) "Commission" means the Florida Public Service

1554 Commission.

1555 (c) "Environmental laws or regulations" includes all

1556 federal, state, or local statutes, administrative regulations,

1557 orders, ordinances, resolutions, or other requirements that

1558 apply to electric utilities and are designed to protect the

1559 environment.

1560 (d) "Environmental compliance costs" includes all costs or

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1561 expenses incurred by an electric utility in complying with
 1562 environmental laws or regulations, including but not limited to:
 1563 1. Inservice capital investments, including the electric
 1564 utility's last authorized rate of return on equity thereon;
 1565 2. Operation and maintenance expenses;
 1566 3. Fuel procurement costs;
 1567 4. Purchased power costs;
 1568 5. Emission allowance costs;
 1569 6. Costs or expenses prudently incurred for the
 1570 quantification, reporting, and third party verification as
 1571 required for participation in greenhouse gas emission registries
 1572 for greenhouse gases as defined in s. 403.44;
 1573 7. Costs or expenses prudently incurred for scientific
 1574 research and geological assessments of carbon capture and
 1575 storage conducted in Florida for the purpose of reducing an
 1576 electric utility's greenhouse gas emissions when such costs or
 1577 expenses are incurred in joint research projects with State of
 1578 Florida government agencies and State of Florida universities;
 1579 ~~8. 6.~~ Direct taxes on environmental equipment; and
 1580 ~~9. 7.~~ Costs or expenses prudently incurred by an electric
 1581 utility pursuant to an agreement entered into on or after the
 1582 effective date of this act and prior to October 1, 2002, between
 1583 the electric utility and the Florida Department of Environmental
 1584 Protection or the United States Environmental Protection Agency
 1585 for the exclusive purpose of ensuring compliance with ozone
 1586 ambient air quality standards by an electrical generating
 1587 facility owned by the electric utility.

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1588 Section 29. Section 366.91, Florida Statutes, is amended
 1589 to read:

1590 366.91 Renewable energy.--

1591 (1) The Legislature finds that it is in the public
 1592 interest to promote the development of renewable energy
 1593 resources in this state. Renewable energy resources have the
 1594 potential to help diversify fuel types to meet Florida's growing
 1595 dependency on natural gas for electric production, minimize the
 1596 volatility of fuel costs, encourage investment within the state,
 1597 improve environmental conditions, and make Florida a leader in
 1598 new and innovative technologies.

1599 (2) As used in this section, the term:

1600 (a) "Biomass" means a power source that is comprised of,
 1601 but not limited to, combustible residues or gases from forest
 1602 products manufacturing, waste, byproducts or products from
 1603 agricultural and orchard crops, waste and co-products from
 1604 livestock and poultry operations, waste and byproducts from ~~and~~
 1605 food processing, urban wood waste, municipal solid waste,
 1606 municipal liquid waste treatment operations, and landfill gas.

1607 (b) "Renewable energy" means electrical energy produced
 1608 from a method that uses one or more of the following fuels or
 1609 energy sources: hydrogen produced from sources other than fossil
 1610 fuels, biomass, solar energy, geothermal energy, wind energy,
 1611 ocean energy, and hydroelectric power. The term includes the
 1612 alternative energy resource, waste heat, from sulfuric acid
 1613 manufacturing operations.

1614 (c) "Customer-owned renewable generation" means an

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1615 electric generating system located on a customer's premises that
 1616 is primarily intended to offset part or all of the customer's
 1617 electricity requirements with renewable energy.

1618 (d) "Net metering" means a metering and billing methodology
 1619 whereby customer-owned renewable generation is allowed to offset
 1620 the customer's electricity consumption on-site.

1621 (3) On or before January 1, 2006, each public utility must
 1622 continuously offer a purchase contract to producers of renewable
 1623 energy. The commission shall establish requirements relating to
 1624 the purchase of capacity and energy by public utilities from
 1625 renewable energy producers and may adopt rules to administer
 1626 this section. The contract shall contain payment provisions for
 1627 energy and capacity which are based upon the utility's full
 1628 avoided costs, as defined in s. 366.051; however, capacity
 1629 payments are not required if, due to the operational
 1630 characteristics of the renewable energy generator or the
 1631 anticipated peak and off-peak availability and capacity factor
 1632 of the utility's avoided unit, the producer is unlikely to
 1633 provide any capacity value to the utility or the electric grid
 1634 during the contract term. Each contract must provide a contract
 1635 term of at least 10 years. Prudent and reasonable costs
 1636 associated with a renewable energy contract shall be recovered
 1637 from the ratepayers of the contracting utility, without
 1638 differentiation among customer classes, through the appropriate
 1639 cost-recovery clause mechanism administered by the commission.

1640 (4) On or before January 1, 2006, each municipal electric
 1641 utility and rural electric cooperative whose annual sales, as of

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1642 July 1, 1993, to retail customers were greater than 2,000
 1643 gigawatt hours must continuously offer a purchase contract to
 1644 producers of renewable energy containing payment provisions for
 1645 energy and capacity which are based upon the utility's or
 1646 cooperative's full avoided costs, as determined by the governing
 1647 body of the municipal utility or cooperative; however, capacity
 1648 payments are not required if, due to the operational
 1649 characteristics of the renewable energy generator or the
 1650 anticipated peak and off-peak availability and capacity factor
 1651 of the utility's avoided unit, the producer is unlikely to
 1652 provide any capacity value to the utility or the electric grid
 1653 during the contract term. Each contract must provide a contract
 1654 term of at least 10 years.

1655 (5) On or before January 1, 2009, each public utility must
 1656 develop a standardized interconnection agreement and net
 1657 metering program for customer-owned renewable generation. The
 1658 commission shall establish requirements relating to the
 1659 expedited interconnection and net metering of customer-owned
 1660 renewable generation by public utilities and may adopt rules to
 1661 administer this section.

1662 (6) On or before January 1, 2009, each municipal electric
 1663 utility and rural electric cooperative must develop a
 1664 standardized interconnection and net metering program for
 1665 customer-owned renewable generation. The standardized
 1666 interconnection agreement shall provide explicit directions for
 1667 the application and interconnection process, detailing specific
 1668 due dates for action by the utility and the customer in order to

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1669 simplify and expedite the interconnection process. The
 1670 standardized interconnection agreement shall incorporate
 1671 nationally recognized standards for interconnection and safety.
 1672 The net metering program shall provide for any excess energy
 1673 delivered to the electric grid in one billing period be carried
 1674 over to directly offset the customer's consumption in the next
 1675 billing period, for a period up to 12 months. Any excess energy
 1676 credits remaining at the end of the calendar year shall be
 1677 purchased by the utility based upon a rate to be determined by
 1678 the governing body of the municipal utility or cooperative. The
 1679 requirements established by a municipal or cooperative utility
 1680 must be consistent with the interconnection and net metering
 1681 rules adopted by the commission for the public utilities. By
 1682 April 1 of each year, each municipal electric utility and rural
 1683 electric cooperative utility shall file a report with the
 1684 commission detailing customer participation in the
 1685 interconnection and net metering program, including but not
 1686 limited to the number and total capacity of interconnected
 1687 generating systems and the total energy net metered in the
 1688 previous year.

1689 (7) Under the provisions of subsections (5) and (6), when
 1690 a utility purchases power generated from biogas produced by the
 1691 anaerobic digestion of agricultural waste, including food waste
 1692 or other agricultural by products, net metering is available at
 1693 a single metering point or is available as a part of conjunctive
 1694 billing of multiple points for a customer at a single location.

1695 (8) ~~(5)~~ A contracting producer of renewable energy must pay

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1696 the actual costs of its interconnection with the transmission
1697 grid or distribution system.

1698 Section 30. Section 366.92, Florida Statutes, is amended
1699 to read:

1700 366.92 Florida Renewable Energy Policy.--

1701 (1) It is the intent of the Legislature to promote the
1702 development of renewable energy; protect the economic viability
1703 of Florida's existing renewable energy facilities; diversify the
1704 types of fuel used to generate electricity in Florida; lessen
1705 Florida's dependence on natural gas and fuel oil for the
1706 production of electricity; minimize the volatility of fuel
1707 costs; encourage investment within the state; improve
1708 environmental conditions; and, at the same time, minimize the
1709 costs of power supply to electric utilities and their customers.

1710 (2) For the purposes of this section, "Florida renewable
1711 energy resources" shall mean renewable energy, as defined in s.
1712 377.803, that is produced in Florida.

1713 (3) As used in this section, the term:

1714 (a) "Renewable Energy Credit" or "REC" shall mean a product
1715 that (i) represents the unbundled, separable, renewable
1716 attribute of renewable energy and (ii) is equivalent to one
1717 megawatt-hour of electricity generated by a source of renewable
1718 energy located in Florida.

1719 (b) "Provider" means an electric utility as defined in s.
1720 366.02(2).

1721 (c) "Renewable portfolio standard" or "RPS" means the
1722 minimum percentage of total annual retail electricity sales by a

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1723 Provider to consumers in Florida that shall be supplied by
 1724 renewable energy produced in Florida.
 1725 (4) RENEWABLE PORTFOLIO STANDARD.--
 1726 (a) Beginning in calendar year 2009, each provider shall
 1727 comply with the renewable portfolio standards in this section by
 1728 supplying renewable energy to its customers, either directly or
 1729 through RECs, in amounts that equal or exceed the applicable
 1730 percentages for each of the following calendar years:
 1731 2009: 2.25 percent
 1732 2010: 2.50 percent
 1733 2011: 2.75 percent
 1734 2012: 2.75 percent
 1735 2013: 3.00 percent
 1736 2014: 3.25 percent
 1737 2015: 3.50 percent
 1738 2016: 3.75 percent
 1739 2017: 3.75 percent
 1740 2018: 4.00 percent
 1741 2019: 4.25 percent
 1742 2020: 4.50 percent
 1743 2021: 5.00 percent
 1744 (b) For each year after 2021, the commission shall
 1745 determine the appropriate RPS, which shall not be less than
 1746 5.0%.
 1747 (c) If a provider finds that, in any given year, the cost
 1748 of a particular source of renewable energy or REC that would
 1749 need to be procured or generated for purposes of compliance

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1750 with the RPS would be greater than 90% of the provider's
 1751 current, average residential retail price of electricity per
 1752 kilowatt hour, the provider shall not be required to incur the
 1753 cost of procuring or generating such source of renewable energy
 1754 or REC; however, the existence of this condition excusing full
 1755 compliance in any given year shall not operate to delay any
 1756 increases in the RPS pursuant to section 366.92(4)(a).

1757 (d) Notwithstanding s. 366.91(3) and (4), the
 1758 commission is authorized to approve projects, power sales
 1759 agreements with renewable power producers, and the sale of RECs
 1760 which are needed to comply with the RPS percentages set forth in
 1761 s. 366.92(4)(a). In the event of any conflict, this section
 1762 shall supersede s. 366.91(3) and (4).

1763 (e) Beginning on January 1, 2010, each provider shall
 1764 submit a report to the commission describing the steps that have
 1765 been taken in the previous year and the steps that will be
 1766 taken in the future to add renewable energy to the provider's
 1767 energy supply portfolio. The report shall state whether the
 1768 provider was in compliance with the RPS during the previous year
 1769 and how it will comply with the RPS in the upcoming year.

1770 (f) The commission shall take appropriate steps to ensure
 1771 that each provider complies with the RPS. However, the
 1772 commission shall excuse full compliance with the RPS in any year
 1773 in which the provider demonstrates to the commission that full
 1774 compliance was not achieved because the cost of renewable
 1775 energy, was too high, as described in section 366.92(4)(c), or
 1776 the supply of renewable energy was not adequate to satisfy the

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1777 demand for such energy.

1778 (g) Compliance with the RPS shall be determined on a
 1779 calendar year basis.

1780 (h) For the purposes of this section, RECs may be used for
 1781 two years after the date when they are created.

1782 (5) No provision in this section shall be construed to
 1783 impede or impair terms and conditions in existing contracts.

1784 (6) By January 1, 2009, the Florida Public Service
 1785 Commission shall submit a report to the Florida Energy and
 1786 Climate Commission evaluating each method used, or proposed to
 1787 be used, to generate electricity in the state to determine its
 1788 efficacy in achieving the goals of reliability, affordability,
 1789 efficiency, and diversity. This evaluation process should
 1790 establish the levelized cost in cents per kilowatt hour and
 1791 incremental capacity in kilowatts for each generation method.

1792 (7) By January 1, 2009, the Department of Environmental
 1793 Protection shall submit a report to the Florida Energy and
 1794 Climate Commission measuring the environmental effects of each
 1795 method used, or proposed to be used, to generate electricity in
 1796 the state in order to create an emission profile and determine a
 1797 greenhouse coefficient for each generation method measured in
 1798 equivalent pounds of carbon dioxide emitted per megawatt hour of
 1799 electricity generated.

1800 (8) By July 1, 2009, the Florida Energy and Climate
 1801 Commission shall prepare and submit a report to the Governor,
 1802 the President of the Senate, the Speaker of the House of
 1803 Representatives and the Public Service Commission, providing a

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1804 current and comprehensive assessment of renewable energy
 1805 opportunities, and energy efficiency and demand-side management
 1806 resources and technologies in the state. The report also shall
 1807 address existing and potential renewable resources and
 1808 technologies, economic considerations, and environmental issues,
 1809 and shall:

1810 (a) Establish a ranking for all generation methods used,
 1811 or proposed to be used, in the generation of electricity in the
 1812 state based on the quantitative results determined by the Public
 1813 Service Commission under subsection (6).

1814 (b) Determine how to mitigate state greenhouse gas
 1815 emissions using the quantitative results determined by the
 1816 department under subsection (7) within the content of the
 1817 ranking established under paragraph (a). The greenhouse effect
 1818 of each generation method may be calculated using greenhouse
 1819 coefficients and incremental capacity data.

1820 (9) By February 1, 2010, the Florida Public Service
 1821 Commission shall use the rankings established under subsection
 1822 (8) to develop and adopt, by rule, a renewable energy portfolio
 1823 standard to replace the renewable portfolio standard established
 1824 in subsection (4). Such rule shall not become effective until
 1825 ratified by the Legislature.

1826 ~~(3) The commission may adopt appropriate goals for~~
 1827 ~~increasing the use of existing, expanded, and new Florida~~
 1828 ~~renewable energy resources. The commission may change the goals.~~
 1829 ~~The commission may review and reestablish the goals at least~~
 1830 ~~once every 5 years.~~

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1831 (10) ~~(4)~~ The commission may adopt rules to administer and
 1832 implement the provisions of this section.

1833 Section 31. Section 366.93, Florida Statutes, is amended
 1834 to read:

1835 366.93 Cost recovery for the siting, design, licensing,
 1836 and construction of nuclear and integrated gasification combined
 1837 cycle power plants.--

1838 (1) As used in this section, the term:

1839 (a) "Cost" includes, but is not limited to, all capital
 1840 investments, including rate of return, any applicable taxes, and
 1841 all expenses, including operation and maintenance expenses,
 1842 related to or resulting from the siting, licensing, design,
 1843 construction, or operation of the nuclear power plant and any
 1844 new, enlarged, or relocated electrical transmission lines or
 1845 facilities of any size that are necessary to serve the nuclear
 1846 or integrated gasification combined cycle power plant.

1847 (b) "Electric utility" or "utility" has the same meaning
 1848 as that provided in s. 366.8255(1) (a).

1849 (c) "Integrated gasification combined cycle power plant"
 1850 or "plant" is an electrical power plant as defined in s.
 1851 403.503(14) which ~~s. 403.503(13) that~~ uses synthesis gas
 1852 produced by integrated gasification technology.

1853 (d) "Nuclear power plant" or "plant" means ~~is~~ an
 1854 electrical power plant, as defined in s. 403.503(14), which ~~s.~~
 1855 ~~403.503(13) that~~ uses nuclear materials for fuel.

1856 (e) "Power plant" or "plant" means a nuclear power plant
 1857 or an integrated gasification combined cycle power plant.

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1858 (f) "Preconstruction" is that period of time after a site,
 1859 including any related electrical transmission lines or
 1860 facilities, has been selected through and including the date the
 1861 utility completes site-clearing ~~site-clearing~~ work.

1862 Preconstruction costs shall be afforded deferred accounting
 1863 treatment and shall accrue a carrying charge equal to the
 1864 utility's allowance for funds during construction (AFUDC) rate
 1865 until recovered in rates.

1866 (2) Within 6 months after the enactment of this act, the
 1867 commission shall establish, by rule, alternative cost recovery
 1868 mechanisms for the recovery of costs incurred in the siting,
 1869 design, licensing, and construction of a nuclear power plant,
 1870 including new, expanded, or relocated electrical transmission
 1871 lines and facilities that are necessary to serve the nuclear or
 1872 integrated gasification combined cycle power plant. Such
 1873 mechanisms shall be designed to promote utility investment in
 1874 nuclear or integrated gasification combined cycle power plants
 1875 and allow for the recovery in rates of all prudently incurred
 1876 costs, and shall include, but need ~~are~~ not be limited to:

1877 (a) Recovery through the capacity cost recovery clause of
 1878 any preconstruction costs.

1879 (b) Recovery through an incremental increase in the
 1880 utility's capacity cost recovery clause rates of the carrying
 1881 costs on the utility's projected construction cost balance
 1882 associated with the nuclear or integrated gasification combined
 1883 cycle power plant. To encourage investment and provide
 1884 certainty, for nuclear or integrated gasification combined cycle

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1885 power plant need petitions submitted on or before December 31,
 1886 2010, associated carrying costs shall be equal to the pretax
 1887 AFUDC in effect upon this act becoming law. For nuclear or
 1888 integrated gasification combined cycle power plants for which
 1889 need petitions are submitted after December 31, 2010, the
 1890 utility's existing pretax AFUDC rate is presumed to be
 1891 appropriate unless determined otherwise by the commission in the
 1892 determination of need for the nuclear or integrated gasification
 1893 combined cycle power plant.

1894 (3) After a petition for determination of need is granted,
 1895 a utility may petition the commission for cost recovery as
 1896 permitted by this section and commission rules.

1897 (4) When the nuclear or integrated gasification combined
 1898 cycle power plant is placed in commercial service, the utility
 1899 shall be allowed to increase its base rate charges by the
 1900 projected annual revenue requirements of the nuclear or
 1901 integrated gasification combined cycle power plant based on the
 1902 jurisdictional annual revenue requirements of the plant for the
 1903 first 12 months of operation. The rate of return on capital
 1904 investments shall be calculated using the utility's rate of
 1905 return last approved by the commission prior to the commercial
 1906 inservice date of the nuclear or integrated gasification
 1907 combined cycle power plant. If any existing generating plant is
 1908 retired as a result of operation of the nuclear or integrated
 1909 gasification combined cycle power plant, the commission shall
 1910 allow for the recovery, through an increase in base rate
 1911 charges, of the net book value of the retired plant over a

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1912 period not to exceed 5 years.

1913 (5) The utility shall report to the commission annually
 1914 the budgeted and actual costs as compared to the estimated
 1915 inservice cost of the nuclear or integrated gasification
 1916 combined cycle power plant provided by the utility pursuant to
 1917 s. 403.519(4), until the commercial operation of the nuclear or
 1918 integrated gasification combined cycle power plant. The utility
 1919 shall provide such information on an annual basis following the
 1920 final order by the commission approving the determination of
 1921 need for the nuclear or integrated gasification combined cycle
 1922 power plant, with the understanding that some costs may be
 1923 higher than estimated and other costs may be lower.

1924 (6) If ~~In the event~~ the utility elects not to complete or
 1925 is precluded from completing construction of the nuclear power
 1926 plant, including any new, expanded, or relocated electrical
 1927 transmission lines or facilities or integrated gasification
 1928 combined cycle power plant, the utility shall be allowed to
 1929 recover all prudent preconstruction and construction costs
 1930 incurred following the commission's issuance of a final order
 1931 granting a determination of need for the nuclear power plant and
 1932 electrical transmission lines and facilities or integrated
 1933 gasification combined cycle power plant. The utility shall
 1934 recover such costs through the capacity cost recovery clause
 1935 over a period equal to the period during which the costs were
 1936 incurred or 5 years, whichever is greater. The unrecovered
 1937 balance during the recovery period will accrue interest at the
 1938 utility's weighted average cost of capital as reported in the

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1939 commission's earnings surveillance reporting requirement for the
1940 prior year.

1941 Section 32. Section 377.601, Florida Statutes, is amended
1942 to read:

1943 377.601 Legislative intent.--

1944 (1) The Legislature finds that Florida's energy security
1945 can be increased by lessening dependence on foreign oil; that
1946 the impacts of global climate change can be reduced through the
1947 reduction of greenhouse gas emissions; and that the
1948 implementation of alternative energy technologies can be the
1949 source of new jobs and employment opportunities for many
1950 Floridians. The Legislature further finds that Florida is
1951 positioned at the front line against potential impacts of global
1952 climate change. Human and economic costs of those impacts can
1953 be averted by global actions and, where necessary, adapted to by
1954 a concerted effort to make Florida's communities more resilient
1955 and less vulnerable to these impacts. In focusing the
1956 government's policy and efforts to benefit and protect our
1957 state, its citizens and resources, the legislature believes that
1958 a single government entity with a specific focus on energy and
1959 climate change is both desirable and advantageous ~~the ability to~~
1960 ~~deal effectively with present shortages of resources used in the~~
1961 ~~production of energy is aggravated and intensified because of~~
1962 ~~inadequate or nonexistent information and that intelligent~~
1963 ~~response to these problems and to the development of a state~~
1964 ~~energy policy demands accurate and relevant information~~
1965 ~~concerning energy supply, distribution, and use. The Legislature~~

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1966 ~~finds and declares that a procedure for the collection and~~
 1967 ~~analysis of data on the energy flow in this state is essential~~
 1968 ~~to the development and maintenance of an energy profile defining~~
 1969 ~~the characteristics and magnitudes of present and future energy~~
 1970 ~~demands and availability so that the state may rationally deal~~
 1971 ~~with present energy problems and anticipate future energy~~
 1972 ~~problems.~~

1973 ~~(2) The Legislature further recognizes that every state~~
 1974 ~~official dealing with energy problems should have current and~~
 1975 ~~reliable information on the types and quantity of energy~~
 1976 ~~resources produced, imported, converted, distributed, exported,~~
 1977 ~~stored, held in reserve, or consumed within the state.~~

1978 ~~(3) It is the intent of the Legislature in the passage of~~
 1979 ~~this act to provide the necessary mechanisms for the effective~~
 1980 ~~development of information necessary to rectify the present lack~~
 1981 ~~of information which is seriously handicapping the state's~~
 1982 ~~ability to deal effectively with the energy problem. To this~~
 1983 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
 1984 ~~broadest possible interpretation consistent with the stated~~
 1985 ~~legislative desire to procure vital information.~~

1986 (2) ~~(4)~~ It is the policy of the State of Florida to:

1987 (a) Develop and promote the effective use of energy in the
 1988 state, and discourage all forms of energy waste, and recognize
 1989 and address the potential of global climate change wherever
 1990 possible.

1991 (b) Play a leading role in developing and instituting
 1992 energy management programs aimed at promoting energy

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1993 conservation, energy security and the reduction of greenhouse
 1994 gas emissions.
 1995 (c) Include energy considerations in all state, regional
 1996 and local planning.
 1997 (d) Utilize and manage effectively energy resources used
 1998 within state agencies.
 1999 (e) Encourage local governments to include energy
 2000 considerations in all planning and to support their work in
 2001 promoting energy management programs.
 2002 (f) Include the full participation of citizens in the
 2003 development and implementation of energy programs.
 2004 (g) Consider in its decisions the energy needs of each
 2005 economic sector, including residential, industrial, commercial,
 2006 agricultural, and governmental uses and reduce those needs
 2007 whenever possible.
 2008 (h) Promote energy education and the public dissemination
 2009 of information on energy and its environmental, economic, and
 2010 social impact.
 2011 (i) Encourage the research, development, demonstration,
 2012 and application of alternative energy resources, particularly
 2013 renewable energy resources.
 2014 (j) Consider, in its decisionmaking, the social, economic,
 2015 and environmental impacts of energy-related activities,
 2016 including the whole life cycle impacts of any potential energy
 2017 use choices, so that detrimental effects of these activities are
 2018 understood and minimized.

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2019 (k) Develop and maintain energy emergency preparedness
 2020 plans to minimize the effects of an energy shortage within
 2021 Florida.

2022 Section 33. All of the statutory powers, duties and
 2023 functions, records, personnel, property, and unexpended balances
 2024 of appropriations, allocations, or other funds for the
 2025 administration of section 377.901, Florida Statutes, related to
 2026 the Florida Energy Commission, shall be transferred by a type
 2027 two transfer, as defined in s. 20.06(2), Florida Statutes, from
 2028 the Office of Legislative Services to the Florida Energy and
 2029 Climate Commission within the Executive Office of the Governor.

2030 Section 34. Section 377.6015, Florida Statutes, is created
 2031 to read:

2032 377.6015 Florida Energy and Climate Commission.--

2033 (1) The Florida Energy and Climate Commission is created
 2034 and shall be located within the Executive Office of the
 2035 Governor. The commission shall be comprised of 7 members, and
 2036 shall be appointed by the Governor pursuant to paragraphs (a)
 2037 and (b).

2038 (a) The Governor shall select from three persons nominated
 2039 by the Florida Public Service Commission Nominating Council,
 2040 created in s. 350.031, for each seat on the commission.

2041 1. The council shall submit the recommendations to the
 2042 Governor by September 1 of those years in which the terms are to
 2043 begin the following October, or within 60 days after a vacancy
 2044 occurs for any reason other than the expiration of the term.

2045 2. The Governor shall fill a vacancy occurring on the

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2046 commission by appointment of one of the applicants nominated by
 2047 the council only after a background investigation of such
 2048 applicant has been conducted by the Florida Department of Law
 2049 Enforcement.

2050 3. Members shall be appointed to 3-year terms; however,
 2051 in order to establish staggered terms, for the initial
 2052 appointments, the Governor shall appoint four members to 3-year
 2053 terms, two members to 2-year terms, and one member to a 1-year
 2054 term.

2055 4. The council shall nominate three persons from which the
 2056 Governor shall select the chair of the commission.

2057 5. Vacancies on the commission shall be filled for the
 2058 unexpired portion of the time in the same manner as original
 2059 appointments to the commission.

2060 6. If the Governor has not made an appointment within 30
 2061 consecutive calendar days after the receipt of the
 2062 recommendations, the council shall initiate, in accordance with
 2063 this section, the nominating process within 30 days.

2064 7. Each appointment to the commission shall be subject to
 2065 confirmation by the Senate during the next regular session after
 2066 the vacancy occurs. If the Senate refuses to confirm or fails
 2067 to consider the Governor's appointment, the council shall
 2068 initiate, in accordance with this section, the nominating
 2069 process within 30 days.

2070 8. The Governor or the Governor's successor may recall an
 2071 appointee.

2072 (b) Members must meet the following qualifications and

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2073 restrictions:

2074 1. A member must be an expert in one or more of the
 2075 following fields: energy, natural resource conservation,
 2076 economics, engineering, finance, law, transportation and land
 2077 use, consumer protection, state energy policy, or another field
 2078 substantially related to the duties and functions of the
 2079 commission. The commission shall fairly represent the fields
 2080 specified in this subparagraph.

2081 2. Each member shall, at the time of appointment and at
 2082 each commission meeting during his or her term of office,
 2083 disclose:

2084 a. Whether he or she has any financial interest, other
 2085 than ownership of shares in a mutual fund, in any business
 2086 entity that, directly or indirectly, owns or controls, or is an
 2087 affiliate or subsidiary of, any business entity that may be
 2088 affected by the policy recommendations developed by the
 2089 commission.

2090 b. Whether he or she is employed by or is engaged in any
 2091 business activity with any business entity that, directly or
 2092 indirectly, owns or controls, or is an affiliate or subsidiary
 2093 of, any business entity that may be affected by the policy
 2094 recommendations developed by the commission.

2095 (c) The chair may designate ex-officio non-voting members
 2096 to provide information and advice to the commission. The
 2097 following shall serve as ex-officio non-voting members and may
 2098 provide information and advice at the request of the chair:

2099 1. The chair of the Florida Public Service Commission, or

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2100 designee;
 2101 2. The Public Counsel, or designee;
 2102 3. A representative of the Department of Agriculture and
 2103 Consumer Services;
 2104 4. A representative of the Department of Financial
 2105 Services;
 2106 5. A representative of the Department of Environmental
 2107 Protection;
 2108 6. A representative of the Department of Community
 2109 Affairs;
 2110 7. A representative of the Board of Governors of the State
 2111 University System; and
 2112 8. A representative of the Department of Transportation.
 2113 (2) Members shall serve without compensation but are
 2114 entitled to reimbursement for per diem and travel expenses as
 2115 provided in s. 112.061.
 2116 (3) Meetings of the commission may be held in various
 2117 locations around the state and at the call of the chair;
 2118 however, the commission must meet at least six times each year.
 2119 (4) (a) The commission may employ staff and counsel as
 2120 needed in the performance of its duties. The commission may
 2121 prosecute and defend legal actions in its own name.
 2122 (b) The commission may form advisory groups consisting of
 2123 members of the public to provide information on specific issues.
 2124 (5) The commission shall:
 2125 (a) Administer the Florida Renewable Energy and Energy
 2126 Efficient Technologies Grant Program authorized under s. 377.804

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

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- 2127 to assure a robust grant portfolio.
- 2128 (b) Develop policy for requiring grantees to provide
- 2129 royalty-sharing or licensing agreements with state government
- 2130 for commercialized products developed under a state grant.
- 2131 (c) Administer the Florida Green Government Grants Act
- 2132 pursuant to s. 377.808 and set annual priorities for grants.
- 2133 (d) Administer the information gathering and reporting
- 2134 functions pursuant to ss. 377.601-377.608.
- 2135 (e) Administer the petroleum planning and emergency
- 2136 contingency planning pursuant to ss. 377.703-377.704.
- 2137 (f) Represent Florida in the Southern States Energy
- 2138 Compact pursuant to ss. 377.71-377.712.
- 2139 (g) Complete the annual assessment of the efficacy of
- 2140 Florida's Energy and Climate Change Action Plan, upon completion
- 2141 by the Governor's Action Team on Energy and Climate Change,
- 2142 pursuant to the Governor's Executive Order 2007-128, and
- 2143 provide specific recommendations to the Governor and the
- 2144 Legislature each year to improve results.
- 2145 (h) Administer the provisions of the Florida Energy and
- 2146 Climate Protection Act pursuant to ss. 377.801-377.806.
- 2147 (i) Advocate for energy and climate change issues and
- 2148 provide educational outreach and technical assistance in
- 2149 cooperation with Florida's academic institutions.
- 2150 (j) Be a party in the proceedings to adopt goals and
- 2151 submit comments to the Public Service Commission pursuant to s.
- 2152 366.82.

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2153 (k) Adopt rules pursuant to chapter 120 in order to
 2154 implement all powers and duties described in this section.

2155 Section 35. Section 377.602, Florida Statutes, is amended
 2156 to read:

2157 377.602 Definitions.--As used in ss. 377.601-377.608:

2158 (1) "Energy resources" includes, but shall not be limited
 2159 to:

2160 (a) Energy converted from solar radiation, wind, hydraulic
 2161 potential, tidal movements, biomass, geothermal sources, and
 2162 other energy resources the commission determines to be important
 2163 to the production or supply of energy.

2164 (b) Propane, butane, motor gasoline, kerosene, home
 2165 heating oil, diesel fuel, other middle distillates, aviation
 2166 gasoline, kerosene-type jet fuel, naphtha-type jet fuel,
 2167 residual fuels, crude oil, and other petroleum products and
 2168 hydrocarbons as may be determined by the department to be of
 2169 importance.

2170 (c) ~~(b)~~ All natural gas, including casinghead gas, all
 2171 other hydrocarbons not defined as petroleum products in
 2172 paragraph (a), and liquefied petroleum gas as defined in s.
 2173 527.01.

2174 (d) ~~(e)~~ All types of coal and products derived from its
 2175 conversion and used as fuel.

2176 (e) ~~(d)~~ All types of nuclear energy, special nuclear
 2177 material, and source material, as defined in s. 290.07.

2178 ~~(e) Every other energy resource, whether natural or~~
 2179 ~~manmade which the department determines to be important to the~~

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2180 ~~production or supply of energy, including, but not limited to,~~
 2181 ~~energy converted from solar radiation, wind, hydraulic~~
 2182 ~~potential, tidal movements, and geothermal sources.~~

2183 (f) All electrical energy.

2184 (2) "Commission" means the Florida Energy and Climate
 2185 Commission.

2186 (3) ~~(2)~~ "Department" means the Department of Environmental
 2187 Protection.

2188 (4) ~~(3)~~ "Person" means producer, refiner, wholesaler,
 2189 marketer, consignee, jobber, distributor, storage operator,
 2190 importer, exporter, firm, corporation, broker, cooperative,
 2191 public utility as defined in s. 366.02, rural electrification
 2192 cooperative, municipality engaged in the business of providing
 2193 electricity or other energy resources to the public, pipeline
 2194 company, person transporting any energy resources as defined in
 2195 subsection (1), and person holding energy reserves for further
 2196 production; however, "person" does not include persons
 2197 exclusively engaged in the retail sale of petroleum products.

2198 Section 36. Section 377.603, Florida Statutes, is amended
 2199 to read:

2200 377.603 Energy data collection; powers and duties of the
 2201 commission ~~Department of Environmental Protection.~~--

2202 (1) The commission ~~department~~ may ~~shall~~ collect data on
 2203 the extraction, production, importation, exportation,
 2204 refinement, transportation, transmission, conversion, storage,
 2205 sale, or reserves of energy resources in this state in an
 2206 efficient and expeditious manner.

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2207 (2) The commission ~~department~~ may ~~shall~~ prepare ~~periodic~~
2208 reports of energy data it collects.

2209 ~~(3) The department shall prescribe and furnish forms for~~
2210 ~~the collection of information as required by ss. 377.601-377.608~~
2211 ~~and shall consult with other state entities to assure that such~~
2212 ~~data collected will meet their data requirements.~~

2213 (3) ~~(4)~~ The commission ~~department~~ may adopt and promulgate
2214 such rules and regulations as are necessary to carry out the
2215 provisions of ss. 377.601-377.608. Such rules shall be pursuant
2216 to chapter 120.

2217 (4) ~~(5)~~ The commission ~~department~~ shall maintain internal
2218 validation procedures to assure the accuracy of information
2219 received.

2220 Section 37. Section 377.604, Florida Statutes, is amended
2221 to read:

2222 377.604 Required reports.--Every person who produces,
2223 imports, exports, refines, transports, transmits, converts,
2224 stores, sells, or holds known reserves of any form of energy
2225 resources used as fuel shall report to the commission,
2226 department at the request of the commission, ~~at a frequency set,~~
2227 ~~and~~ in a manner prescribed, ~~by the~~ commission ~~department,~~ on
2228 forms provided by the commission ~~department~~ ~~and prepared with~~
2229 ~~the advice of representatives of the energy industry.~~ Such forms
2230 shall be designed in such a manner as to indicate:

2231 (1) The identity of the person or persons making the
2232 report.

2233 (2) The quantity of energy resources extracted, produced,

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2234 imported, exported, refined, transported, transmitted,
2235 converted, stored, or sold except at retail.

2236 (3) The quantity of energy resources known to be held in
2237 reserve in the state.

2238 (4) The identity of each refinery from which petroleum
2239 products have normally been obtained and the type and quantity
2240 of products secured from that refinery for sale or resale in
2241 this state.

2242 (5) Any other information which the commission ~~department~~
2243 deems proper pursuant to the intent of ss. 377.601-377.608.

2244 Section 38. Section 377.605, Florida Statutes, is amended
2245 to read:

2246 377.605 Use of existing information.--The commission
2247 ~~department~~ may ~~shall~~ utilize to the fullest extent possible any
2248 existing energy information already prepared for state or
2249 federal agencies. Every state, county, and municipal agency
2250 shall cooperate with the commission, ~~department~~ and shall submit
2251 any information on energy to the commission ~~department~~ upon
2252 request.

2253 Section 39. Section 377.606, Florida Statutes, is amended
2254 to read:

2255 377.606 Records of the commission ~~department~~; limits of
2256 confidentiality.--The information or records of individual
2257 persons, as defined herein, obtained by the commission
2258 ~~department~~ as a result of a report, investigation, or
2259 verification required by the commission ~~department~~, shall be
2260 open to the public, except such information the disclosure of

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2261 which would be likely to cause substantial harm to the
 2262 competitive position of the person providing such information
 2263 and which is requested to be held confidential by the person
 2264 providing such information. Such proprietary information is
 2265 confidential and exempt from the provisions of s. 119.07(1).
 2266 Information reported by entities other than the department in
 2267 documents or reports open to public inspection shall under no
 2268 circumstances be classified as confidential by the commission
 2269 ~~department~~. Divulgence of proprietary information as is
 2270 requested to be held confidential, except upon order of a court
 2271 of competent jurisdiction or except to an officer of the state
 2272 entitled to receive the same in his or her official capacity,
 2273 shall be a misdemeanor of the second degree, punishable as
 2274 provided in ss. 775.082 and 775.083. Nothing herein shall be
 2275 construed to prohibit the publication or divulgence by other
 2276 means of data so classified as to prevent identification of
 2277 particular accounts or reports made to the department in
 2278 compliance with s. 377.603 or to prohibit the disclosure of such
 2279 information to properly qualified legislative committees. The
 2280 commission ~~department~~ shall establish a system which permits
 2281 reasonable access to information developed.

2282 Section 40. Section 377.703, Florida Statutes, is amended
 2283 to read:

2284 377.703 Additional functions of the commission ~~Department~~
 2285 ~~of Environmental Protection; energy emergency contingency plan;~~
 2286 ~~federal and state conservation programs. --~~

2287 (1) LEGISLATIVE INTENT.--Recognizing that energy supply

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2288 and demand questions have become a major area of concern to the
 2289 state which must be dealt with by effective and well-coordinated
 2290 state action, it is the intent of the Legislature to promote the
 2291 efficient, effective, and economical management of energy
 2292 problems, centralize energy coordination responsibilities,
 2293 pinpoint responsibility for conducting energy programs, and
 2294 ensure the accountability of state agencies for the
 2295 implementation of s. 377.601(2), the state energy policy. It is
 2296 the specific intent of the Legislature that nothing in this act
 2297 shall in any way change the powers, duties, and responsibilities
 2298 assigned by the Florida Electrical Power Plant Siting Act, part
 2299 II of chapter 403, or the powers, duties, and responsibilities
 2300 of the Florida Public Service Commission.

2301 ~~(2) DEFINITIONS.—~~

2302 ~~(a) "Coordinate," "coordination," or "coordinating" means~~
 2303 ~~the examination and evaluation of state plans and programs and~~
 2304 ~~the providing of recommendations to the Cabinet, Legislature,~~
 2305 ~~and appropriate state agency on any measures deemed necessary to~~
 2306 ~~ensure that such plans and programs are consistent with state~~
 2307 ~~energy policy.~~

2308 ~~(b) "Energy conservation" means increased efficiency in~~
 2309 ~~the utilization of energy.~~

2310 ~~(c) "Energy emergency" means an actual or impending~~
 2311 ~~shortage or curtailment of usable, necessary energy resources,~~
 2312 ~~such that the maintenance of necessary services, the protection~~
 2313 ~~of public health, safety, and welfare, or the maintenance of~~
 2314 ~~basic sound economy is imperiled in any geographical section of~~

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2315 ~~the state or throughout the entire state.~~

2316 ~~(d) "Energy source" means electricity, fossil fuels, solar~~

2317 ~~power, wind power, hydroelectric power, nuclear power, or any~~

2318 ~~other resource which has the capacity to do work.~~

2319 ~~(e) "Facilities" means any building or structure not~~

2320 ~~otherwise exempted by the provisions of this act.~~

2321 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~

2322 ~~coal, natural gas, or any other substance used primarily for its~~

2323 ~~energy content.~~

2324 ~~(g) "Local government" means any county, municipality,~~

2325 ~~regional planning agency, or other special district or local~~

2326 ~~governmental entity the policies or programs of which may affect~~

2327 ~~the supply or demand, or both, for energy in the state.~~

2328 ~~(h) "Promotion" or "promote" means to encourage, aid,~~

2329 ~~assist, provide technical and financial assistance, or otherwise~~

2330 ~~seek to plan, develop, and expand.~~

2331 ~~(i) "Regional planning agency" means those agencies~~

2332 ~~designated as regional planning agencies by the Department of~~

2333 ~~Community Affairs.~~

2334 ~~(j) "Renewable energy resource" means any method, process,~~

2335 ~~or substance the use of which does not diminish its availability~~

2336 ~~or abundance, including, but not limited to, biomass conversion,~~

2337 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~

2338 ~~from waste, ocean thermal gradient power, hydroelectric power,~~

2339 ~~and fuels derived from agricultural products.~~

2340 (2) ~~(3)~~ FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT

2341 OF ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department

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2342 ~~of Environmental Protection shall, in addition to assuming the~~
 2343 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
 2344 perform the following functions consistent with the development
 2345 of a state energy policy:

2346 (a) The commission ~~department~~ shall assume the
 2347 responsibility for development of an energy emergency
 2348 contingency plan to respond to serious shortages of primary and
 2349 secondary energy sources. Upon a finding by the Governor,
 2350 implementation of any emergency program shall be upon order of
 2351 the Governor that a particular kind or type of fuel is, or that
 2352 the occurrence of an event which is reasonably expected within
 2353 30 days will make the fuel, in short supply. The commission
 2354 ~~department~~ shall then respond by instituting the appropriate
 2355 measures of the contingency plan to meet the given emergency or
 2356 energy shortage. The Governor may utilize the provisions of s.
 2357 252.36(5) to carry out any emergency actions required by a
 2358 serious shortage of energy sources.

2359 (b) The commission ~~department~~ shall be ~~constitute~~ the
 2360 responsible ~~state agency~~ for performing or coordinating the
 2361 functions of any federal energy programs delegated to the state,
 2362 including energy supply, demand, conservation, or allocation.

2363 (c) The commission ~~department~~ shall analyze present and
 2364 proposed federal energy programs and make recommendations
 2365 regarding those programs to the Governor and the Legislature.

2366 (d) The commission ~~department~~ shall coordinate efforts to
 2367 seek federal support or other support for state energy
 2368 activities, including energy conservation, research, or

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2369 development, and shall be ~~the state agency~~ responsible for the
 2370 coordination of multiagency energy conservation programs and
 2371 plans.

2372 (e) The commission ~~department~~ shall analyze energy data
 2373 collected and prepare long-range forecasts of energy supply and
 2374 demand in coordination with the Florida Public Service
 2375 Commission, which shall have responsibility for electricity and
 2376 natural gas forecasts. To this end, the forecasts shall contain:

2377 1. An analysis of the relationship of state economic
 2378 growth and development to energy supply and demand, including
 2379 the constraints to economic growth resulting from energy supply
 2380 constraints.

2381 2. Plans for the development of renewable energy resources
 2382 and reduction in dependence on depletable energy resources,
 2383 particularly oil and natural gas, and an analysis of the extent
 2384 to which renewable energy sources are being utilized in the
 2385 state.

2386 3. Consideration of alternative scenarios of statewide
 2387 energy supply and demand for 5, 10, and 20 years, to identify
 2388 strategies for long-range action, including identification of
 2389 potential social, economic, and environmental effects.

2390 4. An assessment of the state's energy resources,
 2391 including examination of the availability of commercially
 2392 developable and imported fuels, and an analysis of anticipated
 2393 effects on the state's environment and social services resulting
 2394 from energy resource development activities or from energy
 2395 supply constraints, or both.

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2396 (f) The commission ~~department~~ shall annually make and
 2397 submit a report, ~~as requested by~~ to the Governor and ~~or~~ the
 2398 Legislature, reflecting its activities and making
 2399 recommendations of policies for improvement of the state's
 2400 response to energy supply and demand and its effect on the
 2401 health, safety, and welfare of the people of Florida. The report
 2402 shall include a report from the Florida Public Service
 2403 Commission on electricity and natural gas and information on
 2404 energy conservation programs conducted and under way in the past
 2405 year and shall include recommendations for energy conservation
 2406 programs for the state, including, but not limited to, the
 2407 following factors:

2408 1. Formulation of specific recommendations for improvement
 2409 in the efficiency of energy utilization in governmental,
 2410 residential, commercial, industrial, and transportation sectors.

2411 2. Collection and dissemination of information relating to
 2412 energy conservation.

2413 3. Development and conduct of educational and training
 2414 programs relating to energy conservation.

2415 4. An analysis of the ways in which state agencies are
 2416 seeking to implement s. 377.601(2), the state energy policy, and
 2417 recommendations for better fulfilling this policy.

2418 (g) The commission ~~department~~ has authority to adopt rules
 2419 pursuant to ss. 120.536(1) and 120.54 to implement the
 2420 provisions of this act.

2421 (h) The commission shall promote ~~Promote~~ the development
 2422 and use of renewable energy resources, in conformance with the

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2423 provisions of chapter 187 and s. 377.601, by:

2424 1. Establishing goals and strategies for increasing the
2425 use of solar energy in this state.

2426 2. Aiding and promoting the commercialization of solar
2427 energy technology, in cooperation with the Florida Solar Energy
2428 Center, Enterprise Florida, Inc., and any other federal, state,
2429 or local governmental agency which may seek to promote research,
2430 development, and demonstration of solar energy equipment and
2431 technology.

2432 3. Identifying barriers to greater use of solar energy
2433 systems in this state, and developing specific recommendations
2434 for overcoming identified barriers, with findings and
2435 recommendations to be submitted annually in the report to the
2436 Legislature required under paragraph (f).

2437 4. In cooperation with the Department of Environmental
2438 Protection, Department of Transportation, the Department of
2439 Community Affairs, Enterprise Florida, Inc., the Florida Solar
2440 Energy Center, and the Florida Solar Energy Industries
2441 Association, investigating opportunities, pursuant to the
2442 National Energy Policy Act of 1992 and the Housing and Community
2443 Development Act of 1992, and any subsequent federal legislation,
2444 for solar electric vehicles and other solar energy
2445 manufacturing, distribution, installation, and financing efforts
2446 which will enhance this state's position as the leader in solar
2447 energy research, development, and use.

2448 5. Undertaking other initiatives to advance the
2449 development and use of renewable energy resources in this state.

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2450
 2451 In the exercise of its responsibilities under this paragraph,
 2452 the commission ~~department~~ shall seek the assistance of the solar
 2453 energy industry in this state and other interested parties and
 2454 is authorized to enter into contracts, retain professional
 2455 consulting services, and expend funds appropriated by the
 2456 Legislature for such purposes.

2457 (i) The commission ~~department~~ shall promote energy
 2458 conservation in all energy use sectors throughout the state and
 2459 shall constitute the state agency primarily responsible for this
 2460 function. To this end, the commission ~~department~~ shall
 2461 coordinate the energy conservation programs of all state
 2462 agencies and review and comment on the energy conservation
 2463 programs of all state agencies.

2464 (j) The commission ~~department~~ shall serve as the state
 2465 clearinghouse for indexing and gathering all information related
 2466 to energy programs in state universities, in private
 2467 universities, in federal, state, and local government agencies,
 2468 and in private industry and shall prepare and distribute such
 2469 information in any manner necessary to inform and advise the
 2470 citizens of the state of such programs and activities. This
 2471 shall include developing and maintaining a current index and
 2472 profile of all research activities, which shall be identified by
 2473 energy area and may include a summary of the project, the amount
 2474 and sources of funding, anticipated completion dates, or, in
 2475 case of completed research, conclusions, recommendations, and
 2476 applicability to state government and private sector functions.

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2477 The commission ~~department~~ shall coordinate, promote, and respond
 2478 to efforts by all sectors of the economy to seek financial
 2479 support for energy activities. The commission ~~department~~ shall
 2480 provide information to consumers regarding the anticipated
 2481 energy-use and energy-saving characteristics of products and
 2482 services in coordination with any federal, state, or local
 2483 governmental agencies as may provide such information to
 2484 consumers.

2485 (k) The commission ~~department~~ shall coordinate energy-
 2486 related programs of state government, including, but not limited
 2487 to, the programs provided in this section. To this end, the
 2488 commission ~~department~~ shall:

2489 1. Provide assistance to other state agencies, counties,
 2490 municipalities, and regional planning agencies to further and
 2491 promote their energy planning activities.

2492 2. Require, in cooperation with the Department of
 2493 Management Services, all state agencies to operate state-owned
 2494 and state-leased buildings in accordance with energy
 2495 conservation standards as adopted by the Department of
 2496 Management Services. Every 3 months, the Department of
 2497 Management Services shall furnish the commission ~~department~~ data
 2498 on agencies' energy consumption and emissions of greenhouse
 2499 gases in a format prescribed by the commission. ~~mutually agreed~~
 2500 ~~upon by the two departments.~~

2501 3. Promote the development and use of renewable energy
 2502 resources, energy efficiency technologies, and conservation
 2503 measures.

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2504 4. Promote the recovery of energy from wastes, including,
 2505 but not limited to, the use of waste heat, the use of
 2506 agricultural products as a source of energy, and recycling of
 2507 manufactured products. Such promotion shall be conducted in
 2508 conjunction with, and after consultation with, the Department of
 2509 Environmental Protection, and the Florida Public Service
 2510 Commission where electrical generation or natural gas is
 2511 involved, and any other relevant federal, state, or local
 2512 governmental agency having responsibility for resource recovery
 2513 programs.

2514 (l) The commission ~~department~~ shall develop, coordinate,
 2515 and promote a comprehensive research plan for state programs.
 2516 Such plan shall be consistent with state energy policy and shall
 2517 be updated on a biennial basis.

2518 (m) In recognition of the devastation to the economy of
 2519 this state and the dangers to the health and welfare of
 2520 residents of this state caused by severe hurricanes, ~~Hurricane~~
 2521 ~~Andrew,~~ and the potential for such impacts caused by other
 2522 natural disasters, the commission ~~department~~ shall include in
 2523 its energy emergency contingency plan and provide to the Florida
 2524 Building Commission ~~Department of Community Affairs~~ for
 2525 inclusion in the Florida Energy Efficiency Code for Building
 2526 Construction ~~state model energy efficiency building code~~
 2527 specific provisions to facilitate the use of cost-effective
 2528 solar energy technologies as emergency remedial and preventive
 2529 measures for providing electric power, street lighting, and
 2530 water heating service in the event of electric power outages.

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2531 (3) ~~(4)~~ The commission ~~department~~ shall be responsible for
 2532 the administration of the Coastal Energy Impact Program provided
 2533 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

2534 Section 41. Subsection (2) of section 377.705, Florida
 2535 Statutes, is amended to read:

2536 377.705 Solar Energy Center; development of solar energy
 2537 standards.--

2538 (2) LEGISLATIVE FINDINGS AND INTENT.--

2539 (a) ~~The Legislature recognizes that if present trends~~
 2540 ~~continue, Florida will increase present energy consumption~~
 2541 ~~sixfold by the year 2000. Because of this dramatic increase and~~
 2542 ~~because existing domestic conventional energy resources will not~~
 2543 ~~provide sufficient energy to meet the nation's future needs, new~~
 2544 ~~sources of energy must be developed and applied. One such~~
 2545 ~~source, solar energy, has been in limited use in Florida for 30~~
 2546 ~~years. Applications of incident solar energy, the use of solar~~
 2547 ~~radiation to provide energy for water heating, space heating,~~
 2548 ~~space cooling, and other uses, through suitable absorbing~~
 2549 ~~equipment on or near a residence or commercial structure, must~~
 2550 ~~be extensively expanded. Unfortunately, the initial costs with~~
 2551 ~~regard to the production of solar energy have been prohibitively~~
 2552 ~~expensive. However,~~ Because of increases in the cost of
 2553 conventional fuel, certain applications of solar energy are
 2554 becoming competitive, particularly when life-cycle costs are
 2555 considered. It is the intent of the Legislature in formulating a
 2556 sound and balanced energy policy for the state to encourage the
 2557 development of an alternative energy capability in the form of

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2558 incident solar energy.

2559 (b) Toward this purpose, the Legislature intends to
 2560 provide incentives for the production and sale of, and to set
 2561 standards for, solar energy systems. Such standards shall ensure
 2562 that solar energy systems manufactured or sold within the state
 2563 are effective and represent a high level of quality of
 2564 materials, workmanship, and design.

2565 Section 42. Section 377.801, Florida Statutes, is amended
 2566 to read:

2567 377.801 Short title.--Sections 377.801-377.806 may be
 2568 cited as the "Florida Energy and Climate Protection Act."
 2569 ~~"Florida Renewable Energy Technologies and Energy Efficiency~~
 2570 ~~Act."~~

2571 Section 43. Section 377.802, Florida Statutes, is amended
 2572 to read:

2573 377.802 Purpose.--This act is intended to provide
 2574 incentives for Florida's citizens, businesses, school districts
 2575 and local governments to take action to diversify Florida's
 2576 energy supplies, reduce dependence on foreign oil, and mitigate
 2577 the effects of climate change by providing funding for
 2578 activities designed to achieve these goals. The grant programs
 2579 in this act are intended to stimulate capital investment and
 2580 enhance the market for renewable energy technologies and
 2581 technologies intended to diversify Florida's energy supplies,
 2582 reduce dependence on foreign oil, and combat or limit climate
 2583 change impacts. This act is also intended to provide incentives
 2584 for the purchase of energy-efficient appliances and rebates for

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2585 solar energy equipment installations for residential and
 2586 commercial buildings. ~~This act is intended to provide matching~~
 2587 ~~grants to stimulate capital investment in the state and to~~
 2588 ~~enhance the market for and promote the statewide utilization of~~
 2589 ~~renewable energy technologies. The targeted grants program is~~
 2590 ~~designed to advance the already growing establishment of~~
 2591 ~~renewable energy technologies in the state and encourage the use~~
 2592 ~~of other incentives such as tax exemptions and regulatory~~
 2593 ~~certainty to attract additional renewable energy technology~~
 2594 ~~producers, developers, and users to the state. This act is also~~
 2595 ~~intended to provide incentives for the purchase of energy-~~
 2596 ~~efficient appliances and rebates for solar energy equipment~~
 2597 ~~installations for residential and commercial buildings.~~

2598 Section 44. Section 377.803, Florida Statutes, is amended
 2599 to read:

2600 377.803 Definitions.--As used in ss. 377.801-377.808
 2601 ~~377.806~~, the term:

2602 (1) "Act" means the Florida Energy and Climate Protection
 2603 Act ~~Florida Renewable Energy Technologies and Energy Efficiency~~
 2604 ~~Act.~~

2605 ~~(2) "Approved metering equipment" means a device capable~~
 2606 ~~of measuring the energy output of a solar thermal system that~~
 2607 ~~has been approved by the commission.~~

2608 (2) ~~(3)~~ "Commission" means the Florida Energy and Climate
 2609 Commission ~~Florida Public Service Commission.~~

2610 ~~(4) "Department" means the Department of Environmental~~
 2611 ~~Protection.~~

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2612 (3) ~~(5)~~ "Person" means an individual, partnership, joint
 2613 venture, private or public corporation, association, firm,
 2614 public service company, or any other public or private entity.

2615 (4) ~~(6)~~ "Renewable energy" means electrical, mechanical, or
 2616 thermal energy produced from a method that uses one or more of
 2617 the following fuels or energy sources: hydrogen, biomass, as
 2618 defined in s. 366.91, solar energy, geothermal energy, wind
 2619 energy, ocean energy, waste heat, or hydroelectric power.

2620 (5) ~~(7)~~ "Renewable energy technology" means any technology
 2621 that generates or utilizes a renewable energy resource.

2622 (6) ~~(8)~~ "Solar energy system" means equipment that
 2623 provides for the collection and use of incident solar energy for
 2624 water heating, space heating or cooling, or other applications
 2625 that would normally require a conventional source of energy such
 2626 as petroleum products, natural gas, or electricity that performs
 2627 primarily with solar energy. In other systems in which solar
 2628 energy is used in a supplemental way, only those components that
 2629 collect and transfer solar energy shall be included in this
 2630 definition.

2631 (7) ~~(9)~~ "Solar photovoltaic system" means a device that
 2632 converts incident sunlight into electrical current.

2633 (8) ~~(10)~~ "Solar thermal system" means a device that traps
 2634 heat from incident sunlight in order to heat water.

2635 Section 45. Section 377.804, Florida Statutes, is amended
 2636 to read:

2637 377.804 Renewable Energy and Energy Efficient Technologies
 2638 Grants Program.--

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2639 (1) The Renewable Energy and Energy Efficient Technologies
 2640 Grants Program is established within the commission ~~department~~
 2641 to provide renewable energy matching grants for demonstration,
 2642 commercialization, research, and development projects relating
 2643 to renewable energy technologies and innovative technologies
 2644 that significantly increase energy efficiency for vehicles and
 2645 commercial buildings.

2646 (2) Matching grants for renewable energy technology
 2647 demonstration, commercialization, research, and development
 2648 projects may be made to any of the following:

2649 (a) Municipalities and county governments.

2650 (b) Established for-profit companies licensed to do
 2651 business in the state.

2652 (c) Universities and colleges in the state.

2653 (d) Utilities located and operating within the state.

2654 (e) Not-for-profit organizations.

2655 (f) Other qualified persons, as determined by the
 2656 commission ~~department~~.

2657 (3) The commission ~~department~~ may adopt rules pursuant to
 2658 ss. 120.536(1) and 120.54 to provide for application
 2659 requirements, provide for ranking of applications, and
 2660 administer the awarding of grants under this program.

2661 (4) Factors the commission ~~department~~ shall consider in
 2662 awarding grants include, but are not limited to:

2663 (a) The availability of matching funds or other in-kind
 2664 contributions applied to the total project from an applicant.

2665 The commission ~~department~~ shall give greater preference to

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2666 projects that provide such matching funds or other in-kind
 2667 contributions.

2668 (b) The degree to which the project stimulates in-state
 2669 capital investment and economic development in metropolitan and
 2670 rural areas, including the creation of jobs and the future
 2671 development of a commercial market for renewable energy
 2672 technologies.

2673 (c) The extent to which the proposed project has been
 2674 demonstrated to be technically feasible based on pilot project
 2675 demonstrations, laboratory testing, scientific modeling, or
 2676 engineering or chemical theory that supports the proposal.

2677 (d) The degree to which the project incorporates an
 2678 innovative new technology or an innovative application of an
 2679 existing technology.

2680 (e) The degree to which a project generates thermal,
 2681 mechanical, or electrical energy by means of a renewable energy
 2682 resource that has substantial long-term production potential.

2683 (f) The degree to which a project demonstrates efficient
 2684 use of energy and material resources.

2685 (g) The degree to which the project fosters overall
 2686 understanding and appreciation of renewable energy technologies.

2687 (h) The ability to administer a complete project.

2688 (i) Project duration and timeline for expenditures.

2689 (j) The geographic area in which the project is to be
 2690 conducted in relation to other projects.

2691 (k) The degree of public visibility and interaction.

2692 (5) The commission ~~department~~ shall solicit the expertise

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2693 of other state agencies, Enterprise Florida, Inc., and state
 2694 universities, and may solicit the expertise of other public and
 2695 private entities it deems appropriate, in evaluating project
 2696 proposals. State agencies shall cooperate with the commission
 2697 ~~Department of Environmental Protection~~ and provide such
 2698 assistance as requested.

2699 (6) The commission ~~department~~ shall coordinate and
 2700 actively consult with the Department of Agriculture and Consumer
 2701 Services during the review and approval process of grants
 2702 relating to bioenergy projects for renewable energy technology,
 2703 ~~and the departments shall jointly determine the grant awards to~~
 2704 ~~these bioenergy projects. No grant funding shall be awarded to~~
 2705 ~~any bioenergy project without such joint approval.~~ Factors for
 2706 consideration in awarding grants may include, but are not
 2707 limited to, the degree to which:

2708 (a) The project stimulates in-state capital investment and
 2709 economic development in metropolitan and rural areas, including
 2710 the creation of jobs and the future development of a commercial
 2711 market for bioenergy.

2712 (b) The project produces bioenergy from Florida-grown
 2713 crops or biomass.

2714 (c) The project demonstrates efficient use of energy and
 2715 material resources.

2716 (d) The project fosters overall understanding and
 2717 appreciation of bioenergy technologies.

2718 (e) Matching funds and in-kind contributions from an
 2719 applicant are available.

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2720 (f) The project duration and the timeline for expenditures
2721 are acceptable.

2722 (g) The project has a reasonable assurance of enhancing
2723 the value of agricultural products or will expand agribusiness
2724 in the state.

2725 (h) Preliminary market and feasibility research has been
2726 conducted by the applicant or others and shows there is a
2727 reasonable assurance of a potential market.

2728 (7) Each application shall be accompanied by an affidavit
2729 from the applicant attesting to the veracity of the statements
2730 contained therein.

2731 Section 46. Section 377.806, Florida Statutes, is amended
2732 to read:

2733 377.806 Solar Energy System Incentives Program.--

2734 (1) PURPOSE.--The Solar Energy System Incentives Program
2735 is established within the commission ~~department~~ to provide
2736 financial incentives for the purchase and installation of solar
2737 energy systems. Any resident of the state who purchases and
2738 installs a new solar energy system of 2 kilowatts or larger for
2739 a solar photovoltaic system, a solar energy system that provides
2740 at least 50 percent of a building's hot water consumption for a
2741 solar thermal system, or a solar thermal pool heater, from July
2742 1, 2006, through June 30, 2010, is eligible for a rebate on a
2743 portion of the purchase price of that solar energy system.

2744 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

2745 (a) *Eligibility requirements.*--A solar photovoltaic system
2746 qualifies for a rebate if:

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2747 1. The system is installed by a state-licensed master
2748 electrician, electrical contractor, or solar contractor.

2749 2. The system complies with state interconnection
2750 standards as provided by the Public Service Commission
2751 ~~commission~~.

2752 3. The system complies with all applicable building codes
2753 as defined by the Florida Building Code ~~local jurisdictional~~
2754 ~~authority~~.

2755 (b) *Rebate amounts*.--The rebate amount shall be set at \$4
2756 per watt based on the total wattage rating of the system. The
2757 maximum allowable rebate per solar photovoltaic system
2758 installation shall be as follows:

2759 1. Twenty thousand dollars for a residence.

2760 2. One hundred thousand dollars for a place of business, a
2761 publicly owned or operated facility, or a facility owned or
2762 operated by a private, not-for-profit organization, including
2763 condominiums or apartment buildings.

2764 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

2765 (a) *Eligibility requirements*.--A solar thermal system
2766 qualifies for a rebate if:

2767 1. The system is installed by a state-licensed solar or
2768 plumbing contractor.

2769 2. The system complies with all applicable building codes
2770 as defined by the Florida Building Code ~~local jurisdictional~~
2771 ~~authority~~.

2772 (b) *Rebate amounts*.--Authorized rebates for installation
2773 of solar thermal systems shall be as follows:

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- 2774 1. Five hundred dollars for a residence.
- 2775 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
- 2776 for a place of business, a publicly owned or operated facility,
- 2777 or a facility owned or operated by a private, not-for-profit
- 2778 organization, including condominiums or apartment buildings. ~~Btu~~
- 2779 ~~must be verified by approved metering equipment.~~
- 2780 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--
- 2781 (a) *Eligibility requirements.*--A solar thermal pool heater
- 2782 qualifies for a rebate if the system is installed by a state-
- 2783 licensed solar or plumbing contractor and the system complies
- 2784 with all applicable building codes as defined by the Florida
- 2785 Building Code ~~local jurisdictional authority.~~
- 2786 (b) *Rebate amount.*--Authorized rebates for installation of
- 2787 solar thermal pool heaters shall be \$100 per installation.
- 2788 (5) APPLICATION.--Application for a rebate must be made
- 2789 within 120 ~~90~~ days after the purchase of the solar energy
- 2790 equipment.
- 2791 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
- 2792 determine and publish on a regular basis the amount of rebate
- 2793 funds remaining in each fiscal year. The total dollar amount of
- 2794 all rebates issued ~~by the department~~ is subject to the total
- 2795 amount of appropriations in any fiscal year for this program. If
- 2796 funds are insufficient during the current fiscal year, any
- 2797 requests for rebates received during that fiscal year may be
- 2798 processed during the following fiscal year. Requests for rebates
- 2799 received in a fiscal year that are processed during the
- 2800 following fiscal year shall be given priority over requests for

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2801 rebates received during the following fiscal year.

2802 (7) RULES.--The commission ~~department~~ shall adopt rules
 2803 pursuant to ss. 120.536(1) and 120.54 to develop rebate
 2804 applications and administer the issuance of rebates.

2805 Section 47. Section 377.808, Florida Statutes, is created
 2806 to read:

2807 377.808 Florida Green Government Grants Act.--

2808 (1) This section may be cited as the "Florida Green
 2809 Government Grants Act."

2810 (2) The commission shall use funds specifically
 2811 appropriated to award grants under this section to assist local
 2812 governments, including municipalities, counties and school
 2813 districts, in the development of programs that achieve green
 2814 standards. Those standards are to be determined by the
 2815 commission and must provide for cost-efficient solutions,
 2816 reducing greenhouse gas emissions, improving quality of life and
 2817 strengthening Florida's economy.

2818 (3) (a) The commission shall adopt rules pursuant to
 2819 Chapter 120 to administer the grants provided for in this
 2820 section. In accordance with the rules adopted by the commission
 2821 under this section, the commission may provide grants, from
 2822 funds specifically appropriated for this purpose to local
 2823 governments for the costs of achieving green standards,
 2824 including necessary administrative expenses.

2825 (b) The rules of the commission must:

2826 1. Designate one or more suitable green government
 2827 standards framework from which local governments may develop a

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2828 greening government initiative, and from which projects may be
 2829 eligible for funding pursuant to this statute.

2830 2. Require that projects that plan, design, construct,
 2831 upgrade, or replace facilities be cost-effective,
 2832 environmentally sound, reduce greenhouse gas emissions, and be
 2833 permittable and implementable.

2834 3. Require local governments to match state funds with
 2835 direct project cost share or in-kind services.

2836 4. Provide for a scale of matching requirements for local
 2837 governments on the basis of population in order to assist rural
 2838 and undeveloped areas of the state with any financial burden of
 2839 addressing climate change impacts.

2840 5. Require grant applications to be submitted on
 2841 appropriate forms developed and adopted by the commission with
 2842 appropriate supporting documentation, and require records to be
 2843 maintained.

2844 6. Establish a system to determine the relative priority
 2845 of grant applications. The system must consider greenhouse gas
 2846 reductions, energy savings and efficiencies and proven
 2847 technologies.

2848 7. Establish requirements for competitive procurement of
 2849 engineering and construction services, materials and equipment.

2850 8. Provide for termination of grants when program
 2851 requirements are not met.

2852 9. Each local government is limited to not more than two
 2853 grant applications during each application period announced by
 2854 the commission. However, a local government may not have more

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2855 than three active projects expending grant funds during any
 2856 state fiscal year.

2857 (c) The commission must perform adequate overview of each
 2858 grant, which may include technical review, site inspections,
 2859 disbursement approvals, and auditing to successfully implement
 2860 this section.

2861 Section 48. Paragraph (c) of subsection (3) of section
 2862 380.23, Florida Statutes, is amended to read:

2863 380.23 Federal consistency.--

2864 (3) Consistency review shall be limited to review of the
 2865 following activities, uses, and projects to ensure that such
 2866 activities, uses, and projects are conducted in accordance with
 2867 the state's coastal management program:

2868 (c) Federally licensed or permitted activities affecting
 2869 land or water uses when such activities are in or seaward of the
 2870 jurisdiction of local governments required to develop a coastal
 2871 zone protection element as provided in s. 380.24 and when such
 2872 activities involve:

2873 1. Permits and licenses required under the Rivers and
 2874 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

2875 2. Permits and licenses required under the Marine
 2876 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
 2877 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

2878 3. Permits and licenses required under the Federal Water
 2879 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
 2880 amended, unless such permitting activities have been delegated
 2881 to the state pursuant to said act.

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2882 4. Permits and licenses relating to the transportation of
 2883 hazardous substance materials or transportation and dumping
 2884 which are issued pursuant to the Hazardous Materials
 2885 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
 2886 33 U.S.C. s. 1321, as amended.

2887 5. Permits and licenses required under 15 U.S.C. ss. 717-
 2888 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
 2889 1331-1356 for construction and operation of interstate gas
 2890 pipelines and storage facilities.

2891 6. Permits and licenses required for the siting and
 2892 construction of any new electrical power plants as defined in s.
 2893 403.503(14) ~~s. 403.503(13)~~, as amended, and the licensing and
 2894 relicensing of hydroelectric power plants under the Federal
 2895 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

2896 7. Permits and licenses required under the Mining Law of
 2897 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
 2898 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
 2899 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
 2900 amended; the Federal Land Policy and Management Act, 43 U.S.C.
 2901 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
 2902 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
 2903 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
 2904 pipelines, geological and geophysical activities, or rights-of-
 2905 way on public lands and permits and licenses required under the
 2906 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
 2907 amended.

2908 8. Permits and licenses for areas leased under the OCS

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2909 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
 2910 leases and approvals of exploration, development, and production
 2911 plans.

2912 9. Permits and licenses required under the Deepwater Port
 2913 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

2914 10. Permits required for the taking of marine mammals
 2915 under the Marine Mammal Protection Act of 1972, as amended, 16
 2916 U.S.C. s. 1374.

2917 Section 49. Subsection (20) of section 403.031, Florida
 2918 Statutes, is amended to read:

2919 403.031 Definitions.--In construing this chapter, or rules
 2920 and regulations adopted pursuant hereto, the following words,
 2921 phrases, or terms, unless the context otherwise indicates, have
 2922 the following meanings:

2923 (20) "Electrical power plant" means, for purposes of this
 2924 part of this chapter, any electrical generating facility that
 2925 uses any process or fuel and that is owned or operated by an
 2926 electric utility, as defined in s. 403.503(14) ~~s. 403.503(13)~~,
 2927 and includes any associated facility that directly supports the
 2928 operation of the electrical power plant.

2929 Section 50. Section 403.44, Florida Statutes, is created
 2930 to read:

2931 403.44 Florida Climate Protection Act.--

2932 (1) The Legislature finds it is in the best interest of
 2933 this state to document, to the greatest extent practicable,
 2934 greenhouse gas (GHG) emissions and to pursue a market-based
 2935 emissions abatement program, such as cap-and-trade, to address

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2936 GHG emissions reductions.

2937 (2) As used in this section, the term:

2938 (a) "Allowance" means a credit issued by the department
 2939 through allotments or auction which represents an authorization
 2940 to emit specific amounts of greenhouse gases, as further defined
 2941 in department rule.

2942 (b) "Cap-and-trade" or "emissions trading" means an
 2943 administrative approach used to control pollution by providing a
 2944 limit on total allowable emissions, providing for allowances to
 2945 emit pollutants, and providing for the transfer of the
 2946 allowances among pollutant sources as a means of compliance with
 2947 emission limits.

2948 (c) "Greenhouse gas" means carbon dioxide, methane,
 2949 nitrous oxide, and fluorinated gases such as hydrofluorocarbons,
 2950 perfluorocarbons, and sulfur hexafluoride.

2951 (d) "Leakage" means the offset of emission abatement that
 2952 is achieved in one location subject to emission control
 2953 regulation by increased emissions in unregulated locations.

2954 (e) "Major emitter" means an electric utility regulated
 2955 under this chapter.

2956 (3) A major emitter must use The Climate Registry for
 2957 purposes of emission registration and reporting.

2958 (4) The Department of Environmental Protection shall
 2959 establish the methodologies, reporting periods, and reporting
 2960 systems that must be used when major emitters report to The
 2961 Climate Registry. The department may require the use of quality-
 2962 assured data from continuous emissions-monitoring systems.

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2963 (5) The department may adopt rules for a cap-and-trade
 2964 regulatory program to reduce greenhouse gas emissions from major
 2965 emitters. When developing the rules, the department shall
 2966 consult with the Florida Energy and Climate Commission and the
 2967 Public Service Commission, and may consult with the Governor's
 2968 Action Team for Energy and Climate Change. The department shall
 2969 not adopt rules until after January 1, 2010. The rules shall not
 2970 become effective until ratified by the Legislature.

2971 (6) The rules of the cap-and-trade regulatory program
 2972 shall include, but are not limited to:

2973 (a) A statewide limit or cap on the amount of GHG
 2974 emissions emitted by major emitters.

2975 (b) Methods, requirements, and conditions for allocating
 2976 the cap among major emitters.

2977 (c) Methods, requirements, and conditions for emissions
 2978 allowances and the process for issuing emissions allowances.

2979 (d) The relationship between allowances and the specific
 2980 amounts of greenhouse gases they represent.

2981 (e) The length of allowance periods and the time over which
 2982 entities must account for emissions and surrender allowances
 2983 equal to emissions.

2984 (f) The time path of allowances from the initiation of the
 2985 program through to 2050.

2986 (g) A process for the trade of allowances between major
 2987 emitters, including a registry, tracking, or accounting system
 2988 for such trades.

2989 (h) Cost containment mechanisms to reduce price and cost

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2990 risks associated with the electric generation market in this
 2991 state. Cost containment mechanisms to be considered for
 2992 inclusion in the rule include, but are not limited to:
 2993 1. Allowing major emitters to borrow allowances from
 2994 future time periods to meet their emission limit.
 2995 2. Allowing major emitters to bank emission reductions in
 2996 the current year to be used to meet emission limits in future
 2997 years.
 2998 3. Allowing major emitters to purchase emissions offsets
 2999 from other entities who produce verifiable reductions in
 3000 unregulated greenhouse gas emissions or who produce verifiable
 3001 reductions in greenhouse gases through voluntary practices that
 3002 capture and store greenhouse gases that otherwise would be
 3003 released into the atmosphere. In considering this cost
 3004 containment mechanism, the department shall identify sectors and
 3005 activities outside of the capped sectors, including other state
 3006 or international activities, and the conditions under which
 3007 reductions there can be credited against emissions of capped
 3008 entities in place of allowances issued by the department. The
 3009 department shall also consider potential methods, and their
 3010 effectiveness, to avoid double-incentivizing such activities.
 3011 4. Providing a safety valve mechanism to ensure that the
 3012 market prices for allowances or offsets do not surpass a
 3013 predetermined level compatible with the affordability of
 3014 electric utility rates and the well being of the state's
 3015 economy. In considering this cost containment mechanism, the
 3016 department shall evaluate different prices levels for the safety

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3017 valve and methods to change the price level over time to reflect
 3018 changing state, federal and international markets, regulatory
 3019 environments, and technological advancements.

3020
 3021 In considering cost containment mechanisms for inclusion in the
 3022 rule, the department shall evaluate the anticipated overall
 3023 effect of each mechanism on the abatement of greenhouse gas
 3024 emissions, electricity rate payers, and the well being of the
 3025 state's economy, and shall also consider the interrelationships
 3026 between the mechanisms under consideration.

3027 (g) A process to allow the department to exercise its
 3028 authority to discourage leakage of GHG emissions to neighboring
 3029 states attributable to the implementation of this program.

3030 (h) Provisions for a trial period on the trading of
 3031 allowances before full implementation of a trading system.

3032 (7) In recommending and evaluating proposed features of the
 3033 cap and trade system, the following factors shall be considered:

3034 (a) The overall cost-effectiveness of the cap and trade
 3035 system in combination with other policies and measures in
 3036 meeting statewide targets.

3037 (b) Minimizing the administrative burden to the state of
 3038 implementing, monitoring and enforcing the program.

3039 (c) Minimizing the administrative burden on entities
 3040 covered under the cap.

3041 (d) The impacts on electricity prices for consumers.

3042 (e) The potential effects on leakage if economic activity
 3043 relocates out of the state.

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3044 (f) The effectiveness of the combination of measures in
 3045 meeting identified targets.

3046 (g) The implications for near-term periods of long run
 3047 targets specified in the overall policy.

3048 (h) The overall cost to the Florida economy.

3049 (i) How to moderate impacts on low income consumers that
 3050 result from energy price increases.

3051 (j) Consistency of the program with other state and
 3052 possible Federal efforts.

3053 (k) The feasibility and cost-effectiveness of extending
 3054 the program scope as broadly as possible among emitting
 3055 activities and sinks in Florida.

3056 (l) Evaluation of the conditions under which Florida
 3057 should consider linking its trading system to other states' or
 3058 other countries' systems, and how that might be affected by the
 3059 potential inclusion in the rule of a safety valve.

3060 (8) Recognizing that the international, national,
 3061 neighboring state policies and the science of climate change
 3062 will evolve, prior to submitting the proposed rules to the
 3063 Legislature for its consideration, the department shall submit
 3064 the proposed rules to the Florida Energy and Climate Commission,
 3065 which shall review the proposed rule and submit a report to the
 3066 Governor, the President of the Florida Senate, the Speaker of
 3067 the Florida House of Representatives, and the department. The
 3068 report shall address:

3069 (a) The overall cost-effectiveness of the proposed cap and
 3070 trade system in combination with other policies and measures in

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- 3071 meeting statewide targets.
- 3072 (b) The administrative burden to the state of
- 3073 implementing, monitoring and enforcing the program.
- 3074 (c) The administrative burden on entities covered under
- 3075 the cap.
- 3076 (d) The impacts on electricity prices for consumers.
- 3077 (e) The potential effects on leakage if economic activity
- 3078 relocates out of the state.
- 3079 (f) The effectiveness of the combination of measures in
- 3080 meeting identified targets.
- 3081 (g) The economic implications for near-term periods of
- 3082 short-term and long-term targets specified in the overall
- 3083 policy.
- 3084 (h) The overall cost to the Florida economy.
- 3085 (i) The impacts on low income consumers that result from
- 3086 energy price increases.
- 3087 (j) The consistency of the program with other state and
- 3088 possible Federal efforts.
- 3089 (k) The evaluation of the conditions under which Florida
- 3090 should consider linking its trading system to other states' or
- 3091 other countries' systems, and how that might be affected by the
- 3092 potential inclusion in the rule of a safety valve.
- 3093 (l) The timing and changes in the external environment,
- 3094 such as proposals by other states or implementation of a Federal
- 3095 program that would spur reevaluation of the Florida program.
- 3096 (m) The conditions and options for eliminating the Florida
- 3097 program if a Federal program were to supplant it.

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3098 (n) The need for a regular re-evaluation of the progress
 3099 of other emitting regions of the country and of the world, and
 3100 whether other regions are abating emissions in a commensurate
 3101 manner.

3102 (o) The desirability of and possibilities of broadening the
 3103 scope of Florida's cap and trade system at a later date to
 3104 include more emitting activities as well as sinks in Florida,
 3105 and the conditions that would need to be met to do so, as well
 3106 as how the program would encourage these conditions to be met
 3107 such as developing monitoring and measuring techniques for land
 3108 use emissions and sinks, regulating sources up stream, and other
 3109 considerations.

3110 Section 51. Section 403.502, Florida Statutes, is amended
 3111 to read:

3112 403.502 Legislative intent.--The Legislature finds that
 3113 the present and predicted growth in electric power demands in
 3114 this state requires the development of a procedure for the
 3115 selection and utilization of sites for electrical generating
 3116 facilities and the identification of a state position with
 3117 respect to each proposed site and its associated facilities. The
 3118 Legislature recognizes that the selection of sites and the
 3119 routing of associated facilities including transmission lines
 3120 will have a significant impact upon the welfare of the
 3121 population, the location and growth of industry, and the use of
 3122 the natural resources of the state. The Legislature finds that
 3123 the efficiency of the permit application and review process at
 3124 both the state and local level would be improved with the

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3125 implementation of a process whereby a permit application would
 3126 be centrally coordinated and all permit decisions could be
 3127 reviewed on the basis of standards and recommendations of the
 3128 deciding agencies. It is the policy of this state that, while
 3129 recognizing the pressing need for increased power generation
 3130 facilities, the state shall ensure through available and
 3131 reasonable methods that the location and operation of electrical
 3132 power plants will produce minimal adverse effects on human
 3133 health, the environment, the ecology of the land and its
 3134 wildlife, and the ecology of state waters and their aquatic life
 3135 and will not unduly conflict with the goals established by the
 3136 applicable local comprehensive plans. It is the intent to seek
 3137 courses of action that will fully balance the increasing demands
 3138 for electrical power plant location and operation with the broad
 3139 interests of the public. Such action will be based on these
 3140 premises:

3141 (1) To assure the citizens of Florida that operation
 3142 safeguards are technically sufficient for their welfare and
 3143 protection.

3144 (2) To effect a reasonable balance between the need for
 3145 the facility and the environmental impact resulting from
 3146 construction and operation of the facility, including air and
 3147 water quality, fish and wildlife, and the water resources and
 3148 other natural resources of the state.

3149 (3) To meet the need for electrical energy as established
 3150 pursuant to s. 403.519.

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3151 (4) To assure the citizens of Florida that renewable
 3152 energy sources and technologies, as well as conservation
 3153 measures, are utilized to the extent reasonably available.

3154 Section 52. Subsections (6), (8), (10), (13), (27), and
 3155 (29) of section 403.503, Florida Statutes, are amended, new
 3156 subsections (3) and (13) are added, and subsequent subsections
 3157 are renumbered to read:

3158 403.503 Definitions relating to Florida Electrical Power
 3159 Plant Siting Act.--As used in this act:

3160 (3) "Alternate corridor" means an area that is proposed by
 3161 the applicant or a third party within which all or part of an
 3162 associated electrical transmission line right-of-way is to be
 3163 located and that is different from the preferred transmission
 3164 line corridor proposed by the applicant. The width of the
 3165 alternate corridor proposed for certification for an associated
 3166 electrical transmission line may be the width of the proposed
 3167 right-of-way or a wider boundary not to exceed a width of 1
 3168 mile. The area within the alternate corridor may be further
 3169 restricted as a condition of certification. The alternate
 3170 corridor may include alternate electrical substation sites if
 3171 the applicant has proposed an electrical substation as part of
 3172 the portion of the proposed electrical transmission line.

3173 (6) "Associated facilities" means, for the purpose of
 3174 certification, those on-site and off-site facilities which
 3175 directly support the construction and operation of the
 3176 electrical generating facility ~~power plant~~ such as electrical
 3177 transmission lines, substations, fuel unloading facilities;

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3178 pipelines necessary for transporting fuel for the operation of
 3179 the facility or other fuel transportation facilities; water or
 3180 wastewater transport pipelines; construction, maintenance, and
 3181 access roads; and railway lines necessary for transport of
 3182 construction equipment or fuel for the operation of the
 3183 facility.

3184 (8) "Certification" means the written order of the board,
 3185 or Secretary when applicable, approving an application for the
 3186 licensing of an electrical power plant, in whole or with such
 3187 changes or conditions as the board may deem appropriate.

3188 (11) ~~(10)~~ "Corridor" means the proposed area within which
 3189 an associated linear facility right-of-way is to be located.
 3190 The width of the corridor proposed for certification as an
 3191 associated facility, at the option of the applicant, may be the
 3192 width of the right-of-way or a wider boundary, not to exceed a
 3193 width of 1 mile. The area within the corridor in which a right-
 3194 of-way may be located may be further restricted by a condition
 3195 of certification. After all property interests required for the
 3196 right-of-way have been acquired by the licensee, the boundaries
 3197 of the area certified shall narrow to only that land within the
 3198 boundaries of the right-of-way. The corridors proper for
 3199 certification shall be those addressed in the application, in
 3200 amendments to the application filed under s. 403.5064, and in
 3201 notices of acceptance of proposed alternate corridors filed by
 3202 an applicant and the department pursuant to s. 403.5271 as
 3203 incorporated by reference in s. 403.5064(1)(b) for which the
 3204 required information for the preparation of agency supplemental

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3205 reports was filed.

3206 (13) "Electrical generating facility" means that portion
 3207 of the electrical power plant where fuel or solar energy is
 3208 transformed into electrical energy. Typical components include
 3209 steam-generation boilers, combustion turbines, heat-recovery
 3210 equipment, fluidized bed equipment, solar collectors, steam
 3211 turbines, smoke-stacks, cooling towers, air-pollution control
 3212 equipment, generators and exciters, containment buildings, and
 3213 main plus auxiliary transformers. The term does not include on-
 3214 site associated facilities such as cooling ponds, coal piles,
 3215 fuel tanks or related support equipment, or off-site associated
 3216 facilities.

3217 (14) ~~(13)~~ "Electrical power plant" means, for the purpose
 3218 of certification, any steam or solar electrical generating
 3219 facility using any process or fuel, including nuclear materials,
 3220 except that this term does not include any steam or solar
 3221 electrical generating facility of less than 75 megawatts in
 3222 capacity unless the applicant for such a facility elects to
 3223 apply for certification under this act. This term also includes
 3224 the site, all associated facilities that will ~~to~~ be owned by the
 3225 applicant that ~~which~~ are physically connected to the ~~electrical~~
 3226 ~~power plant~~ site; all associated facilities that ~~or which~~ are
 3227 indirectly ~~directly~~ connected to the ~~electrical power plant~~ site
 3228 by other proposed associated facilities that will ~~to~~ be owned by
 3229 the applicant; ~~and~~ associated transmission lines that will ~~to~~
 3230 be owned by the applicant that ~~which~~ connect the electrical
 3231 generating facility ~~power plant~~ to an existing transmission

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3232 network or rights-of-way to ~~of~~ which the applicant intends to
 3233 connect. At the applicant's option, this term may include any
 3234 offsite associated facilities that ~~which~~ will not be owned by
 3235 the applicant; offsite associated facilities that ~~which~~ are
 3236 owned by the applicant but which are not directly connected to
 3237 the ~~electrical power plant~~ site; any proposed terminal or
 3238 intermediate substations or substation expansions connected to
 3239 the associated transmission line; or new transmission lines,
 3240 upgrades, or improvements of an existing transmission line on
 3241 any portion of the applicant's electrical transmission system
 3242 necessary to support the generation injected into the system
 3243 from the proposed electrical generating facility ~~power plant~~.

3244 (28) ~~(27)~~ "Site" means any proposed location within which
 3245 will be located ~~wherein~~ an electrical power plant's ~~plant's~~ generating
 3246 facility and on-site support facilities ~~plant~~, or an ~~electrical~~
 3247 ~~power plant~~ alteration or addition of electrical generating
 3248 facilities and on-location support facilities resulting in an
 3249 increase in generating capacity, ~~will be located~~, including
 3250 offshore sites within state jurisdiction.

3251 (30) ~~(29)~~ "Ultimate site capacity" means the maximum gross
 3252 generating capacity for a site as certified by the board, unless
 3253 otherwise specified as net generating capacity.

3254 Section 53. Subsections (2), (3), (4), (5), (9), and (11)
 3255 of section 403.504, Florida Statutes, are amended to read:

3256 403.504 Department of Environmental Protection; powers and
 3257 duties enumerated.—The department shall have the following
 3258 powers and duties in relation to this act:

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3259 (2) To prescribe the form and content of the public
 3260 notices and the notice of intent and the form, content, and
 3261 necessary supporting documentation and studies to be prepared by
 3262 the applicant for electrical power plant ~~site~~ certification
 3263 applications.

3264 (3) To receive applications for electrical power plant
 3265 ~~site~~ certifications and to determine the completeness and
 3266 sufficiency thereof.

3267 (4) To make, or contract for, studies of electrical power
 3268 plant ~~site~~ certification applications.

3269 (5) To administer the processing of applications for
 3270 electric power plant ~~site~~ certifications and to ensure that the
 3271 applications are processed as expeditiously as possible.

3272 (9) To determine whether an alternate corridor proposed
 3273 for consideration under s. 403.5064(4) is acceptable.

3274 (11) To administer and manage the terms and conditions of
 3275 the certification order and supporting documents and records for
 3276 the life of the electrical power plant ~~facility~~.

3277 Section 54. Subsection (1) and (3) of section 403.506,
 3278 Florida Statutes, is amended to read:

3279 403.506 Applicability, thresholds, and certification.--

3280 (1) The provisions of this act shall apply to any
 3281 electrical power plant as defined herein, except that the
 3282 provisions of this act shall not apply to any electrical power
 3283 plant ~~or steam generating plant~~ of less than 75 megawatts in
 3284 gross capacity including its ~~or to any associated facilities~~
 3285 ~~substation to be constructed as part of an associated~~

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3286 ~~transmission line~~ unless the applicant has elected to apply for
 3287 certification of such electrical power plant ~~or substation~~ under
 3288 this act. The provisions of this act shall not apply to ~~any unit~~
 3289 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
 3290 aggregate, of an existing exothermic reaction cogeneration
 3291 electrical generating facility ~~unit~~ that was exempt from this
 3292 act when it was originally built; however, this exemption shall
 3293 not apply if the unit uses oil or natural gas for purposes other
 3294 than unit startup. No construction of any new electrical power
 3295 plant or expansion in steam generating capacity as measured by
 3296 an increase in the maximum electrical generator rating of any
 3297 existing electrical power plant may be undertaken after October
 3298 1, 1973, without first obtaining certification in the manner as
 3299 herein provided, except that this act shall not apply to any
 3300 such electrical power plant which is presently operating or
 3301 under construction or which has, upon the effective date of
 3302 chapter 73-33, Laws of Florida, applied for a permit or
 3303 certification under requirements in force prior to the effective
 3304 date of such act.

3305 (3) An electric utility may obtain separate licenses,
 3306 permits, and approvals for the construction of facilities
 3307 necessary to construct an electrical power plant without first
 3308 obtaining certification under this act if the utility intends to
 3309 locate, license, and construct a proposed or expanded electrical
 3310 power plant that uses nuclear materials as fuel. Such facilities
 3311 may include, but are not limited to, access and onsite roads,
 3312 rail lines, electrical transmission facilities to support

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3313 construction, and facilities necessary for waterborne delivery
 3314 of construction materials and project components. This exemption
 3315 applies to such facilities regardless of whether the facilities
 3316 are used for operation of the power plant. The applicant shall
 3317 file with the department a statement that declares that the
 3318 construction of such facilities is necessary for the timely
 3319 construction of the proposed electrical power plant and
 3320 identifies those facilities that the applicant intends to seek
 3321 licenses for and construct prior to or separate from
 3322 certification of the project. The facilities may be located
 3323 within or off of the site for the proposed electrical power
 3324 plant. The filing of an application under this act does not
 3325 affect other applications for separate licenses which are
 3326 pending at the time of filing the application. Furthermore, the
 3327 filing of an application does not prevent an electric utility
 3328 from seeking separate licenses for facilities that are necessary
 3329 to construct the electrical power plant. Licenses, permits, or
 3330 approvals issued by any state, regional, or local agency for
 3331 such facilities shall be incorporated by the department into a
 3332 final certification upon completion of construction. Any
 3333 facilities necessary for construction of the electrical power
 3334 plant shall become part of the certified electrical power plant
 3335 upon completion of the electrical power plant's construction.
 3336 The exemption in this subsection does not require or authorize
 3337 agency rulemaking, and any action taken under this subsection is
 3338 not subject to chapter 120. This subsection shall be given

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3339 retroactive effect and applies to applications filed after May
 3340 1, 2008.

3341 Section 55. Subsections (1) and (4) of section 403.5064,
 3342 Florida Statutes, are amended to read:

3343 403.5064 Application; schedules.--

3344 (1) The formal date of filing of a certification
 3345 application and commencement of the certification review process
 3346 shall be when the applicant submits:

3347 (a) Copies of the certification application in a quantity
 3348 and format as prescribed by rule to the department and other
 3349 agencies identified in s. 403.507(2)(a).

3350 (b) If the applicant opts to allow consideration of
 3351 alternate corridors for any associated transmission line
 3352 corridors, the applicant shall file a statement with the
 3353 department affirming the exercise of this option. If alternate
 3354 corridors are allowed, at the applicant's option, the portion of
 3355 the application addressing associated transmission line
 3356 corridors shall be processed under the schedule of the Florida
 3357 Electric Transmission Line Siting Act, sections 403.521-403.526
 3358 and 403.5271, including the opportunity for the filing and
 3359 review of alternate corridors, provided that any party proposing
 3360 alternate transmission line corridor routes for consideration
 3361 must do so no later than 115 days prior to the certification
 3362 hearing that is scheduled for the power plant, including any
 3363 associated transmission line corridors, in accordance with s.
 3364 403.508(2).

3365 (c) ~~(b)~~ The application fee specified under s. 403.518 to

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3366 the department.

3367 (4) Within 7 days after the filing of an application, the

3368 department shall prepare a proposed schedule of dates for

3369 determination of completeness, submission of statements of

3370 issues, submittal of final reports, and other significant dates

3371 to be followed during the certification process, including dates

3372 for filing notices of appearance to be a party pursuant to s.

3373 403.508(3). If the application includes one or more associated

3374 transmission line corridors, at the request of the applicant

3375 filed concurrently with the application, the department shall

3376 incorporate the application processing schedule of the Florida

3377 Electric Transmission Line Siting Act, sections 403.521-403.526

3378 and 403.5271 for the associated transmission line corridors,

3379 including the opportunity for the filing and review of alternate

3380 corridors, providing that any party may propose alternate

3381 transmission line corridor routes for consideration no later

3382 than 115 days prior to the scheduled certification hearing.

3383 Notwithstanding an applicant's option for the transmission line

3384 corridor portion of its application to be processed under this

3385 optional schedule, only one certification hearing will be held

3386 for the entire power plant in accordance with s. 403.508(2).

3387 The proposed ~~This~~ schedule shall be timely provided by the

3388 department to the applicant, the administrative law judge, all

3389 agencies identified pursuant to subsection (2), and all parties.

3390 Within 7 days after the filing of the proposed schedule, the

3391 administrative law judge shall issue an order establishing a

3392 schedule for the matters addressed in the department's proposed

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3393 | schedule and other appropriate matters, if any.

3394 | Section 56. Subsection (1) of section 403.5065, Florida
3395 | Statutes, is amended to read:

3396 | 403.5065 Appointment of administrative law judge; powers
3397 | and duties.—

3398 | (1) Within 7 days after receipt of an application, the
3399 | department shall request the Division of Administrative Hearings
3400 | to designate an administrative law judge to conduct the hearings
3401 | required by this act. The division director shall designate an
3402 | administrative law judge within 7 days after receipt of the
3403 | request from the department. In designating an administrative
3404 | law judge for this purpose, the division director shall,
3405 | whenever practicable, assign an administrative law judge who has
3406 | had prior experience or training in electrical power plant ~~site~~
3407 | certification proceedings. Upon being advised that an
3408 | administrative law judge has been appointed, the department
3409 | shall immediately file a copy of the application and all
3410 | supporting documents with the designated administrative law
3411 | judge, who shall docket the application.

3412 | Section 57. Subsection (3) of section 403.50663, Florida
3413 | Statutes, is amended to read:

3414 | 403.50663 Informational public meetings.--

3415 | (3) A local government or regional planning council that
3416 | intends to conduct an informational public meeting must provide
3417 | notice of the meeting to all parties not less than 5 days prior
3418 | to the meeting and to the general public, in accordance with the
3419 | provisions of s. 403.5115(5). The expense for such notice is

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3420 eligible for reimbursement under the provisions of s.

3421 403.518(2)(c)1.

3422 Section 58. Section 403.50665, Florida Statutes, is
3423 amended to read:

3424 403.50665 Land use consistency.--

3425 (1) The applicant shall include in the application a
3426 statement on the consistency of the site and ~~or~~ any ~~directly~~
3427 associated facilities that constitute a "development," as
3428 defined by s. 380.04, with existing land use plans and zoning
3429 ordinances that were in effect on the date the application was
3430 filed and a full description of such consistency. This
3431 information shall include an identification of those associated
3432 facilities that the applicant believes are exempt from the
3433 requirements of land use plans and zoning ordinances under the
3434 provisions of the Local Government Comprehensive Planning and
3435 Land Development Regulation Act provisions of Chapter 163 and s.
3436 380.04(3).

3437 (2)(a) Within 45 days after the filing of the application,
3438 each local government shall file a determination with the
3439 department, the applicant, the administrative law judge, and all
3440 parties on the consistency of the site, and ~~or~~ any ~~directly~~
3441 associated facilities that are not exempt from the requirements
3442 of land use plans and zoning ordinances under the provisions of
3443 Chapter 163 and s. 380.04(3), with existing land use plans and
3444 zoning ordinances that were in effect on the date the
3445 application was filed, based on the information provided in the
3446 application. However, this requirement does not apply to any

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3447 new electrical generation unit proposed to be constructed and
 3448 operated:

3449 1. On the site of a previously certified electrical power
 3450 plant; or [Crystal river]

3451 2. On the site of a power plant that was not previously
 3452 certified that will be wholly contained within the boundaries of
 3453 the existing site.

3454 (b) The local government may issue its determination up to
 3455 55 35 days later if the application has been determined
 3456 incomplete based in whole or part upon a local government
 3457 request for ~~has requested~~ additional information on land use and
 3458 zoning consistency as part of the local government's statement
 3459 on completeness of the application submitted pursuant to s.
 3460 403.5066(1)(a). Incompleteness of information necessary for a
 3461 local government to evaluate an application may be claimed by
 3462 the local government as cause for a statement of inconsistency
 3463 with existing land use plans and zoning ordinances.

3464 (c) Notice of the consistency determination shall be
 3465 published in accordance with the requirements of s. 403.5115.

3466 (3) If the local government issues a determination that
 3467 the proposed site and any non-exempt associated facilities are
 3468 electrical power plant is not consistent or in compliance with
 3469 local land use plans and zoning ordinances, the applicant may
 3470 apply to the local government for the necessary local approval
 3471 to address the inconsistencies identified in the local
 3472 government's determination.

3473 (a) If the applicant makes such an application to the

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3474 local government, the time schedules under this act shall be
 3475 tolled until the local government issues its revised
 3476 determination on land use and zoning or the applicant otherwise
 3477 withdraws its application to the local government.

3478 (b) If the applicant applies to the local government for
 3479 necessary local land use or zoning approval, the local
 3480 government shall commence a proceeding to consider the
 3481 application for land use or zoning approval within 45 days of
 3482 receipt of the complete request, and shall issue a revised
 3483 determination within 30 days following the conclusion of that
 3484 local proceeding. ~~—and~~ The time schedules and notice
 3485 requirements under this act shall apply to such revised
 3486 determination.

3487 (4) If any substantially affected person wishes to dispute
 3488 the local government's determination, he or she shall file a
 3489 petition with the designated administrative law judge ~~department~~
 3490 within 21 days after the publication of notice of the local
 3491 government's determination. If a hearing is requested, the
 3492 provisions of s. 403.508(1) shall apply.

3493 (5) The dates in this section may be altered upon
 3494 agreement between the applicant, the local government, and the
 3495 department pursuant to s. 403.5095.

3496 (6) If it is determined by the local government that the
 3497 proposed site or non-exempt ~~directly~~ associated facility does
 3498 conform with existing land use plans and zoning ordinances in
 3499 effect as of the date of the application and no petition has
 3500 been filed, the responsible zoning or planning authority shall

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3501 not thereafter change such land use plans or zoning ordinances
 3502 so as to foreclose construction and operation of the proposed
 3503 site or ~~directly~~ associated facilities unless certification is
 3504 subsequently denied or withdrawn.

3505 (7) The issue of land use and zoning consistency for any
 3506 proposed alternate intermediate electrical substation which is
 3507 proposed as part of an alternate electrical transmission line
 3508 corridor which is accepted by the applicant and the department
 3509 under s. 403.5271(1)(b) shall be addressed in the supplementary
 3510 report prepared by the local government on the proposed
 3511 alternate corridor and shall be considered as an issue at any
 3512 final certification hearing. If such a proposed intermediate
 3513 electrical substation is determined to not be consistent with
 3514 local land use plans and zoning ordinances, then that alternate
 3515 electrical substation shall not be certified.

3516 Section 59. Paragraph (a) of subsection (2) of section
 3517 403.507, Florida Statutes, is amended to read:

3518 403.507 Preliminary statements of issues, reports,
 3519 project analyses, and studies.--

3520 (2) (a) The ~~No later than 100 days after the certification~~
 3521 ~~application has been determined complete,~~ the following agencies
 3522 shall prepare reports as provided below and shall submit them to
 3523 the department and the applicant no later than 100 days after
 3524 the certification application has been determined complete,
 3525 unless a final order denying the Determination of Need has been
 3526 issued under the provisions of s. 403.519:

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3527 Section 60. Subsection (1) and paragraph (a) of subsection
 3528 (2) of section 403.508, Florida Statutes, are amended to read:
 3529 403.508 Land use and certification hearings, parties,
 3530 participants.--

3531 (1)(a) Within 5 days after the filing of ~~If~~ a petition for
 3532 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
 3533 the designated administrative law judge shall schedule ~~conduct~~ a
 3534 land use hearing to be conducted in the county of the proposed
 3535 site, ~~or directly~~ associated facility that is not exempt from
 3536 the requirements of land use plans and zoning ordinances under
 3537 the provisions of Chapter 163 and s. 380.04(3), as applicable,
 3538 as expeditiously as possible, but not later than 30 days after
 3539 the designated administrative law judge's ~~department's~~ receipt
 3540 of the petition. The place of such hearing shall be as close as
 3541 possible to the proposed site or ~~directly~~ associated facility.
 3542 If a petition is filed, the hearing shall be held regardless of
 3543 the status of the completeness of the application. ~~However,~~
 3544 ~~incompleteness of information necessary for a local government~~
 3545 ~~to evaluate an application may be claimed by the local~~
 3546 ~~government as cause for a statement of inconsistency with~~
 3547 ~~existing land use plans and zoning ordinances under s.~~
 3548 ~~403.50665.~~

3549 (b) Notice of the land use hearing shall be published in
 3550 accordance with the requirements of s. 403.5115.

3551 (c) The sole issue for determination at the land use
 3552 hearing shall be whether or not the proposed site or non-exempt
 3553 associated facility is consistent and in compliance with

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3554 existing land use plans and zoning ordinances. If the
 3555 administrative law judge concludes that the proposed site or
 3556 non-exempt associated facility is not consistent or in
 3557 compliance with existing land use plans and zoning ordinances,
 3558 the administrative law judge shall receive at the hearing
 3559 evidence on, and address in the recommended order any changes to
 3560 or approvals or variances under, the applicable land use plans
 3561 or zoning ordinances which will render the proposed site or non-
 3562 exempt associated facility consistent and in compliance with the
 3563 local land use plans and zoning ordinances.

3564 (d) The designated administrative law judge's recommended
 3565 order shall be issued within 30 days after completion of the
 3566 hearing and shall be reviewed by the board within 60 days after
 3567 receipt of the recommended order by the board.

3568 (e) If it is determined by the board that the proposed
 3569 site or non-exempt associate facility does conform with existing
 3570 land use plans and zoning ordinances in effect as of the date of
 3571 the application, or as otherwise provided by this act, the
 3572 responsible zoning or planning authority shall not thereafter
 3573 change such land use plans or zoning ordinances so as to
 3574 foreclose construction and operation of the proposed electrical
 3575 power plant on the proposed site or ~~directly~~ associated
 3576 facilities unless certification is subsequently denied or
 3577 withdrawn.

3578 (f) If it is determined by the board that the proposed
 3579 site or non-exempt associated facility does not conform with
 3580 existing land use plans and zoning ordinances, the board may, if

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3581 it determines after notice and hearing and upon consideration of
 3582 the recommended order on land use and zoning issues that it is
 3583 in the public interest to authorize the use of the land ~~as a~~
 3584 ~~site~~ for a site or associated facility ~~an electrical power~~
 3585 ~~plant~~, authorize a variance or other necessary approval to the
 3586 adopted land use plan and zoning ordinances required to render
 3587 the proposed site or associated facility consistent with local
 3588 land use plans and zoning ordinances. The board's action shall
 3589 not be controlled by any other procedural requirements of law.
 3590 In the event a variance or other approval is denied by the
 3591 board, it shall be the responsibility of the applicant to make
 3592 the necessary application for any approvals determined by the
 3593 board as required to make the proposed site or associated
 3594 facility consistent and in compliance with local land use plans
 3595 and zoning ordinances. No further action may be taken on the
 3596 complete application until the proposed site or associated
 3597 facility conforms to the adopted land use plan or zoning
 3598 ordinances or the board grants relief as provided under this
 3599 act.

3600 (2) (a) A certification hearing shall be held by the
 3601 designated administrative law judge no later than 265 days after
 3602 the application is filed with the department. The certification
 3603 hearing shall be held at a location in proximity to the proposed
 3604 site. ~~At the conclusion of the certification hearing, the~~
 3605 ~~designated administrative law judge shall, after consideration~~
 3606 ~~of all evidence of record, submit to the board a recommended~~

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3607 ~~order no later than 45 days after the filing of the hearing~~
 3608 ~~transcript.~~

3609 Section 61. Subsections (3), (4), and (5) of section
 3610 403.509, Florida Statutes, are amended and a new subsection (4)
 3611 is added to said section to read:

3612 403.509 Final disposition of application.--

3613 (3) In determining whether an application should be
 3614 approved in whole, approved with modifications or conditions, or
 3615 denied, the board, or secretary when applicable, shall consider
 3616 whether, and the extent to which, the location, construction and
 3617 operation of the electrical power plant ~~and directly associated~~
 3618 ~~facilities and their construction and operation~~ will:

3619 (a) Provide reasonable assurance that operational
 3620 safeguards are technically sufficient for the public welfare and
 3621 protection.

3622 (b) Comply with applicable nonprocedural requirements of
 3623 agencies.

3624 (c) Be consistent with applicable local government
 3625 comprehensive plans and land development regulations.

3626 (d) Meet the electrical energy needs of the state in an
 3627 orderly, reliable, and timely fashion.

3628 (e) Effect a reasonable balance between the need for the
 3629 facility as established pursuant to s. 403.519 and the impacts
 3630 upon air and water quality, fish and wildlife, water resources,
 3631 and other natural resources of the state resulting from the
 3632 construction and operation of the facility.

3633 (f) Minimize, through the use of reasonable and available

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3634 methods, the adverse effects on human health, the environment,
 3635 and the ecology of the land and its wildlife and the ecology of
 3636 state waters and their aquatic life.

3637 (g) Serve and protect the broad interests of the public.

3638 (4) (a) Any transmission line corridor certified by the
 3639 board, or secretary if applicable, shall meet the criteria of
 3640 this section. When more than one transmission line corridor is
 3641 proper for certification under s. 403.503(10) and meets the
 3642 criteria of this section, the board, or secretary if applicable,
 3643 shall certify the transmission line corridor that has the least
 3644 adverse impact regarding the criteria in subsection (3),
 3645 including costs.

3646 (b) If the board, or secretary if applicable, finds that
 3647 an alternate corridor rejected pursuant to s. 403.5271 as
 3648 incorporated by reference in s. 403.5064(1)(b) meets the
 3649 criteria of subsection (3) and has the least adverse impact
 3650 regarding the criteria in subsection (3), the board, or
 3651 secretary if applicable, shall deny certification or shall allow
 3652 the applicant to submit an amended application to include the
 3653 corridor.

3654 (c) If the board, or secretary if applicable, finds that
 3655 two or more of the corridors that comply with subsection (3)
 3656 have the least adverse impacts regarding the criteria in
 3657 subsection (3), including costs, and that the corridors are
 3658 substantially equal in adverse impacts regarding the criteria in
 3659 subsection (3), including costs, the board, or secretary if
 3660 applicable, shall certify the corridor preferred by the

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3661 applicant if the corridor is one proper for certification under
 3662 s. 403.503(10).

3663 (5) ~~(4)~~ The department's action on a federally required
 3664 new source review or prevention of significant deterioration
 3665 permit shall differ from the actions taken by the siting board
 3666 regarding the certification if the federally approved state
 3667 implementation plan requires such a different action to be taken
 3668 by the department. Nothing in this part shall be construed to
 3669 displace the department's authority as the final permitting
 3670 entity under the federally approved permit program. Nothing in
 3671 this part shall be construed to authorize the issuance of a new
 3672 source review or prevention of significant deterioration permit
 3673 which does not conform to the requirements of the federally
 3674 approved state implementation plan.

3675 (6) ~~(5)~~ For certifications issued by the board in regard
 3676 to the properties and works of any agency which is a party to
 3677 the certification hearing, the board shall have the authority to
 3678 decide issues relating to the use, the connection thereto, or
 3679 the crossing thereof, for the electrical power plant ~~and~~
 3680 ~~directly associated facilities~~ and to direct any such agency to
 3681 execute, within 30 days after the entry of certification, the
 3682 necessary license or easement for such use, connection, or
 3683 crossing, subject only to the conditions set forth in such
 3684 certification. For certifications issued by the department in
 3685 regard to the properties and works of any agency which is a
 3686 party to the proceeding, any stipulation filed pursuant to s.
 3687 403.508(6)(a) must include a stipulation regarding any issues

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3688 relating to the use, the connection thereto, or the crossing
 3689 thereof, for the electrical power plant. Any agency stipulating
 3690 to the use, connection to, or crossing of its property must
 3691 agree to execute, within 30 days after the entry of
 3692 certification, the necessary license or easement for such use,
 3693 connection, or crossing, subject only to the conditions set
 3694 forth in such certification.

3695 Section 62. Subsections (1) and (6) of section 403.511,
 3696 Florida Statutes, are amended to read:

3697 403.511 Effect of certification.--

3698 (1) Subject to the conditions set forth therein, any
 3699 certification shall constitute the sole license of the state and
 3700 any agency as to the approval of the location of the site and
 3701 any associated facility and the construction and operation of
 3702 the proposed electrical power plant, except for the issuance of
 3703 department licenses required under any federally delegated or
 3704 approved permit program and except as otherwise provided in
 3705 subsection (4).

3706 (6) No term or condition of an electrical power plant a
 3707 ~~site~~ certification shall be interpreted to supersede or control
 3708 the provisions of a final operation permit for a major source of
 3709 air pollution issued by the department pursuant to s. 403.0872
 3710 to a facility certified under this part.

3711 Section 63. Subsection (1) of section 403.5112, Florida
 3712 Statutes, is amended to read:

3713 403.5112 Filing of notice of certified corridor route.--

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3714 (1) Within 60 days after certification of an ~~a directly~~
 3715 associated linear facility pursuant to this act, the applicant
 3716 shall file, in accordance with s. 28.222, with the department
 3717 and the clerk of the circuit court for each county through which
 3718 the corridor will pass, a notice of the certified route.

3719 Section 64. Subsections (1) and (4) of section 403.5113,
 3720 Florida Statutes, are amended to read:

3721 403.5113 Postcertification amendments and review.--

3722 (1) POSTCERTIFICATION AMENDMENTS.--

3723 (a) If, subsequent to certification by the board, a
 3724 licensee proposes any material change to the application and
 3725 revisions or amendments thereto, as certified, the licensee
 3726 shall submit a written request for amendment and a description
 3727 of the proposed change to the application to the department.
 3728 Within 30 days after the receipt of the request for the
 3729 amendment, the department shall determine whether the proposed
 3730 change to the application requires a modification of the
 3731 conditions of certification.

3732 (b) ~~(2)~~ If the department concludes that the change would
 3733 not require a modification of the conditions of certification,
 3734 the department shall provide written notification of the
 3735 approval of the proposed amendment to the licensee, all
 3736 agencies, and all other parties.

3737 (c) ~~(3)~~ If the department concludes that the change would
 3738 require a modification of the conditions of certification, the
 3739 department shall provide written notification to the licensee
 3740 that the proposed change to the application requires a request

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3741 for modification pursuant to s. 403.516.

3742 (2) ~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
 3743 submittals filed by the licensee with one or more agencies are
 3744 for the purpose of monitoring for compliance with the issued
 3745 certification and must be reviewed by the agencies on an
 3746 expedited and priority basis because each facility certified
 3747 under this act is a critical infrastructure facility. In no
 3748 event shall a postcertification review be completed in more than
 3749 90 days after complete information is submitted to the reviewing
 3750 agencies.

3751 Section 65. Section 403.5115, Florida Statutes, is amended
 3752 to read:

3753 403.5115 Public notice.--

3754 (1) The following notices are to be published by the
 3755 applicant for all applications:

3756 (a) Notice of the filing of a notice of intent under s.
 3757 403.5063, which shall be published within 21 days after the
 3758 filing of the notice. The notice shall be published as specified
 3759 by subsection (2), except that the newspaper notice shall be
 3760 one-fourth page in size in a standard size newspaper or one-half
 3761 page in size in a tabloid size newspaper.

3762 (b) Notice of filing of the application, which shall
 3763 include a description of the proceedings required by this act,
 3764 within 21 days after the date of the application filing. Such
 3765 notice shall give notice of the provisions of s. 403.511(1) and
 3766 (2).

3767 (c) If applicable, notice of the land use determination

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3768 made pursuant to s. 403.50665(2) ~~(1)~~ within 21 days after the
 3769 deadline for the filing of the determination is filed.

3770 (d) If applicable, notice of the land use hearing, which
 3771 shall be published as specified in subsection (2), no later than
 3772 15 days before the hearing.

3773 (e) Notice of the certification hearing and notice of the
 3774 deadline for filing notice of intent to be a party, which shall
 3775 be published as specified in subsection (2), at least 65 days
 3776 before the date set for the certification hearing.

3777 (f) Notice of the cancellation of the certification
 3778 hearing, if applicable, no later than 3 days before the date of
 3779 the originally scheduled certification hearing. The newspaper
 3780 notice shall be one-fourth page in size in a standard size
 3781 newspaper or one-half page in size in a tabloid size newspaper.

3782 (g) Notice of modification when required by the
 3783 department, based on whether the requested modification of
 3784 certification will significantly increase impacts to the
 3785 environment or the public. Such notice shall be published as
 3786 specified under subsection (2):

3787 1. Within 21 days after receipt of a request for
 3788 modification. The newspaper notice shall be of a size as
 3789 directed by the department commensurate with the scope of the
 3790 modification.

3791 2. If a hearing is to be conducted in response to the
 3792 request for modification, then notice shall be published no
 3793 later than 30 days before the hearing.

3794 ~~(h) Notice of a supplemental application, which shall be~~

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3795 ~~published as specified in paragraph (b) and subsection (2).~~

3796 ~~(i) Notice of existing site certification pursuant to s.~~
 3797 ~~403.5175. Notices shall be published as specified in paragraph~~
 3798 ~~(b) and subsection (2).~~

3799 (2) Notices provided by the applicant shall be published
 3800 in newspapers of general circulation within the county or
 3801 counties in which the proposed electrical power plant will be
 3802 located. The newspaper notices, unless otherwise specified,
 3803 shall be at least one-half page in size in a standard size
 3804 newspaper or a full page in a tabloid size newspaper. These
 3805 notices shall include a map generally depicting the project and
 3806 all associated facilities corridors. A newspaper of general
 3807 circulation shall be the newspaper which has the largest daily
 3808 circulation in that county and has its principal office in that
 3809 county. If the newspaper with the largest daily circulation has
 3810 its principal office outside the county, the notices shall
 3811 appear in both the newspaper having the largest circulation in
 3812 that county and in a newspaper authorized to publish legal
 3813 notices in that county.

3814 (3) All notices published by the applicant shall be paid
 3815 for by the applicant and shall be in addition to the application
 3816 fee.

3817 (4) The department shall arrange for publication of the
 3818 following notices in the manner specified by chapter 120 and
 3819 provide copies of those notices to any persons who have
 3820 requested to be placed on the departmental mailing list for this
 3821 purpose for each case for which an application has been received

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3822 by the department:

3823 (a) Notice of the filing of the notice of intent within 15
3824 days after receipt of the notice.

3825 (b) Notice of the filing of the application, no later than
3826 21 days after the application filing.

3827 (c) Notice of the land use determination made pursuant to
3828 s. 403.50665(2) ~~(1)~~ within 21 days after the deadline for the
3829 filing of the determination is filed.

3830 (d) Notice of the land use hearing before the
3831 administrative law judge, if applicable, no later than 15 days
3832 before the hearing.

3833 (e) Notice of the land use hearing before the board, if
3834 applicable.

3835 (f) Notice of the certification hearing at least 45 days
3836 before the date set for the certification hearing.

3837 (g) Notice of the cancellation of the certification
3838 hearing, if applicable, no later than 3 days prior to the date
3839 of the originally scheduled certification hearing.

3840 (h) Notice of the hearing before the board, if applicable.

3841 (i) Notice of stipulations, proposed agency action, or
3842 petitions for modification.

3843 (5) A local government or regional planning council that
3844 proposes to conduct an informational public meeting pursuant to
3845 s. 403.50663 must publish notice of the meeting in a newspaper
3846 of general circulation within the county or counties in which
3847 the proposed electrical power plant will be located no later
3848 than 7 days prior to the meeting. A newspaper of general

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3849 circulation shall be the newspaper which has the largest daily
 3850 circulation in that county and has its principal office in that
 3851 county. If the newspaper with the largest daily circulation has
 3852 its principal office outside the county, the notices shall
 3853 appear in both the newspaper having the largest circulation in
 3854 that county and in a newspaper authorized to publish legal
 3855 notices in that county.

3856 (6) A proponent of an alternate corridor shall publish
 3857 public notices concerning the filing of a proposal for an
 3858 alternate corridor; the route of the alternate corridor; the
 3859 revised time schedules, if any; the filing deadline for a
 3860 petition to become a party; and the date of the rescheduled
 3861 certification hearing, if necessary. For purposes of this
 3862 subsection, all notices must be published in a newspaper or
 3863 newspapers of general circulation within the county or counties
 3864 affected by the proposed alternate corridor and must comply with
 3865 the requirements provided in subsection (2). The notices must be
 3866 published at least 45 days before the date of the rescheduled
 3867 certification hearing.

3868 Section 66. Subparagraph 1. of paragraph (b) of subsection
 3869 (1) of section 403.516, Florida Statutes, is amended to read:

3870 403.516 Modification of certification.--

3871 (1) A certification may be modified after issuance in any
 3872 one of the following ways:

3873 (b)1. The department may modify specific conditions of a
 3874 ~~site~~ certification which are inconsistent with the terms of any

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3875 federally delegated or approved permit for the certified
 3876 electrical power plant.

3877 Section 67. Paragraphs (a) and (c) of subsection (1) of
 3878 section 403.517, Florida Statutes, are amended to read:

3879 403.517 Supplemental applications for sites certified for
 3880 ultimate site capacity.--

3881 (1)(a) Supplemental applications may be submitted for
 3882 certification of the construction and operation of electrical
 3883 power plants to be located at sites which have been previously
 3884 certified for an ultimate site capacity pursuant to this act.
 3885 Supplemental applications shall be limited to electrical power
 3886 plants using the fuel type previously certified for that site.
 3887 Such applications shall include all new ~~directly~~ associated
 3888 facilities that support the construction and operation of the
 3889 electrical power plant.

3890 (c) The time limits for the processing of a complete
 3891 supplemental application shall be designated by the department
 3892 commensurate with the scope of the supplemental application, but
 3893 shall not exceed any time limitation governing the review of
 3894 initial applications for ~~site~~ certification pursuant to this
 3895 act, it being the legislative intent to provide shorter time
 3896 limitations for the processing of supplemental applications for
 3897 electrical power plants to be constructed and operated at sites
 3898 which have been previously certified for an ultimate site
 3899 capacity.

3900 Section 68. Subsections (1) and (3), and paragraphs (a),
 3901 (b), and (c) of subsection (2) of section 403.5175, Florida

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3902 Statutes, are amended to read:

3903 403.5175 Existing electrical power plant site
3904 certification.--

3905 (1) An electric utility that owns or operates an existing
3906 electrical power plant as defined in s. 403.503(14) ~~s.~~
3907 ~~403.503(13)~~ may apply for certification of an existing power
3908 plant and its site in order to obtain all agency licenses
3909 necessary to ensure compliance with federal or state
3910 environmental laws and regulation using the centrally
3911 coordinated, one-stop licensing process established by this
3912 part. An application for ~~site~~ certification under this section
3913 must be in the form prescribed by department rule. Applications
3914 must be reviewed and processed using the same procedural steps
3915 and notices as for an application for a new facility, except
3916 that a determination of need by the Public Service Commission is
3917 not required.

3918 (2) An application for certification under this section
3919 must include:

3920 (a) A description of the site and existing power plant
3921 installations, and associated facilities;

3922 (b) A description of all proposed changes or alterations
3923 to the site and ~~or electrical power plant, including~~ all new
3924 associated facilities that are the subject of the application;

3925 (c) A description of the environmental and other impacts
3926 caused by the existing utilization of the site and ~~directly~~
3927 associated facilities, and the operation of the electrical power
3928 plant that is the subject of the application, and of the

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3929 environmental and other benefits, if any, to be realized as a
 3930 result of the proposed changes or alterations if certification
 3931 is approved and such other information as is necessary for the
 3932 reviewing agencies to evaluate the proposed changes and the
 3933 expected impacts;

3934 (3) The land use and zoning determination requirements of
 3935 s. 403.50665 do not apply to an application under this section
 3936 if the applicant does not propose to expand the boundaries of
 3937 the existing site or to add additional offsite associated
 3938 facilities that are not exempt from the provisions of s.
 3939 403.50665. If the applicant proposes to expand the boundaries of
 3940 the existing site or to add additional offsite facilities that
 3941 are not exempt from the provisions of s. 403.50665 to
 3942 accommodate portions of the electrical generation facility plant
 3943 or associated facilities, a land use and zoning determination
 3944 shall be made as specified in s. 403.50665; provided, however,
 3945 that the sole issue for determination is whether the proposed
 3946 site expansion or additional non-exempt associated facilities
 3947 are is consistent and in compliance with the existing land use
 3948 plans and zoning ordinances.

3949 Section 69. Section 403.518, Florida Statutes, is amended
 3950 to read:

3951 403.518 Fees; disposition.--The department shall charge
 3952 the applicant the following fees, as appropriate, which, unless
 3953 otherwise specified, shall be paid into the Florida Permit Fee
 3954 Trust Fund:

3955 (1) A fee for a notice of intent pursuant to s. 403.5063,

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3956 in the amount of \$2,500, to be submitted to the department at
 3957 the time of filing of a notice of intent. The notice-of-intent
 3958 fee shall be used and disbursed in the same manner as the
 3959 application fee.

3960 (2) An application fee, which shall not exceed \$200,000.
 3961 The fee shall be fixed by rule on a sliding scale related to the
 3962 size, type, ultimate site capacity, or increase in electrical
 3963 generating capacity proposed by the application.

3964 (a) Sixty percent of the fee shall go to the department to
 3965 cover any costs associated with coordinating the review and
 3966 acting upon the application, to cover any field services
 3967 associated with monitoring construction and operation of the
 3968 facility, and to cover the costs of the public notices published
 3969 by the department.

3970 (b) The following percentages shall be transferred to the
 3971 Operating Trust Fund of the Division of Administrative Hearings
 3972 of the Department of Management Services:

3973 1. Five percent to compensate expenses from the initial
 3974 exercise of duties associated with the filing of an application.

3975 2. An additional 5 percent if a land use hearing is held
 3976 pursuant to s. 403.508.

3977 3. An additional 10 percent if a certification hearing is
 3978 held pursuant to s. 403.508.

3979 (c)1. Upon written request with proper itemized accounting
 3980 within 90 days after final agency action by the board or
 3981 department, or withdrawal of the application, the agencies that
 3982 prepared reports pursuant to s. 403.507 or participated in a

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3983 hearing pursuant to s. 403.508 may submit a written request to
 3984 the department for reimbursement of expenses incurred during the
 3985 certification proceedings. The request shall contain an
 3986 accounting of expenses incurred which may include time spent
 3987 reviewing the application, preparation of any studies required
 3988 of the agencies by this act, agency travel and per diem to
 3989 attend any hearing held pursuant to this act, and for any ~~agency~~
 3990 ~~or~~ local government's or regional planning council's provision
 3991 of notice of public meetings ~~or hearings~~ required as a result of
 3992 the application for certification. The department shall review
 3993 the request and verify that the expenses are valid. Valid
 3994 expenses shall be reimbursed; however, in the event the amount
 3995 of funds available for reimbursement is insufficient to provide
 3996 for full compensation to the agencies requesting reimbursement,
 3997 reimbursement shall be on a prorated basis.

3998 2. If the application review is held in abeyance for more
 3999 than 1 year, the agencies may submit a request for
 4000 reimbursement. This time period shall be measured from the date
 4001 the applicant has provided written notification to the
 4002 department that it desires to have application review process
 4003 placed on hold. The fee disbursement shall be processed in
 4004 accordance with subparagraph 1.

4005 (d) If any sums are remaining, the department shall retain
 4006 them for its use in the same manner as is otherwise authorized
 4007 by this act; provided, however, that if the certification
 4008 application is withdrawn, the remaining sums shall be refunded
 4009 to the applicant within 90 days after the submittal of the

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4010 written notification of withdrawal.

4011 (3) (a) A certification modification fee, which shall not
 4012 exceed \$30,000. The department shall establish rules for
 4013 determining such a fee based on the number of agencies involved
 4014 in the review, equipment redesign, change in site size, type,
 4015 increase in generating capacity proposed, or change in an
 4016 associated ~~linear~~ facility location.

4017 (b) The fee shall be submitted to the department with a
 4018 petition for modification pursuant to s. 403.516. This fee shall
 4019 be established, disbursed, and processed in the same manner as
 4020 the application fee in subsection (2), except that the Division
 4021 of Administrative Hearings shall not receive a portion of the
 4022 fee unless the petition for certification modification is
 4023 referred to the Division of Administrative Hearings for hearing.
 4024 If the petition is so referred, only \$10,000 of the fee shall be
 4025 transferred to the Operating Trust Fund of the Division of
 4026 Administrative Hearings of the Department of Management
 4027 Services.

4028 (4) A supplemental application fee, not to exceed \$75,000,
 4029 to cover all reasonable expenses and costs of the review,
 4030 processing, and proceedings of a supplemental application. This
 4031 fee shall be established, disbursed, and processed in the same
 4032 manner as the certification application fee in subsection (2).

4033 (5) An existing ~~site~~ certification application fee, not to
 4034 exceed \$200,000, to cover all reasonable costs and expenses of
 4035 the review processing and proceedings for certification of an
 4036 existing power plant site under s. 403.5175. This fee must be

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4037 established, disbursed, and processed in the same manner as the
 4038 certification application fee in subsection (2).

4039 (6) (a) An application fee for an alternate corridor filed
 4040 pursuant to s. 403.5064(4). The application fee shall be \$750
 4041 per mile for each mile of the alternate corridor located within
 4042 an existing electric transmission line right-of-way or within an
 4043 existing right-of-way for a road, highway, railroad, or other
 4044 aboveground linear facility, or \$1,000 per mile for each mile of
 4045 an electric transmission line corridor proposed to be located
 4046 outside the existing right-of-way.

4047 Section 70. Subsection (4) of section 403.519, Florida
 4048 Statutes, is amended to read:

4049 403.519 Exclusive forum for determination of need.--

4050 (4) In making its determination on a proposed electrical
 4051 power plant using nuclear materials or synthesis gas produced by
 4052 integrated gasification combined cycle power plant as fuel, the
 4053 commission shall hold a hearing within 90 days after the filing
 4054 of the petition to determine need and shall issue an order
 4055 granting or denying the petition within 135 days after the date
 4056 of the filing of the petition. The commission shall be the sole
 4057 forum for the determination of this matter and the issues
 4058 addressed in the petition, which accordingly shall not be
 4059 reviewed in any other forum, or in the review of proceedings in
 4060 such other forum. In making its determination to either grant or
 4061 deny the petition, the commission shall consider the need for
 4062 electric system reliability and integrity, including fuel
 4063 diversity, the need for base-load generating capacity, the need

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4064 for adequate electricity at a reasonable cost, and whether
 4065 renewable energy sources and technologies, as well as
 4066 conservation measures, are utilized to the extent reasonably
 4067 available.

4068 (a) The applicant's petition shall include:

4069 1. A description of the need for the generation capacity.

4070 2. A description of how the proposed nuclear or integrated
 4071 gasification combined cycle power plant will enhance the
 4072 reliability of electric power production within the state by
 4073 improving the balance of power plant fuel diversity and reducing
 4074 Florida's dependence on fuel oil and natural gas.

4075 3. A description of and a nonbinding estimate of the cost
 4076 of the nuclear or integrated gasification combined cycle power
 4077 plant, including any costs associated with new, enlarged, or
 4078 relocated electrical transmission lines or facilities of any
 4079 size that are necessary to serve the nuclear power plant.

4080 4. The annualized base revenue requirement for the first
 4081 12 months of operation of the nuclear or integrated gasification
 4082 combined cycle power plant.

4083 5. Information on whether there were any discussions with
 4084 any electric utilities regarding ownership of a portion of the
 4085 nuclear or integrated gasification combined cycle power plant by
 4086 such electric utilities.

4087 (b) In making its determination, the commission shall take
 4088 into account matters within its jurisdiction, which it deems
 4089 relevant, including whether the nuclear or integrated
 4090 gasification combined cycle power plant will:

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- 4091 1. Provide needed base-load capacity.
- 4092 2. Enhance the reliability of electric power production
- 4093 within the state by improving the balance of power plant fuel
- 4094 diversity and reducing Florida's dependence on fuel oil and
- 4095 natural gas.
- 4096 3. Provide the most cost-effective source of power, taking
- 4097 into account the need to improve the balance of fuel diversity,
- 4098 reduce Florida's dependence on fuel oil and natural gas, reduce
- 4099 air emission compliance costs, and contribute to the long-term
- 4100 stability and reliability of the electric grid.
- 4101 (c) No provision of rule 25-22.082, Florida Administrative
- 4102 Code, shall be applicable to a nuclear or integrated
- 4103 gasification combined cycle power plant sited under this act,
- 4104 including provisions for cost recovery, and an applicant shall
- 4105 not otherwise be required to secure competitive proposals for
- 4106 power supply prior to making application under this act or
- 4107 receiving a determination of need from the commission.
- 4108 (d) The commission's determination of need for a nuclear
- 4109 or integrated gasification combined cycle power plant shall
- 4110 create a presumption of public need and necessity and shall
- 4111 serve as the commission's report required by s. 403.507(4)(a).
- 4112 An order entered pursuant to this section constitutes final
- 4113 agency action. Any petition for reconsideration of a final order
- 4114 on a petition for need determination shall be filed within 5
- 4115 days after the date of such order. The commission's final order,
- 4116 including any order on reconsideration, shall be reviewable on
- 4117 appeal in the Florida Supreme Court. Inasmuch as delay in the

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4118 determination of need will delay siting of a nuclear or
 4119 integrated gasification combined cycle power plant or diminish
 4120 the opportunity for savings to customers under the federal
 4121 Energy Policy Act of 2005, the Supreme Court shall proceed to
 4122 hear and determine the action as expeditiously as practicable
 4123 and give the action precedence over matters not accorded similar
 4124 precedence by law.

4125 (e) After a petition for determination of need for a
 4126 nuclear or integrated gasification combined cycle power plant
 4127 has been granted, the right of a utility to recover any costs
 4128 incurred prior to commercial operation, including, but not
 4129 limited to, costs associated with the siting, design, licensing,
 4130 or construction of the plant and new, expanded, or relocated
 4131 electrical transmission lines or facilities of any size that are
 4132 necessary to serve the nuclear power plant, shall not be subject
 4133 to challenge unless and only to the extent the commission finds,
 4134 based on a preponderance of the evidence adduced at a hearing
 4135 before the commission under s. 120.57, that certain costs were
 4136 imprudently incurred. Proceeding with the construction of the
 4137 nuclear or integrated gasification combined cycle power plant
 4138 following an order by the commission approving the need for the
 4139 nuclear or integrated gasification combined cycle power plant
 4140 under this act shall not constitute or be evidence of
 4141 imprudence. Imprudence shall not include any cost increases due
 4142 to events beyond the utility's control. Further, a utility's
 4143 right to recover costs associated with a nuclear or integrated
 4144 gasification combined cycle power plant may not be raised in any

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4145 other forum or in the review of proceedings in such other forum.
 4146 Costs incurred prior to commercial operation shall be recovered
 4147 pursuant to chapter 366.

4148 Section 71. Subsection (1) of section 403.5252, Florida
 4149 Statutes, is amended to read:

4150 403.5252 Determination of completeness.--

4151 (1) (a) Within 30 days after the filing ~~distribution~~ of an
 4152 application, the affected agencies shall file a statement with
 4153 the department containing the recommendations of each agency
 4154 concerning the completeness of the application for
 4155 certification.

4156 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 4157 application ~~completeness statements of each agency~~, the
 4158 department shall file a statement with the Division of
 4159 Administrative Hearings, with the applicant, and with all
 4160 parties declaring its position with regard to the completeness
 4161 of the application. The statement of the department shall be
 4162 based upon its consultation with the affected agencies.

4163 Section 72. Subsection (1) and paragraph (a) of subsection
 4164 (2) of section 403.526, Florida Statutes, are amended to read:

4165 403.526 Preliminary statements of issues, reports, and
 4166 project analyses; studies.--

4167 (1) Each affected agency that is required to file a report
 4168 in accordance with this section shall submit a preliminary
 4169 statement of issues to the department and all parties no later
 4170 than the submittal of each agency's recommendation that the
 4171 application is complete ~~50 days after the filing of the~~

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4172 ~~application. Such statements of issues shall be made available~~
 4173 ~~to each local government for use as information for public~~
 4174 ~~meetings held under s. 403.5272. The failure to raise an issue~~
 4175 in this preliminary statement of issues does not preclude the
 4176 issue from being raised in the agency's report.

4177 (2) (a) The following agencies shall prepare reports as
 4178 provided below and shall submit them to the department and the
 4179 applicant no later than 90 days after the filing of the
 4180 application, unless a final order denying the Determination of
 4181 Need has been issued under the provisions of s. 403.537:

4182 Section 73. Subsection (4) and paragraph (a) of subsection
 4183 (6) of section 403.527, Florida Statutes, are amended to read:

4184 403.527 Certification hearing, parties, participants.--

4185 (4) (a) One public hearing where members of the public who
 4186 are not parties to the certification hearing may testify shall
 4187 be held in conjunction with the certification hearing.

4188 (b) Upon the request of the local government, one public
 4189 hearing where members of the public who are not parties to the
 4190 certification hearing and who reside within the jurisdiction of
 4191 the local government may testify shall be held within the
 4192 boundaries of each county in which a local government that made
 4193 such a request is located, at the option of any local
 4194 government.

4195 1. (a) A local government shall notify the administrative
 4196 law judge and all parties not later than 50 days after the
 4197 filing of the application ~~21 days after the application has been~~
 4198 ~~determined complete~~ as to whether the local government wishes to

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4199 have a public hearing within the boundaries of its county. ~~If a~~
 4200 ~~filing for an alternate corridor is accepted for consideration~~
 4201 ~~under s. 403.5271(1) by the department and the applicant, any~~
 4202 ~~newly affected local government must notify the administrative~~
 4203 ~~law judge and all parties not later than 10 days after the data~~
 4204 ~~concerning the alternate corridor has been determined complete~~
 4205 ~~as to whether the local government wishes to have such a public~~
 4206 ~~hearing.~~ The local government is responsible for providing the
 4207 location of the public hearing if held separately from the
 4208 certification hearing.

4209 2. (b) Within 5 days after notification, the
 4210 administrative law judge shall determine the date of the public
 4211 hearing, which shall be held before or during the certification
 4212 hearing. If two or more local governments within one county
 4213 request a public hearing, the hearing shall be consolidated so
 4214 that only one public hearing is held in any county. The location
 4215 of a consolidated hearing shall be determined by the
 4216 administrative law judge.

4217 3. (e) If a local government does not request a public
 4218 hearing within 50 days after the filing of the application ~~21~~
 4219 ~~days after the application has been determined complete, then~~
 4220 members of the public who are not parties to the certification
 4221 hearing and who reside ~~persons residing~~ within the jurisdiction
 4222 of the local government may testify during the ~~that portion of~~
 4223 ~~the certification hearing~~ held under the provisions of paragraph
 4224 (4) (a) at which public testimony is heard.

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4225 (6) (a) No later than 29 ~~25~~ days before the certification
 4226 hearing, the department or the applicant may request that the
 4227 administrative law judge cancel the certification hearing and
 4228 relinquish jurisdiction to the department if all parties to the
 4229 proceeding stipulate that there are no disputed issues of
 4230 material fact or law ~~to be raised at the certification hearing.~~

4231 Section 74. Paragraphs (b), (c) and (e) of subsection (1)
 4232 of section 403.5271, Florida Statutes, are amended to read:

4233 403.5271 Alternate corridors.--

4234 (1) No later than 45 days before the originally scheduled
 4235 certification hearing, any party may propose alternate
 4236 transmission line corridor routes for consideration under the
 4237 provisions of this act.

4238 (b)1. Within 7 days after receipt of the notice, the
 4239 applicant and the department shall file with the administrative
 4240 law judge and all parties a notice of acceptance or rejection of
 4241 a proposed alternate corridor for consideration. If the
 4242 alternate corridor is rejected by the applicant or the
 4243 department, the certification hearing and the public hearings
 4244 shall be held as scheduled. If both the applicant and the
 4245 department accept a proposed alternate corridor for
 4246 consideration, the certification hearing and the public hearings
 4247 shall be rescheduled, if necessary. If a filing for an alternate
 4248 corridor is accepted for consideration by the department and the
 4249 applicant, any newly affected local government must notify the
 4250 administrative law judge and all parties not later than 10 days
 4251 after the data concerning the alternate corridor has been

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4252 determined complete as to whether the local government wishes to
 4253 have such a public hearing. The local government is responsible
 4254 for providing the location of the public hearing if held
 4255 separately from the certification hearing. The provisions of s.
 4256 403.527(4)(b) and (c) shall apply. Notice of the local hearings
 4257 shall be published in accordance with s. 403.5363.

4258 2. If rescheduled, the certification hearing shall be held
 4259 no more than 90 days after the previously scheduled
 4260 certification hearing, unless the data submitted under paragraph
 4261 (d) is determined to be incomplete, in which case the
 4262 rescheduled certification hearing shall be held no more than 105
 4263 days after the previously scheduled certification hearing. If
 4264 additional time is needed due to the alternate corridor crossing
 4265 a local government jurisdiction that was not previously
 4266 affected, the remainder of the schedule listed below shall be
 4267 appropriately adjusted by the administrative law judge to allow
 4268 that local government to prepare a report pursuant to s.
 4269 403.526(2)(a)5. Notice that the certification hearing has been
 4270 deferred due to the acceptance of the alternate corridor shall
 4271 be published in accordance with s. 403.5363.

4272 (c) Notice of the filing of the alternate corridor, ~~of the~~
 4273 ~~revised time schedules, of the deadline for newly affected~~
 4274 ~~persons and agencies to file notice of intent to become a party,~~
 4275 ~~of the rescheduled hearing date, and of the proceedings shall be~~
 4276 published by the alternate proponent in accordance with s.
 4277 403.5363(2). If the notice is not timely published or does not
 4278 meet the notice requirements, the alternate shall be deemed

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4279 withdrawn.

4280 (e)1. Reviewing agencies shall advise the department of
 4281 any issues concerning completeness no later than 15 days after
 4282 the submittal of the data required by paragraph (d). Within 22
 4283 days after receipt of the data, the department shall issue a
 4284 determination of completeness.

4285 2. If the department determines that the data required by
 4286 paragraph (d) is not complete, the party proposing the alternate
 4287 corridor must file such additional data to correct the
 4288 incompleteness. This additional data must be submitted within 14
 4289 days after the determination by the department.

4290 3. Reviewing agencies may advise the department of any
 4291 issues concerning completeness of the additional data within 10
 4292 days after the filing by the party proposing the alternate
 4293 corridor. If the department, within 14 days after receiving the
 4294 additional data, determines that the data remains incomplete,
 4295 the incompleteness of the data is deemed a withdrawal of the
 4296 proposed alternate corridor. The department may make its
 4297 determination based on recommendations made by other affected
 4298 agencies.

4299 Section 75. Subsection (3) of section 403.5272, Florida
 4300 Statutes, is amended to read:

4301 403.5272 Informational public meetings.--

4302 (3) A local government or regional planning council that
 4303 intends to conduct an informational public meeting must provide
 4304 notice of the meeting, with notice sent to all parties listed in
 4305 s. 403.527(2) (a), not less than 15 ~~5~~ days before the meeting and

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4306 to the general public, in accordance with the provisions of s.
 4307 403.5363(4).

4308 Section 76. Subsection (1) of section 403.5312, Florida
 4309 Statutes, is amended to read:

4310 403.5312 Filing of notice of certified corridor route.--

4311 (1) Within 60 days after certification of a ~~directly~~
 4312 ~~associated transmission line under ss. 403.501-403.518 or a~~
 4313 transmission line corridor under ss. 403.52-403.5365, the
 4314 applicant shall file with the department and, in accordance with
 4315 s. 28.222, with the clerk of the circuit court for each county
 4316 through which the corridor will pass, a notice of the certified
 4317 route.

4318 Section 77. Section 403.5363, Florida Statutes, is amended
 4319 to read:

4320 403.5363 Public notices; requirements.--

4321 (1)(a) The applicant shall arrange for the publication of
 4322 the notices specified in paragraph (b).

4323 1. The notices shall be published in newspapers of general
 4324 circulation within counties crossed by the transmission line
 4325 corridors proper for certification. The required newspaper
 4326 notices ~~for filing of an application and for the certification~~
 4327 ~~hearing shall be one half page in size in a standard size~~
 4328 ~~newspaper or a full page in a tabloid-size newspaper and~~
 4329 published in a section of the newspaper other than the section
 4330 for legal notices. ~~These two notices must include a map~~
 4331 ~~generally depicting all transmission corridors proper for~~
 4332 ~~certification.~~ A newspaper of general circulation shall be the

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4333 newspaper within a county crossed by a transmission line
 4334 corridor proper for certification which newspaper has the
 4335 largest daily circulation in that county and has its principal
 4336 office in that county. If the newspaper having the largest daily
 4337 circulation has its principal office outside the county, the
 4338 notices must appear in both the newspaper having the largest
 4339 circulation in that county and in a newspaper authorized to
 4340 publish legal notices in that county.

4341 2. The department shall adopt rules specifying the content
 4342 of the newspaper notices.

4343 3. All notices published by the applicant shall be paid
 4344 for by the applicant and shall be in addition to the application
 4345 fee.

4346 (b) Public notices that must be published under this
 4347 section include:

4348 1. The notice of the filing of an application, which must
 4349 include a description of the proceedings required by this act.
 4350 The notice must describe the provisions of s. 403.531(1) and (2)
 4351 and give the date by which notice of intent to be a party or a
 4352 petition to intervene in accordance with s. 403.527(2) must be
 4353 filed. This notice must be published no more than 21 days after
 4354 the application is filed. The notice shall, at a minimum, be
 4355 one-half page in size in a standard-size newspaper or a full
 4356 page in a tabloid-size newspaper. The notice must include a map
 4357 generally depicting all transmission corridors proper for
 4358 certification.

4359 2. The notice of the certification hearing and any ~~other~~

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4360 public hearing held ~~permitted~~ under s. 403.527(4). The notice
 4361 must include the date by which a person wishing to appear as a
 4362 party must file the notice to do so. The notice of the
 4363 originally scheduled certification hearing must be published at
 4364 least 65 days before the date set for the certification hearing.
 4365 The notice shall meet the same size and map requirements
 4366 required in subparagraph 1.

4367 3. The notice of the cancellation of the certification
 4368 hearing under s. 403.527(6), if applicable. The notice must be
 4369 published at least 3 days before the date of the originally
 4370 scheduled certification hearing. The notice shall, at a
 4371 minimum, be one-quarter page in size in a standard-size
 4372 newspaper or one-half page in a tabloid-size newspaper. The
 4373 notice shall not require a map to be included.

4374 4. The notice of the deferment of the certification
 4375 hearing due to the acceptance of an alternate corridor under s.
 4376 403.5272(1)(b)2. The notice must be published at least 7 days
 4377 before the date of the originally scheduled certification
 4378 hearing. The notice shall, at a minimum, be one-eighth page in
 4379 size in a standard-size newspaper or one-quarter page in a
 4380 tabloid-size newspaper. The notice shall not require a map to be
 4381 included.

4382 5. If the notice of the rescheduled certification hearing
 4383 required of an alternate proponent under s. 403.5271(1)(c) is
 4384 not timely published or does not meet the notice requirements
 4385 such that an alternate corridor is withdrawn under the
 4386 provisions of s. 403.5271(1)(c), the notice of rescheduled

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4387 hearing and any local hearings shall be provided by the
 4388 applicant at least 30 days prior to the rescheduled
 4389 certification hearing.

4390 6. 4. The notice of the filing of a proposal to modify the
 4391 certification submitted under s. 403.5315, if the department
 4392 determines that the modification would require relocation or
 4393 expansion of the transmission line right-of-way or a certified
 4394 substation.

4395 (2) Each ~~The~~ proponent of an alternate corridor shall
 4396 arrange for newspaper notice of the publication of the filing of
 4397 the proposal for an alternate corridor. If there is more than
 4398 one alternate proponent, the proponents may jointly publish
 4399 notice, so long as the content requirements below are met and
 4400 the maps are legible.

4401 (a) The notice shall specify, the revised time schedules,
 4402 the date by which newly affected persons or agencies may file
 4403 the notice of intent to become a party, ~~and~~ the date of the
 4404 rescheduled hearing, and any public hearing held under s.
 4405 403.5271(1)(b)1.

4406 (b) A notice listed in this subsection must be published
 4407 in a newspaper of general circulation within the county or
 4408 counties crossed by the proposed alternate corridor and comply
 4409 with the content, size, and map requirements set forth in this
 4410 section ~~paragraph (1)(a).~~

4411 (c) The notice of the alternate corridor proposal must be
 4412 published not less than 45 ~~50~~ days before the rescheduled
 4413 certification hearing.

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4414 (3) The department shall arrange for the publication of
 4415 the following notices in the manner specified by chapter 120:

4416 (a) The notice of the filing of an application and the
 4417 date by which a person intending to become a party must file a
 4418 petition to intervene or a notice of intent to be a party. The
 4419 notice must be published no later than 21 days after the
 4420 application has been filed.

4421 (b) The notice of any administrative hearing for
 4422 certification, if applicable. The notice must be published not
 4423 less than 65 days before the date set for a hearing, except that
 4424 notice for a rescheduled certification hearing after acceptance
 4425 of an alternative corridor must be published not less than 40 ~~50~~
 4426 days before the date set for the hearing.

4427 (c) The notice of the cancellation of a certification
 4428 hearing under s. 403.527(6), if applicable. The notice must be
 4429 published not later than 7 days before the date of the
 4430 originally scheduled certification hearing.

4431 (d) The notice of the deferment of the certification
 4432 hearing due to the acceptance of an alternate corridor under s.
 4433 403.5272(1)(b)2. The notice must be published at least 7 days
 4434 before the date of the originally scheduled certification
 4435 hearing.

4436 (e) ~~(d)~~ The notice of the hearing before the siting board,
 4437 if applicable.

4438 (f) ~~(e)~~ The notice of stipulations, proposed agency
 4439 action, or a petition for modification.

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4440 (4) A local government or regional planning council that
 4441 proposes to conduct an informational public meeting pursuant to
 4442 s. 403.5272 must publish notice of the meeting in a newspaper of
 4443 general circulation within the county or counties in which the
 4444 proposed electrical transmission line will be located no later
 4445 than 7 days prior to the meeting. A newspaper of general
 4446 circulation shall be the newspaper which has the largest daily
 4447 circulation in that county and has its principal office in that
 4448 county. If the newspaper with the largest daily circulation has
 4449 its principal office outside the county, the notices shall
 4450 appear in both the newspaper having the largest circulation in
 4451 that county and in a newspaper authorized to publish legal
 4452 notices in that county.

4453 Section 78. Paragraphs (d) and (e) of subsection (1) of
 4454 section 403.5365, Florida Statutes, are amended to read:

4455 403.5365 Fees; disposition.--The department shall charge
 4456 the applicant the following fees, as appropriate, which, unless
 4457 otherwise specified, shall be paid into the Florida Permit Fee
 4458 Trust Fund:

4459 (1) An application fee.

4460 (d)1. Upon written request with proper itemized accounting
 4461 within 90 days after final agency action by the siting board or
 4462 the department or the written notification of the withdrawal of
 4463 the application, the agencies that prepared reports under s.
 4464 403.526 or s. 403.5271 or participated in a hearing under s.
 4465 403.527 or s. 403.5271 may submit a written request to the
 4466 department for reimbursement of expenses incurred during the

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4467 certification proceedings. The request must contain an
 4468 accounting of expenses incurred, which may include time spent
 4469 reviewing the application, preparation of any studies required
 4470 of the agencies by this act, agency travel and per diem to
 4471 attend any hearing held under this act, and for the local
 4472 government or regional planning council providing additional
 4473 notice of the informational public meeting. The department shall
 4474 review the request and verify whether a claimed expense is
 4475 valid. Valid expenses shall be reimbursed; however, if the
 4476 amount of funds available for reimbursement is insufficient to
 4477 provide for full compensation to the agencies, reimbursement
 4478 shall be on a prorated basis.

4479 2. If the application review is held in abeyance for more
 4480 than 1 year, the agencies may submit a request for reimbursement
 4481 under subparagraph 1. This time period shall be measured from
 4482 the date the applicant has provided written notification to the
 4483 department that it desires to have the application review
 4484 process placed on hold. The fee disbursement shall be processed
 4485 in accordance with subparagraph 1.

4486 (e) If any sums are remaining, the department shall retain
 4487 them for its use in the same manner as is otherwise authorized
 4488 by this section; however, if the certification application is
 4489 withdrawn, the remaining sums shall be refunded to the applicant
 4490 within 90 days after submittal of the written notification of
 4491 withdrawal.

4492 Section 79. Paragraph (i) of subsection (6) of section
 4493 403.814, Florida Statutes, is amended to read:

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4494 403.814 General permits; delegation.--

4495 (6) Construction and maintenance of electric transmission
 4496 or distribution lines in wetlands by electric utilities, as
 4497 defined in s. 366.02, shall be authorized by general permit
 4498 provided the following provisions are implemented:

4499 (i) This subsection also applies to transmission lines and
 4500 appurtenances certified pursuant to part II of this chapter.
 4501 However, the criteria of the general permit shall not otherwise
 4502 affect the authority of the siting board to condition
 4503 certification of transmission lines as authorized under part II
 4504 of this chapter.

4505
 4506 Maintenance of existing electric lines and clearing of
 4507 vegetation in wetlands conducted without the placement of
 4508 structures in wetlands or other dredge and fill activities does
 4509 not require an individual or general construction permit. For
 4510 the purpose of this subsection, wetlands shall mean the landward
 4511 extent of waters of the state regulated under ss. 403.91-403.929
 4512 and isolated and nonisolated wetlands regulated under part IV of
 4513 chapter 373. The provisions provided in this subsection apply to
 4514 the permitting requirements of the department, any water
 4515 management district, and any local government implementing part
 4516 IV of chapter 373 or part VIII of this chapter.

4517 Section 80. Section 489.145, Florida Statutes, is amended
 4518 to read:

4519 489.145 Guaranteed energy, water, and wastewater
 4520 performance savings contracting.--

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4521 (1) SHORT TITLE.--This section may be cited as the
 4522 "Guaranteed Energy, Water, and Wastewater Performance Savings
 4523 Contracting Act."

4524 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
 4525 investment in energy, water, and wastewater efficiency and
 4526 conservation measures in agency facilities can reduce the amount
 4527 of energy and water consumed and wastewater produced and produce
 4528 immediate and long-term savings. It is the policy of this state
 4529 to encourage each agency ~~agencies~~ to invest in energy, water,
 4530 and wastewater efficiency and conservation measures ~~that reduce~~
 4531 ~~energy consumption, produce a cost savings for the agency, and~~
 4532 ~~improve the quality of indoor air in public facilities and to~~
 4533 ~~operate, maintain, and, when economically feasible, build or~~
 4534 ~~renovate existing agency facilities in such a manner as to~~
 4535 minimize energy and water consumption and wastewater production
 4536 and maximize energy, water and wastewater savings. It is further
 4537 the policy of this state to encourage agencies to reinvest any
 4538 ~~energy~~ savings resulting from energy, water, and wastewater
 4539 efficiency and conservation measures in additional energy,
 4540 water, and wastewater efficiency and conservation measures
 4541 ~~efforts.~~

4542 (3) DEFINITIONS.--As used in this section, the term:

4543 (a) "Agency" means the state, a municipality, or a
 4544 political subdivision.

4545 (b) "Energy, water, and wastewater efficiency and
 4546 conservation measure" means a training program incidental to the
 4547 contract, facility alteration, or an equipment purchase to be

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4548 used in new construction, including an addition to ~~an~~ existing
 4549 facilities or infrastructure facility, which reduces energy,
 4550 water, or wastewater or energy-related operating costs and
 4551 includes, but is not limited to:

4552 1. Insulation of the facility structure and systems within
 4553 the facility.

4554 2. Storm windows and doors, caulking or weatherstripping,
 4555 multiglazed windows and doors, heat-absorbing, or heat-
 4556 reflective, glazed and coated window and door systems,
 4557 additional glazing, reductions in glass area, and other window
 4558 and door system modifications that reduce energy consumption.

4559 3. Automatic energy control systems.

4560 4. Heating, ventilating, or air-conditioning system
 4561 modifications or replacements.

4562 5. Replacement or modifications of lighting fixtures to
 4563 increase the energy efficiency of the lighting system, which, at
 4564 a minimum, must conform to the applicable state or local
 4565 building code.

4566 6. Energy recovery systems.

4567 7. Cogeneration systems that produce steam or forms of
 4568 energy such as heat, as well as electricity, for use primarily
 4569 within a facility or complex of facilities.

4570 8. Energy conservation measures that reduce British
 4571 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)
 4572 consumed or provide long-term operating cost reductions ~~or~~
 4573 ~~significantly reduce Btu consumed.~~

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- 4574 9. Renewable energy systems, such as solar, biomass, or
 4575 wind systems.
- 4576 10. Devices that reduce water consumption or sewer
 4577 charges.
- 4578 11. Energy storage ~~Storage~~ systems, such as fuel cells and
 4579 thermal storage.
- 4580 12. Energy generating ~~Generating~~ technologies, such as
 4581 microturbines.
- 4582 13. Any other repair, replacement, or upgrade of existing
 4583 equipment.
- 4584 (c) "Energy, water, or wastewater cost savings" means a
 4585 measured reduction in the cost of fuel, energy or water
 4586 consumption or wastewater production, and stipulated operation
 4587 and maintenance created from the implementation of one or more
 4588 energy, water, or wastewater efficiency or conservation measures
 4589 when compared with an established baseline for the previous cost
 4590 of fuel, energy or water consumption or wastewater production,
 4591 and stipulated operation and maintenance.
- 4592 (d) "Guaranteed energy, water, and wastewater performance
 4593 savings contract" means a contract for the evaluation,
 4594 recommendation, and implementation of energy, water, or
 4595 wastewater efficiency or conservation measures, which, at a
 4596 minimum, shall include:
- 4597 1. The design and installation of equipment to implement
 4598 one or more of such measures and, if applicable, operation and
 4599 maintenance of such measures.
- 4600 2. The amount of any actual annual savings that meet or

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4601 exceed total annual contract payments made by the agency for the
4602 contract.

4603 3. The finance charges incurred by the agency over the
4604 life of the contract.

4605 (e) "Guaranteed energy, water, and wastewater performance
4606 savings contractor" means a person or business that is licensed
4607 under chapter 471, chapter 481, or this chapter, and is
4608 experienced in the analysis, design, implementation, or
4609 installation of energy, water, and wastewater efficiency and
4610 conservation measures through energy performance contracts.

4611 (4) PROCEDURES.--

4612 (a) An agency may enter into a guaranteed energy, water,
4613 and wastewater performance savings contract with a guaranteed
4614 energy, water, and wastewater performance savings contractor to
4615 ~~significantly~~ reduce energy or water consumption or wastewater
4616 production or energy-related operating costs of an agency
4617 facility through one or more energy, water, or wastewater
4618 efficiency or conservation measures.

4619 (b) Before design and installation of energy, water, or
4620 wastewater efficiency and conservation measures, the agency must
4621 obtain from a guaranteed energy, water, and wastewater
4622 performance savings contractor a report that summarizes the
4623 costs associated with the energy, water, or wastewater
4624 efficiency and conservation measures or energy-related
4625 operational cost saving measures and provides an estimate of the
4626 amount of the ~~energy~~ cost savings. The agency and the guaranteed
4627 energy, water, and wastewater performance savings contractor may

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4628 enter into a separate agreement to pay for costs associated with
 4629 the preparation and delivery of the report; however, payment to
 4630 the contractor shall be contingent upon the report's projection
 4631 of energy, water, and wastewater cost savings being equal to or
 4632 greater than the total projected costs of the design and
 4633 installation of the report's energy conservation measures.

4634 (c) The agency may enter into a guaranteed energy, water,
 4635 and wastewater performance savings contract with a guaranteed
 4636 energy, water, and wastewater performance savings contractor if
 4637 the agency finds that the amount the agency would spend on the
 4638 energy, water, and wastewater efficiency and conservation cost
 4639 savings measures will not likely exceed the amount of the ~~energy~~
 4640 cost savings for up to 20 years from the date of installation,
 4641 based on the life cycle cost calculations provided in s.
 4642 255.255, if the recommendations in the report were followed and
 4643 if the qualified provider or providers give a written guarantee
 4644 that the ~~energy~~ cost savings will meet or exceed the costs of
 4645 the system. However, actual computed cost savings must meet or
 4646 exceed the estimated cost savings provided in each agency's
 4647 program approval. Baseline adjustments used in calculations must
 4648 be specified in the contract. The contract may provide for
 4649 installment payments for a period not to exceed 20 years.

4650 (d) A guaranteed energy, water, and wastewater performance
 4651 savings contractor must be selected in compliance with s.
 4652 287.055; except that if fewer than three firms are qualified to
 4653 perform the required services, the requirement for agency

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4654 selection of three firms, as provided in s. 287.055(4) (b), and
 4655 the bid requirements of s. 287.057 do not apply.

4656 (e) Before entering into a guaranteed energy, water, and
 4657 wastewater performance savings contract, an agency must provide
 4658 published notice of the meeting in which it proposes to award
 4659 the contract, the names of the parties to the proposed contract,
 4660 and the contract's purpose.

4661 (f) A guaranteed energy, water, and wastewater performance
 4662 savings contract may provide for financing, including tax-exempt
 4663 financing, by a third party. The contract for third party
 4664 financing may be separate from the energy, water, and wastewater
 4665 performance contract. A separate contract for third party
 4666 financing pursuant to this paragraph must include a provision
 4667 that the third party financier must not be granted rights or
 4668 privileges that exceed the rights and privileges available to
 4669 the guaranteed energy, water, and wastewater performance savings
 4670 contractor.

4671 (g) Financing for guaranteed energy, water, and wastewater
 4672 performance savings contracts may be provided under the
 4673 authority of s. 287.064.

4674 (h) The Office of the Chief Financial Officer shall review
 4675 proposals from state agencies to ensure that the most effective
 4676 financing is being used.

4677 (i) Annually, the agency that has entered into the
 4678 contract shall provide the Department of Management Services and
 4679 the Chief Financial Officer the measurement and verification

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4680 report required by the contract to validate that savings have
 4681 occurred.

4682 (j)~~(g)~~ In determining the amount the agency will finance
 4683 to acquire the energy, water, and wastewater efficiency and
 4684 conservation measures, the agency may reduce such amount by the
 4685 application of any grant moneys, rebates, or capital funding
 4686 available to the agency for the purpose of buying down the cost
 4687 of the guaranteed energy, water, and wastewater performance
 4688 savings contract. However, in calculating the life cycle cost as
 4689 required in paragraph (c), the agency shall not apply any
 4690 grants, rebates, or capital funding.

4691 (5) CONTRACT PROVISIONS.--

4692 (a) A guaranteed energy, water, and wastewater performance
 4693 savings contract must include a written guarantee that may
 4694 include, but is not limited to the form of, a letter of credit,
 4695 insurance policy, or corporate guarantee by the guaranteed
 4696 energy, water, and wastewater performance savings contractor
 4697 that annual ~~energy~~ cost savings will meet or exceed the
 4698 amortized cost of energy, water, and wastewater efficiency and
 4699 conservation measures.

4700 (b) The guaranteed energy, water, and wastewater
 4701 performance savings contract must provide that all payments,
 4702 except obligations on termination of the contract before its
 4703 expiration, may be made over time, but not to exceed 20 years
 4704 from the date of complete installation and acceptance by the
 4705 agency, and that the annual savings are guaranteed to the extent

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4706 necessary to make annual payments to satisfy the guaranteed
 4707 energy, water, and wastewater performance savings contract.

4708 (c) The guaranteed energy, water, and wastewater
 4709 performance savings contract must require that the guaranteed
 4710 energy, water, and wastewater performance savings contractor to
 4711 whom the contract is awarded provide a 100-percent public
 4712 construction bond to the agency for its faithful performance, as
 4713 required by s. 255.05.

4714 (d) The guaranteed energy, water, and wastewater
 4715 performance savings contract may contain a provision allocating
 4716 to the parties to the contract any annual ~~energy~~ cost savings
 4717 that exceed the amount of the ~~energy~~ cost savings guaranteed in
 4718 the contract.

4719 (e) The guaranteed energy, water, and wastewater
 4720 performance savings contract shall require the guaranteed
 4721 energy, water, and wastewater performance savings contractor to
 4722 provide to the agency an annual reconciliation of the guaranteed
 4723 energy or associated cost savings. If the reconciliation reveals
 4724 a shortfall in annual energy or associated cost savings, the
 4725 guaranteed energy, water, and wastewater performance savings
 4726 contractor is liable for such shortfall. If the reconciliation
 4727 reveals an excess in annual ~~energy~~ cost savings, the excess
 4728 savings may be allocated under paragraph (d) but may not be used
 4729 to cover potential energy or associated cost savings shortages
 4730 in subsequent contract years.

4731 (f) The guaranteed energy, water, and wastewater
 4732 performance savings contract must provide for payments of not

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4733 less than one-twentieth of the price to be paid within 2 years
 4734 from the date of the complete installation and acceptance by the
 4735 agency using straight-line amortization for the term of the
 4736 loan, and the remaining costs to be paid at least quarterly, not
 4737 to exceed a 20-year term, based on life cycle cost calculations.

4738 (g) The guaranteed energy, water, and wastewater
 4739 performance savings contract may extend beyond the fiscal year
 4740 in which it becomes effective; however, the term of any contract
 4741 expires at the end of each fiscal year and may be automatically
 4742 renewed annually for up to 20 years, subject to the agency
 4743 making sufficient annual appropriations based upon continued
 4744 realized energy, water, and wastewater savings.

4745 (h) The guaranteed energy, water, and wastewater
 4746 performance savings contract must stipulate that it does not
 4747 constitute a debt, liability, or obligation of the state.

4748 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
 4749 Department of Management Services, with the assistance of the
 4750 Office of the Chief Financial Officer, shall ~~may~~, within
 4751 available resources, provide technical content assistance to
 4752 state agencies contracting for energy, water and wastewater
 4753 efficiency and conservation measures and engage in other
 4754 activities considered appropriate by the department for
 4755 promoting and facilitating guaranteed energy, water, and
 4756 wastewater performance contracting by state agencies. The
 4757 Department of Management Services shall review the investment-
 4758 grade audit for each proposed project and certify that the cost
 4759 savings are appropriate and sufficient for the term of the

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4760 contract. The Office of the Chief Financial Officer, with the
 4761 assistance of the Department of Management Services, shall ~~may~~,
 4762 within available resources, develop model contractual and
 4763 related documents for use by state agencies. Prior to entering
 4764 into a guaranteed energy, water, and wastewater performance
 4765 savings contract, any contract or lease for third-party
 4766 financing, or any combination of such contracts, a state agency
 4767 shall submit such proposed contract or lease to the Office of
 4768 the Chief Financial Officer for review and approval. A proposed
 4769 contract or lease shall include:

4770 (a) Supporting information required by s. 216.023(4)(a)9.
 4771 in ss. 287.063(5) and 287.064(11). For contracts approved under
 4772 s. 489.145, the criteria may, add a minimum, include the
 4773 specification of a benchmark cost of capital and minimum real
 4774 rate of return on energy, water, or wastewater savings against
 4775 which proposals shall be evaluated.

4776 (b) Documentation supporting recurring funds requirements
 4777 in ss. 287.063(5) and 287.064(11).

4778 (c) Approval by the agency head of the agency, or his or
 4779 her designee.

4780 (d) An agency measurement and verification plan to monitor
 4781 costs savings.

4782 (7) FUNDING SUPPORT.--For purposes of consolidated
 4783 financing of deferred payment commodity contracts under this
 4784 section by an agency, any such contract must be supported from
 4785 available funds appropriated to the agency in an appropriation
 4786 category, as defined in chapter 216, that the Chief Financial

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4787 Officer has determined is appropriate or that the Legislature
 4788 has designated for payment of the obligation incurred under this
 4789 section.

4790
 4791 The Office of the Chief Financial Officer may not approve any
 4792 contract submitted under this section from a state agency that
 4793 does not meet the requirements of this section.

4794 Section 81. Section 526.201, Florida Statutes, is created
 4795 to read:

4796 526.201 Short title.--Sections 526.201-526.207 may be
 4797 cited as the "Florida Renewable Fuel Standard Act."

4798 Section 82. Section 526.202, Florida Statutes, is created
 4799 to read:

4800 526.202 Legislative findings.--The Legislature finds it is
 4801 vital to the public interest and to the state's economy to
 4802 establish a market and the necessary infrastructure for
 4803 renewable fuels in this state by requiring that all gasoline
 4804 fuel offered for sale in this state includes a percentage of
 4805 agriculturally derived, denatured ethanol. The Legislature
 4806 further finds that the use of renewable fuel reduces greenhouse
 4807 gas emissions and dependence on imports of foreign oil, improves
 4808 the health and quality of life for Floridians, and stimulates
 4809 economic development and the creation of a sustainable industry
 4810 that combines agricultural production with state of the art
 4811 technology.

4812 Section 83. Section 526.203, Florida Statutes, is created
 4813 to read:

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4814 526.203 Renewable Fuel Standard.--

4815 (1) DEFINITIONS.--As used in this act, the terms "blender,"
 4816 "importer," "terminal supplier," and "wholesaler" shall be
 4817 defined as provided in s. 206.01.

4818 (a) "Fuel ethanol" means an anhydrous denatured alcohol
 4819 produced by the conversion of carbohydrates meeting the
 4820 specifications as adopted by the Department of Agriculture and
 4821 Consumer Services.

4822 (b) "Blended gasoline" means a mixture of ninety percent
 4823 gasoline and ten percent fuel ethanol meeting the specifications
 4824 as adopted by the Department of Agriculture and Consumer
 4825 Services. The ten percent fuel ethanol portion may be derived
 4826 from any agricultural source.

4827 (c) "Unblended gasoline" means gasoline that has not been
 4828 blended with fuel ethanol meeting the specifications as adopted
 4829 by the Department of Agriculture and Consumer Services.

4830 (d) "10 percent" means 9-10 percent ethanol by volume.

4831 (2) FUEL STANDARD.--On and after December 31, 2010, all
 4832 gasoline sold or offered for sale in Florida by a terminal
 4833 supplier, importer, blender, or wholesaler shall contain, at a
 4834 minimum, 10 percent of agriculturally derived, denatured ethanol
 4835 fuel by volume.

4836 (3) EXEMPTIONS.--The requirements of this act do not apply
 4837 to the following:

4838 (a) Fuel used in aircraft;

4839 (b) Fuel sold at marinas and mooring docks for use in boats
 4840 and similar watercraft;

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- 4841 (c) Fuel sold to a blender;
- 4842 (d) Fuel sold for use in collector vehicles or vehicles
- 4843 eligible to be licensed as collector vehicles, off-road
- 4844 vehicles, motorcycles, or small engines.
- 4845 (e) Fuel unable to comply due to requirements of the United
- 4846 States Environmental Protection Agency;
- 4847 (f) Fuel bulk transferred between terminals;
- 4848 (g) Fuel exported from the state in accordance with s.
- 4849 206.052;
- 4850 (h) Fuel qualifying for any exemption in accordance with
- 4851 chapter 206;
- 4852 (i) Fuel at an electric power plant that is regulated by
- 4853 the United States Nuclear Regulatory Commission unless such
- 4854 commission has approved the use of fuel meeting the requirements
- 4855 of subsection (2);
- 4856 (j) Fuel for a railroad locomotive; or
- 4857 (k) Fuel for equipment, including vehicle or vessel,
- 4858 covered by a warranty that would be voided, if explicitly stated
- 4859 in writing by the vehicle or vessel manufacturer, if it were to
- 4860 be operated using fuel meeting the requirements of subsection
- 4861 (2).
- 4862 (4) REPORT.--Pursuant to s. 206.43, each terminal
- 4863 supplier, importer, blender, and wholesaler shall include in its
- 4864 report to the Department of Revenue, the number of gallons of
- 4865 gasoline fuel meeting and not meeting the requirements of this
- 4866 act, sold and delivered by the terminal supplier, importer,
- 4867 blender, or wholesaler in the state, and the destination as to

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4868 the county in the state to which the gasoline was delivered for
 4869 resale at retail or use.

4870 Section 84. Section 526.204, Florida Statutes, is created
 4871 to read:

4872 526.204 Waivers and suspensions.--

4873 (1) If a terminal supplier, importer, blender, or
 4874 wholesaler is unable to obtain fuel ethanol or blended gasoline
 4875 at the same or lower price as unblended gasoline, then the sale
 4876 or delivery of unblended gasoline by the terminal supplier,
 4877 importer, blender, or wholesaler shall not be deemed a violation
 4878 of this act. The terminal supplier, importer, blender, or
 4879 wholesaler shall, upon request of the Department of Revenue or
 4880 the Department of Agriculture and Consumer Services, provide the
 4881 required documentation regarding the sales transaction and price
 4882 of fuel ethanol, blended gasoline, and unblended gasoline to the
 4883 department making the request.

4884 (2) To account for supply disruptions and ensure reliable
 4885 supplies of motor fuels for Florida, the requirements of this
 4886 act shall be suspended when the provisions of s. 252.36(2) in
 4887 any area of the state are in effect plus an additional thirty
 4888 days.

4889 Section 85. Section 526.205, Florida Statutes, is created
 4890 to read:

4891 526.205 Enforcement.--

4892 (1) It is unlawful to sell or distribute, or offer for
 4893 sale or distribution, any gasoline which fails to meet the
 4894 requirements of this act.

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4895 (2) Upon determining that a terminal supplier, importer,
 4896 blender, or wholesaler is not meeting the requirements of s.
 4897 526.203(2), the Department of Revenue shall notify the
 4898 department.

4899 (3) Upon notification by the Department of Revenue of a
 4900 violation of this act, the department shall, subject to
 4901 subsection (1), grant an extension or enter an order imposing
 4902 one or more of the following penalties:

4903 1. Issuance of a warning letter.

4904 2. Imposition of an administrative fine of not more than
 4905 \$1,000 per violation for a first-time offender. For a second-
 4906 time or repeat offender, or any person who is shown to have
 4907 willfully and intentionally violated any provision of this act,
 4908 the administrative fine shall not exceed \$5,000 per violation.
 4909 When imposing any fine under this section, the department shall
 4910 consider the amount of money the violator benefited from by
 4911 noncompliance, whether the violation was committed willfully,
 4912 and the compliance record of the violator.

4913 (4) Any terminal supplier, importer, blender, or
 4914 wholesaler may apply to the department by September 30, 2010,
 4915 for an extension of time to comply with the requirements of this
 4916 act. The application for an extension must demonstrate that the
 4917 applicant has made a good faith effort to comply with the
 4918 requirements but has been unable to do so for reasons beyond the
 4919 applicant's control, such as delays in receiving governmental
 4920 permits. The department shall review each application and make
 4921 a determination as to whether the failure to comply was beyond

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4922 the control of the applicant. If the department determines that
 4923 the applicant made a good faith effort to comply, but was unable
 4924 to do so for reasons beyond the applicant's control, the
 4925 department shall grant an extension of time determined necessary
 4926 for the applicant to comply. If no extension is granted, the
 4927 department shall proceed with enforcement pursuant to subsection
 4928 (3).

4929 Section 86. Section 526.206, Florida Statutes, is created
 4930 to read:

4931 526.206 Rules.--

4932 (1) The Department of Revenue is authorized to adopt rules
 4933 pursuant to ss. 120.536(1) and 120.54 to implement the
 4934 provisions of this act.

4935 (2) The Department of Agriculture and Consumer Services is
 4936 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
 4937 to implement the provisions of this act.

4938 Section 87. Section 526.207, Florida Statutes, is created
 4939 to read:

4940 526.207 Studies and Reports.--

4941 (1) The Florida Energy and Climate Commission shall conduct
 4942 a study to evaluate and recommend the lifecycle greenhouse gas
 4943 emissions associated with all renewable fuels including, but not
 4944 limited to, biodiesel, renewable diesel, biobutanol, and ethanol
 4945 derived from any source. In addition, the study shall evaluate
 4946 and recommend a requirement that all renewable fuels introduced
 4947 into commerce in the state, as a result of the Renewable Fuel
 4948 Standard, shall reduce the lifecycle greenhouse gas emissions by

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4949 an average percentage. The study may also evaluate and
 4950 recommend any benefits associated with the creation, banking,
 4951 transfer, and sale of credits among fuel refiners, blenders, and
 4952 importers.

4953 (2) The Florida Energy and Climate Commission shall submit
 4954 a report containing specific recommendations to the President of
 4955 the Senate and the Speaker of the House of Representatives no
 4956 later than December 31, 2010.

4957 Section 88. Section 553.9061, Florida Statutes, is created
 4958 to read:

4959 553.9061 Scheduled Increases in Thermal Efficiency
 4960 Standards.--

4961 (1) The purpose of this section is to establish a schedule
 4962 of increases in the energy performance of buildings subject to
 4963 the Florida Energy Efficiency Code for Building Construction.
 4964 The Florida Building Commission shall:

4965 (a) Include the necessary provisions by the 2010 edition
 4966 of the Florida Energy Efficiency Code for Building Construction
 4967 to increase the energy performance of new buildings by at least
 4968 20 percent as compared to the energy efficiency provisions of
 4969 the 2007 Florida Building Code adopted October 31, 2007;

4970 (b) Increase energy efficiency requirements by the 2013
 4971 edition of the Florida Energy Efficiency Code for Building
 4972 Construction by at least 30 percent as compared to the energy
 4973 efficiency provisions of the 2007 Florida Building Code adopted
 4974 October 31, 2007;

4975 (c) Increase energy efficiency requirements by the 2016

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4976 edition of the Florida Energy Efficiency Code for Building
 4977 Construction by at least 40 percent as compared to the energy
 4978 efficiency provisions of the 2007 Florida Building Code adopted
 4979 October 31, 2007;

4980 (d) Increase energy efficiency requirements by the 2019
 4981 edition of the Florida Energy Efficiency Code for Building
 4982 Construction by at least 50 percent as compared to the energy
 4983 efficiency provisions of the 2007 Florida Building Code adopted
 4984 October 31, 2007;

4985 (2) The Florida Building Commission shall identify within
 4986 code support and compliance documentation the specific building
 4987 options and elements available to meet the energy performance
 4988 goals identified above.

4989 (3) Prior to implementing the goals established in
 4990 subsection (1), the Florida Building Commission must determine
 4991 that proposed increases in energy efficiency requirements are
 4992 cost-effective to the consumer.

4993 Section 89. Subsection (1) of section 553.957, Florida
 4994 Statutes, is amended to read:

4995 553.957 Products covered by this part.--

4996 (1) The provisions of this part apply to the testing,
 4997 certification, and enforcement of energy conservation standards
 4998 for the following types of new commercial and residential
 4999 products sold in the state:

5000 (a) Refrigerators, refrigerator-freezers, and freezers
 5001 which can be operated by alternating current electricity,
 5002 excluding:

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- 5003 1. Any type designed to be used without doors; and
 5004 2. Any type which does not include a compressor and
 5005 condenser unit as an integral part of the cabinet assembly.

5006 (b) Lighting equipment.

5007 (c) Showerheads.

5008 (d) Water heaters used to heat potable water in homes or
 5009 businesses.

5010 (e) Swimming pool pumps.

5011 (f) Water heaters for swimming pools.

5012 (g) ~~(d)~~ Any other type of consumer product which the
 5013 department classifies as a covered product as specified in this
 5014 part.

5015 Section 90. (1) By July 1, 2009, the Agency for Enterprise
 5016 Information Technology shall define objective standards for:

5017 (a) Measuring data center energy consumption and
 5018 efficiency, including, but not limited to, airflow and cooling,
 5019 power consumption and distribution, and environmental control
 5020 systems in a data center facility; and

5021 (b) Calculating total cost of ownership of energy
 5022 efficient information technology products, including initial
 5023 purchase, installation, ongoing operation and maintenance, and
 5024 disposal costs over the lifecycle of the product.

5025 (2) State data centers and computing facilities designated
 5026 by the Agency for Enterprise Information Technology shall
 5027 evaluate their data center facilities for energy efficiency
 5028 using the standards established in this section.

5029 (a) Results of these evaluations shall be reported to the

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5030 Agency for Enterprise Information Technology, the President of
 5031 the Senate, and the Speaker of the House. Reports shall enable
 5032 the tracking of energy performance over time and comparisons
 5033 between facilities.

5034 (b) By December 31, 2010, and annually thereafter, the
 5035 Agency for Enterprise IT shall submit to the Legislature
 5036 recommendations for reducing energy consumption and improving
 5037 the energy efficiency of state data centers.

5038 (3) When the total cost of ownership of an energy
 5039 efficient product is less than or equal to the existing data
 5040 center facility or infrastructure, technical specifications for
 5041 energy efficient products should be incorporated in the plans
 5042 and processes for replacing, upgrading, or expanding data center
 5043 facilities or infrastructure, including but not limited to
 5044 network, storage, or computer equipment and software.

5045 Section 91. Section 1004.648, Florida Statutes, is created
 5046 to read:

5047 1004.648 Florida Energy Systems Consortium.--

5048 (1) There is created the Florida Energy Systems Consortium
 5049 (FESC or consortium) to promote collaboration between experts in
 5050 the State University System for the purpose of developing and
 5051 implementing a comprehensive, long-term, environmentally
 5052 compatible, sustainable, and efficient energy strategic plan for
 5053 the state. The consortium will focus on an overall broad
 5054 systems approach from energy resource to consumer and for
 5055 producing innovative energy systems that will lead to
 5056 alternative energy strategies, improved energy efficiencies, and

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5057 expanded economic development for the State. The consortium
 5058 shall consist of the University of Florida, Florida State
 5059 University, the University of South Florida, the University of
 5060 Central Florida, and Florida Atlantic University. The
 5061 consortium shall be administered at the University of Florida by
 5062 a director who shall report to an Oversight Board, which shall
 5063 consist of the Vice President for Research at each of the five
 5064 universities. The Oversight Board shall have ultimate
 5065 responsibility for both the technical performance and financial
 5066 management of the FESC. In performing its activities, the FESC
 5067 will collaborate with the Florida Energy and Climate Commission,
 5068 as well as with industry and other affected parties.

5069 (2) Through collaborative research and development across
 5070 the State University System and industry, the goal of the FESC
 5071 is to become a world leader in energy research, education,
 5072 technology, and energy systems analysis. In so doing, the
 5073 consortium shall:

5074 a. Coordinate and initiate increased collaborative
 5075 interdisciplinary energy research amongst universities and the
 5076 energy industry;

5077 b. Create a Florida energy technology industry;

5078 c. Provide a state resource for objective energy systems
 5079 analysis; and

5080 d. Develop education and outreach programs to prepare a
 5081 qualified energy workforce and informed public.

5082 (3) To promote collaboration between researchers within the
 5083 State University System, with industry, and other external

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5084 partners, the consortium will receive input from an external,
 5085 industry-dominated Advisory Board. The University Council, which
 5086 shall consist of one member from each university designated by
 5087 the corresponding Vice President for Research, will provide
 5088 guidance on vision and direction to the Director. A Steering
 5089 Committee, consisting of the Advisory Board, the chair of the
 5090 Florida Energy and Climate Commission, and the University
 5091 Council is responsible for establishing and assuring the success
 5092 of the FESC's strategic plan.

5093 (4) A major focus of the FESC will be to expedite
 5094 commercialization of innovative energy technologies by taking
 5095 advantage of State University System energy expertise, high
 5096 technology incubators, industrial parks, and industry-driven
 5097 research centers to attract companies to establish manufacturing
 5098 in the state and transition technologies into the State economy.

5099 (5) The consortium shall solicit and leverage state,
 5100 federal, and private funds for the purpose of conducting
 5101 education, research and development in the area of sustainable
 5102 energy. The Oversight Board shall ensure that the FESC maintains
 5103 accurate records of any funds received by the consortium.

5104 (6) Through research and instructional programs, the
 5105 faculty associated with the consortium shall coordinate a state-
 5106 wide workforce development initiative focusing on college-level
 5107 degrees, technician training, and public and commercial sectors
 5108 awareness. The consortium will develop specific programs
 5109 targeted at preparing graduates with a background in energy,
 5110 continuing education courses for technical and non-technical

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5111 professionals, and modules, laboratories, and courses to be
 5112 shared among the universities. FESC will work with the Florida
 5113 Community College system using the Florida Advanced
 5114 Technological Education Center (FLATE) for the coordination and
 5115 design of industry-specific training programs for technicians.

5116 (7) By November 1 of each year, FESC shall submit an
 5117 annual report to the Governor, the President of the Senate, the
 5118 Speaker of the House of Representatives, and the Florida Energy
 5119 and Climate Commission regarding its activities including, but
 5120 not limited to, education, research, development, and deployment
 5121 of alternative energy technologies.

5122 Section 92. Woody Biomass Economic Study.--The Department
 5123 of Agriculture & Consumer Services in conjunction with the
 5124 Department of Environmental Protection shall conduct an economic
 5125 impact analysis on the effects of granting financial incentives
 5126 to energy producers who use woody biomass as fuel. It shall
 5127 include an analysis of effects on wood supply and prices,
 5128 impacts on current markets and on forest sustainability. The
 5129 results of the study shall be given to the Governor, President
 5130 of the Senate, and the Speaker of the House of Representatives
 5131 no later than March 1, 2010.

5132 Section 93. Section 377.701, Florida Statutes, is
 5133 repealed.

5134 Section 94. Section 377.901, Florida Statutes, is
 5135 repealed.

5136 Section 95. This act shall take effect July 1, 2008.