

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES
Senator Flores, Chair
Senator Garcia, Vice Chair

MEETING DATE: Tuesday, March 11, 2014
TIME: 2:00 —3:30 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Flores, Chair; Senator Garcia, Vice Chair; Senators Abruzzo, Bean, Evers, Gibson, Hukill, Simpson, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1010 Richter (Compare H 4017)	Cable and Video Services; Repealing provisions relating to reports required to be submitted to the Legislature by the Office of Program Policy Analysis and Government Accountability and the Department of Agricultural and Consumer Services on the status of competition in the cable and video service industry and the staffing requirements associated with consumer complaints related to video and cable certificateholders, respectively, etc. CU 03/11/2014 Favorable CM	Favorable Yeas 7 Nays 0
2	SB 1044 Simpson	Energy Policies; Requiring the Department of Agricultural and Consumer Services to include in its annual report recommendations for energy efficiency; providing that the Solar Energy Center may, rather than must, develop standards for solar energy systems manufactured or sold in this state; adding a member to the Southern States Energy Board to be appointed by the Commissioner of Agriculture; authorizing the department to post on its website information relating to alternative fueling stations or electric vehicle charging stations, etc. CU 03/11/2014 Fav/CS AG AP	Fav/CS Yeas 6 Nays 0
3	SB 1076 Flores (Similar H 899, Compare H 769, S 740)	Electrical Power or Energy; Imposing an additional tax on gross receipts for electrical power or energy for specified years; revising exemptions from the tax on gross receipts for utility and communications services; revising the sales tax rate for charges for electrical power or energy for specified years; requiring discretionary sales surtaxes to be levied on all charges for electrical power or energy unless specifically exempted; providing for a sales tax holiday for certain products, etc. CU 03/11/2014 Fav/CS AFT AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Communications, Energy, and Public Utilities
Tuesday, March 11, 2014, 2:00 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
		Presentation by Commissioner Adam Putnam, Department of Agriculture and Consumer Services on Energy Policy	Presented
		Other related meeting documents	

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: SB 1010

INTRODUCER: Senator Richter

SUBJECT: Cable and Video Services

DATE: February 19, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Caldwell	Caldwell	CU	Favorable
2.			CM	

I. Summary:

SB 1010 repeals s. 610.199, F.S., which requires the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) to submit a report on the status of competition in the cable and video service industry. That section also requires the Department of Agriculture and Consumer Services to make recommendations regarding the workload and staffing requirements associated with consumer complaints related to video and cable certificateholders. The Department of State was required to provide to the Department of Agriculture and Consumer Services, for inclusion in the report, workload requirements for processing the certificates of franchise authority and the number of applications filed for certificates of franchise authority and the number of amendments received to original applications for franchise certificate authority.

II. Present Situation:

In 2007, the Legislature designated the Department of State as the state franchise authority that issues statewide cable and video franchises. Local governmental authority to negotiate cable service franchises was removed. At that time, s. 610.199, F.S., was created to require the Office of Program Policy Analysis and Governmental Accountability to submit a report by December 1, 2009, and December 1, 2014, to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and House of Representatives on the status of competition in the cable and video service industry. The report was to include, by each municipality and county, the number of cable and video service providers, the number of cable and video subscribers served, the number of areas served by fewer than two cable or video service providers, the trend in cable and video service prices, and the identification of any patterns of service as they impacted demographic and income groups.

OPPAGA issued the first report October 2009. The summary of the report states:

The 2007 Consumer Choice Act provided for a statewide franchise for cable and video service providers and ended local government authority to negotiate franchise

agreements. Several departments—State, Agriculture and Consumer Services, and Legal Affairs—have responsibilities related to the new law but none has regulatory authority. As many as 20 states also passed statewide franchise laws in recent years. However, little systematic information exists to demonstrate the effect of these laws.

Since 2007, the Department of State has issued 26 state franchise certificates; most certificates were issued to existing cable or video service providers. However, two barriers prevent a comprehensive assessment of the affect of these franchises on competition for cable and video services: provider reluctance to share data and insufficient information provided in statewide franchise documents. In light of these difficulties, the Legislature may wish to consider amending s. 610.119(1), Florida Statutes, to modify study requirements or make changes that might lessen the industry concerns regarding a required December 2014 follow-up study on cable and video services competition.

Section 610.119(2), F.S., required the Department of Agriculture and Consumer Services to make recommendations by January 15, 2008, to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and House of Representatives regarding the workload and staffing requirements associated with consumer complaints related to video and cable certificateholders. The Department of State was required to provide to the Department of Agriculture and Consumer Services, for inclusion in the report, workload requirements for processing the certificates of franchise authority and the number of applications filed for certificates of franchise authority and the number of amendments received to original applications for franchise certificate authority. This report has been provided making this provision obsolete.

III. Effect of Proposed Changes:

SB 1010 repeals s. 610.199, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Cable and video service providers would not be required to provide information to OPPAGA.

C. Government Sector Impact:

OPPAGA would not have to develop the required report. While the Legislature would not have the benefit of the information that is required for the report, the barriers to a comprehensive assessment would result in a report wanting for detail.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals s. 610.119 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Richter

23-00730-14

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1 A bill to be entitled

2 An act relating to cable and video services; repealing
3 s. 610.119, F.S., relating to reports required to be
4 submitted to the Legislature by the Office of Program
5 Policy Analysis and Government Accountability and the
6 Department of Agricultural and Consumer Services on
7 the status of competition in the cable and video
8 service industry and the staffing requirements
9 associated with consumer complaints related to video
10 and cable certificateholders, respectively; providing
11 an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 610.119, Florida Statutes, is repealed.

16 Section 2. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: CS/SB 1044

INTRODUCER: Communications, Energy, and Public Utilities Committee and Senator Simpson

SUBJECT: Energy Policies

DATE: March 11, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Fav/CS
2.			AG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1044 revises the statutes providing for the energy-related duties, powers, and functions of the Department of Agriculture and Consumer Services (DACS or department) to:

- authorize DACS to promote all forms of renewable energy, not just solar;
- authorize the Florida Energy Systems Consortium to participate with DACS and other entities in aiding and promoting the commercialization of renewable energy;
- authorize the Commissioner of Agriculture to appoint a member of the Southern States Energy Board;
- repeal existing, un-used statutes creating the rebates for solar energy systems and energy efficient appliances, together with making conforming changes;
- authorize DACS to post information on its website relating to alternative fueling stations and electric vehicle charging stations that are available to the public; and
- add to the Florida Building Commission one member who is a representative of the department's Office of Energy, appointed by the Governor from a list of three nominees provided by the Commissioner of Agriculture.

The bill also deletes the requirement that all solar systems manufactured or sold in Florida must be certified by the Florida Solar Energy Center.

II. Present Situation:

Florida Energy Office/Department of Agriculture and Consumer Services -- Duties

The Florida Office of Energy is the state entity primarily responsible for non-regulatory energy matters, including coordinating with federal entities on energy matters, administering federal energy programs delegated to the state, and administering state energy rebate programs. The Office has been located in the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection. It is now located within DACS.

Various duties associated with energy have been statutorily assigned to the department in which the Energy Office has been located. Section 377.6015, F.S., provides the department's primary powers and duties relating to energy resources, including:

- administering the Florida Renewable Energy and Energy-Efficient Technologies Grants Program to assure a robust grant portfolio;
- developing policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant;
- administering the Florida Green Government Grants Act and setting annual priorities for grants;
- administering specified information gathering and reporting functions;
- administering the provisions of the Florida Energy and Climate Protection Act;
- advocating for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state's academic institutions;
- being a party in the Public Service Commission's Florida Energy Efficiency and Conservation Act proceedings to adopt goals; and
- adopting rules in order to implement these powers and duties.

Section 377.703, F.S., sets forth additional functions of DACS relating to energy. It includes the following duties:

- submission of an annual report to the Governor and the Legislature reflecting its activities, which must include recommendations for energy conservation programs for the state;
- promoting the development and use of renewable energy resources by:
 - establishing goals and strategies for increasing the use of solar energy in this state;
 - aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center and other agencies;
 - identifying barriers to greater use of solar energy systems in this state; and
 - in cooperation with specified entities, investigating opportunities for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use; and
- promoting energy conservation in all energy use sectors throughout the state.

Florida Solar Energy Center

Section 377.705, F.S., creates the Florida Solar Energy Center (FSEC or center). The center is required to develop and promulgate standards for solar energy systems manufactured or sold in this state based on the best currently available information and to consult with scientists,

engineers, or persons in research centers who are engaged in the construction of, experimentation with, and research of solar energy systems to properly identify the most reliable designs and types of solar energy systems. The center is also required to establish criteria for testing performance of solar energy systems and to maintain the necessary capability for testing or evaluating performance of solar energy systems. All solar energy systems manufactured or sold in the state must meet the standards established by the center and display accepted results of approved performance tests in a manner prescribed by the center.

The center is to charge a testing fee sufficient to cover the costs of testing, with all testing fee revenue transmitted by the center to the Chief Financial Officer to be deposited in the Solar Energy Center Testing Trust Fund and disbursed for the payment of expenses incurred in testing solar energy systems.

The DACS bill analysis states:

According to a 2009 Office of Program Policy Analysis and Government Accountability (OPPAGA) report, the Florida Solar Energy Center (FSEC) has two issues regarding testing and certification of solar energy systems which are: (1) a backlog of solar technologies waiting to be tested which negatively affects solar related businesses; and (2) testing fees only covered 30 percent of the costs to run the program and state funds have had to make up most of the shortfall which amounted to \$256,255.00 for FY 2007-2008.

OPPAGA did a follow-up report in September 2011 that found the following: (1) FSEC reduced the testing time from 227 days to 129 days. (2) testing fees were increased which reduced state funds to \$77,931.00 for FY 2010-2011. However, testing fees for businesses were tripled in that time. “For example, solar thermal collector fees increased from \$3,000...to between \$10,000 and \$14,000 (OPPAGA).”

In addition, FSEC’s certification requirement created challenges during the American Recovery and Reinvestment Act. On July 8, 2011, the U.S. Department of Energy released a Buy American waiver for solar thermosiphon water heating systems stating “At this time, no domestic manufacturers of solar thermosiphon systems have been certified through FSEC. The certification process is too lengthy for any US manufacturer to become certified within the remainder of the Recovery Act spending period.”

Southern States Energy Compact

Section 377.711, F.S., establishes Florida as a member of the Southern States Energy Compact. The compact is performed by the Southern States Energy Board (SSEB). The SSEB is a non-profit interstate compact organization created by state law in 1960 and consented to by Congress¹ with a broad mandate to contribute to the economic and community well-being of the southern region.² Its mission is to enhance economic development and the quality of life in the South through innovations in energy and environmental policies, programs, and technologies.

¹ Public Laws 87-563 and 92-440.

² <http://www.sseb.org/about/> last accessed 2/20/2014.

Its membership includes sixteen southern states and two territories: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Virginia, and West Virginia. Each jurisdiction is represented by the Governor and a Legislator from the House and Senate. A Governor serves as the chair and legislators serve as vice-chair and treasurer. Ex-officio non-voting Board members include a federal representative appointed by the President of the United States, the Southern Legislative Conference Energy and Environment Committee Chair, and SSEB's executive director, who serves as secretary.

The SSEB pursues its mission through the creation of programs in the fields of energy and environmental policy research, development and implementation, science and technology exploration, and related areas of concern. SSEB serves its members directly by providing timely assistance designed to develop effective energy and environmental policies and programs and represents its members before governmental agencies at all levels. Its long-term goals are to:

- perform essential services that provide direct scientific and technical assistance to state governments;
- develop, promote, and recommend policies and programs on energy, environment, and economic development that encourage sustainable development;
- provide technical assistance to executive and legislative policy-makers and the private sector in order to achieve synthesis of energy, environment, and economic issues that ensure energy security and supply;
- facilitate the implementation of energy and environmental policies between federal, state, and local governments and the private sector;
- sustain business development throughout the region by eliminating barriers to the use of efficient energy and environmental technologies; and
- support improved energy efficient technologies that pollute less and contribute to a clean global environment while protecting indigenous natural resources for future generations.

Core funding for the Board comes from the appropriations of its eighteen member jurisdictions. Each member's share of support is determined by a formula written into the original Compact. The Board also is authorized to accept funds from any state, federal agency, interstate agency, institution, person, firm, or corporation provided those funds are used for the Board's purposes and functions. In addition, SSEB maintains an Associate Members program comprised of industry partners who provide an annual contribution to the Board.

Section 377.712, F.S., provides for Florida's participation on the SSEB, including requiring the Governor, the President of the Senate, and the Speaker of the House of Representatives to each appoint one member to the SSEB.³ The section also authorizes departments, agencies, and officers of the state and its subdivisions to cooperate with the SSEB if the activities have been approved by either the Governor or the Florida Department of Health.

Rebate Programs

Section 377.802, F.S., provides the purpose of the Florida Energy and Climate Protection Act (sections 377.801-377.807, F.S.). Among these purposes is providing incentives for the purchase

³ Currently the Florida members are Governor Rick Scott, Senator Anitere Flores, and Representative Jose Felix Diaz.

of energy-efficient appliances and rebates for solar energy equipment installations for residential and commercial buildings.

Section 377.806, F.S., creates the Solar Energy System Incentives Program. The program was created in 2006 and was administered by the Florida Energy Office within the Florida Energy and Climate Commission (FECC). The purpose of the program was to provide financial incentives (rebates on a portion of the purchase price) for the purchase and installation of solar energy systems that meet specified requirements. Rebates were available for both solar photovoltaic systems that produce electricity and solar thermal systems that produce heat. The amounts of the rebates was as follows:

- For a photovoltaic system, the rebate amount was \$4 per watt based on the total wattage rating of the system, with the maximum amount per system installation of:
 - \$20,000 for a residence and
 - \$100,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.
- For a solar thermal system:
 - \$500 for a residence and
 - \$15 per 1,000 Btu up to a maximum of \$5,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.
- For a solar thermal pool heater, \$100 per installation.

The rebate was available only for the purchase and installation, between July 1, 2006, and June 30, 2010, inclusive, of a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater. Application for a rebate had to be made within 120 days after the purchase of the solar energy equipment.

The FECC was to determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued was subject to the total amount of appropriations in any fiscal year for this program. If funds were insufficient during one fiscal year, any requests for rebates received during that fiscal year could be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year had to be given priority over requests for rebates received during the following fiscal year.

The Legislature provided annual funding for the program, as follows:

- FY 2006-07 \$2.5 million in General Revenue
- FY 2007-08 \$3.5 million in General Revenue
- FY 2008-09 \$5.0 million in General Revenue
- FY 2009-10 \$14.4 million in federal ARRA 2009 funds
- FY 2010-11 No funding was provided.

The program proved much more popular than anticipated. Additionally, the FECC did not announce that funds for the program had been depleted until several months after the fact. These

factors contributed to a backlog of over 13,000 applications and over \$52 million dollars being accumulated as of October 2010. The rebate applications dated as far back as June 2009.

Section 377.807, F.S., authorized the FECC to develop and administer a consumer rebate program for residential energy-efficient appliances consistent with federal law.⁴ The Office of Energy applied for federal funds for this rebate program and received a USDOE ARRA Stimulus Grant of \$17,585,000 to be used exclusively for ENERGY STAR appliance rebate programs.⁵ The rebates were scheduled to be awarded on one day in the fall of 2009 and the bulk of these funds were awarded that day; only \$2.5 million remained. USDOE suggested that the Office of Energy/FECC use these funds for additional programs. They made the decision to add USDOE State Energy Program funds and hold another rebate program, this one for HVAC appliances which had not been included in the first rebate program. As a result, there was a second energy efficient appliance rebate awarded during the fall of 2010, using the initial \$2,531,143 of Stimulus Grant funds and \$3,933,857 of SEP funds.

These funds were appropriated by the Legislature in 2010 Special Session A. The bill appropriated a total of \$31,369,867, with \$2,467,244 appropriated exclusively to implement the HVAC rebates.⁶ The remaining \$28,902,623 was to be used first to pay any HVAC rebates in excess of the exclusive appropriation of \$2,467,244, with the remainder of the money to be used to pay a percentage of each unpaid and approved rebate application pursuant to the Solar Energy System Incentives Program.⁷ The percentage of each approved rebate to be paid was to be derived by dividing the amount appropriated by the total dollar value of the backlog of final approved solar rebates.⁸ Subsequent to this appropriation, the Energy Office was transferred from the FECC (which was abolished) to DACS, where the solar rebate awards were completed. Each eligible solar rebate applicant received payment for approximately 52 percent of the requested rebate amount.⁹

Florida Building Commission

Section 553.74, F.S., creates the Florida Building Commission, which develops the Florida Building Code, including the Energy Efficiency Code for Building Construction. The commission is composed of 26 members, appointed by the Governor subject to confirmation by the Senate. The membership must be composed of:

- one architect registered to practice in this state and actively engaged in the profession;
- one structural engineer registered to practice in this state and actively engaged in the profession;
- one air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession;
- one electrical contractor certified to do business in this state and actively engaged in the profession;

⁴ Chapter 2009-36, Laws of Florida.

⁵ http://freshfromflorida.s3.amazonaws.com/Office_of_Energy_Annual_Report_2011.pdf, pages 19-20, last accessed 2/21/1014.

⁶ HB 15-A, Chapter No. 2010-282, Laws of Florida.

⁷ *Id.*

⁸ *Id.*

⁹ http://freshfromflorida.s3.amazonaws.com/Office_of_Energy_Annual_Report_2011.pdf, page 25, last accessed 2/21/1014.

- one member from fire protection engineering or technology who is actively engaged in the profession;
- one general contractor certified to do business in this state and actively engaged in the profession;
- one plumbing contractor licensed to do business in this state and actively engaged in the profession;
- one roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession;
- one residential contractor licensed to do business in this state and actively engaged in the profession;
- three members who are municipal or district codes enforcement officials, one of whom is also a fire official;
- one member who represents the Department of Financial Services;
- one member who is a county codes enforcement official;
- one member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state;
- one member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry;
- one mechanical or electrical engineer registered to practice in this state and actively engaged in the profession;
- one member who is a representative of a municipality or a charter county;
- one member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry;
- one member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management;
- one member who is a representative of the insurance industry;
- one member who is a representative of public education;
- one member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession;
- one member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);
- one member who is a representative of a natural gas distribution system and who is actively engaged in the distribution of natural gas in this state; and
- one member who shall be the chair.

Section 553.77, F.S., provides the specific powers of the commission, including:

- adopting and updating the Florida Building Code;
- making a continual study of the operation of the Florida Building Code and other laws relating to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, and facilities, including manufactured buildings, and code enforcement, to ascertain their effect upon the cost of building construction and determine the effectiveness of their provisions;

- updating the Florida Building Code every 3 years and reviewing existing provisions of law and making recommendations to the Legislature for the next regular session of the Legislature regarding provisions of law that should be revised or repealed to ensure consistency with the Florida Building Code at the point the update goes into effect; and
- determining the types of products which may be approved by the commission for statewide use and providing for the evaluation and approval of such products, materials, devices, and method of construction for statewide use.

Florida Energy Systems Consortium

Section 1004.648, F.S., creates the Florida Energy Systems Consortium (consortium or FESC) to promote collaboration among experts in the State University System for the purposes of sharing energy-related expertise and assisting in the development and implementation of a comprehensive, long-term, environmentally compatible, sustainable, and efficient energy strategic plan for the state. The consortium is to focus on the research and development of innovative energy systems that will lead to alternative energy strategies, improved energy efficiencies, and expanded economic development for the state.

The consortium consists of all of the state universities. It is administered at the University of Florida by a director appointed by the President of the University of Florida. The director reports to the Department of Agriculture and Consumer Services. FESC has an oversight board consisting of the Vice President for Research or other appropriate representative appointed by the university president of each member of the consortium. The oversight board is responsible for the technical performance and financial management of the consortium.

The goal of the consortium is to become a world leader in energy research, education, technology, and energy systems analysis through collaborative research and development across the State University System and the industry. In so doing, the consortium is to:

- coordinate and initiate increased collaborative interdisciplinary energy research among the universities and the energy industry;
- assist in the creation and development of a Florida-based energy technology industry through efforts that would expedite commercialization of innovative energy technologies by taking advantage of the energy expertise within the State University System, high-technology incubators, industrial parks, and industry-driven research centers;
- provide a state resource for objective energy systems analysis;
- develop education and outreach programs to prepare a qualified energy workforce and informed public; and
- solicit and leverage state, federal, and private funds for the purpose of conducting education, research, and development in the area of sustainable energy.

The statute creates a steering committee that is responsible for ensuring the success of the consortium's mission. The steering committee consists of the university representatives included in the Centers of Excellence proposals for the Florida Energy Systems Consortium and the Center of Excellence in Ocean Energy Technology-Phase II which were reviewed during the 2007-2008 fiscal year by the Florida Technology, Research, and Scholarship Board created in s. 1004.226(4), Florida Statutes 2006; a university representative appointed by the President of

Florida International University; and a representative of the Department of Agriculture and Consumer Services.

FESC must, by November 1 of each year, submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Agriculture and Consumer Services regarding its activities, including, but not limited to, education and research related to, and the development and deployment of, alternative energy technologies.

III. Effect of Proposed Changes:

The bill makes changes to the statutes providing for the energy-related duties, powers, and functions of DACS to:

- revise the statute on the additional functions of the department relating to energy to:
 - add a requirement that DACS' annual report to the Governor and the Legislature contain recommendations on energy efficiency as well as the current recommendations on energy conservation;
 - change the requirements relating to the department's duties to promote solar energy to promotion of renewable energy; and
 - add the Florida Energy Systems Consortium to the list of entities DACS is to cooperate with in aiding and promoting the commercialization of renewable energy;¹⁰
- authorize the Commissioner of Agriculture to appoint a member of the Southern States Energy Board, increasing the Florida membership to a total of four;¹¹
- delete current language stating that the department is to represent Florida in the Southern States Energy Compact;
- repeal the existing statutes creating the rebates for solar energy systems and energy efficient appliances¹² and make conforming amendments;¹³
- authorize the department to post information on its website relating to alternative fueling stations and electric vehicle charging stations that are available to the public¹⁴; and
- add to the Florida Building Commission one member who is a representative of the department's Office of Energy, appointed by the Governor from a list of three nominees provided by the Commissioner of Agriculture.¹⁵

The bill also reduces the duties of the Florida Solar Energy Center (FSEC or center) and deletes the requirement that all solar systems manufactured or sold in Florida must meet standards established by the center and display accepted results of approved performance tests in a manner prescribed by the center.¹⁶ Instead of the FSEC being required to develop and promulgate standards for solar energy systems manufactured or sold in Florida and to establish criteria for testing the performance of solar energy systems, these provisions are made permissive, allowing but not requiring these activities.

¹⁰ Section 1, amending s. 377.703, F.S.

¹¹ Section 3, amending s. 377.712, F.S.

¹² Section 9, repealing ss. 877.806 and 877.807, F.S.

¹³ Section 4, amending s. 877.801, F.S.; section 5, amending s. 377.801, F.S.; and section 6, amending s. 377.803, F.S.

¹⁴ Section 7, creating s. 377.815, F.S.

¹⁵ Section 8, amending s. 553.74, F.S.

¹⁶ Section 2, amending s. 377.705, F.S.

The bill takes effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Solar manufacturers and installers may save money and time due to the deletion of the requirement that all solar energy systems manufactured or sold in Florida be certified by the FSEC.

C. Government Sector Impact:

The DACS bill analysis states:

The annual membership fee for the Southern States Energy Board is \$47,212.00. Historically this fee was paid with Petroleum Violation Escrow (PVE) settlement agreement funds. However, those funds are now depleted. The Legislature would need to appropriate recurring General Revenue funds in this amount for the purpose of paying the annual membership fee. The department has a FY 14/15 LBR Issue to fund shift authority from the Federal Grants Trust Fund to General Revenue to address this.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 377.703, 377.705, 377.712, 377.801, 377.802, 377.803, and 553.74.

This bill creates section 377.815 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 377.806 and 377.807.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Communications, Energy, and Public Utilities on March 11, 2014:

Corrects technical deficiencies identified in the pre-meeting bill analysis on the original bill and makes other technical changes.

B. Amendments:

None.



893190

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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	.	
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The Committee on Communications, Energy, and Public Utilities (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (f) through (i) of subsection (2) of section 377.6015, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, and present paragraph (e) of that section is amended to read:

377.6015 Department of Agriculture and Consumer Services; powers and duties.-



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11 (2) The department shall:
12 ~~(c) Represent Florida in the Southern States Energy Compact~~
13 ~~pursuant to ss. 377.71-377.712.~~

14 Section 2. Paragraphs (f), (h), and (i) of subsection (2)
15 of section 377.703, Florida Statutes, are amended to read:

16 377.703 Additional functions of the Department of
17 Agriculture and Consumer Services.—

18 (2) DUTIES.—The department shall perform the following
19 functions, unless as otherwise provided, consistent with the
20 development of a state energy policy:

21 (f) The department shall submit an annual report to the
22 Governor and the Legislature reflecting its activities and
23 making recommendations for ~~of~~ policies for improvement of the
24 state's response to energy supply and demand and its effect on
25 the health, safety, and welfare of the residents of this state
26 ~~people of Florida~~. The report must ~~shall~~ include a report from
27 the Florida Public Service Commission on electricity and natural
28 gas and information on energy conservation programs conducted
29 and underway in the past year and ~~shall~~ include recommendations
30 for energy efficiency and conservation programs for the state,
31 including, ~~but not limited to, the following factors:~~

32 1. Formulation of specific recommendations for improvement
33 in the efficiency of energy utilization in governmental,
34 residential, commercial, industrial, and transportation sectors.

35 2. Collection and dissemination of information relating to
36 energy efficiency and conservation.

37 3. Development and conduct of educational and training
38 programs relating to energy efficiency and conservation.

39 4. An analysis of the ways in which state agencies are



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40 seeking to implement s. 377.601(2), the state energy policy, and
41 recommendations for better fulfilling this policy.

42 (h) The department shall promote the development and use of
43 renewable energy resources, in conformance with chapter 187 and
44 s. 377.601, by:

45 1. Establishing goals and strategies for increasing the use
46 of renewable solar energy in this state.

47 2. Aiding and promoting the commercialization of renewable
48 energy resources ~~solar energy technology~~, in cooperation with
49 the Florida Energy Systems Consortium, the Florida Solar Energy
50 Center, Enterprise Florida, Inc., and any other federal, state,
51 or local governmental agency that ~~which~~ may seek to promote
52 research, development, and the demonstration of renewable solar
53 energy equipment and technology.

54 3. Identifying barriers to greater use of renewable energy
55 resources ~~solar energy systems~~ in this state, and developing
56 specific recommendations for overcoming identified barriers,
57 with findings and recommendations to be submitted annually in
58 the report to the Governor and Legislature required under
59 paragraph (f).

60 4. In cooperation with the Department of Environmental
61 Protection, the Department of Transportation, the Department of
62 Economic Opportunity, Enterprise Florida, Inc., the Florida
63 Energy Systems Consortium, the Florida Solar Energy Center, and
64 the Florida Solar Energy Industries Association, investigating
65 opportunities, pursuant to the national Energy Policy Act of
66 1992, the Housing and Community Development Act of 1992, and any
67 subsequent federal legislation, for renewable energy resources,
68 ~~solar~~ electric vehicles, and other renewable solar energy



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69 manufacturing, distribution, installation, and financing efforts
70 that ~~which will~~ enhance this state's position as the leader in
71 renewable solar energy research, development, and use.

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

74
75 In the exercise of its responsibilities under this paragraph,
76 the department shall seek the assistance of the renewable solar
77 energy industry in this state and other interested parties and
78 may ~~is authorized to~~ enter into contracts, retain professional
79 consulting services, and expend funds appropriated by the
80 Legislature for such purposes.

81 (i) The department shall promote energy efficiency and
82 conservation in all energy use sectors throughout the state and
83 be ~~shall constitute~~ the state agency primarily responsible for
84 this function. The Department of Management Services, in
85 consultation with the department, shall coordinate the energy
86 conservation programs of all state agencies and review and
87 comment on the energy conservation programs of all state
88 agencies.

89 Section 3. Subsection (4) of section 377.705, Florida
90 Statutes, is amended to read:

91 377.705 Solar Energy Center; development of solar energy
92 standards.—

93 (4) AUTHORITY OF THE FLORIDA SOLAR ENERGY CENTER TO SET
94 ~~STANDARDS, REQUIRE DISCLOSURE, SET TESTING FEES.—~~

95 (a) The center may ~~shall~~ develop and adopt promulgate
96 standards for solar energy systems manufactured or sold in this
97 state based on the best currently available information and may



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98 ~~shall~~ consult with scientists, engineers, or persons in research
99 centers who are engaged in the construction of, experimentation
100 with, and research of solar energy systems to properly identify
101 the most reliable designs and types of solar energy systems.

102 (b) The center may ~~shall~~ establish criteria for testing the
103 performance of solar energy systems and may ~~shall~~ maintain the
104 necessary capability for testing or evaluating the performance
105 of solar energy systems. The center may accept results of tests
106 on solar energy systems made by other organizations, companies,
107 or persons if ~~when~~ such tests are conducted according to the
108 criteria established by the center and when the testing entity
109 has no vested interest in the manufacture, distribution, or sale
110 of solar energy systems.

111 (c) The center may establish and collect ~~shall be entitled~~
112 ~~to receive~~ a testing fee sufficient to cover the costs of such
113 testing. ~~All testing fees shall be transmitted by the center to~~
114 ~~the Chief Financial Officer to be deposited in the Solar Energy~~
115 ~~Center Testing Trust Fund, which is hereby created in the State~~
116 ~~Treasury, and disbursed for the payment of expenses incurred in~~
117 ~~testing solar energy systems.~~

118 (d) ~~All solar energy systems manufactured or sold in the~~
119 ~~state must meet the standards established by the center and~~
120 ~~shall display accepted results of approved performance tests in~~
121 ~~a manner prescribed by the center.~~

122 Section 4. Section 377.712, Florida Statutes, is amended to
123 read:

124 377.712 Florida participation.—

125 (1) (a) The Governor shall appoint one member of the
126 Southern States Energy Board. The member or the Governor may



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127 designate another person as the deputy or assistant to such
128 member.

129 (b) The Commissioner of Agriculture may appoint one member
130 of the Southern States Energy Board. The member or the
131 commissioner may designate another person as the assistant or
132 deputy to such member.

133 (c) ~~(b)~~ The President of the Senate shall appoint one member
134 of the Southern States Energy Board. The member or the president
135 may designate another person as the assistant or deputy to such
136 member.

137 (d) ~~(c)~~ The Speaker of the House of Representatives shall
138 appoint one member of the Southern States Energy Board. The
139 member or the speaker may designate another person as the
140 assistant or deputy to such member.

141 (2) Any supplementary agreement entered into under s.
142 377.711(6) requiring the expenditure of funds may ~~shall~~ not
143 become effective as to Florida until the required funds are
144 appropriated by the Legislature.

145 (3) Departments, agencies, and officers of this state, and
146 its subdivisions are authorized to cooperate with the board in
147 the furtherance of ~~any of~~ its activities pursuant to the
148 compact, provided such proposed activities have been made known
149 to, and have the approval of, ~~either~~ the Governor or the
150 Department of Agriculture and Consumer Services ~~Department of~~
151 ~~Health.~~

152 Section 5. Section 377.801, Florida Statutes, is amended to
153 read:

154 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~
155 ~~377.807~~ may be cited as the "Florida Energy and Climate



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156 Protection Act.”

157 Section 6. Section 377.802, Florida Statutes, is amended to
158 read:

159 377.802 Purpose.—This act is intended to provide incentives
160 for Florida’s citizens, businesses, school districts, and local
161 governments to take action to diversify the state’s energy
162 supplies, reduce dependence on foreign oil, and mitigate the
163 effects of climate change by providing funding for activities
164 designed to achieve these goals. The grant programs in this act
165 are intended to stimulate capital investment in and enhance the
166 market for renewable energy technologies and technologies
167 intended to diversify Florida’s energy supplies, reduce
168 dependence on foreign oil, and combat or limit climate change
169 impacts. ~~This act is also intended to provide incentives for the~~
170 ~~purchase of energy-efficient appliances and rebates for solar~~
171 ~~energy equipment installations for residential and commercial~~
172 ~~buildings.~~

173 Section 7. Section 377.803, Florida Statutes, is amended to
174 read:

175 377.803 Definitions.—As used in ss. 377.801-377.804 ~~ss.~~
176 ~~377.801-377.807~~, the term:

177 (1) “Act” means the Florida Energy and Climate Protection
178 Act.

179 (2) “Department” means the Department of Agriculture and
180 Consumer Services.

181 (3) “Person” means an individual, partnership, joint
182 venture, private or public corporation, association, firm,
183 public service company, or any other public or private entity.

184 (4) “Renewable energy” means electrical, mechanical, or



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185 thermal energy produced from a method that uses one or more of
186 the following fuels or energy sources: hydrogen, biomass, as
187 defined in s. 366.91, solar energy, geothermal energy, wind
188 energy, ocean energy, waste heat, or hydroelectric power.

189 (5) "Renewable energy technology" means any technology that
190 generates or utilizes a renewable energy resource.

191 ~~(6) "Solar energy system" means equipment that provides for~~
192 ~~the collection and use of incident solar energy for water~~
193 ~~heating, space heating or cooling, or other applications that~~
194 ~~would normally require a conventional source of energy such as~~
195 ~~petroleum products, natural gas, or electricity that performs~~
196 ~~primarily with solar energy. In other systems in which solar~~
197 ~~energy is used in a supplemental way, only those components that~~
198 ~~collect and transfer solar energy shall be included in this~~
199 ~~definition.~~

200 ~~(7) "Solar photovoltaic system" means a device that~~
201 ~~converts incident sunlight into electrical current.~~

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

204 Section 8. Section 377.815, Florida Statutes, is created to
205 read:

206 377.815 Alternative fueling stations and electric vehicle
207 charging stations.—The Department of Agriculture and Consumer
208 Services may post information on its website relating to
209 alternative fueling stations or electric vehicle charging
210 stations that are available for public use in this state.

211 (1) As used in this section, the term "alternative fuel"
212 means nontraditional transportation fuel, such as pure methanol,
213 ethanol, and other alcohols; blends of 85 percent or more of



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214 alcohol with gasoline; natural gas and liquid fuels domestically
215 produced from natural gas; liquefied petroleum gas; coal-derived
216 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,
217 other than alcohol, derived from biological materials; and P-
218 series fuels.

219 (2) An owner or operator of an alternative fueling station
220 that is available in this state may report the following
221 information to the department:

222 (a) The type of alternative fuel available;

223 (b) The station's name, address, or location; or

224 (c) The fees or costs associated with the alternative fuel
225 that is available for purchase.

226 (3) The owner or operator of an electric vehicle charging
227 station that is available in this state may report the following
228 information to the department:

229 (a) The station's name, address, or location; or

230 (b) The fees or costs, if any, associated with the electric
231 vehicle charging services provided by the station.

232 Section 9. Subsection (1) of section 553.74, Florida
233 Statutes, is amended to read:

234 553.74 Florida Building Commission.—

235 (1) The Florida Building Commission is created and located
236 within the Department of Business and Professional Regulation
237 for administrative purposes. Members are appointed by the
238 Governor subject to confirmation by the Senate. The commission
239 is composed of 27 ~~26~~ members, consisting of the following:

240 (a) One architect registered to practice in this state and
241 actively engaged in the profession. The American Institute of
242 Architects, Florida Section, is encouraged to recommend a list



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243 of candidates for consideration.

244 (b) One structural engineer registered to practice in this
245 state and actively engaged in the profession. The Florida
246 Engineering Society is encouraged to recommend a list of
247 candidates for consideration.

248 (c) One air-conditioning or mechanical contractor certified
249 to do business in this state and actively engaged in the
250 profession. The Florida Air Conditioning Contractors
251 Association, the Florida Refrigeration and Air Conditioning
252 Contractors Association, and the Mechanical Contractors
253 Association of Florida are encouraged to recommend a list of
254 candidates for consideration.

255 (d) One electrical contractor certified to do business in
256 this state and actively engaged in the profession. The Florida
257 Association of Electrical Contractors Association and the
258 National Electrical Contractors Association, Florida Chapter,
259 are encouraged to recommend a list of candidates for
260 consideration.

261 (e) One member from fire protection engineering or
262 technology who is actively engaged in the profession. The
263 Florida Chapter of the Society of Fire Protection Engineers and
264 the Florida Fire Marshals and Inspectors Association are
265 encouraged to recommend a list of candidates for consideration.

266 (f) One general contractor certified to do business in this
267 state and actively engaged in the profession. The Associated
268 Builders and Contractors of Florida, the Florida Associated
269 General Contractors Council, and the Union Contractors
270 Association are encouraged to recommend a list of candidates for
271 consideration.



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272 (g) One plumbing contractor licensed to do business in this
273 state and actively engaged in the profession. The Florida
274 Association of Plumbing, Heating, and Cooling Contractors is
275 encouraged to recommend a list of candidates for consideration.

276 (h) One roofing or sheet metal contractor certified to do
277 business in this state and actively engaged in the profession.
278 The Florida Roofing, Sheet Metal, and Air Conditioning
279 Contractors Association and the Sheet Metal and Air Conditioning
280 Contractors' Contractors National Association are encouraged to
281 recommend a list of candidates for consideration.

282 (i) One residential contractor licensed to do business in
283 this state and actively engaged in the profession. The Florida
284 Home Builders Association is encouraged to recommend a list of
285 candidates for consideration.

286 (j) Three members who are municipal or district codes
287 enforcement officials, one of whom is also a fire official. The
288 Building Officials Association of Florida and the Florida Fire
289 Marshals and Inspectors Association are encouraged to recommend
290 a list of candidates for consideration.

291 (k) One member who represents the Department of Financial
292 Services.

293 (l) One member who is a county codes enforcement official.
294 The Building Officials Association of Florida is encouraged to
295 recommend a list of candidates for consideration.

296 (m) One member of a Florida-based organization of persons
297 with disabilities or a nationally chartered organization of
298 persons with disabilities with chapters in this state.

299 (n) One member of the manufactured buildings industry who
300 is licensed to do business in this state and is actively engaged



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301 in the industry. The Florida Manufactured Housing Association is
302 encouraged to recommend a list of candidates for consideration.

303 (o) One mechanical or electrical engineer registered to
304 practice in this state and actively engaged in the profession.
305 The Florida Engineering Society is encouraged to recommend a
306 list of candidates for consideration.

307 (p) One member who is a representative of a municipality or
308 a charter county. The Florida League of Cities and the Florida
309 Association of Counties are encouraged to recommend a list of
310 candidates for consideration.

311 (q) One member of the building products manufacturing
312 industry who is authorized to do business in this state and is
313 actively engaged in the industry. The Florida Building Material
314 Association, the Florida Concrete and Product ~~Products~~
315 Association, and the Fenestration Manufacturers Association are
316 encouraged to recommend a list of candidates for consideration.

317 (r) One member who is a representative of the building
318 owners and managers industry who is actively engaged in
319 commercial building ownership or management. The Building Owners
320 and Managers Association is encouraged to recommend a list of
321 candidates for consideration.

322 (s) One member who is a representative of the insurance
323 industry. The Florida Insurance Council is encouraged to
324 recommend a list of candidates for consideration.

325 (t) One member who is a representative of public education.

326 (u) One member who is a swimming pool contractor licensed
327 to do business in this state and actively engaged in the
328 profession. The Florida Swimming Pool Association and the United
329 Pool and Spa Association are encouraged to recommend a list of



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330 candidates for consideration.

331 (v) One member who is a representative of the green
332 building industry and who is a third-party commission agent, a
333 Florida board member of the United States Green Building Council
334 or Green Building Initiative, a professional who is accredited
335 under the International Green Construction Code (IGCC), or a
336 professional who is accredited under Leadership in Energy and
337 Environmental Design (LEED).

338 (w) One member who is a representative of a natural gas
339 distribution system and who is actively engaged in the
340 distribution of natural gas in this state. The Florida Natural
341 Gas Association is encouraged to recommend a list of candidates
342 for consideration.

343 (x) One member who is a representative of the Department of
344 Agriculture and Consumer Services' Office of Energy who is
345 appointed from a list of three nominees provided by the
346 Commissioner of Agriculture. If the Governor refuses to appoint
347 a nominee within 60 days after receipt of such list, the
348 Governor shall inform the commissioner and the commissioner
349 shall submit a new list of three nominees.

350 (y)~~(x)~~ One member who shall be the chair.

351
352 ~~Any person serving on the commission under paragraph (c) or~~
353 ~~paragraph (h) on October 1, 2003, and who has served less than~~
354 ~~two full terms is eligible for reappointment to the commission~~
355 ~~regardless of whether he or she meets the new qualification.~~

356 Section 10. Sections 377.806 and 377.807, Florida Statutes,
357 are repealed.

358 Section 11. This act shall take effect July 1, 2014.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to energy policies; amending s.
377.6015, F.S.; removing a provision relating to
representation in the Southern States Energy Compact;
amending s. 377.703, F.S.; requiring the Department of
Agriculture and Consumer Services to include in its
annual report recommendations for energy efficiency;
expanding the promotion of the development and use of
renewable energy resources from goals related to solar
energy to renewable energy in general; requiring the
department to cooperate with the Florida Energy
Systems Consortium in the development and use of
renewable energy resources; amending s. 377.705, F.S.;
providing that the Solar Energy Center may, rather
than must, develop standards for solar energy systems
manufactured or sold in this state; providing that the
center may, rather than must, establish criteria for
testing the performance of solar energy systems;
providing that the center may, rather than must,
receive a fee for testing the performance of solar
energy systems; removing the requirement that all
solar energy systems manufactured or sold in this
state must meet the standards established by the Solar
Energy Center; amending s. 377.712, F.S.; authorizing



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388 the Commissioner of Agriculture to appoint a member to
389 the Southern States Energy Board; authorizing the
390 department to approve proposed activities relating to
391 furtherance of the Southern States Energy Compact;
392 amending s. 377.801, F.S.; conforming a cross-
393 reference; amending s. 377.802, F.S.; amending the
394 purpose of the Florida Energy and Climate Protection
395 Act; amending s. 377.803, F.S.; conforming provisions
396 to changes made by the act; creating s. 377.815, F.S.;
397 authorizing the department to post on its website
398 information relating to alternative fueling stations
399 or electric vehicle charging stations; defining the
400 term "alternative fuel"; authorizing the owner or
401 operator of an alternative fueling station or an
402 electric vehicle charging station to report certain
403 information; amending s. 553.74, F.S.; adding a member
404 to the Florida Building Commission as a representative
405 of the Department of Agriculture and Consumer
406 Services' Office of Energy; deleting obsolete
407 provisions; repealing ss. 377.806 and 377.807, F.S.,
408 relating to the Solar Energy System Incentives Program
409 and the Energy-Efficient Appliance Rebate Program,
410 respectively; providing an effective date.

By Senator Simpson

18-01011-14

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1 A bill to be entitled
2 An act relating to energy policies; amending s.
3 377.703, F.S.; requiring the Department of
4 Agricultural and Consumer Services to include in its
5 annual report recommendations for energy efficiency;
6 expanding the promotion of the development and use of
7 renewable energy resources from goals related to solar
8 energy to renewable energy in general; requiring the
9 department to cooperate with the Florida Energy
10 Systems Consortium in the development and use of
11 renewable energy resources; amending s. 377.705, F.S.;
12 providing that the Solar Energy Center may, rather
13 than must, develop standards for solar energy systems
14 manufactured or sold in this state; providing that the
15 center may, rather than must, establish criteria for
16 testing the performance of solar energy systems;
17 providing that the center may, rather than must,
18 receive a fee for testing the performance of solar
19 energy systems; removing the requirement that all
20 solar energy systems manufactured or sold in this
21 state must meet the standards established by the Solar
22 Energy Center; amending s. 377.712, F.S.; adding a
23 member to the Southern States Energy Board to be
24 appointed by the Commissioner of Agriculture;
25 authorizing the department to approve proposed
26 activities relating to furtherance of the Southern
27 States Energy Compact; amending s. 377.801, F.S.;
28 conforming a cross-reference; amending s. 377.802,
29 F.S.; amending the purpose of the Florida Energy and

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30 Climate Protection Act; amending s. 377.803, F.S.;

31 conforming provisions to changes made by the act;

32 creating s. 377.815, F.S.; authorizing the department

33 to post on its website information relating to

34 alternative fueling stations or electric vehicle

35 charging stations; defining the term "alternative

36 fuel"; authorizing the owner or operator of an

37 alternative fueling station or an electric vehicle

38 charging station to report certain information;

39 amending s. 553.74, F.S.; adding a member to the

40 Florida Building Commission as a representative of the

41 Department of Agriculture and Consumer Services'

42 Office of Energy; deleting obsolete provisions;

43 repealing ss. 377.806 and 377.807, F.S., relating to

44 the Solar Energy System Incentives Program and the

45 Energy-Efficient Appliance Rebate Program,

46 respectively; providing an effective date.

47

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

49

50 Section 1. Paragraphs (f), (h), and (i) of subsection (2)

51 of section 377.703, Florida Statutes, are amended to read:

52 377.703 Additional functions of the Department of

53 Agriculture and Consumer Services.—

54 (2) DUTIES.—The department shall perform the following

55 functions, unless as otherwise provided, consistent with the

56 development of a state energy policy:

57 (f) The department shall submit an annual report to the

58 Governor and the Legislature reflecting its activities and

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59 making recommendations for ~~of~~ policies for improvement of the
60 state's response to energy supply and demand and its effect on
61 the health, safety, and welfare of the residents of this state
62 ~~people of Florida~~. The report must ~~shall~~ include a report from
63 the Florida Public Service Commission on electricity and natural
64 gas and information on energy conservation programs conducted
65 and underway in the past year and ~~shall~~ include recommendations
66 for energy efficiency and conservation programs for the state,
67 including the, ~~but not limited to, the following factors:~~

68 1. Formulation of specific recommendations for improvement
69 in the efficiency of energy utilization in governmental,
70 residential, commercial, industrial, and transportation sectors.

71 2. Collection and dissemination of information relating to
72 energy efficiency and conservation.

73 3. Development and conduct of educational and training
74 programs relating to energy efficiency and conservation.

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

78 (h) The department shall promote the development and use of
79 renewable energy resources, in conformance with chapter 187 and
80 s. 377.601, by:

81 1. Establishing goals and strategies for increasing the use
82 of renewable ~~solar~~ energy in this state.

83 2. Aiding and promoting the commercialization of renewable
84 energy resources ~~solar energy technology~~, in cooperation with
85 the Florida Energy Systems Consortium, the Florida Solar Energy
86 Center, Enterprise Florida, Inc., and any other federal, state,
87 or local governmental agency that ~~which~~ may seek to promote

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88 research, development, and the demonstration of renewable ~~solar~~
89 energy equipment and technology.

90 3. Identifying barriers to greater use of renewable energy
91 resources ~~solar energy systems~~ in this state, and developing
92 specific recommendations for overcoming identified barriers,
93 with findings and recommendations to be submitted annually in
94 the report to the Governor and Legislature required under
95 paragraph (f).

96 4. In cooperation with the Department of Environmental
97 Protection, the Department of Transportation, the Department of
98 Economic Opportunity, Enterprise Florida, Inc., the Florida
99 Energy Systems Consortium, the Florida Solar Energy Center, and
100 the Florida Solar Energy Industries Association, investigating
101 opportunities, pursuant to the national Energy Policy Act of
102 1992, the Housing and Community Development Act of 1992, and any
103 subsequent federal legislation, for renewable energy resources,
104 ~~solar~~ electric vehicles, and other renewable ~~solar~~ energy
105 manufacturing, distribution, installation, and financing efforts
106 that ~~which will~~ enhance this state's position as the leader in
107 renewable ~~solar~~ energy research, development, and use.

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

110
111 In the exercise of its responsibilities under this paragraph,
112 the department shall seek the assistance of the renewable ~~solar~~
113 energy industry in this state and other interested parties and
114 may ~~is authorized to~~ enter into contracts, retain professional
115 consulting services, and expend funds appropriated by the
116 Legislature for such purposes.

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117 (i) The department shall promote energy efficiency and
118 conservation in all energy use sectors throughout the state and
119 be ~~shall constitute~~ the state agency primarily responsible for
120 this function. The Department of Management Services, in
121 consultation with the department, shall coordinate the energy
122 conservation programs of all state agencies and review and
123 comment on the energy conservation programs of all state
124 agencies.

125 Section 2. Subsection (4) of section 377.705, Florida
126 Statutes, is amended to read:

127 377.705 Solar Energy Center; development of solar energy
128 standards.—

129 (4) FLORIDA SOLAR ENERGY CENTER TO SET STANDARDS, REQUIRE
130 DISCLOSURE, SET TESTING FEES.—

131 (a) The center may ~~shall~~ develop and adopt ~~promulgate~~
132 standards for solar energy systems manufactured or sold in this
133 state based on the best currently available information and
134 shall consult with scientists, engineers, or persons in research
135 centers who are engaged in the construction of, experimentation
136 with, and research of solar energy systems to properly identify
137 the most reliable designs and types of solar energy systems.

138 (b) The center may ~~shall~~ establish criteria for testing the
139 performance of solar energy systems and shall maintain the
140 necessary capability for testing or evaluating the performance
141 of solar energy systems. The center may accept results of tests
142 on solar energy systems made by other organizations, companies,
143 or persons if ~~when~~ such tests are conducted according to the
144 criteria established by the center and when the testing entity
145 has no vested interest in the manufacture, distribution, or sale

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146 of solar energy systems.

147 (c) The center may ~~shall be entitled to~~ receive a testing
148 fee sufficient to cover the costs of such testing. ~~All testing~~
149 ~~fees shall be transmitted by the center to the Chief Financial~~
150 ~~Officer to be deposited in the Solar Energy Center Testing Trust~~
151 ~~Fund, which is hereby created in the State Treasury, and~~
152 ~~disbursed for the payment of expenses incurred in testing solar~~
153 ~~energy systems.~~

154 (d) ~~All solar energy systems manufactured or sold in the~~
155 ~~state must meet the standards established by the center and~~
156 ~~shall display accepted results of approved performance tests in~~
157 ~~a manner prescribed by the center.~~

158 Section 3. Section 377.712, Florida Statutes, is amended to
159 read:

160 377.712 Florida participation.—

161 (1) (a) The Governor shall appoint one member of the
162 Southern States Energy Board. The member or the Governor may
163 designate another person as the deputy or assistant to such
164 member.

165 (b) The Commissioner of Agriculture shall appoint one
166 member of the Southern States Energy Board. The member or the
167 commissioner may designate another person as the assistant or
168 deputy to such member.

169 (c) ~~(b)~~ The President of the Senate shall appoint one member
170 of the Southern States Energy Board. The member or the president
171 may designate another person as the assistant or deputy to such
172 member.

173 (d) ~~(e)~~ The Speaker of the House of Representatives shall
174 appoint one member of the Southern States Energy Board. The

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175 member or the speaker may designate another person as the
176 assistant or deputy to such member.

177 (2) Any supplementary agreement entered into under s.
178 377.711(6) requiring the expenditure of funds may ~~shall~~ not
179 become effective as to Florida until the required funds are
180 appropriated by the Legislature.

181 (3) Departments, agencies, and officers of this state, and
182 its subdivisions are authorized to cooperate with the board in
183 the furtherance of ~~any of~~ its activities pursuant to the
184 compact, provided such proposed activities have been made known
185 to, and have the approval of, ~~either~~ the Governor or the
186 Department of Agriculture and Consumer Services ~~Department of~~
187 ~~Health~~.

188 Section 4. Section 377.801, Florida Statutes, is amended to
189 read:

190 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~
191 ~~377.807~~ may be cited as the "Florida Energy and Climate
192 Protection Act."

193 Section 5. Section 377.802, Florida Statutes, is amended to
194 read:

195 377.802 Purpose.—This act is intended to provide incentives
196 for Florida's citizens, businesses, school districts, and local
197 governments to take action to diversify the state's energy
198 supplies, reduce dependence on foreign oil, and mitigate the
199 effects of climate change by providing funding for activities
200 designed to achieve these goals. The grant programs in this act
201 are intended to stimulate capital investment in and enhance the
202 market for renewable energy technologies and technologies
203 intended to diversify Florida's energy supplies, reduce

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204 dependence on foreign oil, and combat or limit climate change
205 impacts. ~~This act is also intended to provide incentives for the~~
206 ~~purchase of energy-efficient appliances and rebates for solar~~
207 ~~energy equipment installations for residential and commercial~~
208 ~~buildings.~~

209 Section 6. Section 377.803, Florida Statutes, is amended to
210 read:

211 377.803 Definitions.—As used in ss. 377.801-377.804 ~~ss.~~
212 ~~377.801-377.807~~, the term:

213 (1) "Act" means the Florida Energy and Climate Protection
214 Act.

215 (2) "Department" means the Department of Agriculture and
216 Consumer Services.

217 (3) "Person" means an individual, partnership, joint
218 venture, private or public corporation, association, firm,
219 public service company, or any other public or private entity.

220 (4) "Renewable energy" means electrical, mechanical, or
221 thermal energy produced from a method that uses one or more of
222 the following fuels or energy sources: hydrogen, biomass, as
223 defined in s. 366.91, solar energy, geothermal energy, wind
224 energy, ocean energy, waste heat, or hydroelectric power.

225 (5) "Renewable energy technology" means any technology that
226 generates or utilizes a renewable energy resource.

227 ~~(6) "Solar energy system" means equipment that provides for~~
228 ~~the collection and use of incident solar energy for water~~
229 ~~heating, space heating or cooling, or other applications that~~
230 ~~would normally require a conventional source of energy such as~~
231 ~~petroleum products, natural gas, or electricity that performs~~
232 ~~primarily with solar energy. In other systems in which solar~~

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233 ~~energy is used in a supplemental way, only those components that~~
234 ~~collect and transfer solar energy shall be included in this~~
235 ~~definition.~~

236 ~~(7) "Solar photovoltaic system" means a device that~~
237 ~~converts incident sunlight into electrical current.~~

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

240 Section 7. Section 377.815, Florida Statutes, is created to
241 read:

242 377.815 Alternative fueling stations and electric vehicle
243 charging stations.—The Department of Agriculture and Consumer
244 Services may post information on its website relating to
245 alternative fueling stations or electric vehicle charging
246 stations that are available for public use in this state.

247 (1) As used in this section, the term "alternative fuel"
248 means nontraditional transportation fuel, such as pure methanol,
249 ethanol, and other alcohols; blends of 85 percent or more of
250 alcohol with gasoline; natural gas and liquid fuels domestically
251 produced from natural gas; liquefied petroleum gas; coal-derived
252 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,
253 other than alcohol, derived from biological materials; and P-
254 series fuels.

255 (2) An owner or operator of an alternative fueling station
256 that is available in this state may report the following
257 information to the Office of Energy:

258 (a) The type of alternative fuel available;

259 (b) The station's name, address, or location; or

260 (c) The fees or costs associated with the alternative fuel
261 that is available for purchase.

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262 (3) The owner or operator of an electric vehicle charging
263 station that is available in this state may report the following
264 information to the Office of Energy:

265 (a) The station's name, address, or location; or

266 (b) The fees or costs, if any, associated with the electric
267 vehicle charging services provided by the station.

268 Section 8. Subsection (1) of section 553.74, Florida
269 Statutes, is amended to read:

270 553.74 Florida Building Commission.—

271 (1) The Florida Building Commission is created and located
272 within the Department of Business and Professional Regulation
273 for administrative purposes. Members are appointed by the
274 Governor subject to confirmation by the Senate. The commission
275 is composed of 27 ~~26~~ members, consisting of the following:

276 (a) One architect registered to practice in this state and
277 actively engaged in the profession. The American Institute of
278 Architects, Florida Section, is encouraged to recommend a list
279 of candidates for consideration.

280 (b) One structural engineer registered to practice in this
281 state and actively engaged in the profession. The Florida
282 Engineering Society is encouraged to recommend a list of
283 candidates for consideration.

284 (c) One air-conditioning or mechanical contractor certified
285 to do business in this state and actively engaged in the
286 profession. The Florida Air Conditioning Contractors
287 Association, the Florida Refrigeration and Air Conditioning
288 Contractors Association, and the Mechanical Contractors
289 Association of Florida are encouraged to recommend a list of
290 candidates for consideration.

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291 (d) One electrical contractor certified to do business in
292 this state and actively engaged in the profession. The Florida
293 Association of Electrical Contractors ~~Association~~ and the
294 National Electrical Contractors Association, Florida Chapter,
295 are encouraged to recommend a list of candidates for
296 consideration.

297 (e) One member from fire protection engineering or
298 technology who is actively engaged in the profession. The
299 Florida Chapter of the Society of Fire Protection Engineers and
300 the Florida Fire Marshals and Inspectors Association are
301 encouraged to recommend a list of candidates for consideration.

302 (f) One general contractor certified to do business in this
303 state and actively engaged in the profession. The Associated
304 Builders and Contractors of Florida, the Florida Associated
305 General Contractors Council, and the Union Contractors
306 Association are encouraged to recommend a list of candidates for
307 consideration.

308 (g) One plumbing contractor licensed to do business in this
309 state and actively engaged in the profession. The Florida
310 Association of Plumbing, Heating, and Cooling Contractors is
311 encouraged to recommend a list of candidates for consideration.

312 (h) One roofing or sheet metal contractor certified to do
313 business in this state and actively engaged in the profession.
314 The Florida Roofing, Sheet Metal, and Air Conditioning
315 Contractors Association and the Sheet Metal and Air Conditioning
316 Contractors' ~~Contractors~~ National Association are encouraged to
317 recommend a list of candidates for consideration.

318 (i) One residential contractor licensed to do business in
319 this state and actively engaged in the profession. The Florida

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320 Home Builders Association is encouraged to recommend a list of
321 candidates for consideration.

322 (j) Three members who are municipal or district codes
323 enforcement officials, one of whom is also a fire official. The
324 Building Officials Association of Florida and the Florida Fire
325 Marshals and Inspectors Association are encouraged to recommend
326 a list of candidates for consideration.

327 (k) One member who represents the Department of Financial
328 Services.

329 (l) One member who is a county codes enforcement official.
330 The Building Officials Association of Florida is encouraged to
331 recommend a list of candidates for consideration.

332 (m) One member of a Florida-based organization of persons
333 with disabilities or a nationally chartered organization of
334 persons with disabilities with chapters in this state.

335 (n) One member of the manufactured buildings industry who
336 is licensed to do business in this state and is actively engaged
337 in the industry. The Florida Manufactured Housing Association is
338 encouraged to recommend a list of candidates for consideration.

339 (o) One mechanical or electrical engineer registered to
340 practice in this state and actively engaged in the profession.
341 The Florida Engineering Society is encouraged to recommend a
342 list of candidates for consideration.

343 (p) One member who is a representative of a municipality or
344 a charter county. The Florida League of Cities and the Florida
345 Association of Counties are encouraged to recommend a list of
346 candidates for consideration.

347 (q) One member of the building products manufacturing
348 industry who is authorized to do business in this state and is

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349 actively engaged in the industry. The Florida Building Material
350 Association, the Florida Concrete and Product ~~Products~~
351 Association, and the Fenestration Manufacturers Association are
352 encouraged to recommend a list of candidates for consideration.

353 (r) One member who is a representative of the building
354 owners and managers industry who is actively engaged in
355 commercial building ownership or management. The Building Owners
356 and Managers Association is encouraged to recommend a list of
357 candidates for consideration.

358 (s) One member who is a representative of the insurance
359 industry. The Florida Insurance Council is encouraged to
360 recommend a list of candidates for consideration.

361 (t) One member who is a representative of public education.

362 (u) One member who is a swimming pool contractor licensed
363 to do business in this state and actively engaged in the
364 profession. The Florida Swimming Pool Association and the United
365 Pool and Spa Association are encouraged to recommend a list of
366 candidates for consideration.

367 (v) One member who is a representative of the green
368 building industry and who is a third-party commission agent, a
369 Florida board member of the United States Green Building Council
370 or Green Building Initiative, a professional who is accredited
371 under the International Green Construction Code (IGCC), or a
372 professional who is accredited under Leadership in Energy and
373 Environmental Design (LEED).

374 (w) One member who is a representative of a natural gas
375 distribution system and who is actively engaged in the
376 distribution of natural gas in this state. The Florida Natural
377 Gas Association is encouraged to recommend a list of candidates

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378 for consideration.

379 (x) One member who is a representative of the Department of
380 Agriculture and Consumer Services' Office of Energy who is
381 appointed from a list of three nominees provided by the
382 Commissioner of Agriculture. If the Governor refuses to appoint
383 a nominee within 60 days, the Governor shall inform the
384 commission and the commissioner shall submit a new list of three
385 nominees.

386 (y)~~(*)~~ One member who shall be the chair.

387
388 ~~Any person serving on the commission under paragraph (c) or~~
389 ~~paragraph (h) on October 1, 2003, and who has served less than~~
390 ~~two full terms is eligible for reappointment to the commission~~
391 ~~regardless of whether he or she meets the new qualification.~~

392 Section 9. Sections 377.806 and 377.807, Florida Statutes,
393 are repealed.

394 Section 10. This act shall take effect July 1, 2014.

SUMMARY OF AMENDMENTS
TO
SB 1076

<p>Amendment # 1 By Senator Flores Barcode 960778 Delete lines 48-53</p>	<p>Currently the bill creates an additional rate for gross receipts tax of:</p> <ul style="list-style-type: none"> • 1.5 percent effective January 1, 2015; • 2.5 percent effective January 1, 2016; and • 3.5 percent effective January 1, 2017. <p>The amendment decreases the additional rate to:</p> <ul style="list-style-type: none"> • 1.0 percent effective January 1, 2015; • 1.5 percent effective January 1, 2016; and • 1.75 percent effective January 1, 2017.
<p>Amendment # 2 By Senator Flores Barcode 208406 Delete lines 215-224</p>	<p>Currently the bill decreases the sales tax of 7 percent to:</p> <ul style="list-style-type: none"> • 4.0 percent effective January 1, 2015; • 2.0 percent effective January 1, 2016; and • 0.0 percent effective January 1, 2017. <p>The amendment decreases these reductions to:</p> <ul style="list-style-type: none"> • 4.5 percent effective January 1, 2015; • 3.0 percent effective January 1, 2016; and • 1.75 percent effective January 1, 2017.

The total effect is 1.25 percent less in additional gross receipts taxes and 1.75 percent more in sales taxes.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: CS/SB 1076

INTRODUCER: Communications, Energy, and Public Utilities Committee and Senator Flores

SUBJECT: Electrical Power or Energy

DATE: March 11, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Fav/CS
2.			AFT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1076 decreases the sales tax rate on sales of electrical power or energy from the current 7 percent to 1.75 percent in 3 stages (preserving the application of any county discretionary sales surtax). Concurrently the bill imposes an additional rate to the gross receipts tax for electrical power or energy delivered to a retail consumer in this state, beginning at 1.0 percent and ending at 1.75 percent over 3 years. The bill establishes a list of transactions of electrical power or energy to which the new additional rate does not apply.

The bill also creates a sales tax holiday for Energy Star and WaterSense products, with a limit of one purchase per person of each specific type of listed Energy Star or WaterSense product which has a sales price of \$500 or more. The bill authorizes the Department of Revenue to adopt emergency rules to administer the sales tax holiday and deems all requisite conditions to be met.

II. Present Situation:

The sales tax rate on sales of electric power or energy is 7 percent.¹ Sales tax revenues are deposited into the General Revenue fund.²

¹ Section 212.05(1)(e)1.c., F.S.

² Section 212.20(1), F.S.

The gross receipts tax rate on utility services³ is 2.5 percent.⁴ Gross receipts tax revenues are deposited into the Public Education Capital Outlay and Debt Service Trust Fund,⁵ where they are used for education capital outlay projects.

Counties are authorized to impose various types of discretionary sales surtaxes, including:

- each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority may levy a discretionary sales surtax of up to 1 percent for transportation system infrastructure;
- each county may levy a discretionary sales surtax of 0.5 percent or 1 percent for infrastructure;
- each county that has a population of 50,000 or less on April 1, 1992, may levy a discretionary sales surtax of 0.5 percent or 1 percent for operating purposes or servicing bond indebtedness;
- each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents, and is not authorized to levy a surtax for a county public hospital may levy a discretionary sales surtax at a rate that may not exceed 0.5 percent for indigent care and a trauma center;
- any county operating under a home rule charter may levy a discretionary sales surtax of 0.5 percent for a county public general hospital;
- the school board in each county may levy a discretionary sales surtax not to exceed 0.5 percent for school capital outlay projects;
- each county that has a population of fewer than 800,000 residents may levy a discretionary surtax at a rate not to exceed 0.5 percent, except that if a publicly supported medical school is located in the county, the rate shall not exceed 1 percent, for indigent care; and
- a county, other than a county that has imposed two separate discretionary surtaxes without expiration, may levy a discretionary sales surtax of up to 1 percent for emergency fire rescue services and facilities.⁶

Each discretionary sales tax surtax applies to all transactions occurring in the county which are subject to the state sales and use tax.⁷ The surtax is computed by multiplying the applicable rate or rates by the amount of taxable sales and taxable purchases representing such transactions; however, in the case of utility services billed on or after the effective date of any such surtax, the entire amount of the charge for utility services is subject to the surtax. For these purposes, a transaction is deemed to have occurred in a county imposing the surtax when the consumer of utility services is located in the county.

³ The term “utility services” is defined to mean electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. The definition expressly does not broaden the definition of utility service to include separately stated charges for tangible personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas. Section 203.012(3), F.S.

⁴ Section 203.01(1)(b)1., F.S.

⁵ Section 1013.65(2)(a)1., F.S.

⁶ Section 212.055, F.S.

⁷ Section 212.054, F.S.

The department administers, collects, and enforces these discretionary sales surtaxes pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax.

III. Effect of Proposed Changes:

The bill decreases the current sales tax rate of 7 percent on electrical power or energy in stages:

- effective January 1, 2015, the tax rate is 4.5 percent;
- effective January 1, 2016, the tax rate is 3.0 percent; and
- effective January 1, 2017, the tax rate is 1.75 percent.⁸

However, a discretionary sales surtax continues to apply to charges for electrical power or energy regardless of the general state sales and use tax rate.⁹ The surtax is levied on all charges for electrical power or energy unless specifically exempted.¹⁰

Concurrently the bill imposes an additional rate to the gross receipts tax for electrical power or energy delivered to a retail consumer in this state:

- effective January 1, 2015, the additional rate is 1.0 percent;
- effective January 1, 2016, the additional rate is 1.5 percent; and
- effective January 1, 2017, the additional rate is 1.75 percent.

These additional rates apply to charges for electrical power or energy on any bill dated on or after the date the increase takes effect.¹¹

If a utility provider elects to separately state the additional tax on any bill, invoice, or other tangible evidence of the provision of such taxable service, the additional tax may not be included as part of the taxable base on which the gross receipts tax is calculated.¹²

The additional rate does not apply to:

- the sale of electrical power or energy to a person eligible for an exemption under s. 212.08(7)(ff), F.S.,¹³ for use in operating machinery and equipment at a fixed location in this state;

⁸ Section 2 of the bill, amending section 212.05(1)(e), F.S.

⁹ *Id.*

¹⁰ Section 3 of the bill, amending section 212.054, F.S.

¹¹ Section 1 of the bill, amending section 203.01, F.S.

¹² *Id.*

¹³ This exemption applies to charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

- the sale or transportation of electrical power or energy to, or the use of electrical power or energy by, a person eligible for an exemption under s. 212.08(5)(e), F.S.,¹⁴ for certain agricultural purposes;
- the sale or transportation of electrical power or energy to, or the use of electrical power or energy by, a person eligible for an exemption under s. 212.08(7)(j), F.S.,¹⁵ for use as a household fuel;
- the sale or transportation of electrical power or energy to, or the use of electrical power or energy by, a person eligible for an exemption under s. 212.08(15)(a), F.S.,¹⁶ for use in an enterprise zone;
- the sale or transportation of electrical power or energy to, or the use of electrical power or energy by, a person who holds a valid Consumer's Certificate of Exemption issued by the Department of Revenue;
- the sale or transportation of electrical power or energy to, or the use of electrical power or energy by, a foreign diplomat and consular personnel who hold a tax exemption card issued by the United States Department of State; or
- the sale or transportation of electrical power or energy to, or the use of electrical power or energy by, the Federal Government or any federal department, commission, agency, or other instrumentality thereof.¹⁷

These exemptions appear to ensure that those who currently do not pay sales tax on purchases of electricity or energy would not pay the additional gross receipts tax rate.

The bill also creates a sales tax holiday for Energy Star and WaterSense products¹⁸ from 12:01 a.m. on September 19, 2014, through 11:59 p.m. on September 21, 2014, on the first \$1,500 of

¹⁴ This exemption applies to electricity used directly or indirectly for production, packing, or processing of agricultural products on the farm, or used directly or indirectly in a packinghouse. As used in this subsection, the term "packinghouse" means any building or structure where fruits, vegetables, or meat from cattle or hogs is packed or otherwise prepared for market or shipment in fresh form for wholesale distribution. The exemption does not apply to electricity used in buildings or structures where agricultural products are sold at retail. This exemption applies only if the electricity used for the exempt purposes is separately metered. If the electricity is not separately metered, it is conclusively presumed that some portion of the electricity is used for a nonexempt purpose, and all of the electricity used for such purposes is taxable.

¹⁵ This exemption applies to sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. For the purposes of this paragraph, licensed family day care homes shall also be exempt.

¹⁶ This exemption applies to charges for electrical energy used by a qualified business at a fixed location in an enterprise zone in a municipality which has enacted an ordinance which provides for exemption of municipal utility taxes on such businesses or in an enterprise zone jointly authorized by a county and a municipality which has enacted an ordinance which provides for exemption of municipal utility taxes on such businesses shall receive an exemption equal to 50 percent of the tax imposed by this chapter, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the exemption shall be equal to 100 percent of the tax imposed by this chapter. A qualified business may receive such exemption for a period of 5 years from the billing period beginning not more than 30 days following notification to the applicable utility company by the department that an exemption has been authorized. To receive this exemption, a business must file an application with the enterprise zone development agency having jurisdiction over the enterprise zone where the business is located and receive approval from that agency.

¹⁷ *Id.*

¹⁸ Section 5 of the bill.

the sale price of a new Energy Star¹⁹ product or WaterSense²⁰ product.²¹ However, a person is limited to one purchase of each specific type of listed Energy Star or WaterSense product which has a sales price of \$500 or more. A second or subsequent purchase of a specific type of Energy Star product or WaterSense product that has a sales price of \$500 or more is subject to tax.

The bill authorizes the Department of Revenue to adopt emergency rules to administer the sales tax holiday and deems all requisite conditions to be met.

The bill also makes conforming changes.²²

The bill takes effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill decreases state sales tax revenues (while preserving any local government discretionary sales surtax) by decreasing the sales tax rate on sales of electrical power or energy from the current 7 percent to 1.75 percent in 3 stages. Concurrently, the bill increases gross receipts tax revenue by imposing an additional rate to the gross receipts tax for electrical power or energy delivered to a retail consumer in this state, beginning at 1.0 percent and ending at 1.75 percent. These changes will mean a decrease in General Revenue and an increase in PECO funds.

The bill also decreases sales tax revenues by creating a sales tax holiday for Energy Star and WaterSense products.

¹⁹ The bill defines the term “Energy Star product” to mean an air conditioner, air purifier, ceiling fan, clothes washer, dehumidifier, dishwasher, freezer, refrigerator, water heater, or package of light bulbs that is designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each agency’s requirements under the Energy Star program and which is affixed with an Energy Star label.

²⁰ The bill defines the term “WaterSense product” to mean a bathroom sink faucet, faucet accessory, high-efficiency toilet, showerhead, or weather or sensor-based irrigation controller that is recognized as water efficient by the WaterSense program sponsored by the United States Environmental Protection Agency and which is affixed with a WaterSense label.

²¹ Section 5 of the bill.

²² Section 4.

The amounts of these decreases and increases is currently unknown.

B. Private Sector Impact:

Purchasers of electricity will pay 3.5 percent less in taxes on sales of electricity (the current 7 percent sales tax minus the reduced 1.75 percent in sales tax together with the 1.75 gross receipts tax).

People can also avoid sales tax on purchases of Energy Star and WaterSense products by purchasing these products during the sales tax holiday.

C. Government Sector Impact:

The state will have less sales tax revenue, as discussed above. There will be more PECO funds available for education capital outlay projects.

The Department of Revenue will have expenses of rulemaking relating to the sales tax holiday.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 203.01, 212.05, 212.054, and 212.12.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Communications, Energy, and Public Utilities on March 11, 2014:

Revises the changes in the percentages of sales tax and gross receipts tax on sales of electricity. The fiscal impact on taxpayers is the same: they will see a reduction in tax rate from 7 percent to 3.5 percent. The difference is in the revenues to the state: instead of the full 3.5 percent going to gross receipts, it is divided evenly (1.75 percent each) among general revenue and gross receipts revenue.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



960778

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities
(Flores) recommended the following:

Senate Amendment

Delete lines 48 - 53

and insert:

a. Effective January 1, 2015, the additional rate shall be
1.0 percent.

b. Effective January 1, 2016, the additional rate shall be
1.5 percent.

c. Effective January 1, 2017, the additional rate shall be
1.75 percent.



208406

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities (Flores) recommended the following:

Senate Amendment

Delete lines 215 - 224

and insert:

(I) Effective January 1, 2015, the tax rate for charges for electrical power or energy is 4.5 percent.

(II) Effective January 1, 2016, the tax rate for charges for electrical power or energy is 3.0 percent.

(III) Effective January 1, 2017, the tax rate for charges for electrical power or energy is 1.75 percent.



208406

11

By Senator Flores

37-00994A-14

20141076__

1 A bill to be entitled
2 An act relating to electrical power or energy;
3 amending s. 203.01, F.S.; imposing an additional tax
4 on gross receipts for electrical power or energy for
5 specified years; revising exemptions from the tax on
6 gross receipts for utility and communications
7 services; providing exemptions from the additional tax
8 on gross receipts from electrical power or energy;
9 requiring the additional tax to be excluded from the
10 taxable base on which gross receipts are calculated
11 under certain circumstances; amending s. 212.05, F.S.;
12 revising the sales tax rate for charges for electrical
13 power or energy for specified years; providing that
14 discretionary sales surtaxes apply regardless of the
15 sales tax rate for charges for electrical power or
16 energy; amending s. 212.054, F.S.; requiring
17 discretionary sales surtaxes to be levied on all
18 charges for electrical power or energy unless
19 specifically exempted; amending s. 212.12, F.S.;
20 conforming a provision to a change made by the act;
21 providing for a sales tax holiday for certain
22 products; providing restrictions; providing
23 definitions; authorizing the Department of Revenue to
24 adopt emergency rules; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Present subsections (5) through (9) of section
29 203.01, Florida Statutes, are renumbered as subsections (6)

37-00994A-14

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30 through (10), respectively, paragraph (b) of subsection (1),
31 subsection (3), and present subsections (4) and (8) are amended,
32 and a new subsection (4) is added to that section, to read:

33 203.01 Tax on gross receipts for utility and communications
34 services.—

35 (1)

36 (b)1. The rate applied to utility services shall be 2.5
37 percent.

38 2. The rate applied to communications services shall be
39 2.37 percent.

40 3. ~~There shall be~~ An additional rate of 0.15 percent shall
41 be applied to communication services subject to the tax levied
42 pursuant to s. 202.12(1)(a), (c), and (d). The exemption
43 provided in s. 202.125(1) applies to the tax levied pursuant to
44 this subparagraph.

45 4. An additional rate shall be applied to the gross
46 receipts for electrical power or energy delivered to a retail
47 consumer in this state.

48 a. Effective January 1, 2015, the additional rate shall be
49 1.5 percent.

50 b. Effective January 1, 2016, the additional rate shall be
51 2.5 percent.

52 c. Effective January 1, 2017, the additional rate shall be
53 3.5 percent.

54 d. Notwithstanding s. 203.0111, any increase in the gross
55 receipts tax provided by this subparagraph applies to charges
56 for electrical power or energy on any bill dated on or after the
57 date the increase takes effect.

58 (3) The tax imposed by subparagraph (1)(b)1. ~~subsection (1)~~

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59 does not apply to:

60 (a)1. The sale or transportation of natural gas or
61 manufactured gas to a public or private utility, including a
62 municipal corporation or rural electric cooperative association,
63 ~~either~~ for resale or for use as fuel in the generation of
64 electricity; or

65 2. The sale or delivery of electricity to a public or
66 private utility, including a municipal corporation or rural
67 electric cooperative association, for resale, or as part of an
68 electrical interchange agreement or contract between such
69 utilities for the purpose of transferring more economically
70 generated power,†

71
72 if provided the person deriving gross receipts from such sale
73 demonstrates that a sale, transportation, or delivery for resale
74 in fact occurred and complies with the following requirements: A
75 sale, transportation, or delivery for resale must be in strict
76 compliance with the rules ~~and regulations~~ of the Department of
77 Revenue; and any sale subject to the tax imposed by this section
78 which is not in strict compliance with the rules ~~and regulations~~
79 of the Department of Revenue shall be subject to the tax at the
80 appropriate rate imposed on utilities by paragraph (b) on the
81 person making the sale. Any person making a sale for resale may,
82 through an informal protest provided for in s. 213.21 and the
83 rules of the Department of Revenue, provide the department with
84 evidence of the exempt status of a sale. The department shall
85 adopt rules that provide that valid proof and documentation of
86 the resale by a person making the sale for resale will be
87 accepted by the department when submitted during the protest

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88 period but will not be accepted when submitted in any proceeding
89 under chapter 120 or any circuit court action instituted under
90 chapter 72;

91 (b) Wholesale sales of electric transmission service;

92 (c) The use of natural gas in the production of oil or gas,
93 or the use of natural or manufactured gas by a person
94 transporting natural or manufactured gas, when used and consumed
95 in providing such services; or

96 (d) The sale or transportation ~~to, or use of,~~ natural gas
97 or manufactured gas to, or the use of natural gas or
98 manufactured gas by, a person eligible for an exemption under s.
99 212.08(7)(ff)2. for use as an energy source or a raw material.
100 Possession by a seller of natural or manufactured gas or by any
101 person providing transportation or delivery of natural or
102 manufactured gas of a written certification by the purchaser,
103 certifying the purchaser's entitlement to the exclusion
104 permitted by this paragraph, relieves the seller or person
105 providing transportation or delivery from the responsibility of
106 remitting tax on the nontaxable amounts, and the department
107 shall look solely to the purchaser for recovery of such tax if
108 the department determines that the purchaser was not entitled to
109 the exclusion. The certification must include an acknowledgment
110 by the purchaser that it will be liable for tax pursuant to
111 paragraph (1)(f) if the requirements for exclusion are not met.

112 (4) The additional tax imposed by subparagraph (1)(b)4.
113 does not apply to:

114 (a) The sale of electrical power or energy to a person
115 eligible for an exemption under s. 212.08(7)(ff) for use in
116 operating machinery and equipment at a fixed location in this

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117 state;

118 (b) The sale or transportation of electrical power or
119 energy to, or the use of electrical power or energy by, a person
120 eligible for an exemption under s. 212.08(5)(e) for certain
121 agricultural purposes;

122 (c) The sale or transportation of electrical power or
123 energy to, or the use of electrical power or energy by, a person
124 eligible for an exemption under s. 212.08(7)(j) for use as a
125 household fuel;

126 (d) The sale or transportation of electrical power or
127 energy to, or the use of electrical power or energy by, a person
128 eligible for an exemption under s. 212.08(15)(a) for use in an
129 enterprise zone;

130 (e) The sale or transportation of electrical power or
131 energy to, or the use of electrical power or energy by, a person
132 who holds a valid Consumer's Certificate of Exemption issued by
133 the Department of Revenue;

134 (f) The sale or transportation of electrical power or
135 energy to, or the use of electrical power or energy by, a
136 foreign diplomat and consular personnel who hold a tax exemption
137 card issued by the United States Department of State; or

138 (g) The sale or transportation of electrical power or
139 energy to, or the use of electrical power or energy by, the
140 Federal Government or any federal department, commission,
141 agency, or other instrumentality thereof.

142 (5)(4) The taxes ~~tax~~ imposed pursuant to this chapter
143 relating to the provision of any utility services at the option
144 of the person supplying the taxable services may be separately
145 stated as Florida gross receipts taxes ~~tax~~ on the total amount

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146 of any bill, invoice, or other tangible evidence of the
 147 provision of such taxable services and may be added as a
 148 component part of the total charge. If ~~Whenever~~ a provider of
 149 taxable services elects to separately state such taxes ~~tax~~ as a
 150 component of the charge for the provision of such taxable
 151 services, every person, including all governmental units, shall
 152 remit the taxes ~~tax~~ to the person who provides such taxable
 153 services as a part of the total bill, and the taxes are ~~tax is~~ a
 154 component part of the debt of the purchaser to the person who
 155 provides such taxable services until paid and, if unpaid, are ~~is~~
 156 recoverable at law in the same manner as any other part of the
 157 charge for such taxable services. If a utility provider elects
 158 to separately state the additional tax imposed by subparagraph
 159 (1)(b)4. on any bill, invoice, or other tangible evidence of the
 160 provision of such taxable service, the additional tax may not be
 161 included as part of the taxable base on which the gross receipts
 162 tax is calculated. For a utility, the decision to separately
 163 state any increase in the rate of tax imposed by this chapter
 164 which is effective after December 31, 1989, and the ability to
 165 recover the increased charge from the customer is ~~shall not be~~
 166 subject to regulatory approval.

167 (9) ~~(8)~~ Notwithstanding ~~the provisions of~~ subsection (5) ~~(4)~~
 168 and s. 212.07(2), sums that were charged or billed as taxes
 169 under this section and chapter 212 and that were remitted to the
 170 state in full as taxes are ~~shall not be~~ subject to refund by the
 171 state or by the utility or other person that remitted the sums
 172 if, ~~when~~ the amount remitted was not in excess of the amount of
 173 tax imposed by chapter 212 and this section.

174 Section 2. Paragraph (e) of subsection (1) of section

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175 212.05, Florida Statutes, is amended to read:

176 212.05 Sales, storage, use tax.—It is hereby declared to be
177 the legislative intent that every person is exercising a taxable
178 privilege who engages in the business of selling tangible
179 personal property at retail in this state, including the
180 business of making mail order sales, or who rents or furnishes
181 any of the things or services taxable under this chapter, or who
182 stores for use or consumption in this state any item or article
183 of tangible personal property as defined herein and who leases
184 or rents such property within the state.

185 (1) For the exercise of such privilege, a tax is levied on
186 each taxable transaction or incident, which tax is due and
187 payable as follows:

188 (e)1. At the rate of 6 percent on charges for:

189 a. Prepaid calling arrangements. The tax on charges for
190 prepaid calling arrangements shall be collected at the time of
191 sale and remitted by the selling dealer.

192 (I) "Prepaid calling arrangement" means the separately
193 stated retail sale by advance payment of communications services
194 that consist exclusively of telephone calls originated by using
195 an access number, authorization code, or other means that may be
196 manually, electronically, or otherwise entered and that are sold
197 in predetermined units or dollars whose number declines with use
198 in a known amount.

199 (II) If the sale or recharge of the prepaid calling
200 arrangement does not take place at the dealer's place of
201 business, it shall be deemed to take place at the customer's
202 shipping address or, if no item is shipped, at the customer's
203 address or the location associated with the customer's mobile

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204 telephone number.

205 (III) The sale or recharge of a prepaid calling arrangement
206 shall be treated as a sale of tangible personal property for
207 purposes of this chapter, whether or not a tangible item
208 evidencing such arrangement is furnished to the purchaser, and
209 such sale within this state subjects the selling dealer to the
210 jurisdiction of this state for purposes of this subsection.

211 b. The installation of telecommunication and telegraphic
212 equipment.

213 c. Electrical power or energy, except that the tax rate for
214 charges for electrical power or energy is 7 percent.

215 (I) Effective January 1, 2015, the tax rate for charges for
216 electrical power or energy is 4 percent.

217 (II) Effective January 1, 2016, the tax rate for charges
218 for electrical power or energy is 2 percent.

219 (III) Effective January 1, 2017, the tax rate for charges
220 for electrical power or energy is 0 percent.

221 (IV) A discretionary sales surtax levied pursuant to s.
222 212.055 and administered under s. 212.054 applies to charges for
223 electrical power or energy regardless of the tax rate imposed
224 under this sub-subparagraph.

225 2. The provisions of s. 212.17(3)~~7~~ regarding credit for tax
226 paid on charges subsequently found to be worthless are, ~~shall be~~
227 equally applicable to any tax paid under ~~the provisions of~~ this
228 section on charges for prepaid calling arrangements,
229 telecommunication or telegraph services, or electric power
230 subsequently found to be uncollectible. The term ~~word~~ "charges"
231 in this paragraph does not include any excise or similar tax
232 levied by the Federal Government, any political subdivision of

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233 the state, or any municipality upon the purchase, sale, or
234 recharge of prepaid calling arrangements or upon the purchase or
235 sale of telecommunication, television system program, or
236 telegraph service or electric power, which tax is collected by
237 the seller from the purchaser.

238 Section 3. Paragraph (a) of subsection (2) of section
239 212.054, Florida Statutes, is amended to read:

240 212.054 Discretionary sales surtax; limitations,
241 administration, and collection.—

242 (2) (a) The tax imposed by the governing body of any county
243 authorized to so levy pursuant to s. 212.055 shall be a
244 discretionary surtax on all transactions occurring in the county
245 which transactions are subject to the state tax imposed on
246 sales, use, services, rentals, admissions, and other
247 transactions by this chapter and communications services as
248 defined for purposes of chapter 202. The surtax shall be levied
249 on all charges for electrical power or energy unless
250 specifically exempted under this chapter. The surtax, if levied,
251 shall be computed as the applicable rate or rates authorized
252 pursuant to s. 212.055 times the amount of taxable sales and
253 taxable purchases representing such transactions. If the surtax
254 is levied on the sale of an item of tangible personal property
255 or on the sale of a service, the surtax shall be computed by
256 multiplying the rate imposed by the county within which the sale
257 occurs by the amount of the taxable sale. The sale of an item of
258 tangible personal property or the sale of a service is not
259 subject to the surtax if the property, the service, or the
260 tangible personal property representing the service is delivered
261 within a county that does not impose a discretionary sales

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262 surtax.

263 Section 4. Subsection (11) of section 212.12, Florida
264 Statutes, is amended to read:

265 212.12 Dealer's credit for collecting tax; penalties for
266 noncompliance; powers of Department of Revenue in dealing with
267 delinquents; brackets applicable to taxable transactions;
268 records required.—

269 (11) The department shall make available in an electronic
270 format or otherwise the tax amounts and brackets applicable to
271 all taxable transactions that occur in counties that have a
272 surtax at a rate other than 1 percent which transactions would
273 otherwise have been transactions taxable at the rate of 6
274 percent. Likewise, the department shall make available in an
275 electronic format or otherwise the tax amounts and brackets
276 applicable to transactions taxable as provided in at 7 percent
277 ~~pursuant to~~ s. 212.05(1)(e), and on transactions which would
278 otherwise have been so taxable in counties that ~~which~~ have
279 adopted a discretionary sales surtax.

280 Section 5. Sales tax holiday for Energy Star and WaterSense
281 products.—

282 (1) The tax levied under chapter 212, Florida Statutes, may
283 not be collected during the period from 12:01 a.m. on September
284 19, 2014, through 11:59 p.m. on September 21, 2014, on the first
285 \$1,500 of the sale price of a new Energy Star product or
286 WaterSense product. However, a person is limited to one purchase
287 of each specific type of Energy Star or WaterSense product
288 listed in paragraph (2)(a) or paragraph (2)(b), respectively,
289 which has a sales price of \$500 or more. A second or subsequent
290 purchase of a specific type of Energy Star product or WaterSense

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291 product that has a sales price of \$500 or more is subject to
292 tax.

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

294 (a) "Energy Star product" means an air conditioner, air
295 purifier, ceiling fan, clothes washer, dehumidifier, dishwasher,
296 freezer, refrigerator, water heater, or package of light bulbs
297 that is designated by the United States Environmental Protection
298 Agency and the United States Department of Energy as meeting or
299 exceeding each agency's requirements under the Energy Star
300 program and which is affixed with an Energy Star label.

301 (b) "WaterSense product" means a bathroom sink faucet,
302 faucet accessory, high-efficiency toilet, showerhead, or weather
303 or sensor-based irrigation controller that is recognized as
304 water efficient by the WaterSense program sponsored by the
305 United States Environmental Protection Agency and which is
306 affixed with a WaterSense label.

307 (3) The Department of Revenue may, and all conditions are
308 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)
309 and 120.54, Florida Statutes, to administer this section.

310 Section 6. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR WILTON SIMPSON

18th District

COMMITTEES:

Community Affairs, *Chair*
Appropriations Subcommittee on General Government
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Commerce and Tourism
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

February 25, 2014

Senator Anitere Flores, Chair
Senate Communications & Public Utilities Committee
531 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Senator Flores,

Please place Senate Bill 1044 relating to energy policies, on the next Communications and Public Utilities Committee agenda.

Please contact my office with any questions.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson
Senator, 18th District

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100



COMMITTEES:

Gaming, *Chair*
Appropriations
Appropriations Subcommittee on
Education
Appropriations Subcommittee on Health
and Human Services
Banking and Insurance
Commerce and Tourism
Judiciary
Rules
Transportation

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR GARRETT RICHTER

President Pro Tempore
23rd District

March 10, 2014

The Honorable Anitere Flores, Chair
Committee on Communications, Energy, and Public Utilities
531 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Flores:

Senate Bill 1010, relating to cable and video services, is scheduled to be heard in the Committee on Communications, Energy, and Public Utilities this Tuesday, March 11. Due to conflicts in my committee schedule, I will be sending my Legislative Assistant, Michael Nacheff as a representative to present the bill for your committee's consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Garrett Richter".

Garrett Richter

cc: Diana Caldwell, Staff Director
Kim Bonn, Administrative Assistant

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road N. Unit 42 B, Lehigh Acres, FL 33916 (239) 338-2777

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/14

Meeting Date

Topic Cable Video Study Bill Number 39 1010 (if applicable)

Name Charlie Dudley Amendment Barcode _____ (if applicable)

Job Title _____ Phone 681 0024

Address 108 S. Monroe St. City Tall. State FL Zip 32301

Speaking: For Against Information
Representing FL Cable Telecommunications Assoc. com

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14
Meeting Date

Topic Cable & Video Bill Number SB1010
Name Brewster Bevis Amendment Barcode _____
(if applicable)

Job Title Senior Vice President Phone 774-7173
Address 516 N Adams St E-mail bbevis@aif.com
(if applicable)

City Tallah State FL Zip 32301

Speaking: For Against Information
Representing Associated Industries of Florida

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14
Meeting Date

Topic ELECTRIC ENERGY POLICIES Bill Number 1044 (if applicable)

Name JEFFREY STADLEY Amendment Barcode _____ (if applicable)

Job Title V.P. C&E

Address 100 E Colby Ave Phone 850 224 1600
DLF City FL State _____ Zip _____

Speaking: For Against Information

Representing TESLA MOTORS E-mail JEFFREY@STADLEY.COM

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-10-14

Meeting Date

Topic Renewable Energy Bill Number 1044 (if applicable)
Name Richard Pinsky Amendment Barcode (if applicable)

Job Title
Address 106 E. College Ave # 1200 Phone
Street Tallahassee, FL 32301 E-mail
City State Zip

Speaking: [X] For [] Against [] Information
Representing FL Alliance for Renewable Energy
Appearing at request of Chair: [] Yes [X] No [] Yes [] No
Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14 Meeting Date

Topic Energy Policies Bill Number 1040 (if applicable)
Name Jonathan Rees Amendment Barcode (if applicable)

Job Title Deputy Legislative Affairs Director
Address 400 S. Monroe St Tallahassee FL 32395
City State Zip
E-mail Jonathan.Rees@freshfrontflorida.com

Speaking: [X] For [] Against [] Information
Representing Florida Department of Agriculture
Appearing at request of Chair: [] Yes [X] No
Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14
Meeting Date

Topic Electrical Power/Energy/PECO Bill Number 1076 (if applicable)

Name Carol Bower Amendment Barcode _____ (if applicable)

Job Title VP Gov't Affairs 200

Address 3730 Coconut Creek Parkway Phone (954) 984-0075

Coconut Creek FL 33066 E-mail cbower@abccraft.com
City State Zip

Speaking: For Against Information

Representing Associated Builders & Contractors

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14 Meeting Date

Topic Electrical Power or Energy
Name Samantha Padgett
Job Title General Counsel
Bill Number 1076
Amendment Barcode

Address 227 South Adams St. Tallahassee FL 32301
Phone 850-222-4082
E-mail Samantha@fla.org

Speaking: [X] For [] Against [] Information
Representing Florida Retail Federation

Appearing at request of Chair: [] Yes [X] No
Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

16 MAR 2014
Meeting Date

Topic ELECTRICAL POWER AND ENERGY Bill Number 1076 (if applicable)

Name DR. JIM HENNINGSEN Amendment Barcode (if applicable)

Job Title PRESIDENT, COLLEGE OF CENTRAL FLORIDA (if applicable)

Address _____ Phone _____
Street

E-mail _____
City State Zip

Speaking: For Against Information
Representing FLORIDA COLLEGE SYSTEM COUNCIL OF PRESIDENTS

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14
Meeting Date

Topic Long-term PECO reform Bill Number 1076
Name Matt Brockelman (if applicable)

Job Title Gov. Affairs Director Amendment Barcode (if applicable)

Address 1 UNF Dr. Phone 904 451 6549
Jacksonville, FL 32224 E-mail m.brockelman@unf.edu
City State Zip

Speaking: For Against Information
Representing Univ. of North Florida SGA
Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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3

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14
Meeting Date

Topic Electric Power Bill Number 1076 (if applicable)
Name Warren Husband Amendment Barcode _____ (if applicable)

Job Title _____
Address PO Box 10909 Phone 250 205 9000

Tallahassee FL 32302
City State Zip

Speaking: For Against Information
Representing Fla. Associated General Contractors

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14 Meeting Date

Topic Electrical Power or Energy Bill Number 1076 (if applicable)
Name Jonathan Rees Amendment Barcode (if applicable)

Job Title Deputy Legislative Affairs Director
Address 400 S. Monroe St Tallahassee FL 32399 Phone (850) 617-7700
City State Zip E-mail Jonathan.Rees@freshfromflorida.com

Speaking: [X] For [] Against [] Information

Representing Department of Agriculture and Consumer Services

Appearing at request of Chair: [] Yes [X] No Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-10-14

Meeting Date

Topic Electrical Power or Energy Bill Number 1076
 Name Richard Turner Amendment Barcode 960778
 Job Title V.P. Government Relations 208406
(if applicable) (if applicable)

Address 230 S. ADAMS ST Phone 850.224.2250
Street
Tallahassee FL 32301 E-mail rturner@frlc.org
City State Zip

Speaking: For Against Information

Representing Florida Restaurant & Lodging Assoc

Appearing at request of Chair: Yes No
 Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14
Meeting Date

Topic Electrical Power Bill Number SPB 1076
Name Brewster Bevis (if applicable)

Job Title Senior ~~VP~~ Vice President Amendment Barcode _____ (if applicable)
Address 516 W. Adams St Phone 224-7173

Tallahassee FL 32301 E-mail bbevis@aif.com
City State Zip

Speaking: For Against Information

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic PEEO - Utilities Bill Number SR 7706 (if applicable)

Name Walter Smith Amendment Barcode _____ (if applicable)

Job Title Exec Director

Address 203 S. Moore Phone 414-2578

City TAMPA State FLA Zip 32201 E-mail Walter@FEB.org

Speaking: For Against Information

Representing TAM School Services INC

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14
Meeting Date

Topic SB 1076 Electrical Power on Energy Bill Number 1076 (if applicable)

Name ADRIANA PEREIRA Amendment Barcode (if applicable)

Job Title DIRECTOR, GOVERNMENTAL RELATIONS

Address 11200 SW 8 ST, PC 539 Phone (305) 348-3505

MIAMI FL 33199 E-mail APEREI@FIU.EDU
City State Zip

Speaking: For Against Information

Representing FIU

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

3

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

Topic PECO bill Bill Number 1076 (if applicable)

Name Jessica Janasiewicz Amendment Barcode _____ (if applicable)

Job Title Consultant

Address 119 E. Park Ave. Phone 850-222-2591

Tallahassee City State Zip E-mail _____

Speaking: For Against Information

Representing Florida Association of School Administrators

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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3

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/10
Meeting Date

Topic PECO Bill/Energy

Bill Number 1076
(if applicable)

Name Wendy Dodge
Amendment Barcode _____
(if applicable)

Job Title Director of Govt Affairs

Address PO Box 301

City Barrow State FL Zip 33831

Phone 843-838-3630

E-mail wendy.dodge@polk-fl.net

Speaking: For Against Information

Representing Polk County School District

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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1

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

Topic Cable/Video Study Bill Number SB 1010 (if applicable)

Name Charlie Dudley Amendment Barcode _____ (if applicable)

Job Title _____

Address 108 S. Monroe St. Phone 681 0024

Tall. City FL State FL Zip 32301

E-mail cdudley@FlaPartners.com

Speaking: For Against Information

Representing FL Cable Telecommunications Assoc.

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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1

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14
Meeting Date

Topic Cable & Video Bill Number SB 1010
(if applicable)

Name Brewster Bevis Amendment Barcode _____
(if applicable)

Job Title Senior Vice President Phone 224-7173

Address 516 N Adams St City Tally State FL Zip 32301

Speaking: For Against Information
Representing Associated Industries of Florida

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Criminal Justice, *Vice Chair*
Rules, *Vice Chair*
Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Health
and Human Services
Communications, Energy, and Public Utilities
Community Affairs
Governmental Oversight and Accountability

SELECT COMMITTEE:
Select Committee on Patient Protection
and Affordable Care Act

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR CHRISTOPHER L. SMITH

Democratic Leader
31st District

March 10, 2014

The Honorable Anitere Flores, Chair
Senate Committee on Communications, Energy, and Public Utilities
531 Knott
Tallahassee, Florida 32399-1100

Dear Senator Flores:

Please excuse Senator Christopher Smith from Committee on Communications, Energy, and Public Utilities that will be held on Tuesday March 11, 2014 at 2:00 PM. Senator Smith has a pressing family issue that requires his immediate attention and he will be returning to Fort Lauderdale on Monday evening. I do expect Senator Smith to return back to Tallahassee for Committee meetings on Wednesday morning.

Thank you in advance for your consideration

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Randolph".

Diane Randolph
Legislative Assistant to
Senator Chris Smith, District 31

REPLY TO:

- 2151 NW 6th Street, Fort Lauderdale, Florida 33311 (954) 321-2705 FAX: (954) 321-2707
- 200 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore