

1 A bill to be entitled
2 An act relating to energy; amending s. 74.051, F.S.;
3 providing that it is the intent of the Legislature for a
4 court, when practicable, to conduct a hearing and issue an
5 order on a petition for a taking within a specified time;
6 amending s. 110.171, F.S.; requiring each state agency to
7 complete a telecommuting program by a specified date which
8 includes a listing of the job classifications and
9 positions that the state agency considers appropriate for
10 telecommuting; providing requirements for the
11 telecommuting program; requiring each state agency to post
12 the telecommuting program on its Internet website;
13 amending s. 186.007, F.S.; authorizing the Executive
14 Office of the Governor to include in the state
15 comprehensive plan goals, objectives, and policies related
16 to energy and global climate change; amending s. 187.201,
17 F.S.; expanding the air quality, energy, and land use
18 goals of the State Comprehensive Plan to include the
19 development of low-carbon-emitting electric power plants,
20 the reduction of atmospheric carbon dioxide, the promotion
21 of the use and development of renewable energy resources,
22 and provide for the siting of low carbon emitting electric
23 power plants, including nuclear plants; amending ss.
24 196.012 and 196.175, F.S.; deleting outdated, obsolete
25 language; removing the expiration date of the property tax
26 exemption for real property on which a renewable energy
27 source device is installed and revising the options for
28 calculating the amount of the exemption; amending s.

29 206.43, F.S.; requiring each terminal supplier, importer,
30 blender, and wholesaler to provide in a report to the
31 Department of Revenue the number of gallons of blended and
32 unblended gasoline sold; amending s. 212.08, F.S.;
33 revising the definition of "ethanol"; specifying eligible
34 items as limited to one refund; requiring a person who
35 receives a refund to notify a subsequent purchaser of such
36 refund; transferring certain duties and responsibilities
37 from the Department of Environmental Protection to the
38 Florida Energy and Climate Commission; requiring the
39 Florida Energy and Climate Commission to adopt, by rule,
40 an application form for claiming a tax exemption; amending
41 s. 220.192, F.S.; defining terms related to a tax credit;
42 allowing the tax credit to be transferred for a specified
43 period; providing procedures and requirements; requiring
44 the Department of Revenue to adopt rules for
45 implementation and administration of the program;
46 transferring certain duties and responsibilities from the
47 Department of Environmental Protection to the Florida
48 Energy and Climate Commission; amending s. 220.193, F.S.;
49 defining the terms "sale" or "sold"; defining the term
50 "taxpayer"; providing for retroactivity; providing that
51 the use of the renewable energy production credit does not
52 reduce the alternative minimum tax credit; amending s.
53 253.02, F.S.; authorizing the Board of Trustees of the
54 Internal Improvement Trust Fund to delegate authority to
55 grant easements across lands owned by the Board of
56 Trustees of the Internal Improvement Trust Fund to the

57 Secretary of Environmental Protection under certain
58 conditions; amending s. 255.249, F.S.; requiring state
59 agencies to annually provide telecommuting plans to the
60 Department of Management Services; amending s. 255.251,
61 F.S.; creating the "Florida Energy Conservation and
62 Sustainable Buildings Act"; amending s. 255.252, F.S.;
63 providing findings and legislative intent; providing that
64 it is the policy of the state that buildings constructed
65 and financed by the state be designed to meet the United
66 States Green Building Council (USGBC) Leadership in Energy
67 and Environmental Design (LEED) rating system, the Green
68 Building Initiative's Green Globes rating system, the
69 Florida Green Building Coalition standards, or a
70 nationally recognized green building rating system as
71 approved by the department; requiring each state agency
72 occupying space owned or managed by the department to
73 identify and compile a list of projects suitable for a
74 guaranteed energy, water, and wastewater performance
75 savings contract; amending s. 255.253, F.S.; defining
76 terms relating to energy conservation for buildings;
77 amending s. 255.254, F.S.; prohibiting a state agency from
78 leasing or constructing a facility without having secured
79 from the department a proper evaluation of life-cycle
80 costs for the building; amending s. 255.255, F.S.;
81 requiring the department to use sustainable building
82 ratings for conducting a life-cycle cost analysis;
83 amending s. 255.257, F.S.; requiring all state agencies to
84 adopt an energy efficiency rating system as approved by

85 | the department for all new buildings and renovations to
86 | existing buildings; requiring all county, municipal,
87 | school district, water management district, state
88 | university, community college, and Florida state court
89 | buildings to meet certain energy efficiency standards for
90 | construction; providing applicability; creating a
91 | sustainable building training certification program within
92 | St. Petersburg College; specifying program components;
93 | creating s. 286.29, F.S.; requiring the Department of
94 | Management Services to develop the Florida Climate-
95 | Friendly Preferred Products List; requiring state agencies
96 | to consult the list and purchase products from the list if
97 | the price is comparable; requiring state agencies to
98 | contract for meeting and conference space with facilities
99 | having the "Green Lodging" designation; authorizing the
100 | Department of Environmental Protection to adopt rules;
101 | requiring the department to establish voluntary technical
102 | assistance programs for various businesses; requiring
103 | state agencies, state universities, community colleges,
104 | and local governments that purchase vehicles under a state
105 | purchasing plan to maintain vehicles according to minimum
106 | standards and follow certain procedures when procuring new
107 | vehicles; requiring state agencies to use ethanol and
108 | biodiesel-blended fuels when available; amending s.
109 | 287.063, F.S.; prohibiting the payment term for equipment
110 | from exceeding the useful life of the equipment unless the
111 | contract provides for the replacement or the extension of
112 | the useful life of the equipment during the term of the

113 loan; amending s. 287.064, F.S.; authorizing an extension
114 of the master equipment financing agreement for energy
115 conservation equipment; requiring the guaranteed energy,
116 water, and wastewater savings contractor to provide for
117 the replacement or the extension of the useful life of the
118 energy conservation equipment during the term of the
119 contract; amending s. 288.1089, F.S.; defining the term
120 "alternative and renewable energy"; detailing the
121 conditions for an alternative and renewable energy project
122 to be eligible for an innovation incentive award; amending
123 s. 316.0741, F.S.; requiring all hybrid and other low-
124 emission and energy-efficient vehicles that do not meet
125 the minimum occupancy requirement and are driven in a
126 high-occupancy-vehicle lane to comply with federally
127 mandated minimum fuel economy standards; authorizing
128 specified vehicles to use certain high-occupancy-vehicle
129 lanes without payment of tolls; amending s. 337.401, F.S.;
130 requiring the Department of Environmental Protection to
131 adopt rules relating to the placement of and access to
132 aerial and underground electric transmission lines having
133 certain specifications; defining the term "base-load
134 generating facilities"; amending s. 339.175, F.S.;
135 requiring each metropolitan planning organization to
136 develop a long-range transportation plan and an annual
137 project priority list that, among other considerations,
138 provide for sustainable growth and reduce greenhouse gas
139 emissions; amending s. 350.01, F.S.; conforming the
140 beginning of a Public Service Commission member's term as

141 chair with the beginning of terms of commissioners;
142 correcting cross-references; amending s. 350.012, F.S.;
143 renaming the Committee on Public Service Commission
144 Oversight, a standing joint committee of the Legislature,
145 as the "Committee on Public Counsel Oversight"; deleting
146 the committee's authority to recommend to the Governor
147 nominees to fill vacancies on the Public Service
148 Commission; deleting the committee's authority to file an
149 ethics complaint against a member, former member, or
150 former employee of the commission or a member of the
151 Public Service Commission Nominating Council; amending s.
152 350.03, F.S.; clarifying the power of the Governor to
153 remove and fill commission vacancies as set forth in the
154 State Constitution; amending s. 350.031, F.S.; increasing
155 the number of members on the council; requiring the
156 President of the Senate and the Speaker of the House of
157 Representatives to appoint a chair and vice chair to the
158 council in alternating years; removing spending authority
159 for the council to advertise vacancies; requiring the
160 council to submit recommendations for vacancies on the
161 Public Service Commission to the Governor; requiring the
162 council to nominate a minimum of three persons for each
163 vacancy; revising the date that recommendations for
164 vacancies must be submitted; providing that a successor
165 Governor may remove an appointee only as provided;
166 providing for the council to fill a vacancy on the
167 commission if the Governor fails to do so; authorizing a
168 successor governor to recall an unconfirmed appointee

169 under certain circumstances; amending ss. 350.061 and
170 350.0614, F.S., relating to the appointment, oversight,
171 and compensation of the Public Counsel; conforming
172 provisions to changes made by the act; amending s. 366.04,
173 F.S.; requiring an affected municipal electric utility to
174 conduct a referendum election of all its retail electric
175 customers to determine whether to require the municipal
176 electric utility to provide a proposed charter
177 transferring the operations of the utility to an electric
178 utility authority; amending s. 366.81, F.S.; providing
179 legislative intent; amending s. 366.82, F.S.; defining the
180 term "demand-side renewable energy"; requiring the Public
181 Service Commission to adopt goals for increasing the
182 development of demand-side renewable energy systems energy
183 resources; providing for cost-effectiveness tests;
184 requiring the Florida Energy and Climate Commission to be
185 a party in the proceedings to adopt goals; providing for
186 an appropriations; providing for cost recovery;
187 authorizing the commission to provide financial rewards
188 and penalties; authorizing the commission to allow an
189 investor-owned utility to earn an additional return on
190 equity for exceeding energy efficiency and conservation
191 goals; amending s. 366.8255, F.S.; redefining the term
192 "environmental compliance costs" to include costs or
193 expenses prudently incurred for scientific research and
194 geological assessments of carbon capture and storage for
195 the purpose of reducing an electric utility's greenhouse
196 gas emissions; amending s. 366.91, F.S.; clarifying the

197 definition of "biomass" to include waste and byproducts;
198 requiring each public utility, and each municipal electric
199 utility and rural electric utility cooperative that sells
200 electricity at retail, to develop a standardized
201 interconnection and net metering program for customer-
202 owned renewable generation; authorizing net metering to be
203 available when a utility purchases power generated from
204 biogas produced by anaerobic digestion under certain
205 conditions; amending s. 366.92, F.S.; directing the Public
206 Service Commission to adopt a renewable portfolio
207 standard; providing definitions; providing for renewable
208 energy credits; providing for cost recovery; prohibiting
209 the renewable portfolio standard rule from taking effect
210 until ratified by the Legislature; amending s. 366.93,
211 F.S.; revising the definitions of "cost" and
212 "preconstruction"; requiring the Public Service Commission
213 to establish rules relating to cost recovery for the
214 construction of new, expanded, or relocated electrical
215 transmission lines and facilities for a nuclear power
216 plant; amending s. 377.601, F.S.; revising legislative
217 intent with respect to the need to implement alternative
218 energy technologies; providing for the transfer of the
219 Florida Energy Commission in the Office of Legislative
220 Services to the Florida Energy and Climate Commission in
221 the Executive Office of the Governor; creating s.
222 377.6015, F.S.; providing for the membership, meetings,
223 duties, and responsibilities of the Florida Energy and
224 Climate Commission; providing rulemaking authority;

225 | amending s. 377.602, F.S.; revising the definition of
 226 | "energy resources"; providing for conforming changes;
 227 | providing for the type two transfer of the state energy
 228 | program in the Department of Environmental Protection to
 229 | the Florida Energy and Climate Commission in the Executive
 230 | Office of the Governor; amending ss. 377.603, 377.604,
 231 | 377.605, 377.606, 377.608, 377.701, 377.703, and 377.705,
 232 | F.S.; providing for conforming changes; amending s.
 233 | 377.801, F.S.; providing a short title; amending s.
 234 | 377.802, F.S.; providing the purpose of the Florida Energy
 235 | and Climate Protection Act; amending s. 377.803, F.S.;
 236 | revising definitions; clarifying the definition of
 237 | "renewable energy" to include biomass, as defined in s.
 238 | 366.91, F.S.; amending s. 377.804, F.S., relating to the
 239 | Renewable Energy and Energy-Efficient Technologies Grants
 240 | Program; providing for the program to include matching
 241 | grants for technologies that increase the energy
 242 | efficiency of vehicles and commercial buildings; providing
 243 | for the solicitation of expertise of other entities;
 244 | providing application requirements; amending s. 377.806,
 245 | F.S., relating to the Solar Energy System Incentives
 246 | Program; requiring compliance with the Florida Building
 247 | Code rather than local codes in order to be eligible for a
 248 | rebate under the program; creating s. 377.808, F.S.;
 249 | establishing the "Florida Green Government Grants Act";
 250 | providing for grants to be awarded to local governments in
 251 | the development of programs that achieve green standards;
 252 | amending ss. 380.23 and 403.031, F.S.; conforming cross-

253 references; creating s. 403.44, F.S.; creating the Florida
254 Climate Protection Act; defining terms; requiring the
255 Department of Environmental Protection to establish the
256 methodologies, reporting periods, and reporting systems
257 that must be used when major emitters report to The
258 Climate Registry; authorizing the department to adopt
259 rules for a cap-and-trade regulatory program to reduce
260 greenhouse gas emissions from major emitters; providing
261 for the content of the rule; prohibiting the rules from
262 being adopted until after January 1, 2010, and from
263 becoming effective until ratified by the Legislature;
264 amending s. 403.502, F.S.; providing legislative intent;
265 amending s. 403.503, F.S.; defining the term "alternate
266 corridor" and redefining the term "corridor" for purposes
267 of the Florida Electrical Power Plant Siting Act; amending
268 s. 403.504, F.S.; requiring the Department of
269 Environmental Protection to determine whether a proposed
270 alternate corridor is acceptable; amending s. 403.506,
271 F.S.; exempting an electric utility from obtaining
272 certification under the Florida Electrical Power Plant
273 Siting Act before constructing facilities for a power
274 plant using nuclear materials as fuel; providing that a
275 utility may obtain separate licenses, permits, and
276 approvals for such construction under certain
277 circumstances; exempting such provisions from review under
278 ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an
279 applicant to submit a statement to the department if such
280 applicant opts for consideration of alternate corridors;

281 amending s. 403.5065, F.S.; providing for conforming
282 changes; amending s. 403.50663, F.S.; providing for notice
283 of meeting to the general public; amending s. 403.50665,
284 F.S.; requiring an application to include a statement on
285 the consistency of directly associated facilities
286 constituting a "development"; requiring the Department of
287 Environmental Protection to address at the certification
288 hearing the issue of compliance with land use plans and
289 zoning ordinances for a proposed substation located in or
290 along an alternate corridor; amending s. 403.507, F.S.;
291 providing for reports to be submitted to the department no
292 later than 100 days after certification application has
293 been determined complete; amending s. 403.508, F.S.;
294 providing for land use and certification hearings;
295 amending s. 403.509, F.S.; requiring the Governor and
296 Cabinet sitting as the siting board to certify the
297 corridor having the least adverse impact; authorizing the
298 board to deny certification or allow a party to amend its
299 proposal; amending s. 403.511, F.S.; providing for
300 conforming changes; amending s. 403.5112, F.S.; providing
301 for filing of notice; amending s. 403.5113, F.S.;
302 providing for postcertification amendments and
303 postcertification review; amending s. 403.5115, F.S.;
304 requiring the applicant proposing the alternate corridor
305 to publish all notices relating to the application;
306 requiring that such notices comply with certain
307 requirements; requiring that notices be published at least
308 45 days before the rescheduled certification hearing;

309 requiring applicants to make specified efforts to provide
310 notice to certain landowners and to file a list of such
311 notification with the Department of Environmental
312 Protection's Siting Coordination Office; amending ss.
313 403.516, 403.517, and 403.5175, F.S.; providing conforming
314 changes and cross-references; amending s. 403.518, F.S.;
315 authorizing the Department of Environmental Protection to
316 charge an application fee for an alternate corridor;
317 amending ss. 403.519, 403.5252, 403.526, 403.527,
318 403.5271, 403.5272, 403.5312, 403.5363, 403.5365, and
319 403.814, F.S., relating to determinations of need, public
320 notice requirements, and general permits; conforming
321 provisions to changes made by the act; creating s.
322 403.7055, F.S.; encouraging counties in the state to form
323 regional solutions to the capture and reuse or sale of
324 methane gas from landfills and wastewater treatment
325 facilities; requiring the Department of Environmental
326 Protection to provide guidelines and assistance; amending
327 s. 489.145, F.S.; creating s. 403.7032, F.S.; providing
328 legislative findings regarding recycling; providing for a
329 long-term goal of reducing the amount of solid waste
330 disposed of in the state by a certain percentage;
331 requiring the Department of Environmental Protection to
332 develop a comprehensive recycling program and submit such
333 program to the Legislature by a specified date; requiring
334 the Legislature's approval before implementing such
335 program; requiring that such program be developed in
336 coordination with other state and local entities, private

337 businesses, and the public; requiring that the program
338 contain certain components; creating s. 403.7033, F.S.,
339 requiring a departmental analysis of particular recyclable
340 materials; requiring a submission of a report; amending s.
341 403.706, F.S., requiring every county to implement a
342 composting plan to attain certain goals by a date certain;
343 provides for goal modifications upon demonstrated need to
344 the department; amending s. 489.145, F.S.; revising
345 provisions of the Guaranteed Energy, Water, and Wastewater
346 Performance Savings Contracting Act; requiring that each
347 proposed contract or lease contain certain agreements
348 concerning operational cost-saving measures; requiring the
349 Office of the Chief Financial Officer to review contract
350 proposals; redefining terms; requiring that certain
351 baseline information, supporting information, and
352 documentation be included in contracts; requiring the
353 Office of the Chief Financial Officer to review contract
354 proposals; providing audit requirements; requiring
355 contract approval by the Chief Financial Officer; creating
356 s. 526.201, F.S.; creating the "Florida Renewable Fuel
357 Standard Act"; creating s. 526.202, F.S.; establishing
358 legislative findings for the act; creating s. 526.203,
359 F.S.; providing definitions, fuel standard, exemptions,
360 and reporting; creating s. 526.204, F.S.; providing for
361 waivers; providing for suspension of standard requirement
362 during declared emergencies; creating s. 526.205, F.S.;
363 providing for enforcement of the act; providing for
364 extensions; creating s. 526.206, F.S.; providing for

365 rulemaking authority by the Department of Revenue and the
366 Department of Agriculture and Consumer Services; creating
367 s. 526.207, F.S.; requiring studies and reports by the
368 Florida Energy and Climate Commission; amending s. 553.73,
369 F.S.; requiring that the Florida Building Commission
370 select the most recent International Energy Conservation
371 Code as a foundation code; providing for modification of
372 the International Energy Conservation Code by the
373 commission under certain circumstances; creating s.
374 553.9061, F.S.; requiring the Florida Building Commission
375 to establish a schedule of increases in the energy
376 performance of buildings subject to the Florida Energy
377 Efficiency Code for Building Construction; amending s.
378 553.909, F.S.; requiring the Florida Energy Efficiency
379 Code for Building Construction to set minimum requirements
380 for certain commercial or residential appliances; creating
381 an undesignated statutory provision relating to the Agency
382 for Enterprise Information Technology; creating s.
383 1004.648, F.S.; establishing the Florida Energy Systems
384 Consortium consisting of specified state universities;
385 providing for membership and duties of the consortium;
386 providing for a director, an oversight board, and a
387 steering committee; requiring the consortium to submit an
388 annual report; requiring an economic impact analysis on
389 the effects of granting financial incentives to energy
390 producers who use woody biomass as fuel; repealing s.
391 377.901, F.S., relating to the Florida Energy Commission;
392 requiring the Public Service Commission to provide a

393 report to the Governor and the Legislature on utility
 394 revenue decoupling; providing effective dates.

395

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

397

398 Section 1. Subsection (3) of section 74.051, Florida
 399 Statutes, is renumbered as subsection (4), and a new subsection
 400 (3) is added to that section to read:

401 74.051 Hearing on order of taking.--

402 (3) If a defendant requests a hearing pursuant to s.
 403 74.041(3) and the petitioner is an electric utility that is
 404 seeking to appropriate property necessary for an electric
 405 generation plant, an associated facility of an electric
 406 generation plant, an electric substation, or a power line, it is
 407 the intent of the Legislature that the court, when practicable,
 408 conduct the hearing no more than 120 days after the petition is
 409 filed and issue its order of taking no more than 30 days after
 410 the conclusion of the hearing.

411 Section 2. Subsection (3) of section 110.171, Florida
 412 Statutes, is amended, and subsection (4) is added to that
 413 section, to read:

414 110.171 State employee telecommuting program.--

415 (3) By September 30, 2009 ~~October 1, 1994~~, each state
 416 agency shall identify and maintain a current listing of the job
 417 classifications and positions that the agency considers
 418 appropriate for telecommuting. Agencies that adopt a state
 419 employee telecommuting program must:

420 (a) Give equal consideration to career service and exempt
421 positions in their selection of employees to participate in the
422 telecommuting program.

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

426 (c) Provide that participation by an employee in a
427 telecommuting program is voluntary, and that the employee may
428 elect to cease to participate in a telecommuting program at any
429 time.

430 (d) Adopt provisions to allow for the termination of an
431 employee's participation in the program if the employee's
432 continued participation would not be in the best interests of
433 the agency.

434 (e) Provide that an employee is not currently under a
435 performance improvement plan in order to participate in the
436 program.

437 (f) Ensure that employees participating in the program are
438 subject to the same rules regarding attendance, leave,
439 performance reviews, and separation action as are other
440 employees.

441 (g) Establish the reasonable conditions that the agency
442 plans to impose in order to ensure the appropriate use and
443 maintenance of any equipment or items provided for use at a
444 participating employee's home or other place apart from the
445 employee's usual place of work, including the installation and
446 maintenance of any telephone equipment and ongoing

447 | communications costs at the telecommuting site which is to be
448 | used for official use only.

449 | (h) Prohibit state maintenance of an employee's personal
450 | equipment used in telecommuting, including any liability for
451 | personal equipment and costs for personal utility expenses
452 | associated with telecommuting.

453 | (i) Describe the security controls that the agency
454 | considers appropriate.

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

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

460 | (l) Require a written agreement that specifies the terms
461 | and conditions of telecommuting, which includes verification by
462 | the employee that the home office provides work space that is
463 | free of safety and fire hazards, together with an agreement
464 | which holds the state harmless against any and all claims,
465 | excluding workers' compensation claims, resulting from an
466 | employee working in the home office, and which must be signed
467 | and agreed to by the telecommuter and the supervisor.

468 | (m) Provide measureable financial benefits associated with
469 | reduced office space requirements, reductions in energy
470 | consumption, and reductions in associated emissions of
471 | greenhouse gases resulting from telecommuting. State agencies
472 | operating in office space owned or managed by the department
473 | shall consult the facilities program to ensure its consistency
474 | with the strategic leasing plan required under s. 255.249(3)(b).

475 (4) The telecommuting program for each state agency and
 476 pertinent supporting documents shall be posted on the agency's
 477 Internet website to allow access by employees and the public.

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

480 186.007 State comprehensive plan; preparation; revision.--

481 (3) In the state comprehensive plan, the Executive Office
 482 of the Governor may include goals, objectives, and policies
 483 related to the following program areas: economic opportunities;
 484 agriculture; employment; public safety; education; health
 485 concerns; social welfare concerns; housing and community
 486 development; natural resources and environmental management;
 487 energy; global climate change; recreational and cultural
 488 opportunities; historic preservation; transportation; and
 489 governmental direction and support services.

490 Section 4. Subsections (10), (11), and (15) of section
 491 187.201, Florida Statutes, are amended to read:

492 187.201 State Comprehensive Plan adopted.--The Legislature
 493 hereby adopts as the State Comprehensive Plan the following
 494 specific goals and policies:

495 (10) AIR QUALITY.--

496 (a) Goal.--Florida shall comply with all national air
 497 quality standards by 1987, and by 1992 meet standards which are
 498 more stringent than 1985 state standards.

499 (b) Policies.--

500 1. Improve air quality and maintain the improved level to
 501 safeguard human health and prevent damage to the natural
 502 environment.

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

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

507 4. Encourage the use of alternative energy resources that
508 do not degrade air quality.

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

511 6. Encourage the development of low-carbon-emitting
512 electric power plants.

513 (11) ENERGY.--

514 (a) Goal.--Florida shall reduce its energy requirements
515 through enhanced conservation and efficiency measures in all
516 end-use sectors and shall reduce atmospheric carbon dioxide by
517 ~~while at the same time~~ promoting an increased use of renewable
518 energy resources and low-carbon-emitting electric power plants.

519 (b) Policies.--

520 1. Continue to reduce per capita energy consumption.

521 2. Encourage and provide incentives for consumer and
522 producer energy conservation and establish acceptable energy
523 performance standards for buildings and energy consuming items.

524 3. Improve the efficiency of traffic flow on existing
525 roads.

526 4. Ensure energy efficiency in transportation design and
527 planning and increase the availability of more efficient modes
528 of transportation.

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

532 6. Increase the efficient use of energy in design and
533 operation of buildings, public utility systems, and other
534 infrastructure and related equipment.

535 7. Promote the development and application of solar energy
536 technologies and passive solar design techniques.

537 8. Provide information on energy conservation through
538 active media campaigns.

539 9. Promote the use and development of renewable energy
540 resources and low-carbon-emitting electric power plants.

541 10. Develop and maintain energy preparedness plans that
542 will be both practical and effective under circumstances of
543 disrupted energy supplies or unexpected price surges.

544 (15) LAND USE.--

545 (a) Goal.--In recognition of the importance of preserving
546 the natural resources and enhancing the quality of life of the
547 state, development shall be directed to those areas which have
548 in place, or have agreements to provide, the land and water
549 resources, fiscal abilities, and service capacity to accommodate
550 growth in an environmentally acceptable manner.

551 (b) Policies.--

552 1. Promote state programs, investments, and development
553 and redevelopment activities which encourage efficient
554 development and occur in areas which will have the capacity to
555 service new population and commerce.

556 2. Develop a system of incentives and disincentives which
557 encourages a separation of urban and rural land uses while
558 protecting water supplies, resource development, and fish and
559 wildlife habitats.

560 3. Enhance the livability and character of urban areas
561 through the encouragement of an attractive and functional mix of
562 living, working, shopping, and recreational activities.

563 4. Develop a system of intergovernmental negotiation for
564 siting locally unpopular public and private land uses which
565 considers the area of population served, the impact on land
566 development patterns or important natural resources, and the
567 cost-effectiveness of service delivery.

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

571 6. Consider, in land use planning and regulation, the
572 impact of land use on water quality and quantity; the
573 availability of land, water, and other natural resources to meet
574 demands; and the potential for flooding.

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

577 8. Provide for the siting of low-carbon-emitting electric
578 power plants, including nuclear power plants, to meet the
579 state's determined need for electric power generation.

580 Section 5. Subsection (14) of section 196.012, Florida
581 Statutes, is amended to read:

582 196.012 Definitions.--For the purpose of this chapter, the
583 following terms are defined as follows, except where the context
584 clearly indicates otherwise:

585 (14) "Renewable energy source device" or "device" means
586 any of the following equipment which, when installed in
587 connection with a dwelling unit or other structure, collects,
588 transmits, stores, or uses solar energy, wind energy, or energy
589 derived from geothermal deposits:

590 (a) Solar energy collectors.

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

593 (c) Rockbeds.

594 (d) Thermostats and other control devices.

595 (e) Heat exchange devices.

596 (f) Pumps and fans.

597 (g) Roof ponds.

598 (h) Freestanding thermal containers.

599 (i) Pipes, ducts, refrigerant handling systems, and other
600 equipment used to interconnect such systems; however,
601 conventional backup systems of any type are not included in this
602 definition.

603 (j) Windmills.

604 (k) Wind-driven generators.

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

607 (m) Pipes and other equipment used to transmit hot
608 geothermal water to a dwelling or structure from a geothermal
609 deposit.

610
611 ~~"Renewable energy source device" or "device" also means any heat~~
612 ~~pump with an energy efficiency ratio (EER) or a seasonal energy~~
613 ~~efficiency ratio (SEER) exceeding 8.5 and a coefficient of~~
614 ~~performance (COP), exceeding 2.8; waste heat recovery system; or~~
615 ~~water heating system the primary heat source of which is a~~
616 ~~dedicated heat pump or the otherwise unused capacity of a heat~~
617 ~~pump heating, ventilating, and air conditioning system, provided~~
618 ~~such device is installed in a structure substantially complete~~
619 ~~before January 1, 1985, and whether or not solar energy, wind~~
620 ~~energy, or energy derived from geothermal deposits is collected,~~
621 ~~transmitted, stored, or used by such device.~~

622 Section 6. Section 196.175, Florida Statutes, is amended
623 to read:

624 196.175 Renewable energy source exemption.--

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

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

630 ~~(b) the original cost of the device, including the~~
631 ~~installation cost thereof, but excluding the cost of replacing~~
632 ~~previously existing property removed or improved in the course~~
633 ~~of such installation; or~~

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

636 (2) The exempt amount authorized under subsection (1)
637 shall apply in full if the device was installed and operative

638 throughout the 12-month period preceding January 1 of the year
 639 of application for this exemption. If the device was operative
 640 for a portion of that period, the exempt amount authorized under
 641 this section shall be reduced proportionally.

642 (3) It shall be the responsibility of the applicant for an
 643 exemption pursuant to this section to demonstrate affirmatively
 644 to the satisfaction of the property appraiser that he or she
 645 meets the requirements for exemption under this section and that
 646 the original cost ~~pursuant to paragraph (1)(b)~~ and the period
 647 for which the device was operative, as indicated on the
 648 exemption application, are correct.

649 (4) No exemption authorized pursuant to this section shall
 650 be granted for a period of more than 10 years. No exemption
 651 shall be granted with respect to renewable energy source devices
 652 installed before January 1, 2009 ~~1980, or after December 31,~~
 653 ~~1990~~.

654 Section 7. Subsection (2) of section 206.43, Florida
 655 Statutes, is amended to read:

656 206.43 Terminal supplier, importer, exporter, blender, and
 657 wholesaler to report to department monthly; deduction.--The
 658 taxes levied and assessed as provided in this part shall be paid
 659 to the department monthly in the following manner:

660 (2) (a) Such report may show in detail the number of
 661 gallons so sold and delivered by the terminal supplier,
 662 importer, exporter, blender, or wholesaler in the state, and the
 663 destination as to the county in the state to which the motor
 664 fuel was delivered for resale at retail or use shall be
 665 specified in the report. The total taxable gallons sold shall

666 agree with the total gallons reported to the county destinations
 667 for resale at retail or use. All gallons of motor fuel sold
 668 shall be invoiced and shall name the county of destination for
 669 resale at retail or use.

670 (b) Each terminal supplier, importer, blender, and
 671 wholesaler shall also include in the report to the department
 672 the number of gallons of blended and unblended gasoline, as
 673 defined in s. 526.203, sold.

674 Section 8. Paragraph (ccc) of subsection (7) of section
 675 212.08, Florida Statutes, is amended to read:

676 212.08 Sales, rental, use, consumption, distribution, and
 677 storage tax; specified exemptions.--The sale at retail, the
 678 rental, the use, the consumption, the distribution, and the
 679 storage to be used or consumed in this state of the following
 680 are hereby specifically exempt from the tax imposed by this
 681 chapter.

682 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 683 entity by this chapter do not inure to any transaction that is
 684 otherwise taxable under this chapter when payment is made by a
 685 representative or employee of the entity by any means,
 686 including, but not limited to, cash, check, or credit card, even
 687 when that representative or employee is subsequently reimbursed
 688 by the entity. In addition, exemptions provided to any entity by
 689 this subsection do not inure to any transaction that is
 690 otherwise taxable under this chapter unless the entity has
 691 obtained a sales tax exemption certificate from the department
 692 or the entity obtains or provides other documentation as
 693 required by the department. Eligible purchases or leases made

694 with such a certificate must be in strict compliance with this
 695 subsection and departmental rules, and any person who makes an
 696 exempt purchase with a certificate that is not in strict
 697 compliance with this subsection and the rules is liable for and
 698 shall pay the tax. The department may adopt rules to administer
 699 this subsection.

700 (ccc) Equipment, machinery, and other materials for
 701 renewable energy technologies.--

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

703 a. "Biodiesel" means the mono-alkyl esters of long-chain
 704 fatty acids derived from plant or animal matter for use as a
 705 source of energy and meeting the specifications for biodiesel
 706 and biodiesel blends with petroleum products as adopted by the
 707 Department of Agriculture and Consumer Services. Biodiesel may
 708 refer to biodiesel blends designated BXX, where XX represents
 709 the volume percentage of biodiesel fuel in the blend.

710 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
 711 alcohol produced by the conversion of carbohydrates ~~fermentation~~
 712 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
 713 fuel ethanol blends with petroleum products as adopted by the
 714 Department of Agriculture and Consumer Services. Ethanol may
 715 refer to fuel ethanol blends designated EXX, where XX represents
 716 the volume percentage of fuel ethanol in the blend.

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

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

722 a. Hydrogen-powered vehicles, materials incorporated into
723 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
724 a limit of \$2 million in tax each state fiscal year for all
725 taxpayers.

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

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

735 3. The Florida Energy and Climate Commission ~~Department of~~
736 ~~Environmental Protection~~ shall provide to the department a list
737 of items eligible for the exemption provided in this paragraph.

738 4.a. The exemption provided in this paragraph shall be
739 available to a purchaser only through a refund of previously
740 paid taxes. An eligible item is subject to refund one time. A
741 person who has received a refund on an eligible item shall
742 notify the next purchaser of the item that such item is no
743 longer eligible for a refund of paid taxes. This notification
744 shall be provided to each subsequent purchaser on the sales
745 invoice or other proof of purchase.

746 b. To be eligible to receive the exemption provided in
747 this paragraph, a purchaser shall file an application with the
748 Florida Energy and Climate Commission ~~Department of~~
749 ~~Environmental Protection~~. The application shall be developed by

750 the Florida Energy and Climate Commission ~~Department of~~
751 ~~Environmental Protection~~, in consultation with the department,
752 and shall require:

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

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

758 (III) The sales invoice or other proof of purchase showing
759 the amount of sales tax paid, the date of purchase, and the name
760 and address of the sales tax dealer from whom the property was
761 purchased.

762 (IV) A sworn statement that the information provided is
763 accurate and that the requirements of this paragraph have been
764 met.

765 c. Within 30 days after receipt of an application, the
766 Florida Energy and Climate Commission ~~Department of~~
767 ~~Environmental Protection~~ shall review the application and shall
768 notify the applicant of any deficiencies. Upon receipt of a
769 completed application, the Florida Energy and Climate Commission
770 ~~Department of Environmental Protection~~ shall evaluate the
771 application for exemption and issue a written certification that
772 the applicant is eligible for a refund or issue a written denial
773 of such certification within 60 days after receipt of the
774 application. The Florida Energy and Climate Commission
775 ~~Department of Environmental Protection~~ shall provide the
776 department with a copy of each certification issued upon
777 approval of an application.

778 d. Each certified applicant shall be responsible for
779 forwarding a certified copy of the application and copies of all
780 required documentation to the department within 6 months after
781 certification by the Florida Energy and Climate Commission
782 ~~Department of Environmental Protection~~.

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

787 f. The Florida Energy and Climate Commission may adopt the
788 form for the application for a certificate, requirements for the
789 content and format of information submitted to the Florida
790 Energy and Climate Commission in support of the application,
791 other procedural requirements, and criteria by which the
792 application will be determined by rule. The department may adopt
793 all other rules pursuant to ss. 120.536(1) and 120.54 to
794 administer this paragraph, including rules establishing
795 additional forms and procedures for claiming this exemption.

796 g. The Florida Energy and Climate Commission ~~Department of~~
797 ~~Environmental Protection~~ shall be responsible for ensuring that
798 the total amounts of the exemptions authorized do not exceed the
799 limits as specified in subparagraph 2.

800 5. The Florida Energy and Climate Commission ~~Department of~~
801 ~~Environmental Protection~~ shall determine and publish on a
802 regular basis the amount of sales tax funds remaining in each
803 fiscal year.

804 6. This paragraph expires July 1, 2010.

805 Section 9. Present subsections (1), (3), (6), and (7) of
 806 section 220.192, Florida Statutes, are amended, and a new
 807 subsection (6) is added to that section, to read:

808 220.192 Renewable energy technologies investment tax
 809 credit.--

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

811 (a) "Biodiesel" means biodiesel as defined in s.
 812 212.08(7)(ccc).

813 (b) "Corporation" includes a general partnership, limited
 814 partnership, limited liability company, unincorporated business,
 815 or other business entity, including entities taxed as
 816 partnerships for federal income tax purposes.

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

818 1. Seventy-five percent of all capital costs, operation
 819 and maintenance costs, and research and development costs
 820 incurred between July 1, 2006, and June 30, 2010, up to a limit
 821 of \$3 million per state fiscal year for all taxpayers, in
 822 connection with an investment in hydrogen-powered vehicles and
 823 hydrogen vehicle fueling stations in the state, including, but
 824 not limited to, the costs of constructing, installing, and
 825 equipping such technologies in the state.

826 2. Seventy-five percent of all capital costs, operation
 827 and maintenance costs, and research and development costs
 828 incurred between July 1, 2006, and June 30, 2010, up to a limit
 829 of \$1.5 million per state fiscal year for all taxpayers, and
 830 limited to a maximum of \$12,000 per fuel cell, in connection
 831 with an investment in commercial stationary hydrogen fuel cells
 832 in the state, including, but not limited to, the costs of

833 constructing, installing, and equipping such technologies in the
834 state.

835 3. Seventy-five percent of all capital costs, operation
836 and maintenance costs, and research and development costs
837 incurred between July 1, 2006, and June 30, 2010, up to a limit
838 of \$6.5 million per state fiscal year for all taxpayers, in
839 connection with an investment in the production, storage, and
840 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
841 the state, including the costs of constructing, installing, and
842 equipping such technologies in the state. Gasoline fueling
843 station pump retrofits for ethanol (E10-E100) distribution
844 qualify as an eligible cost under this subparagraph.

845 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
846 212.08(7)(ccc).

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

849 (f) "Taxpayer" includes a corporation as defined in
850 paragraph (b) or s. 220.03.

851 (3) CORPORATE APPLICATION PROCESS.--Any corporation
852 wishing to obtain tax credits available under this section must
853 submit to the Florida Energy and Climate Commission ~~Department~~
854 ~~of Environmental Protection~~ an application for tax credit that
855 includes a complete description of all eligible costs for which
856 the corporation is seeking a credit and a description of the
857 total amount of credits sought. The Florida Energy and Climate
858 Commission ~~Department of Environmental Protection~~ shall make a
859 determination on the eligibility of the applicant for the
860 credits sought and certify the determination to the applicant

861 and the Department of Revenue. The corporation must attach the
 862 Florida Energy and Climate Commission's ~~Department of~~
 863 ~~Environmental Protection's~~ certification to the tax return on
 864 which the credit is claimed. The Florida Energy and Climate
 865 Commission ~~Department of Environmental Protection~~ shall be
 866 responsible for ensuring that the corporate income tax credits
 867 granted in each fiscal year do not exceed the limits provided
 868 for in this section. The Florida Energy and Climate Commission
 869 ~~Department of Environmental Protection~~ is authorized to adopt
 870 the necessary rules, guidelines, and application materials for
 871 the application process.

872 (6) TRANSFERABILITY OF CREDIT.--

873 (a) For tax years beginning on or after January 1, 2009,
 874 any corporation or subsequent transferee allowed a tax credit
 875 under this section may transfer the credit, in whole or in part,
 876 to any taxpayer by written agreement without transferring any
 877 ownership interest in the property generating the credit or any
 878 interest in the entity owning such property. The transferee is
 879 entitled to apply the credits against the tax with the same
 880 effect as if the transferee had incurred the eligible costs.

881 (b) To perfect the transfer, the transferor shall provide
 882 the department with a written transfer statement notifying the
 883 department of the transferor's intent to transfer the tax
 884 credits to the transferee; the date the transfer is effective;
 885 the transferee's name, address, and federal taxpayer
 886 identification number; the tax period; and the amount of tax
 887 credits to be transferred. The department shall, upon receipt of
 888 a transfer statement conforming to the requirements of this

889 section, provide the transferee with a certificate reflecting
 890 the tax credit amounts transferred. A copy of the certificate
 891 must be attached to each tax return for which the transferee
 892 seeks to apply such tax credits.

893 (c) A tax credit authorized under this section that is
 894 held by a corporation and not transferred under this subsection
 895 shall be passed through to the taxpayers designated as partners,
 896 members, or owners, respectively, in the manner agreed to by
 897 such persons regardless of whether such partners, members, or
 898 owners are allocated or allowed any portion of the federal
 899 energy tax credit for the eligible costs. A corporation that
 900 passes the credit through to a partner, member, or owner must
 901 comply with the notification requirements described in paragraph
 902 (b). The partner, member, or owner must attach a copy of the
 903 certificate to each tax return on which the partner, member, or
 904 owner claims any portion of the credit.

905 (7) ~~(6)~~ RULES.--The Department of Revenue shall have the
 906 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 907 to administer this section, including rules relating to:

908 (a) The forms required to claim a tax credit under this
 909 section, the requirements and basis for establishing an
 910 entitlement to a credit, and the examination and audit
 911 procedures required to administer this section.

912 (b) The implementation and administration of the
 913 provisions allowing a transfer of a tax credit, including rules
 914 prescribing forms, reporting requirements, and specific
 915 procedures, guidelines, and requirements necessary to transfer a
 916 tax credit.

917 (8)~~(7)~~ PUBLICATION.--The Florida Energy and Climate
 918 Commission Department of Environmental Protection shall
 919 determine and publish on a regular basis the amount of available
 920 tax credits remaining in each fiscal year.

921 Section 10. Paragraphs (f) and (g) are added to subsection
 922 (2) and paragraphs (j) and (k) are added to subsection (3) of
 923 section 220.193, Florida Statutes, to read:

924 220.193 Florida renewable energy production credit.--

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

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

929 (g) "Taxpayer" includes a general partnership, limited
 930 partnership, limited liability company, trust, or other
 931 artificial entity in which a corporation, as defined in s.
 932 220.03(1)(e), owns an interest and is taxed as a partnership or
 933 is disregarded as a separate entity from the corporation under
 934 this chapter.

935 (3) An annual credit against the tax imposed by this
 936 section shall be allowed to a taxpayer, based on the taxpayer's
 937 production and sale of electricity from a new or expanded
 938 Florida renewable energy facility. For a new facility, the
 939 credit shall be based on the taxpayer's sale of the facility's
 940 entire electrical production. For an expanded facility, the
 941 credit shall be based on the increases in the facility's
 942 electrical production that are achieved after May 1, 2006.

943 (j) When an entity treated as a partnership or a
 944 disregarded entity under this chapter produces and sells

945 electricity from a new or expanded renewable energy facility,
 946 the credit earned by such entity shall pass through in the same
 947 manner as items of income and expense pass through for federal
 948 income tax purposes. When an entity applies for the credit and
 949 the entity has received the credit by a pass-through, the
 950 application must identify the taxpayer that passed the credit
 951 through, all taxpayers that received the credit, and the
 952 percentage of the credit that passes through to each recipient
 953 and must provide other information that the department requires.

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

957 Section 11. It is the intent of the Legislature that the
 958 amendments made by this act to s. 220.193, Florida Statutes, are
 959 remedial in nature and apply retroactively to the effective date
 960 of the law establishing the credit.

961 Section 12. Subsection (2) of section 253.02, Florida
 962 Statutes, is amended to read:

963 253.02 Board of trustees; powers and duties.--

964 (2)(a) The board of trustees shall not sell, transfer, or
 965 otherwise dispose of any lands the title to which is vested in
 966 the board of trustees except by vote of at least three of the
 967 four trustees.

968 (b) The authority of the board of trustees to grant
 969 easements for rights-of-way over, across, and upon uplands the
 970 title to which is vested in the board of trustees for the
 971 construction and operation of electric transmission and
 972 distribution facilities and related appurtenances is hereby

973 confirmed. The board of trustees may delegate to the Secretary
 974 of Environmental Protection the authority to grant such
 975 easements on its behalf. All easements for rights-of-way over,
 976 across, and upon uplands the title to which is vested in the
 977 board of trustees for the construction and operation of electric
 978 transmission and distribution facilities and related
 979 appurtenances shall meet the following criteria:

980 1. Such easements do not prevent the use of the state-
 981 owned uplands adjacent to the easement area for the purposes for
 982 which such lands were acquired and do not unreasonably diminish
 983 the ecological, conservation, or recreational values of the
 984 state-owned uplands adjacent to the easement area.

985 2. There is no practical and prudent alternative to
 986 locating the linear facility and related appurtenances on state-
 987 owned upland. For purposes of this subparagraph, the test of
 988 practicality and prudence shall compare the social, economic,
 989 and environmental effects of the alternatives.

990 3. Appropriate steps are taken to minimize the impacts to
 991 state-owned uplands. Such steps may include:

992 a. Siting of facilities so as to reduce impacts and
 993 minimize fragmentation of the overall state-owned parcel;

994 b. Avoiding significant wildlife habitat, wetlands, or
 995 other valuable natural resources to the maximum extent
 996 practicable; or

997 c. Avoiding interference with active land management
 998 practices, such as prescribed burning.

999 4. Except for easements granted as a part of a land
 1000 exchange initiated by a governmental entity to accomplish a

1001 recreational or conservation benefit or other public purpose, in
 1002 exchange for such easements, the grantee pays an amount equal to
 1003 the market value of the interest acquired. In addition, for the
 1004 initial grant of such easements only, the grantee shall provide
 1005 additional compensation by vesting in the board of trustees fee
 1006 simple title to other available uplands that are 1.5 times the
 1007 size of the easement acquired by the grantee. The grantor shall
 1008 approve the property to be acquired on its behalf based on the
 1009 geographic location in relation to the land proposed to be under
 1010 easement and a determination that economic, ecological, and
 1011 recreational value is at least equivalent to the value of the
 1012 lands under proposed easement. Priority for replacement uplands
 1013 shall be given to parcels identified as in-holdings and
 1014 additions to public lands and lands on a Florida Forever land
 1015 acquisition list. However, if suitable replacement uplands
 1016 cannot be identified, the grantee shall provide additional
 1017 compensation for the initial grant of such easements only by
 1018 paying to the department an amount equal to 2 times the current
 1019 market value of the state-owned land or the highest and best use
 1020 value at the time of purchase, whichever is greater. When
 1021 determining the use of such funds, priority shall be given to
 1022 parcels identified as in-holdings and additions to public lands
 1023 and lands on a Florida Forever land acquisition list.

1024 Section 13. Paragraph (d) of subsection (3) of section
 1025 255.249, Florida Statutes, is amended to read:

1026 255.249 Department of Management Services; responsibility;
 1027 department rules.--

1028 (3)

1029 (d) By June 30 of each year, each state agency shall
 1030 annually provide to the department all information regarding
 1031 agency programs affecting the need for or use of space by that
 1032 agency, reviews of lease-expiration schedules for each
 1033 geographic area, active and planned full-time equivalent data,
 1034 business case analyses related to consolidation plans by an
 1035 agency, a telecommuting program, and current occupancy and
 1036 relocation costs, inclusive of furnishings, fixtures and
 1037 equipment, data, and communications.

1038 Section 14. Section 255.251, Florida Statutes, is amended
 1039 to read:

1040 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 1041 Act; short title.--This act shall be cited as the "Florida
 1042 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

1043 Section 15. Section 255.252, Florida Statutes, is amended
 1044 to read:

1045 255.252 Findings and intent.--

1046 (1) Operating and maintenance expenditures associated with
 1047 energy equipment and with energy consumed in state-financed and
 1048 leased buildings represent a significant cost over the life of a
 1049 building. Energy conserved by appropriate building design not
 1050 only reduces the demand for energy but also reduces costs for
 1051 building operation. ~~For example, commercial buildings are~~
 1052 ~~estimated to use from 20 to 80 percent more energy than would be~~
 1053 ~~required if energy conserving designs were used.~~ The size,
 1054 design, orientation, and operability of windows, the ratio of
 1055 ventilating air to air heated or cooled, the level of lighting
 1056 consonant with space-use requirements, the handling of occupancy

1057 loads, and the ability to zone off areas not requiring
1058 equivalent levels of heating or cooling are but a few of the
1059 considerations necessary to conserving energy.

1060 (2) Significant efforts are needed to build energy-
1061 efficient state-owned buildings that meet environmental
1062 standards and underway by the General Services Administration,
1063 the National Institute of Standards and Technology, and others
1064 to detail the considerations and practices for energy
1065 conservation in buildings. Most important is that energy-
1066 efficient designs provide energy savings over the life of the
1067 building structure. Conversely, energy inefficient designs cause
1068 excess and wasteful energy use and high costs over that life.
1069 With buildings lasting many decades and with energy costs
1070 escalating rapidly, it is essential that the costs of operation
1071 and maintenance for energy-using equipment and sustainable
1072 materials be included in all design proposals for state-owned
1073 state buildings.

1074 (3) In order that such energy-efficiency and sustainable
1075 materials considerations become a function of building design,
1076 and ~~also~~ a model for future application in the private sector,
1077 it shall be the policy of the state that buildings constructed
1078 and financed by the state be designed and constructed to comply
1079 with the United States Green Building Council (USGBC) Leadership
1080 in Energy and Environmental Design (LEED) rating system, the
1081 Green Building Initiative's Green Globes rating system, the
1082 Florida Green Building Coalition standards, or a nationally
1083 recognized, high-performance green building rating system as
1084 approved by the department in a manner which will minimize the

1085 ~~consumption of energy used in the operation and maintenance of~~
1086 ~~such buildings.~~ It is further the policy of the state, when
1087 economically feasible, to retrofit existing state-owned
1088 buildings in a manner which will minimize the consumption of
1089 energy used in the operation and maintenance of such buildings.

1090 (4) In addition to designing and constructing new
1091 buildings to be energy-efficient, it shall be the policy of the
1092 state to operate and, ~~maintain, and renovate existing~~ state
1093 ~~facilities, or provide for their renovation,~~ in a manner which
1094 will minimize energy consumption and maximize building
1095 sustainability as well as ensure that facilities leased by the
1096 state are operated so as to minimize energy use. It is further
1097 the policy of the state that the renovation of existing state
1098 facilities be in accordance with the United States Green
1099 Building Council (USGBC) Leadership in Energy and Environmental
1100 Design (LEED) rating system, the Green Building Initiative's
1101 Green Globes rating system, the Florida Green Building Coalition
1102 standards, or a nationally recognized, high-performance green
1103 building rating system as approved by the department. State
1104 agencies are encouraged to consider shared savings financing of
1105 such energy efficiency and conservation projects, using
1106 contracts which split the resulting savings for a specified
1107 period of time between the state agency and the private firm or
1108 cogeneration contracts which otherwise permit the state to lower
1109 its net energy costs. Such energy contracts may be funded from
1110 the operating budget.

1111 (5) Each state agency occupying space within buildings
1112 owned or managed by the Department of Management Services must

1113 identify and compile a list of projects determined to be
1114 suitable for a guaranteed energy, water, and wastewater
1115 performance savings contract pursuant to s. 489.145. The list of
1116 projects compiled by each state agency shall be submitted to the
1117 Department of Management Services by December 31, 2008, and must
1118 include all criteria used to determine suitability. The list of
1119 projects shall be developed from the list of state-owned
1120 facilities more than 5,000 square feet in area and for which the
1121 state agency is responsible for paying the expenses of utilities
1122 and other operating expenses as they relate to energy use. In
1123 consultation with the head of each state agency, by July 1,
1124 2009, the department shall prioritize all projects deemed
1125 suitable by each state agency and shall develop an energy
1126 efficiency project schedule based on factors such as project
1127 magnitude, efficiency and effectiveness of energy conservation
1128 measures to be implemented, and other factors that may prove to
1129 be advantageous to pursue. The schedule shall provide the
1130 deadline for guaranteed energy, water, and wastewater
1131 performance savings contract improvements to be made to the
1132 state-owned buildings.

1133 Section 16. Subsections (6) and (7) are added to section
1134 255.253, Florida Statutes, to read:

1135 255.253 Definitions; ss. 255.251-255.258.--

1136 (6) "Sustainable building" means a building that is
1137 healthy and comfortable for its occupants and is economical to
1138 operate while conserving resources, including energy, water, and
1139 raw materials and land, and minimizing the generation and use of

1140 toxic materials and waste in its design, construction,
 1141 landscaping, and operation.

1142 (7) "Sustainable building rating" means a rating
 1143 established by the United States Green Building Council (USGBC)
 1144 Leadership in Energy and Environmental Design (LEED) rating
 1145 system, the Green Building Initiative's Green Globes rating
 1146 system, the Florida Green Building Coalition standards, or a
 1147 nationally recognized, high-performance green building rating
 1148 system as approved by the department.

1149 Section 17. Subsection (1) of section 255.254, Florida
 1150 Statutes, is amended to read:

1151 255.254 No facility constructed or leased without life-
 1152 cycle costs.--

1153 (1) No state agency shall lease, construct, or have
 1154 constructed, within limits prescribed in this section ~~herein~~, a
 1155 facility without having secured from the department an ~~a proper~~
 1156 evaluation of life-cycle costs based on sustainable building
 1157 ratings, ~~as computed by an architect or engineer~~. Furthermore,
 1158 construction shall proceed only upon disclosing to the
 1159 department, for the facility chosen, the life-cycle costs as
 1160 determined in s. 255.255, the facility's sustainable building
 1161 rating goal, and the capitalization of the initial construction
 1162 costs of the building. The life-cycle costs and the sustainable
 1163 building rating goal shall be a primary considerations
 1164 ~~consideration~~ in the selection of a building design. ~~Such~~
 1165 ~~analysis shall be required only for construction of buildings~~
 1166 ~~with an area of 5,000 square feet or greater~~. For leased
 1167 buildings more than 5,000 ~~areas of 20,000~~ square feet in area ~~or~~

1168 ~~greater~~ within a given building boundary, an energy performance
 1169 ~~a life-cycle analysis~~ consisting of a projection of the annual
 1170 energy consumption costs in dollars per square foot of major
 1171 energy-consuming equipment and systems based on actual expenses
 1172 from the last 3 years and projected forward for the term of the
 1173 proposed lease shall be performed. ~~The, and a~~ lease shall only
 1174 be made where there is a showing that the energy life-cycle
 1175 costs incurred by the state are minimal compared to available
 1176 like facilities. A lease agreement for any building leased by
 1177 the state from a private-sector entity shall include provisions
 1178 for monthly energy use data to be collected and submitted
 1179 monthly to the department by the owner of the building.

1180 Section 18. Subsection (1) of section 255.255, Florida
 1181 Statutes, is amended to read:

1182 255.255 Life-cycle costs.--

1183 (1) The department shall adopt ~~promulgate~~ rules and
 1184 procedures, including energy conservation performance guidelines
 1185 based on sustainable building ratings, for conducting a life-
 1186 cycle cost analysis of alternative architectural and engineering
 1187 designs and alternative major items of energy-consuming
 1188 equipment to be retrofitted in existing state-owned ~~or leased~~
 1189 facilities and for developing energy performance indices to
 1190 evaluate the efficiency of energy utilization for competing
 1191 designs in the construction of state-financed and leased
 1192 facilities.

1193 Section 19. Section 255.257, Florida Statutes, is amended
 1194 to read:

1195 255.257 Energy management; buildings occupied by state
1196 agencies.--

1197 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
1198 shall collect data on energy consumption and cost. The data
1199 gathered shall be on state-owned facilities and metered state-
1200 leased facilities of 5,000 net square feet or more. These data
1201 will be used in the computation of the effectiveness of the
1202 state energy management plan and the effectiveness of the energy
1203 management program of each of the state agencies. Collected data
1204 shall be reported annually to the department in a format
1205 prescribed by the department.

1206 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency,
1207 the Florida Public Service Commission, the Department of
1208 Military Affairs, and the judicial branch shall appoint a
1209 coordinator whose responsibility shall be to advise the head of
1210 the state agency on matters relating to energy consumption in
1211 facilities under the control of that head or in space occupied
1212 by the various units comprising that state agency, in vehicles
1213 operated by that state agency, and in other energy-consuming
1214 activities of the state agency. The coordinator shall implement
1215 the energy management program agreed upon by the state agency
1216 concerned and assist the department in the development of the
1217 State Energy Management Plan.

1218 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
1219 Department of Management Services shall ~~may~~ develop a state
1220 energy management plan consisting of, but not limited to, the
1221 following elements:

1222 (a) Data-gathering requirements;

- 1223 (b) Building energy audit procedures;
- 1224 (c) Uniform data analysis procedures;
- 1225 (d) Employee energy education program measures;
- 1226 (e) Energy consumption reduction techniques;
- 1227 (f) Training program for state agency energy management
- 1228 coordinators; and
- 1229 (g) Guidelines for building managers.

1230

1231 The plan shall include a description of actions that state
 1232 agencies shall take to reduce consumption of electricity and
 1233 nonrenewable energy sources used for space heating and cooling,
 1234 ventilation, lighting, water heating, and transportation.

1235 (4) ADOPTION OF STANDARDS.--

1236 (a) All state agencies shall adopt the United States Green
 1237 Building Council (USGBC) Leadership in Energy and Environmental
 1238 Design (LEED) rating system, the Green Building Initiative's
 1239 Green Globes rating system, the Florida Green Building Coalition
 1240 standards, or a nationally recognized, high-performance green
 1241 building rating system as approved by the department for all new
 1242 buildings and renovations to existing buildings.

1243 (b) No state agency shall enter into new leasing
 1244 agreements for office space that does not meet Energy Star
 1245 building standards, except when determined by the appropriate
 1246 state agency head that no other viable or cost-effective
 1247 alternative exists.

1248 (c) All state agencies shall develop energy conservation
 1249 measures and guidelines for new and existing office space where
 1250 state agencies occupy more than 5,000 square feet. These

1251 conservation measures shall focus on programs that may reduce
 1252 energy consumption and, when established, provide a net
 1253 reduction in occupancy costs.

1254 Section 20. (1) The Legislature declares that there is an
 1255 important state interest in promoting the construction of
 1256 energy-efficient and sustainable buildings. Government
 1257 leadership in promoting these standards is vital to demonstrate
 1258 the state's commitment to energy conservation, saving taxpayers
 1259 money, and raising public awareness of energy-rating systems.

1260 (2) All county, municipal, school district, water
 1261 management district, state university, community college, and
 1262 Florida state court buildings shall be constructed to meet the
 1263 United States Green Building Council (USGBC) Leadership in
 1264 Energy and Environmental Design (LEED) rating system, the Green
 1265 Building Initiative's Green Globes rating system, the Florida
 1266 Green Building Coalition standards, or a nationally recognized,
 1267 high-performance green building rating system as approved by the
 1268 Department of Management Services. This section shall apply to
 1269 all county, municipal, school district, water management
 1270 district, state university, community college, and Florida state
 1271 court buildings the architectural plans of which are commenced
 1272 after July 1, 2008.

1273 (3) St. Petersburg College may work with the Florida
 1274 Community College System and may consult with the University of
 1275 Florida to provide training and educational opportunities that
 1276 will ensure that green building rating system certifying agents
 1277 (accredited professionals who possess a knowledge and
 1278 understanding of green building processes, practices, and

1279 principles) are available to work with the entities specified in
 1280 subsection (2) as they construct public buildings to meet green
 1281 building rating system standards. St. Petersburg College may
 1282 work with the construction industry to develop online continuing
 1283 education curriculum for use statewide by builders constructing
 1284 energy-efficient and sustainable public-sector buildings and
 1285 students interested in the college's Green/Sustainability Track
 1286 in its Management and Organization Leadership area of study.
 1287 Curriculum developed may be offered by St. Petersburg College or
 1288 in cooperation with other programs at other community colleges.

1289 Section 21. Section 286.29, Florida Statutes, is created
 1290 to read:

1291 286.29 Climate-friendly public business.--The Legislature
 1292 recognizes the importance of leadership by state government in
 1293 the area of energy efficiency and in reducing the greenhouse gas
 1294 emissions of state government operations. The following shall
 1295 pertain to all state agencies when conducting public business:

1296 (1) The Department of Management Services shall develop
 1297 the "Florida Climate-Friendly Preferred Products List." In
 1298 maintaining that list, the department, in consultation with the
 1299 Department of Environmental Protection, shall continually assess
 1300 products currently available for purchase under state term
 1301 contracts to identify specific products and vendors that offer
 1302 clear energy efficiency or other environmental benefits over
 1303 competing products. When procuring products from state term
 1304 contracts, state agencies shall first consult the Florida
 1305 Climate-Friendly Preferred Products List and procure such
 1306 products if the price is comparable.

1307 (2) Effective July 1, 2008, state agencies shall contract
1308 for meeting and conference space only with hotels or conference
1309 facilities that have received the "Green Lodging" designation
1310 from the Department of Environmental Protection for best
1311 practices in water, energy, and waste efficiency standards,
1312 unless the responsible state agency head makes a determination
1313 that no other viable alternative exists. The Department of
1314 Environmental Protection is authorized to adopt rules to
1315 implement the "Green Lodging" program.

1316 (3) Each state agency shall ensure that all maintained
1317 vehicles meet minimum maintenance schedules shown to reduce fuel
1318 consumption, which include: ensuring appropriate tire pressures
1319 and tread depth; replacing fuel filters and emission filters at
1320 recommended intervals; using proper motor oils; and performing
1321 timely motor maintenance. Each state agency shall measure and
1322 report compliance to the Department of Management Services
1323 through the Equipment Management Information System database.

1324 (4) When procuring new vehicles, all state agencies, state
1325 universities, community colleges, and local governments that
1326 purchase vehicles under a state purchasing plan shall first
1327 define the intended purpose for the vehicle and determine which
1328 of the following use classes for which the vehicle is being
1329 procured:

- 1330 (a) State business travel, designated operator;
1331 (b) State business travel, pool operators;
1332 (c) Construction, agricultural, or maintenance work;
1333 (d) Conveyance of passengers;
1334 (e) Conveyance of building or maintenance materials and

1335 supplies;

1336 (f) Off-road vehicle, motorcycle, or all-terrain vehicle;

1337 (g) Emergency response; or

1338 (h) Other.

1339

1340 Vehicles described in paragraphs (a) through (h), when being
1341 processed for purchase or leasing agreements, must be selected
1342 for the greatest fuel efficiency available for a given use class
1343 when fuel economy data are available. Exceptions may be made for
1344 individual vehicles in paragraph (g) when accompanied, during
1345 the procurement process, by documentation indicating that the
1346 operator or operators will exclusively be emergency first
1347 responders or have special documented need for exceptional
1348 vehicle performance characteristics. Any request for an
1349 exception must be approved by the purchasing agency head and any
1350 exceptional performance characteristics denoted as a part of the
1351 procurement process prior to purchase.

1352 (5) All state agencies shall use ethanol and biodiesel
1353 blended fuels when available. State agencies administering
1354 central fueling operations for state-owned vehicles shall
1355 procure biofuels for fleet needs to the greatest extent
1356 practicable.

1357 Section 22. Paragraph (b) of subsection (2) and subsection
1358 (5) of section 287.063, Florida Statutes, are amended to read:

1359 287.063 Deferred-payment commodity contracts; preaudit
1360 review.--

1361 (2)

1362 (b) The Chief Financial Officer shall establish, by rule,
 1363 criteria for approving purchases made under deferred-payment
 1364 contracts which require the payment of interest. Criteria shall
 1365 include, but not be limited to, the following provisions:

1366 1. No contract shall be approved in which interest exceeds
 1367 the statutory ceiling contained in this section. However, the
 1368 interest component of any master equipment financing agreement
 1369 entered into for the purpose of consolidated financing of a
 1370 deferred-payment, installment sale, or lease-purchase shall be
 1371 deemed to comply with the interest rate limitation of this
 1372 section so long as the interest component of every interagency
 1373 agreement under such master equipment financing agreement
 1374 complies with the interest rate limitation of this section.

1375 2. No deferred-payment purchase for less than \$30,000
 1376 shall be approved, unless it can be satisfactorily demonstrated
 1377 and documented to the Chief Financial Officer that failure to
 1378 make such deferred-payment purchase would adversely affect an
 1379 agency in the performance of its duties. However, the Chief
 1380 Financial Officer may approve any deferred-payment purchase if
 1381 the Chief Financial Officer determines that such purchase is
 1382 economically beneficial to the state.

1383 ~~3. No agency shall obligate an annualized amount of~~
 1384 ~~payments for deferred payment purchases in excess of current~~
 1385 ~~operating capital outlay appropriations, unless specifically~~
 1386 ~~authorized by law or unless it can be satisfactorily~~
 1387 ~~demonstrated and documented to the Chief Financial Officer that~~
 1388 ~~failure to make such deferred payment purchase would adversely~~
 1389 ~~affect an agency in the performance of its duties.~~

1390 ~~3.4.~~ No contract shall be approved which extends payment
 1391 beyond 5 years, unless it can be satisfactorily demonstrated and
 1392 documented to the Chief Financial Officer that failure to make
 1393 such deferred-payment purchase would adversely affect an agency
 1394 in the performance of its duties. The payment term may not
 1395 exceed the useful life of the equipment unless the contract
 1396 provides for the replacement or the extension of the useful life
 1397 of the equipment during the term of the loan.

1398 (5) For purposes of this section, the annualized amount of
 1399 any such deferred payment commodity contract must be supported
 1400 from available recurring funds appropriated to the agency in an
 1401 appropriation category, ~~other than the expense appropriation~~
 1402 ~~category~~ as defined in chapter 216, that the Chief Financial
 1403 Officer has determined is appropriate or that the Legislature
 1404 has designated for payment of the obligation incurred under this
 1405 section.

1406 Section 23. Subsections (10) and (11) of section 287.064,
 1407 Florida Statutes, are amended to read:

1408 287.064 Consolidated financing of deferred-payment
 1409 purchases.--

1410 (10) (a) A master equipment financing agreement may finance
 1411 ~~Costs incurred pursuant to a guaranteed energy performance~~
 1412 ~~savings contract, including the cost of energy, water, or~~
 1413 ~~wastewater efficiency and conservation measures, each~~ as defined
 1414 in s. 489.145, excluding ~~may be financed pursuant to a master~~
 1415 ~~equipment financing agreement; however,~~ the costs of training,
 1416 operation, and maintenance, for a term of repayment that may not
 1417 ~~be financed. The period of time for repayment of the funds drawn~~

1418 ~~pursuant to the master equipment financing agreement under this~~
 1419 ~~subsection~~ may exceed 5 years but may not exceed 20 ~~10~~ years.

1420 (b) The guaranteed energy, water, and wastewater savings
 1421 contractor shall provide for the replacement or the extension of
 1422 the useful life of the equipment during the term of the
 1423 contract.

1424 (11) For purposes of consolidated financing of deferred
 1425 payment commodity contracts under this section by a state
 1426 agency, the annualized amount of any such contract must be
 1427 supported from available recurring funds appropriated to the
 1428 agency in an appropriation category, ~~other than the expense~~
 1429 ~~appropriation category~~ as defined in chapter 216, which ~~that~~ the
 1430 Chief Financial Officer has determined is appropriate or which
 1431 ~~that~~ the Legislature has designated for payment of the
 1432 obligation incurred under this section.

1433 Section 24. Present paragraphs (a) through (n) of
 1434 subsection (2) of section 288.1089, Florida Statutes, are
 1435 redesignated as paragraphs (b) through (o), respectively, and a
 1436 new paragraph (a) is added to that subsection, subsections (3),
 1437 (5), (6), and (7) of that section are amended, and paragraph (d)
 1438 is added to subsection (4) of that section, to read:

1439 288.1089 Innovation Incentive Program.--

1440 (1) The Innovation Incentive Program is created within the
 1441 Office of Tourism, Trade, and Economic Development to ensure
 1442 that sufficient resources are available to allow the state to
 1443 respond expeditiously to extraordinary economic opportunities
 1444 and to compete effectively for high-value research and
 1445 development and innovation business projects.

1446 (2) As used in this section, the term:

1447 (a) "Alternative and renewable energy" means electrical,
 1448 mechanical, or thermal energy produced from a method that uses
 1449 one or more of the following fuels or energy sources: ethanol,
 1450 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
 1451 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
 1452 or geothermal.

1453 (3) To be eligible for consideration for an innovation
 1454 incentive award, an innovation business or research and
 1455 development entity, or alternative and renewable energy project
 1456 must submit a written application to Enterprise Florida, Inc.,
 1457 before making a decision to locate new operations in this state
 1458 or expand an existing operation in this state. The application
 1459 must include, but not be limited to:

1460 (a) The applicant's federal employer identification
 1461 number, unemployment account number, and state sales tax
 1462 registration number. If such numbers are not available at the
 1463 time of application, they must be submitted to the office in
 1464 writing prior to the disbursement of any payments under this
 1465 section.

1466 (b) The location in this state at which the project is
 1467 located or is to be located.

1468 (c) A description of the type of business activity,
 1469 product, or research and development undertaken by the
 1470 applicant, including six-digit North American Industry
 1471 Classification System codes for all activities included in the
 1472 project.

1473 (d) The applicant's projected investment in the project.

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(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the office, the applicant must, at a minimum, establish the following to the satisfaction of Enterprise Florida, Inc., and the office:

(d) For an alternative and renewable energy project in this state, the project must:

1. Demonstrate a plan for significant collaboration with an institution of higher education;
2. Provide the state, at a minimum, a break-even return on investment within a 20-year period;
3. Include matching funds provided by the applicant or other available sources. This requirement may be waived if the

1502 office and the department determine that the merits of the
1503 individual project or the specific circumstances warrant such
1504 action;

1505 4. Be located in this state;

1506 5. Provide jobs that pay an estimated annual average wage
1507 that equals at least 130 percent of the average private-sector
1508 wage. The average wage requirement may be waived if the office
1509 and the commission determine that the merits of the individual
1510 project or the specific circumstances warrant such action; and

1511 6. Meet one of the following criteria:

1512 a. Result in the creation of at least 35 direct, new jobs
1513 at the business.

1514 b. Have an activity or product that uses feedstock or
1515 other raw materials grown or produced in this state.

1516 c. Have a cumulative investment of at least \$50 million
1517 within a 5-year period.

1518 d. Address the technical feasibility of the technology,
1519 and the extent to which the proposed project has been
1520 demonstrated to be technically feasible based on pilot project
1521 demonstrations, laboratory testing, scientific modeling, or
1522 engineering or chemical theory that supports the proposal.

1523 e. Include innovative technology and the degree to which
1524 the project or business incorporates an innovative new
1525 technology or an innovative application of an existing
1526 technology.

1527 f. Include production potential and the degree to which a
1528 project or business generates thermal, mechanical, or electrical
1529 energy by means of a renewable energy resource that has

1530 substantial long-term production potential. The project must, to
1531 the extent possible, quantify annual production potential in
1532 megawatts or kilowatts.

1533 g. Include and address energy efficiency and the degree to
1534 which a project demonstrates efficient use of energy, water, and
1535 material resources.

1536 h. Include project management and the ability of
1537 management to administer a complete the business project.

1538 (5) Enterprise Florida, Inc., shall evaluate proposals for
1539 innovation incentive awards and transmit recommendations for
1540 awards to the office. Enterprise Florida, Inc., shall solicit
1541 comments and recommendations from the Florida Energy and Climate
1542 Commission for alternative and renewable energy project
1543 proposals. Such evaluation and recommendation must include, but
1544 need not be limited to:

1545 (a) A description of the project, its required facilities,
1546 and the associated product, service, or research and development
1547 associated with the project.

1548 (b) The percentage of match provided for the project.

1549 (c) The number of full-time equivalent jobs that will be
1550 created by the project, the total estimated average annual wages
1551 of such jobs, and the types of business activities and jobs
1552 likely to be stimulated by the project.

1553 (d) The cumulative investment to be dedicated to the
1554 project within 5 years and the total investment expected in the
1555 project if more than 5 years.

1556 (e) The projected economic and fiscal impacts on the local
1557 and state economies relative to investment.

1558 (f) A statement of any special impacts the project is
1559 expected to stimulate in a particular business sector in the
1560 state or regional economy or in the state's universities and
1561 community colleges.

1562 (g) A statement of any anticipated or proposed
1563 relationships with state universities.

1564 (h) A statement of the role the incentive is expected to
1565 play in the decision of the applicant to locate or expand in
1566 this state.

1567 (i) A recommendation and explanation of the amount of the
1568 award needed to cause the applicant to expand or locate in this
1569 state.

1570 (j) A discussion of the efforts and commitments made by
1571 the local community in which the project is to be located to
1572 induce the applicant's location or expansion, taking into
1573 consideration local resources and abilities.

1574 (k) A recommendation for specific performance criteria the
1575 applicant would be expected to achieve in order to receive
1576 payments from the fund and penalties or sanctions for failure to
1577 meet or maintain performance conditions.

1578 (l) For a research and development facility project:

1579 1. A description of the extent to which the project has
1580 the potential to serve as catalyst for an emerging or evolving
1581 cluster.

1582 2. A description of the extent to which the project has or
1583 could have a long-term collaborative research and development
1584 relationship with one or more universities or community colleges
1585 in this state.

1586 3. A description of the existing or projected impact of
 1587 the project on established clusters or targeted industry
 1588 sectors.

1589 4. A description of the project's contribution to the
 1590 diversity and resiliency of the innovation economy of this
 1591 state.

1592 5. A description of the project's impact on special needs
 1593 communities, including, but not limited to, rural areas,
 1594 distressed urban areas, and enterprise zones.

1595 (6) In consultation with Enterprise Florida, Inc., the
 1596 office may negotiate the proposed amount of an award for any
 1597 applicant meeting the requirements of this section. In
 1598 negotiating such award, the office shall consider the amount of
 1599 the incentive needed to cause the applicant to locate or expand
 1600 in this state in conjunction with other relevant applicant
 1601 impact and cost information and analysis as described in this
 1602 section. Particular emphasis shall be given to the potential for
 1603 the project to stimulate additional private investment and high-
 1604 quality employment opportunities in the area.

1605 (7) Upon receipt of the evaluation and recommendation from
 1606 Enterprise Florida, Inc., and from the Florida Energy and
 1607 Climate Commission for alternative and renewable energy project
 1608 proposals, the director shall recommend to the Governor the
 1609 approval or disapproval of an award. In recommending approval of
 1610 an award, the director shall include proposed performance
 1611 conditions that the applicant must meet in order to obtain
 1612 incentive funds and any other conditions that must be met before
 1613 the receipt of any incentive funds. The Governor shall consult

1614 with the President of the Senate and the Speaker of the House of
 1615 Representatives before giving approval for an award.

1616 (a) Upon approval of an award for a research and
 1617 development project or an innovation business project, the
 1618 Executive Office of the Governor shall release the funds
 1619 pursuant to the legislative consultation and review requirements
 1620 set forth in s. 216.177.

1621 (b) Upon approval of an award for an alternative and
 1622 renewable energy project, the Executive Office of the Governor
 1623 shall release the funds pursuant to the legislative consultation
 1624 and review requirements set forth in s. 216.177, with the
 1625 exception that upon written notice from either the chair or the
 1626 vice chair of the Legislative Budget Commission or the President
 1627 of the Senate or the Speaker of the House of Representatives
 1628 that the award exceeds the delegated authority of Executive
 1629 Office of the Governor or is contrary to legislative policy and
 1630 intent, the Governor shall void such action until the
 1631 Legislative Budget Commission or the Legislature addresses the
 1632 issue.

1633 (8) Upon approval by the Governor and release of the funds
 1634 as set forth in subsection (7), the director shall issue a
 1635 letter certifying the applicant as qualified for an award. The
 1636 office and the applicant shall enter into an agreement that sets
 1637 forth the conditions for payment of incentives. The agreement
 1638 must include the total amount of funds awarded; the performance
 1639 conditions that must be met to obtain the award or portions of
 1640 the award, including, but not limited to, net new employment in
 1641 the state, average wage, and total cumulative investment;

1642 demonstration of a baseline of current service and a measure of
1643 enhanced capability; the methodology for validating performance;
1644 the schedule of payments; and sanctions for failure to meet
1645 performance conditions, including any clawback provisions.

1646 (9) Enterprise Florida, Inc., shall assist the office in
1647 validating the performance of an innovation business or research
1648 and development facility that has received an award. At the
1649 conclusion of the innovation incentive award agreement, or its
1650 earlier termination, Enterprise Florida, Inc., shall, within 90
1651 days, report the results of the innovation incentive award to
1652 the Governor, the President of the Senate, and the Speaker of
1653 the House of Representatives.

1654 (10) Enterprise Florida, Inc., shall develop business
1655 ethics standards based on appropriate best industry practices
1656 which shall be applicable to all award recipients. The standards
1657 shall address ethical duties of business enterprises, fiduciary
1658 responsibilities of management, and compliance with the laws of
1659 this state. Enterprise Florida, Inc., may collaborate with the
1660 State University System in reviewing and evaluating appropriate
1661 business ethics standards. Such standards shall be provided to
1662 the Governor, the President of the Senate, and the Speaker of
1663 the House of Representatives by December 31, 2006. An award
1664 agreement entered into on or after December 31, 2006, shall
1665 require a recipient to comply with the business ethics standards
1666 developed pursuant to this section.

1667 Section 25. Section 316.0741, Florida Statutes, is amended
1668 to read:

1669 316.0741 High-occupancy-vehicle ~~High-occupancy-vehicle~~
 1670 lanes.--

1671 (1) As used in this section, the term:

1672 (a) "High-occupancy-vehicle ~~"High-occupancy-vehicle~~ lane"
 1673 or "HOV lane" means a lane of a public roadway designated for
 1674 use by vehicles in which there is more than one occupant unless
 1675 otherwise authorized by federal law.

1676 (b) "Hybrid vehicle" means a motor vehicle that:

1677 1. Draws propulsion energy from an onboard source of
 1678 stored energy comprised of both an internal combustion or heat
 1679 engine using combustible fuel and a rechargeable energy-storage
 1680 system; and

1681 2. In the case of a passenger automobile or light truck,
 1682 has received a certificate of conformity under the Clean Air
 1683 Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
 1684 equivalent qualifying California standards for a low-emission
 1685 vehicle.

1686 (2) The number of persons who ~~that~~ must be in a vehicle to
 1687 qualify for legal use of the HOV lane and the hours during which
 1688 the lane will serve as an HOV lane, if it is not designated as
 1689 such on a full-time basis, must also be indicated on a traffic
 1690 control device.

1691 (3) Except as provided in subsection (4), a vehicle may
 1692 not be driven in an HOV lane if the vehicle is occupied by fewer
 1693 than the number of occupants indicated by a traffic control
 1694 device. A driver who violates this section shall be cited for a
 1695 moving violation, punishable as provided in chapter 318.

1696 (4) (a) Notwithstanding any other provision of this
 1697 section, an inherently low-emission vehicle (ILEV) that is
 1698 certified and labeled in accordance with federal regulations may
 1699 be driven in an HOV lane at any time, regardless of its
 1700 occupancy. In addition, upon the state's receipt of written
 1701 notice from the proper federal regulatory agency authorizing
 1702 such use, a vehicle defined as a hybrid vehicle under this
 1703 section may be driven in an HOV lane at any time, regardless of
 1704 its occupancy.

1705 (b) All eligible hybrid and other low-emission and energy-
 1706 efficient vehicles driven in an HOV lane must comply with the
 1707 minimum fuel economy standards in 23 U.S.C. s. 166(f)(3)(B).

1708 (c) Upon its effective date, the eligibility of hybrid and
 1709 other low-emission and energy-efficient vehicles for operation
 1710 in an HOV lane regardless of occupancy shall be determined in
 1711 accordance with the applicable final rule issued by the United
 1712 States Environmental Protection Agency pursuant to 23 U.S.C. s.
 1713 166(e).

1714 (5) The department shall issue a decal and registration
 1715 certificate, to be renewed annually, reflecting the HOV lane
 1716 designation on ~~such~~ vehicles meeting the criteria in subsection
 1717 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
 1718 department may charge a fee for a decal, not to exceed the costs
 1719 of designing, producing, and distributing each decal, or \$5,
 1720 whichever is less. The proceeds from sale of the decals shall be
 1721 deposited in the Highway Safety Operating Trust Fund. The
 1722 department may, for reasons of operation and management of HOV
 1723 facilities, limit or discontinue issuance of decals for the use

1724 of HOV facilities by hybrid and low-emission and energy-
 1725 efficient vehicles regardless of occupancy if it has been
 1726 determined by the Department of Transportation that the
 1727 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

1728 (6) Vehicles having decals by virtue of compliance with
 1729 the minimum fuel economy standards in 23 U.S.C. s. 166(f)(3)(B)
 1730 and that are registered for use in high-occupancy-vehicle toll
 1731 lanes or express lanes in accordance with Department of
 1732 Transportation rule shall be allowed to use any HOV lane
 1733 redesignated as a high-occupancy-vehicle toll lane without
 1734 requiring payment of the toll.

1735 ~~(5) As used in this section, the term "hybrid vehicle"~~
 1736 ~~means a motor vehicle:~~

1737 ~~(a) That draws propulsion energy from onboard sources of~~
 1738 ~~stored energy which are both:~~

1739 ~~1. An internal combustion or heat engine using combustible~~
 1740 ~~fuel; and~~

1741 ~~2. A rechargeable energy storage system; and~~

1742 ~~(b) That, in the case of a passenger automobile or light~~
 1743 ~~truck:~~

1744 ~~1. Has received a certificate of conformity under the~~
 1745 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

1746 ~~2. Meets or exceeds the equivalent qualifying California~~
 1747 ~~standards for a low-emission vehicle.~~

1748 (7)(6) The department may adopt rules necessary to
 1749 administer this section.

1750 Section 26. Subsection (1) of section 337.401, Florida
 1751 Statutes, is amended to read:

1752 337.401 Use of right-of-way for utilities subject to
 1753 regulation; permit; fees.--

1754 (1) The department and local governmental entities,
 1755 referred to in ss. 337.401-337.404 as the "authority," that have
 1756 jurisdiction and control of public roads or publicly owned rail
 1757 corridors are authorized to prescribe and enforce reasonable
 1758 rules or regulations with reference to the placing and
 1759 maintaining along, across, or on any road or publicly owned rail
 1760 corridors under their respective jurisdictions any electric
 1761 transmission, telephone, telegraph, or other communications
 1762 services lines; pole lines; poles; railways; ditches; sewers;
 1763 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 1764 pumps; or other structures ~~hereinafter~~ referred to in this
 1765 section as the "utility." For aerial and underground electric
 1766 utility transmission lines designed to operate at 69 or more
 1767 kilovolts that are needed to accommodate the additional
 1768 electrical transfer capacity on the transmission grid resulting
 1769 from new base-load generating facilities, where there is no
 1770 other practicable alternative available for placement of the
 1771 electric utility transmission lines on the department's rights-
 1772 of-way, the department's rules shall provide for placement of
 1773 and access to such transmission lines adjacent to and within the
 1774 right-of-way of any department-controlled public roads,
 1775 including longitudinally within limited access facilities to the
 1776 greatest extent allowed by federal law, if compliance with the
 1777 standards established by such rules is achieved. Such rules may
 1778 include, but need not be limited to, that the use of the right-
 1779 of-way is reasonable based upon a consideration of economic and

1780 environmental factors, including, without limitation, other
1781 practicable alternative alignments, utility corridors and
1782 easements, and minimum clear zones and other safety standards,
1783 and further provide that placement of the electric utility
1784 transmission lines within the department's right-of-way does not
1785 interfere with operational requirements of the transportation
1786 facility or planned or potential future expansion of such
1787 transportation facility. If the department approves longitudinal
1788 placement of electric utility transmission lines in limited
1789 access facilities, compensation for the use of the right-of-way
1790 is required. Such consideration or compensation paid by the
1791 electric utility in connection with the department's issuance of
1792 a permit does not create any property right in the department's
1793 property regardless of the amount of consideration paid or the
1794 improvements constructed on the property by the utility. Upon
1795 notice by the department that the property is needed for
1796 expansion or improvement of the transportation facility, the
1797 electric utility transmission line will relocate from the
1798 facility at the electric utility's sole expense. The electric
1799 utility shall pay to the department reasonable damages resulting
1800 from the utility's failure or refusal to timely relocate its
1801 transmission lines. The rules to be adopted by the department
1802 may also address the compensation methodology and relocation. As
1803 used in this subsection, the term "base-load generating
1804 facilities" means electric power plants that are certified under
1805 part II of chapter 403. The department may enter into a permit-
1806 delegation agreement with a governmental entity if issuance of a
1807 permit is based on requirements that the department finds will

1808 ensure the safety and integrity of facilities of the Department
 1809 of Transportation; however, the permit-delegation agreement does
 1810 not apply to facilities of electric utilities as defined in s.
 1811 366.02(2).

1812 Section 27. Subsections (1) and (7) of section 339.175,
 1813 Florida Statutes, are amended to read:

1814 339.175 Metropolitan planning organization.--

1815 (1) PURPOSE.--It is the intent of the Legislature to
 1816 encourage and promote the safe and efficient management,
 1817 operation, and development of surface transportation systems
 1818 that will serve the mobility needs of people and freight and
 1819 foster economic growth and development within and through
 1820 urbanized areas of this state while minimizing transportation-
 1821 related fuel consumption, ~~and~~ air pollution, and greenhouse gas
 1822 emissions through metropolitan transportation planning processes
 1823 identified in this section. To accomplish these objectives,
 1824 metropolitan planning organizations, referred to in this section
 1825 as M.P.O.'s, shall develop, in cooperation with the state and
 1826 public transit operators, transportation plans and programs for
 1827 metropolitan areas. The plans and programs for each metropolitan
 1828 area must provide for the development and integrated management
 1829 and operation of transportation systems and facilities,
 1830 including pedestrian walkways and bicycle transportation
 1831 facilities that will function as an intermodal transportation
 1832 system for the metropolitan area, based upon the prevailing
 1833 principles provided in s. 334.046(1). The process for developing
 1834 such plans and programs shall provide for consideration of all
 1835 modes of transportation and shall be continuing, cooperative,

1836 and comprehensive, to the degree appropriate, based on the
 1837 complexity of the transportation problems to be addressed. To
 1838 ensure that the process is integrated with the statewide
 1839 planning process, M.P.O.'s shall develop plans and programs that
 1840 identify transportation facilities that should function as an
 1841 integrated metropolitan transportation system, giving emphasis
 1842 to facilities that serve important national, state, and regional
 1843 transportation functions. For the purposes of this section,
 1844 those facilities include the facilities on the Strategic
 1845 Intermodal System designated under s. 339.63 and facilities for
 1846 which projects have been identified pursuant to s. 339.2819(4).

1847 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 1848 develop a long-range transportation plan that addresses at least
 1849 a 20-year planning horizon. The plan must include both long-
 1850 range and short-range strategies and must comply with all other
 1851 state and federal requirements. The prevailing principles to be
 1852 considered in the long-range transportation plan are: preserving
 1853 the existing transportation infrastructure; enhancing Florida's
 1854 economic competitiveness; and improving travel choices to ensure
 1855 mobility. The long-range transportation plan must be consistent,
 1856 to the maximum extent feasible, with future land use elements
 1857 and the goals, objectives, and policies of the approved local
 1858 government comprehensive plans of the units of local government
 1859 located within the jurisdiction of the M.P.O. Each M.P.O. is
 1860 encouraged to consider strategies that integrate transportation
 1861 and land use planning to provide for sustainable development and
 1862 reduce greenhouse gas emissions. The approved long-range
 1863 transportation plan must be considered by local governments in

1864 the development of the transportation elements in local
1865 government comprehensive plans and any amendments thereto. The
1866 long-range transportation plan must, at a minimum:

1867 (a) Identify transportation facilities, including, but not
1868 limited to, major roadways, airports, seaports, spaceports,
1869 commuter rail systems, transit systems, and intermodal or
1870 multimodal terminals that will function as an integrated
1871 metropolitan transportation system. The long-range
1872 transportation plan must give emphasis to those transportation
1873 facilities that serve national, statewide, or regional
1874 functions, and must consider the goals and objectives identified
1875 in the Florida Transportation Plan as provided in s. 339.155. If
1876 a project is located within the boundaries of more than one
1877 M.P.O., the M.P.O.'s must coordinate plans regarding the project
1878 in the long-range transportation plan.

1879 (b) Include a financial plan that demonstrates how the
1880 plan can be implemented, indicating resources from public and
1881 private sources which are reasonably expected to be available to
1882 carry out the plan, and recommends any additional financing
1883 strategies for needed projects and programs. The financial plan
1884 may include, for illustrative purposes, additional projects that
1885 would be included in the adopted long-range transportation plan
1886 if reasonable additional resources beyond those identified in
1887 the financial plan were available. For the purpose of developing
1888 the long-range transportation plan, the M.P.O. and the
1889 department shall cooperatively develop estimates of funds that
1890 will be available to support the plan implementation. Innovative
1891 financing techniques may be used to fund needed projects and

1892 programs. Such techniques may include the assessment of tolls,
 1893 the use of value capture financing, or the use of value pricing.

1894 (c) Assess capital investment and other measures necessary
 1895 to:

1896 1. Ensure the preservation of the existing metropolitan
 1897 transportation system including requirements for the operation,
 1898 resurfacing, restoration, and rehabilitation of major roadways
 1899 and requirements for the operation, maintenance, modernization,
 1900 and rehabilitation of public transportation facilities; and

1901 2. Make the most efficient use of existing transportation
 1902 facilities to relieve vehicular congestion and maximize the
 1903 mobility of people and goods.

1904 (d) Indicate, as appropriate, proposed transportation
 1905 enhancement activities, including, but not limited to,
 1906 pedestrian and bicycle facilities, scenic easements,
 1907 landscaping, historic preservation, mitigation of water
 1908 pollution due to highway runoff, and control of outdoor
 1909 advertising.

1910 (e) In addition to the requirements of paragraphs (a)-(d),
 1911 in metropolitan areas that are classified as nonattainment areas
 1912 for ozone or carbon monoxide, the M.P.O. must coordinate the
 1913 development of the long-range transportation plan with the State
 1914 Implementation Plan developed pursuant to the requirements of
 1915 the federal Clean Air Act.

1916
 1917 In the development of its long-range transportation plan, each
 1918 M.P.O. must provide the public, affected public agencies,
 1919 representatives of transportation agency employees, freight

1920 shippers, providers of freight transportation services, private
 1921 providers of transportation, representatives of users of public
 1922 transit, and other interested parties with a reasonable
 1923 opportunity to comment on the long-range transportation plan.
 1924 The long-range transportation plan must be approved by the
 1925 M.P.O.

1926 Section 28. Subsections (2), (3), and (4) of section
 1927 350.01, Florida Statutes, are amended to read:

1928 350.01 Florida Public Service Commission; terms of
 1929 commissioners; vacancies; election and duties of chair; quorum;
 1930 proceedings.--

1931 (2) (a) Each commissioner serving on July 1, 1978, shall be
 1932 permitted to remain in office until the completion of his or her
 1933 current term. Upon the expiration of the term, a successor shall
 1934 be appointed in the manner prescribed by s. 350.031(4), (5), and
 1935 (6), ~~and (7)~~ for a 4-year term, except that the terms of the
 1936 initial members appointed under this act shall be as follows:

1937 1. The vacancy created by the present term ending in
 1938 January, 1981, shall be filled by appointment for a 4-year term
 1939 and for 4-year terms thereafter; and

1940 2. The vacancies created by the two present terms ending
 1941 in January, 1979, shall be filled by appointment for a 3-year
 1942 term and for 4-year terms thereafter.

1943 (b) Two additional commissioners shall be appointed in the
 1944 manner prescribed by s. 350.031(4), (5), and (6), ~~and (7)~~ for 4-
 1945 year terms beginning the first Tuesday after the first Monday in
 1946 January, 1979, and successors shall be appointed for 4-year

1947 terms thereafter with each term beginning on January 2 of the
 1948 year the term commences and ending 4 years later on January 1.

1949 (c) Vacancies on the commission shall be filled for the
 1950 unexpired portion of the term in the same manner as original
 1951 appointments to the commission.

1952 (3) Any person serving on the commission who seeks to be
 1953 appointed or reappointed shall file with the nominating council
 1954 no later than June 1 prior to the year in which his or her term
 1955 expires at least 210 days before the expiration of his or her
 1956 ~~term~~ a statement that he or she desires to serve an additional
 1957 term.

1958 (4) One member of the commission shall be elected by
 1959 majority vote to serve as chair for a term of 2 years, beginning
 1960 on January 2 of the first year of the term ~~with the first~~
 1961 ~~Tuesday after the first Monday in January 1979~~. A member may not
 1962 serve two consecutive terms as chair.

1963 Section 29. Section 350.012, Florida Statutes, is amended
 1964 to read:

1965 350.012 Committee on Public Counsel ~~Service Commission~~
 1966 Oversight; creation; membership; powers and duties.--

1967 (1) There is created a standing joint committee of the
 1968 Legislature, designated the Committee on Public Counsel ~~Service~~
 1969 ~~Commission~~ Oversight, and composed of 12 members appointed as
 1970 follows: six members of the Senate appointed by the President of
 1971 the Senate, two of whom must be members of the minority party;
 1972 and six members of the House of Representatives appointed by the
 1973 Speaker of the House of Representatives, two of whom must be
 1974 members of the minority party. The terms of members shall be for

1975 2 years and shall run from the organization of one Legislature
 1976 to the organization of the next Legislature. The President shall
 1977 appoint the chair of the committee in even-numbered years and
 1978 the vice chair in odd-numbered years, and the Speaker of the
 1979 House of Representatives shall appoint the chair of the
 1980 committee in odd-numbered years and the vice chair in even-
 1981 numbered years, from among the committee membership. Vacancies
 1982 shall be filled in the same manner as the original appointment.
 1983 Members shall serve without additional compensation, but shall
 1984 be reimbursed for expenses.

1985 (2) The committee shall+

1986 ~~(a) Recommend to the Governor nominees to fill a vacancy~~
 1987 ~~on the Public Service Commission, as provided by general law;~~
 1988 ~~and~~

1989 ~~(b) appoint a Public Counsel as provided by general law.~~

1990 ~~(3) The committee is authorized to file a complaint with~~
 1991 ~~the Commission on Ethics alleging a violation of this chapter by~~
 1992 ~~a commissioner, former commissioner, former commission employee,~~
 1993 ~~or member of the Public Service Commission Nominating Council.~~

1994 (3)~~(4)~~ The committee will not have a permanent staff, but
 1995 the President of the Senate and the Speaker of the House of
 1996 Representatives shall select staff members from among existing
 1997 legislative staff, when and as needed.

1998 Section 30. Section 350.03, Florida Statutes, is amended
 1999 to read:

2000 350.03 Power of Governor to remove and to fill
 2001 vacancies.-- The Governor shall have the same power to remove,
 2002 suspend, or appoint to fill vacancies in the office of

2003 commissioners as in other offices, as set forth in s. 7, Art. IV
 2004 of the State Constitution.

2005 Section 31. Subsections (1) and (4) through (8) of section
 2006 350.031, Florida Statutes, are amended, and a new subsection (8)
 2007 is added to that section, to read:

2008 350.031 Florida Public Service Commission Nominating
 2009 Council.--

2010 (1)(a) There is created a Florida Public Service
 2011 Commission Nominating Council consisting of 12 ~~nine~~ members. At
 2012 least one member of the council must be 60 years of age or
 2013 older. ~~Six~~ Three members, including three members ~~one member~~ of
 2014 the House of Representatives, one of whom shall be a member of
 2015 the minority party, shall be appointed by and serve at the
 2016 pleasure of the Speaker of the House of Representatives. ~~Six~~
 2017 ~~three~~ three members, including three members ~~one member~~ of the Senate,
 2018 one of whom shall be a member of the minority party, shall be
 2019 appointed by and serve at the pleasure of the President of the
 2020 Senate; ~~and three members shall be selected and appointed by a~~
 2021 ~~majority vote of the other six members of the council.~~

2022 (b) All terms shall be for 4 years except those members of
 2023 the House and Senate, who shall serve 2-year terms concurrent
 2024 with the 2-year elected terms of House members. All terms of the
 2025 members of the Public Service Commission Nominating Council
 2026 existing on June 30, 2008, shall terminate upon the effective
 2027 date of this act; however, such members may serve an additional
 2028 term if reappointed by the Speaker of the House of
 2029 Representatives or the President of the Senate. To establish
 2030 staggered terms, appointments of members shall be made for

2031 initial terms to begin on July 1, 2008, with each appointing
 2032 officer to appoint three legislator members, one of whom shall
 2033 be a member of the minority party, to terms through the
 2034 remainder of the 2-year elected terms of House members; one non-
 2035 legislator member to a 6-month term; one non-legislator member
 2036 to a 30-month term; and one non-legislator member to a 42-month
 2037 term. Thereafter, the terms of the Public Service Commission
 2038 Nominating Council shall begin on January 2.

2039 (c) The President of the Senate shall appoint the chair of
 2040 the council in even-numbered years and the vice chair in odd-
 2041 numbered years, and the Speaker of the House of Representatives
 2042 shall appoint the chair of the council in odd-numbered years and
 2043 the vice chair in even-numbered years, from among the council
 2044 membership.

2045 (d) Vacancies on the council shall be filled for the
 2046 unexpired portion of the term in the same manner as original
 2047 appointments to the council. A member may not be reappointed to
 2048 the council, except for a member of the House of Representatives
 2049 or the Senate who may be appointed to two 2-year terms, members
 2050 who are reappointed pursuant to paragraph (b), or a person who
 2051 is appointed to fill the remaining portion of an unexpired term.

2052 ~~(4) The council may spend a nominal amount, not to exceed~~
 2053 ~~\$10,000, to advertise a vacancy on the council, which shall be~~
 2054 ~~funded by the Florida Public Service Regulatory Trust Fund.~~

2055 (4)(5) A person may not be nominated to the Governor for
 2056 appointment to the ~~Committee on~~ Public Service Commission
 2057 ~~Oversight~~ until the council has determined that the person is
 2058 competent and knowledgeable in one or more fields, which shall

2059 include, but not be limited to: public affairs, law, economics,
 2060 accounting, engineering, finance, natural resource conservation,
 2061 energy, or another field substantially related to the duties and
 2062 functions of the commission. The commission shall fairly
 2063 represent the above-stated fields. Recommendations of the
 2064 council shall be nonpartisan.

2065 (5)~~(6)~~ It is the responsibility of the council to nominate
 2066 to the Governor no fewer than three ~~Committee on Public Service~~
 2067 ~~Commission Oversight~~ ~~six~~ persons for each vacancy occurring on
 2068 the Public Service Commission. The council shall submit the
 2069 recommendations to the Governor by September 15 ~~committee by~~
 2070 ~~August 1~~ of those years in which the terms are to begin the
 2071 following January, or within 60 days after a vacancy occurs for
 2072 any reason other than the expiration of the term.

2073 (6)~~(7)~~ ~~The Committee on Public Service Commission~~
 2074 ~~Oversight shall select from the list of nominees provided by the~~
 2075 ~~nominating council three nominees for recommendation to the~~
 2076 ~~Governor for appointment to the commission. The recommendations~~
 2077 ~~must be provided to the Governor within 45 days after receipt of~~
 2078 ~~the list of nominees.~~ The Governor shall fill a vacancy
 2079 occurring on the Public Service Commission by appointment of one
 2080 of the applicants nominated by the council ~~committee~~ only after
 2081 a background investigation of such applicant has been conducted
 2082 by the Florida Department of Law Enforcement. If the Governor
 2083 has not made an appointment within 30 consecutive calendar days
 2084 after the receipt of the recommendation, the council ~~committee~~,
 2085 by majority vote, shall appoint, within 30 days after the
 2086 expiration of the Governor's time to make an appointment, one

2087 person from the applicants previously nominated to the Governor
 2088 to fill the vacancy.

2089 ~~(7)(8)~~ Each appointment to the Public Service Commission
 2090 shall be subject to confirmation by the Senate during the next
 2091 regular session after the vacancy occurs. If the Senate refuses
 2092 to confirm or fails to consider ~~rejects~~ the Governor's
 2093 appointment, the council shall initiate, in accordance with this
 2094 section, the nominating process within 30 days.

2095 (8) When the Governor makes an appointment, to fill a
 2096 vacancy occurring due to expiration of the term, and that
 2097 appointment has not been confirmed by the Senate before the
 2098 appointing Governor's term ends, a successor Governor may,
 2099 within 30 days after taking office, recall the appointment and,
 2100 prior to the first day of the next regular session, make a
 2101 replacement appointment from the list provided to the previous
 2102 Governor by the council. Such an appointment is subject to
 2103 confirmation by the Senate at the next regular session following
 2104 the creation of the vacancy to which the appointments are being
 2105 made. If the replacement appointment is not timely made, or if
 2106 the appointment is not confirmed by the Senate for any reason,
 2107 the council, by majority vote, shall appoint, within 30 days
 2108 after the Legislature adjourns sine die, one person from the
 2109 applicants previously nominated to the Governor to fill the
 2110 vacancy, and this appointee is subject to confirmation by the
 2111 Senate during the next regular session following the
 2112 appointment.

2113 Section 32. Subsection (1) of section 350.061, Florida
 2114 Statutes, is amended to read:

2115 350.061 Public Counsel; appointment; oath; restrictions on
2116 Public Counsel and his or her employees.--

2117 (1) The Committee on Public Counsel ~~Service Commission~~
2118 Oversight shall appoint a Public Counsel by majority vote of the
2119 members of the committee to represent the general public of
2120 Florida before the Florida Public Service Commission. The Public
2121 Counsel shall be an attorney admitted to practice before the
2122 Florida Supreme Court and shall serve at the pleasure of the
2123 Committee on Public Counsel ~~Service Commission~~ Oversight,
2124 subject to biennial reconfirmation by the committee. The Public
2125 Counsel shall perform his or her duties independently. Vacancies
2126 in the office shall be filled in the same manner as the original
2127 appointment.

2128 Section 33. Subsection (2) of section 350.0614, Florida
2129 Statutes, is amended to read:

2130 350.0614 Public Counsel; compensation and expenses.--

2131 (2) The Legislature declares and determines that the
2132 Public Counsel is under the legislative branch of government
2133 within the intention of the legislation as expressed in chapter
2134 216, and no power shall be in the Executive Office of the
2135 Governor or its successor to release or withhold funds
2136 appropriated to it, but the same shall be available for
2137 expenditure as provided by law and the rules or decisions of the
2138 Committee on Public Counsel ~~Service Commission~~ Oversight.

2139 Section 34. Subsection (7) is added to section 366.04,
2140 Florida Statutes, to read:

2141 366.04 Jurisdiction of commission.--

2142 (7) (a) As used in this subsection, the term "affected
2143 municipal electric utility" means a municipality that operates
2144 an electric utility that:

- 2145 1. Serves two cities in the same county;
2146 2. Is located in a noncharter county;
2147 3. Has between 30,000 and 35,000 retail electric customers
2148 as of September 30, 2007; and
2149 4. Does not have a service territory that extends beyond
2150 its home county as of September 30, 2007.

2151 (b) Each affected municipal electric utility shall conduct
2152 a referendum election of all of its retail electric customers,
2153 with each named retail electric customer having one vote,
2154 concurrent with the next regularly scheduled general election
2155 following the effective date of this act.

2156 (c) The ballot for the referendum election required under
2157 paragraph (b) shall contain the following question: "Should a
2158 separate electric utility authority be created to operate the
2159 business of the electric utility in the affected municipal
2160 electric utility?" The statement shall be followed by the word
2161 "yes" and the word "no."

2162 (d) The provisions of the Election Code relating to notice
2163 and conduct of the election shall be followed to the extent
2164 practicable. Costs of the referendum election shall be borne by
2165 the affected municipal electric utility.

2166 (e) If a majority of the affected municipal electric
2167 utility's retail electric customers vote in favor of creating a
2168 separate electric utility authority, the affected municipal
2169 electric utility shall, no later than January 15, 2009, provide

2170 to each member of the Legislature whose district includes any
 2171 portion of the electric service territory of the affected
 2172 municipal electric utility a proposed charter that transfers
 2173 operations of its electric, water, and sewer utility businesses
 2174 to a duly-created authority, the governing board of which shall
 2175 proportionally represent the number of county and city
 2176 ratepayers of the electric utility.

2177 Section 35. Section 366.81, Florida Statutes, is amended
 2178 to read:

2179 366.81 Legislative findings and intent.--The Legislature
 2180 finds and declares that it is critical to utilize the most
 2181 efficient and cost-effective demand-side renewable energy
 2182 systems and conservation systems in order to protect the health,
 2183 prosperity, and general welfare of the state and its citizens.
 2184 Reduction in, and control of, the growth rates of electric
 2185 consumption and of weather-sensitive peak demand are of
 2186 particular importance. The Legislature further finds that the
 2187 Florida Public Service Commission is the appropriate agency to
 2188 adopt goals and approve plans related to the promotion of
 2189 demand-side renewable energy systems and the conservation of
 2190 electric energy and natural gas usage. The Legislature directs
 2191 the commission to develop and adopt overall goals and authorizes
 2192 the commission to require each utility to develop plans and
 2193 implement programs for increasing energy efficiency and
 2194 conservation and demand-side renewable energy systems within its
 2195 service area, subject to the approval of the commission. Since
 2196 solutions to our energy problems are complex, the Legislature
 2197 intends that the use of solar energy, renewable energy sources,

2198 highly efficient systems, cogeneration, and load-control systems
 2199 be encouraged. Accordingly, in exercising its jurisdiction, the
 2200 commission shall not approve any rate or rate structure which
 2201 discriminates against any class of customers on account of the
 2202 use of such facilities, systems, or devices. This expression of
 2203 legislative intent shall not be construed to preclude
 2204 experimental rates, rate structures, or programs. The
 2205 Legislature further finds and declares that ss. 366.80-366.85
 2206 and 403.519 are to be liberally construed in order to meet the
 2207 complex problems of reducing and controlling the growth rates of
 2208 electric consumption and reducing the growth rates of weather-
 2209 sensitive peak demand; increasing the overall efficiency and
 2210 cost-effectiveness of electricity and natural gas production and
 2211 use; encouraging further development of demand-side renewable
 2212 energy systems ~~cogeneration facilities~~; and conserving expensive
 2213 resources, particularly petroleum fuels.

2214 Section 36. Section 366.82, Florida Statutes, is amended
 2215 to read:

2216 366.82 Definition; goals; plans; programs; annual reports;
 2217 energy audits.--

2218 (1) For the purposes of ss. 366.80-366.85 and 403.519:7

2219 (a) "Utility" means any person or entity of whatever form
 2220 which provides electricity or natural gas at retail to the
 2221 public, specifically including municipalities or
 2222 instrumentalities thereof and cooperatives organized under the
 2223 Rural Electric Cooperative Law and specifically excluding any
 2224 municipality or instrumentality thereof, any cooperative
 2225 organized under the Rural Electric Cooperative Law, or any other

2226 person or entity providing natural gas at retail to the public
2227 whose annual sales volume is less than 100 million therms or any
2228 municipality or instrumentality thereof and any cooperative
2229 organized under the Rural Electric Cooperative Law providing
2230 electricity at retail to the public whose annual sales as of
2231 July 1, 1993, to end-use customers is less than 2,000 gigawatt
2232 hours.

2233 (b) "Demand-side renewable energy" means a system located
2234 on a customer's premises generating thermal or electric energy
2235 using Florida renewable energy resources and primarily intended
2236 to offset all or part of the customer's electricity requirements
2237 provided such system does not exceed 2 megawatts.

2238 (2) The commission shall adopt appropriate goals for
2239 increasing the efficiency of energy consumption and increasing
2240 the development of demand-side renewable energy systems
2241 ~~regeneration~~, specifically including goals designed to increase
2242 the conservation of expensive resources, such as petroleum
2243 fuels, to reduce and control the growth rates of electric
2244 consumption, ~~and~~ to reduce the growth rates of weather-sensitive
2245 peak demand, and to encourage development of demand-side
2246 renewable energy resources. The commission may allow efficiency
2247 investments across generation, transmission, and distribution as
2248 well as efficiencies within the user base. ~~The Executive Office~~
2249 ~~of the Governor shall be a party in the proceedings to adopt~~
2250 ~~goals. The commission may change the goals for reasonable cause.~~
2251 ~~The time period to review the goals, however, shall not exceed 5~~
2252 ~~years. After the programs and plans to meet those goals are~~

2253 ~~completed, the commission shall determine what further goals,~~
2254 ~~programs, or plans are warranted and, if so, shall adopt them.~~

2255 (3) In developing the goals, the commission shall evaluate
2256 the full technical potential of all available demand-side and
2257 supply-side conservation and efficiency measures, including
2258 demand-side renewable energy systems. In establishing the goals,
2259 the commission shall take into consideration:

2260 (a) The costs and benefits to customers participating in
2261 the measure.

2262 (b) The costs and benefits to the general body of
2263 ratepayers as a whole, including utility incentives and
2264 participant contributions.

2265 (c) The need for incentives to promote both customer-owned
2266 and utility-owned energy efficiency and demand-side renewable
2267 energy systems.

2268 (d) The costs imposed by state and federal regulations on
2269 the emission of greenhouse gases.

2270 (4) Subject to specific appropriation, the commission may
2271 expend up to \$250,000 from the Florida Public Service Regulatory
2272 Trust Fund to obtain needed technical consulting assistance.

2273 (5) The Florida Energy and Climate Commission shall be a
2274 party in the proceedings to adopt goals and shall file with the
2275 commission comments on the proposed goals, including, but not
2276 limited to:

2277 (a) An evaluation of utility load forecasts, including an
2278 assessment of alternative supply-side and demand-side resource
2279 options.

2280 (b) An analysis of various policy options that can be
 2281 implemented to achieve a least-cost strategy, including
 2282 nonutility programs targeted at reducing and controlling the per
 2283 capita use of electricity in the state.

2284 (c) An analysis of the impact of state and local building
 2285 codes and appliance efficiency standards on the need for
 2286 utility-sponsored conservation and energy efficiency measures
 2287 and programs.

2288 (6) The commission may change the goals for reasonable
 2289 cause. The time period to review the goals, however, shall not
 2290 exceed 5 years. After the programs and plans to meet those goals
 2291 are completed, the commission shall determine what further
 2292 goals, programs, or plans are warranted and adopt them.

2293 (7) ~~(3)~~ Following adoption of goals pursuant to subsections
 2294 ~~subsection (2) and (3),~~ the commission shall require each
 2295 utility to develop plans and programs to meet the overall goals
 2296 within its service area. The commission may require
 2297 modifications or additions to a utility's plans and programs at
 2298 any time it is in the public interest consistent with this act.
 2299 In approving plans and programs for cost recovery, the
 2300 commission shall have the flexibility to modify or deny plans or
 2301 programs that would have an undue impact on the costs passed on
 2302 to customers. If any plan or program includes loans, collection
 2303 of loans, or similar banking functions by a utility and the plan
 2304 is approved by the commission, the utility shall perform such
 2305 functions, notwithstanding any other provision of the law. ~~The~~
 2306 ~~commission may pledge up to \$5 million of the Florida Public~~
 2307 ~~Service Regulatory Trust Fund to guarantee such loans. However,~~

2308 no utility shall be required to loan its funds for the purpose
 2309 of purchasing or otherwise acquiring conservation measures or
 2310 devices, but nothing herein shall prohibit or impair the
 2311 administration or implementation of a utility plan as submitted
 2312 by a utility and approved by the commission under this
 2313 subsection. If the commission disapproves a plan, it shall
 2314 specify the reasons for disapproval, and the utility whose plan
 2315 is disapproved shall resubmit its modified plan within 30 days.
 2316 Prior approval by the commission shall be required to modify or
 2317 discontinue a plan, or part thereof, which has been approved. If
 2318 any utility has not implemented its programs and is not
 2319 substantially in compliance with the provisions of its approved
 2320 plan at any time, the commission shall adopt programs required
 2321 for that utility to achieve the overall goals. Utility programs
 2322 may include variations in rate design, load control,
 2323 cogeneration, residential energy conservation subsidy, or any
 2324 other measure within the jurisdiction of the commission which
 2325 the commission finds likely to be effective; this provision
 2326 shall not be construed to preclude these measures in any plan or
 2327 program.

2328 (8) The commission may authorize financial rewards for
 2329 those utilities over which it has rate-setting authority that
 2330 exceed their goals and may authorize financial penalties for
 2331 those utilities that fail to meet their goals, including, but
 2332 not limited to, the sharing of generation, transmission, and
 2333 distribution cost savings associated with conservation, energy
 2334 efficiency, and demand-side renewable energy systems additions.

2335 (9) The commission is authorized to allow an investor-
 2336 owned electric utility an additional return on equity of up to
 2337 50 basis points for exceeding 20 percent of their annual load-
 2338 growth through energy efficiency and conservation measures. The
 2339 additional return on equity shall be established by the
 2340 commission through a limited proceeding.

2341 ~~(10)(4)~~ The commission shall require periodic reports from
 2342 each utility and shall provide the Legislature and the Governor
 2343 with an annual report by March 1 of the goals it has adopted and
 2344 its progress toward meeting those goals. The commission shall
 2345 also consider the performance of each utility pursuant to ss.
 2346 366.80-366.85 and 403.519 when establishing rates for those
 2347 utilities over which the commission has ratesetting authority.

2348 ~~(11)(5)~~ The commission shall require each utility to
 2349 offer, or to contract to offer, energy audits to its residential
 2350 customers. This requirement need not be uniform, but may be
 2351 based on such factors as level of usage, geographic location, or
 2352 any other reasonable criterion, so long as all eligible
 2353 customers are notified. The commission may extend this
 2354 requirement to some or all commercial customers. The commission
 2355 shall set the charge for audits by rule, not to exceed the
 2356 actual cost, and may describe by rule the general form and
 2357 content of an audit. In the event one utility contracts with
 2358 another utility to perform audits for it, the utility for which
 2359 the audits are performed shall pay the contracting utility the
 2360 reasonable cost of performing the audits. Each utility over
 2361 which the commission has ratesetting authority shall estimate
 2362 its costs and revenues for audits, conservation programs, and

2363 implementation of its plan for the immediately following 6-month
2364 period. Reasonable and prudent unreimbursed costs projected to
2365 be incurred, or any portion of such costs, may be added to the
2366 rates which would otherwise be charged by a utility upon
2367 approval by the commission, provided that the commission shall
2368 not allow the recovery of the cost of any company image-
2369 enhancing advertising or of any advertising not directly related
2370 to an approved conservation program. Following each 6-month
2371 period, each utility shall report the actual results for that
2372 period to the commission, and the difference, if any, between
2373 actual and projected results shall be taken into account in
2374 succeeding periods. The state plan as submitted for
2375 consideration under the National Energy Conservation Policy Act
2376 shall not be in conflict with any state law or regulation.

2377 (12)~~(6)~~~~(a)~~ Notwithstanding the provisions of s. 377.703,
2378 the commission shall be the responsible state agency for
2379 performing, coordinating, implementing, or administering the
2380 functions of the state plan submitted for consideration under
2381 the National Energy Conservation Policy Act and any acts
2382 amendatory thereof or supplemental thereto and for performing,
2383 coordinating, implementing, or administering the functions of
2384 any future federal program delegated to the state which relates
2385 to consumption, utilization, or conservation of electricity or
2386 natural gas; and the commission shall have exclusive
2387 responsibility for preparing all reports, information, analyses,
2388 recommendations, and materials related to consumption,
2389 utilization, or conservation of electrical energy which are
2390 required or authorized by s. 377.703.

2391 ~~(b) The Executive Office of the Governor shall be a party~~
 2392 ~~in the proceedings to adopt goals and shall file with the~~
 2393 ~~commission comments on the proposed goals including, but not~~
 2394 ~~limited to:~~

2395 1. ~~An evaluation of utility load forecasts, including an~~
 2396 ~~assessment of alternative supply and demand side resource~~
 2397 ~~options.~~

2398 2. ~~An analysis of various policy options which can be~~
 2399 ~~implemented to achieve a least cost strategy.~~

2400 (13)~~(7)~~ The commission shall establish all minimum
 2401 requirements for energy auditors used by each utility. The
 2402 commission is authorized to contract with any public agency or
 2403 other person to provide any training, testing, evaluation, or
 2404 other step necessary to fulfill the provisions of this
 2405 subsection.

2406 Section 37. Paragraph (d) of subsection (1) of section
 2407 366.8255, Florida Statutes, is amended to read:

2408 366.8255 Environmental cost recovery.--

2409 (1) As used in this section, the term:

2410 (d) "Environmental compliance costs" includes all costs or
 2411 expenses incurred by an electric utility in complying with
 2412 environmental laws or regulations, including, but not limited
 2413 to:

2414 1. Inservice capital investments, including the electric
 2415 utility's last authorized rate of return on equity thereon.†

2416 2. Operation and maintenance expenses.†

2417 3. Fuel procurement costs.†

2418 4. Purchased power costs.†

2419 5. Emission allowance costs~~.~~
 2420 6. Direct taxes on environmental equipment~~.~~ ~~and~~
 2421 7. Costs or expenses prudently incurred by an electric
 2422 utility pursuant to an agreement entered into on or after the
 2423 effective date of this act and prior to October 1, 2002, between
 2424 the electric utility and the Florida Department of Environmental
 2425 Protection or the United States Environmental Protection Agency
 2426 for the exclusive purpose of ensuring compliance with ozone
 2427 ambient air quality standards by an electrical generating
 2428 facility owned by the electric utility.

2429 8. Costs or expenses prudently incurred for the
 2430 quantification, reporting, and third-party verification as
 2431 required for participation in greenhouse gas emission registries
 2432 for greenhouse gases as defined in s. 403.44.

2433 9. Costs or expenses prudently incurred for scientific
 2434 research and geological assessments of carbon capture and
 2435 storage conducted in this state for the purpose of reducing an
 2436 electric utility's greenhouse gas emissions when such costs or
 2437 expenses are incurred in joint research projects with Florida
 2438 state government agencies and Florida state universities.

2439 Section 38. Subsection (2) of section 366.91, Florida
 2440 Statutes, is amended, subsection (5) is renumbered as subsection
 2441 (8), and new subsections (5), (6), and (7) are added to that
 2442 section, to read:

2443 366.91 Renewable energy.--

2444 (2) As used in this section, the term:

2445 (a) "Biomass" means a power source that is comprised of,
 2446 but not limited to, combustible residues or gases from forest

2447 products manufacturing, waste, byproducts, or products from
 2448 agricultural and orchard crops, waste or co-products ~~products~~
 2449 from livestock and poultry operations, waste or byproducts from
 2450 ~~and~~ food processing, urban wood waste, municipal solid waste,
 2451 municipal liquid waste treatment operations, and landfill gas.

2452 (b) "Customer-owned renewable generation" means an
 2453 electric generating system located on a customer's premises that
 2454 is primarily intended to offset part or all of the customer's
 2455 electricity requirements with renewable energy.

2456 (c) "Net metering" means a metering and billing
 2457 methodology whereby customer-owned renewable generation is
 2458 allowed to offset the customer's electricity consumption on
 2459 site.

2460 (d) ~~(b)~~ "Renewable energy" means electrical energy produced
 2461 from a method that uses one or more of the following fuels or
 2462 energy sources: hydrogen produced from sources other than fossil
 2463 fuels, biomass, solar energy, geothermal energy, wind energy,
 2464 ocean energy, and hydroelectric power. The term includes the
 2465 alternative energy resource, waste heat, from sulfuric acid
 2466 manufacturing operations.

2467 (5) On or before January 1, 2009, each public utility
 2468 shall develop a standardized interconnection agreement and net
 2469 metering program for customer-owned renewable generation. The
 2470 commission shall establish requirements relating to the
 2471 expedited interconnection and net metering of customer-owned
 2472 renewable generation by public utilities and may adopt rules to
 2473 administer this section.

2474 (6) On or before July 1, 2009, each municipal electric
2475 utility and each rural electric cooperative that sells
2476 electricity at retail shall develop a standardized
2477 interconnection agreement and net metering program for customer-
2478 owned renewable generation. Each governing authority shall
2479 establish requirements relating to the expedited interconnection
2480 and net metering of customer-owned generation. By April 1 of
2481 each year, each municipal electric utility and rural electric
2482 cooperative utility serving retail customers shall file a report
2483 with the commission detailing customer participation in the
2484 interconnection and net metering program, including, but not
2485 limited to, the number and total capacity of interconnected
2486 generating systems and the total energy net metered in the
2487 previous year.

2488 (7) Under the provisions of subsections (5) and (6), when
2489 a utility purchases power generated from biogas produced by the
2490 anaerobic digestion of agricultural waste, including food waste
2491 or other agricultural byproducts, net metering shall be
2492 available at a single metering point or as a part of conjunctive
2493 billing of multiple points for a customer at a single location,
2494 so long as the provision of such service and its associated
2495 charges, terms, and other conditions are not reasonably
2496 projected to result in higher cost electric service to the
2497 utility's general body of ratepayers or adversely affect the
2498 adequacy or reliability of electric service to all customers, as
2499 determined by the commission for public utilities, or as
2500 determined by the governing authority of the municipal electric
2501 utility or rural electric cooperative that serves at retail.

2502 Section 39. Section 366.92, Florida Statutes, is amended
 2503 to read:

2504 366.92 Florida renewable energy policy.--

2505 (1) It is the intent of the Legislature to promote the
 2506 development of renewable energy; protect the economic viability
 2507 of Florida's existing renewable energy facilities; diversify the
 2508 types of fuel used to generate electricity in Florida; lessen
 2509 Florida's dependence on natural gas and fuel oil for the
 2510 production of electricity; minimize the volatility of fuel
 2511 costs; encourage investment within the state; improve
 2512 environmental conditions; and, at the same time, minimize the
 2513 costs of power supply to electric utilities and their customers.

2514 (2) As used in ~~For the purposes of~~ this section, the term:

2515 (a) "Florida renewable energy resources" means ~~shall mean~~
 2516 renewable energy, as defined in s. 377.803, that is produced in
 2517 Florida.

2518 (b) "Provider" means a "utility" as defined in s.
 2519 366.8255(1)(a).

2520 (c) "Renewable energy" means renewable energy as defined
 2521 in s. 366.91(2)(d).

2522 (d) "Renewable energy credit" or "REC" means a product
 2523 that represents the unbundled, separable, renewable attribute of
 2524 renewable energy produced in Florida and is equivalent to 1
 2525 megawatt-hour of electricity generated by a source of renewable
 2526 energy located in Florida.

2527 (e) "Renewable portfolio standard" or "RPS" means the
 2528 minimum percentage of total annual retail electricity sales by a

2529 provider to consumers in Florida that shall be supplied by
2530 renewable energy produced in Florida.

2531 (3) The commission shall adopt rules for a renewable
2532 portfolio standard requiring each provider to supply renewable
2533 energy to its customers directly, by procuring, or through
2534 renewable energy credits. In developing the RPS rule, the
2535 commission shall consult the Department of Environmental
2536 Protection and the Florida Energy and Climate Commission. The
2537 rule shall not be implemented until ratified by the Legislature.
2538 The commission shall present a draft rule for legislative
2539 consideration by February 1, 2009.

2540 (a) In developing the rule, the commission shall evaluate
2541 the current and forecasted levelized cost in cents per kilowatt
2542 hour through 2020 and current and forecasted installed capacity
2543 in kilowatts for each renewable energy generation method through
2544 2020.

2545 (b) The commission's rule:

2546 1. Shall include methods of managing the cost of
2547 compliance with the renewable portfolio standard, whether
2548 through direct supply or procurement of renewable power or
2549 through the purchase of renewable energy credits. The commission
2550 shall have rulemaking authority for providing annual cost
2551 recovery and incentive-based adjustments to authorized rates of
2552 return on common equity to providers to incentivize renewable
2553 energy. Notwithstanding s. 366.91(3) and (4), upon the
2554 ratification of the rules developed pursuant to this subsection,
2555 the commission may approve projects and power sales agreements
2556 with renewable power producers and the sale of renewable energy

2557 credits needed to comply with the renewable portfolio standard.
2558 In the event of any conflict, this subparagraph shall supersede
2559 s. 366.91(3) and (4).

2560 2. Shall provide for appropriate compliance measures and
2561 the conditions under which noncompliance shall be excused due to
2562 a determination by the commission that the supply of renewable
2563 energy or renewable energy credits was not adequate to satisfy
2564 the demand for such energy or that the cost of securing
2565 renewable energy or renewable energy credits was cost
2566 prohibitive.

2567 3. May provide added weight to energy provided by wind and
2568 solar photovoltaic over other forms of renewable energy, whether
2569 directly supplied or procured or indirectly obtained through the
2570 purchase of renewable energy credits.

2571 4. Shall determine an appropriate period of time for which
2572 renewable energy credits may be used for purposes of compliance
2573 with the renewable portfolio standard.

2574 5. Shall provide for monitoring of compliance with and
2575 enforcement of the requirements of this section.

2576 6. Shall ensure that energy credited toward compliance
2577 with the requirements of this section is not credited toward any
2578 other purpose.

2579 7. Shall include procedures to track and account for
2580 renewable energy credits, including ownership of renewable
2581 energy credits that are derived from a customer-owned renewable
2582 energy facility as a result of any action by a customer of an
2583 electric power supplier that is independent of a program
2584 sponsored by the electric power supplier.

2585 8. Shall provide for the conditions and options for the
2586 repeal or alteration of the rule in the event that new
2587 provisions of federal law supplant or conflict with the rule.

2588 (c) Beginning on April 1 of the year following final
2589 adoption of the commission's renewable portfolio standard rule,
2590 each provider shall submit a report to the commission describing
2591 the steps that have been taken in the previous year and the
2592 steps that will be taken in the future to add renewable energy
2593 to the provider's energy supply portfolio. The report shall
2594 state whether the provider was in compliance with the renewable
2595 portfolio standard during the previous year and how it will
2596 comply with the renewable portfolio standard in the upcoming
2597 year.

2598 (4) In order to demonstrate the feasibility and viability
2599 of clean energy systems, the commission shall provide for full
2600 cost recovery under the environmental cost-recovery clause of
2601 all reasonable and prudent costs incurred by a provider for
2602 renewable energy projects that are zero greenhouse gas emitting
2603 at the point of generation, up to a total of 110 megawatts
2604 statewide, and for which the provider has secured necessary
2605 land, zoning permits, and transmission rights within the state.
2606 Such costs shall be deemed reasonable and prudent for purposes
2607 of cost recovery so long as the provider has used reasonable and
2608 customary industry practices in the design, procurement, and
2609 construction of the project in a cost-effective manner
2610 appropriate to the location of the facility. The provider shall
2611 report to the commission as part of the cost-recovery
2612 proceedings the construction costs, in-service costs, operating

2613 and maintenance costs, hourly energy production of the renewable
 2614 energy project, and any other information deemed relevant by the
 2615 commission. Any provider constructing a clean energy facility
 2616 pursuant to this section shall file for cost recovery no later
 2617 than July 1, 2009.

2618 (5) Each municipal electric utility and rural electric
 2619 cooperative shall develop standards for the promotion,
 2620 encouragement, and expansion of the use of renewable energy
 2621 resources and energy conservation and efficiency measures. On or
 2622 before April 1, 2009, and annually thereafter, each municipal
 2623 electric utility and electric cooperative shall submit to the
 2624 commission a report that identifies such standards.

2625 (6) Nothing in this section shall be construed to impede
 2626 or impair terms and conditions of existing contracts.

2627 ~~(3) The commission may adopt appropriate goals for~~
 2628 ~~increasing the use of existing, expanded, and new Florida~~
 2629 ~~renewable energy resources. The commission may change the goals.~~
 2630 ~~The commission may review and reestablish the goals at least~~
 2631 ~~once every 5 years.~~

2632 (7)(4) The commission may adopt rules to administer and
 2633 implement the provisions of this section.

2634 Section 40. Subsections (1), (2), and (6) of section
 2635 366.93, Florida Statutes, are amended to read:

2636 366.93 Cost recovery for the siting, design, licensing,
 2637 and construction of nuclear and integrated gasification combined
 2638 cycle power plants.--

2639 (1) As used in this section, the term:

2640 (a) "Cost" includes, but is not limited to, all capital
 2641 investments, including rate of return, any applicable taxes, and
 2642 all expenses, including operation and maintenance expenses,
 2643 related to or resulting from the siting, licensing, design,
 2644 construction, or operation of the nuclear power plant, including
 2645 new, expanded, or relocated electrical transmission lines or
 2646 facilities of any size that are necessary thereto, or of the
 2647 integrated gasification combined cycle power plant.

2648 (b) "Electric utility" or "utility" has the same meaning
 2649 as that provided in s. 366.8255(1) (a).

2650 (c) "Integrated gasification combined cycle power plant"
 2651 or "plant" means ~~is~~ an electrical power plant as defined in s.
 2652 403.503 (14) ~~(13)~~ that uses synthesis gas produced by integrated
 2653 gasification technology.

2654 (d) "Nuclear power plant" or "plant" means ~~is~~ an
 2655 electrical power plant as defined in s. 403.503 (14) ~~(13)~~ that
 2656 uses nuclear materials for fuel.

2657 (e) "Power plant" or "plant" means a nuclear power plant
 2658 or an integrated gasification combined cycle power plant.

2659 (f) "Preconstruction" is that period of time after a site,
 2660 including any related electrical transmission lines or
 2661 facilities, has been selected through and including the date the
 2662 utility completes site clearing work. Preconstruction costs
 2663 shall be afforded deferred accounting treatment and shall accrue
 2664 a carrying charge equal to the utility's allowance for funds
 2665 during construction (AFUDC) rate until recovered in rates.

2666 (2) Within 6 months after the enactment of this act, the
 2667 commission shall establish, by rule, alternative cost recovery

2668 mechanisms for the recovery of costs incurred in the siting,
2669 design, licensing, and construction of a nuclear power plant,
2670 including new, expanded, or relocated electrical transmission
2671 lines and facilities that are necessary thereto, or of an
2672 integrated gasification combined cycle power plant. Such
2673 mechanisms shall be designed to promote utility investment in
2674 nuclear or integrated gasification combined cycle power plants
2675 and allow for the recovery in rates of all prudently incurred
2676 costs, and shall include, but ~~are~~ are not be limited to:

2677 (a) Recovery through the capacity cost recovery clause of
2678 any preconstruction costs.

2679 (b) Recovery through an incremental increase in the
2680 utility's capacity cost recovery clause rates of the carrying
2681 costs on the utility's projected construction cost balance
2682 associated with the nuclear or integrated gasification combined
2683 cycle power plant. To encourage investment and provide
2684 certainty, for nuclear or integrated gasification combined cycle
2685 power plant need petitions submitted on or before December 31,
2686 2010, associated carrying costs shall be equal to the pretax
2687 AFUDC in effect upon this act becoming law. For nuclear or
2688 integrated gasification combined cycle power plants for which
2689 need petitions are submitted after December 31, 2010, the
2690 utility's existing pretax AFUDC rate is presumed to be
2691 appropriate unless determined otherwise by the commission in the
2692 determination of need for the nuclear or integrated gasification
2693 combined cycle power plant.

2694 (6) If ~~In the event~~ the utility elects not to complete or
2695 is precluded from completing construction of the nuclear power

2696 plant, including new, expanded, or relocated electrical
 2697 transmission lines or facilities necessary thereto, or of the
 2698 integrated gasification combined cycle power plant, the utility
 2699 shall be allowed to recover all prudent preconstruction and
 2700 construction costs incurred following the commission's issuance
 2701 of a final order granting a determination of need for the
 2702 nuclear power plant and electrical transmission lines and
 2703 facilities necessary thereto or for the integrated gasification
 2704 combined cycle power plant. The utility shall recover such costs
 2705 through the capacity cost recovery clause over a period equal to
 2706 the period during which the costs were incurred or 5 years,
 2707 whichever is greater. The unrecovered balance during the
 2708 recovery period will accrue interest at the utility's weighted
 2709 average cost of capital as reported in the commission's earnings
 2710 surveillance reporting requirement for the prior year.

2711 Section 41. Section 377.601, Florida Statutes, is amended
 2712 to read:

2713 377.601 Legislative intent.--

2714 (1) The Legislature finds that the state's energy security
 2715 can be increased by lessening dependence on foreign oil; that
 2716 the impacts of global climate change can be reduced through the
 2717 reduction of greenhouse gas emissions; and that the
 2718 implementation of alternative energy technologies can be a
 2719 source of new jobs and employment opportunities for many
 2720 Floridians. The Legislature further finds that the state is
 2721 positioned at the front line against potential impacts of global
 2722 climate change. Human and economic costs of those impacts can be
 2723 averted by global actions and, where necessary, adapted to by a

2724 concerted effort to make Florida's communities more resilient
2725 and less vulnerable to these impacts. In focusing the
2726 government's policy and efforts to benefit and protect our
2727 state, its citizens, and its resources, the Legislature believes
2728 that a single government entity with a specific focus on energy
2729 and climate change is both desirable and advantageous. Further,
2730 the Legislature finds that energy infrastructure provides the
2731 foundation for secure and reliable access to the energy supplies
2732 and services on which Florida depends. Therefore, there is
2733 significant value to Florida consumers that comes from
2734 investment in Florida's energy infrastructure that increases
2735 system reliability, enhances energy independence and
2736 diversification, stabilizes energy costs, and reduces greenhouse
2737 gas emissions ~~ability to deal effectively with present shortages~~
2738 ~~of resources used in the production of energy is aggravated and~~
2739 ~~intensified because of inadequate or nonexistent information and~~
2740 ~~that intelligent response to these problems and to the~~
2741 ~~development of a state energy policy demands accurate and~~
2742 ~~relevant information concerning energy supply, distribution, and~~
2743 ~~use. The Legislature finds and declares that a procedure for the~~
2744 ~~collection and analysis of data on the energy flow in this state~~
2745 ~~is essential to the development and maintenance of an energy~~
2746 ~~profile defining the characteristics and magnitudes of present~~
2747 ~~and future energy demands and availability so that the state may~~
2748 ~~rationally deal with present energy problems and anticipate~~
2749 ~~future energy problems.~~

2750 ~~(2) The Legislature further recognizes that every state~~
2751 ~~official dealing with energy problems should have current and~~

2752 ~~reliable information on the types and quantity of energy~~
 2753 ~~resources produced, imported, converted, distributed, exported,~~
 2754 ~~stored, held in reserve, or consumed within the state.~~

2755 ~~(3) It is the intent of the Legislature in the passage of~~
 2756 ~~this act to provide the necessary mechanisms for the effective~~
 2757 ~~development of information necessary to rectify the present lack~~
 2758 ~~of information which is seriously handicapping the state's~~
 2759 ~~ability to deal effectively with the energy problem. To this~~
 2760 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
 2761 ~~broadest possible interpretation consistent with the stated~~
 2762 ~~legislative desire to procure vital information.~~

2763 ~~(2)~~(4) It is the policy of the State of Florida to:

2764 (a) Develop and promote the effective use of energy in the
 2765 state, and discourage all forms of energy waste, and recognize
 2766 and address the potential of global climate change wherever
 2767 possible.

2768 (b) Play a leading role in developing and instituting
 2769 energy management programs aimed at promoting energy
 2770 conservation, energy security, and the reduction of greenhouse
 2771 gas emissions.

2772 (c) Include energy considerations in all state, regional,
 2773 and local planning.

2774 (d) Utilize and manage effectively energy resources used
 2775 within state agencies.

2776 (e) Encourage local governments to include energy
 2777 considerations in all planning and to support their work in
 2778 promoting energy management programs.

2779 (f) Include the full participation of citizens in the
 2780 development and implementation of energy programs.

2781 (g) Consider in its decisions the energy needs of each
 2782 economic sector, including residential, industrial, commercial,
 2783 agricultural, and governmental uses, and reduce those needs
 2784 whenever possible.

2785 (h) Promote energy education and the public dissemination
 2786 of information on energy and its environmental, economic, and
 2787 social impact.

2788 (i) Encourage the research, development, demonstration,
 2789 and application of alternative energy resources, particularly
 2790 renewable energy resources.

2791 (j) Consider, in its decisionmaking, the social, economic,
 2792 and environmental impacts of energy-related activities,
 2793 including the whole-life-cycle impacts of any potential energy
 2794 use choices, so that detrimental effects of these activities are
 2795 understood and minimized.

2796 (k) Develop and maintain energy emergency preparedness
 2797 plans to minimize the effects of an energy shortage within
 2798 Florida.

2799 Section 42. All of the records, property, unexpended
 2800 balances of appropriations, and personnel related to the Florida
 2801 Energy Commission for the administration and implementation of
 2802 s. 377.901, Florida Statutes, shall be transferred from the
 2803 Office of Legislative Services to the Florida Energy and Climate
 2804 Commission in the Executive Office of the Governor. The
 2805 Executive Office of the Governor is authorized to establish four

2806 full-time equivalent positions to staff the Florida Energy and
 2807 Climate Commission.

2808 Section 43. Section 377.6015, Florida Statutes, is created
 2809 to read:

2810 377.6015 Florida Energy and Climate Commission.--

2811 (1) The Florida Energy and Climate Commission is created
 2812 within the Executive Office of the Governor. The commission
 2813 shall be comprised of nine members appointed by the Governor,
 2814 the Commissioner of Agriculture, and the Chief Financial
 2815 Officer.

2816 (a) The Governor shall appoint one member from three
 2817 persons nominated by the Florida Public Service Commission
 2818 Nominating Council, created in s. 350.031, to each of seven
 2819 seats on the commission. The Commissioner of Agriculture shall
 2820 appoint one member from three persons nominated by the council
 2821 to one seat on the commission. The Chief Financial Officer shall
 2822 appoint one member from three persons nominated by the council
 2823 to one seat on the commission.

2824 1. The council shall submit the recommendations to the
 2825 Governor, the Commissioner of Agriculture, and the Chief
 2826 Financial Officer by September 1 of those years in which the
 2827 terms are to begin the following October or within 60 days after
 2828 a vacancy occurs for any reason other than the expiration of the
 2829 term. The Governor, the Commissioner of Agriculture, and the
 2830 Chief Financial Officer may proffer names of persons to be
 2831 considered for nomination by the council.

2832 2. The Governor, the Commissioner of Agriculture, and the
 2833 Chief Financial Officer shall fill a vacancy occurring on the

2834 commission by appointment of one of the applicants nominated by
2835 the council only after a background investigation of such
2836 applicant has been conducted by the Department of Law
2837 Enforcement.

2838 3. Members shall be appointed to 3-year terms; however, in
2839 order to establish staggered terms, for the initial
2840 appointments, the Governor shall appoint four members to 3-year
2841 terms, two members to 2-year terms, and one member to a 1-year
2842 term, and the Commissioner of Agriculture and the Chief
2843 Financial Officer shall each appoint one member to a 3-year term
2844 and shall appoint a successor when that appointee's term expires
2845 in the same manner as the original appointment.

2846 4. The Governor shall select from the membership of the
2847 commission one person to serve as chair.

2848 5. A vacancy on the commission shall be filled for the
2849 unexpired portion of the term in the same manner as the original
2850 appointment.

2851 6. If the Governor, the Commissioner of Agriculture, or
2852 the Chief Financial Officer has not made an appointment within
2853 30 consecutive calendar days after the receipt of the
2854 recommendations, the council shall initiate, in accordance with
2855 this section, the nominating process within 30 days.

2856 7. Each appointment to the commission shall be subject to
2857 confirmation by the Senate during the next regular session after
2858 the vacancy occurs. If the Senate refuses to confirm or fails to
2859 consider the appointment of the Governor, the Commissioner of
2860 Agriculture, or the Chief Financial Officer, the council shall
2861 initiate, in accordance with this section, the nominating

2862 process within 30 days.

2863 8. The Governor or the Governor's successor may recall an
2864 appointee.

2865 (b) Members must meet the following qualifications and
2866 restrictions:

2867 1. A member must be an expert in one or more of the
2868 following fields: energy, natural resource conservation,
2869 economics, engineering, finance, law, transportation and land
2870 use, consumer protection, state energy policy, or another field
2871 substantially related to the duties and functions of the
2872 commission. The commission shall fairly represent the fields
2873 specified in this subparagraph.

2874 2. Each member shall, at the time of appointment and at
2875 each commission meeting during his or her term of office,
2876 disclose:

2877 a. Whether he or she has any financial interest, other
2878 than ownership of shares in a mutual fund, in any business
2879 entity that, directly or indirectly, owns or controls, or is an
2880 affiliate or subsidiary of, any business entity that may be
2881 affected by the policy recommendations developed by the
2882 commission.

2883 b. Whether he or she is employed by or is engaged in any
2884 business activity with any business entity that, directly or
2885 indirectly, owns or controls, or is an affiliate or subsidiary
2886 of, any business entity that may be affected by the policy
2887 recommendations developed by the commission.

2888 (c) The chair may designate the following ex officio,
2889 nonvoting members to provide information and advice to the

2890 commission at the request of the chair:

2891 1. The chair of the Florida Public Service Commission, or

2892 his or her designee.

2893 2. The Public Counsel, or his or her designee.

2894 3. A representative of the Department of Agriculture and

2895 Consumer Services.

2896 4. A representative of the Department of Financial

2897 Services.

2898 5. A representative of the Department of Environmental

2899 Protection.

2900 6. A representative of the Department of Community

2901 Affairs.

2902 7. A representative of the Board of Governors of the State

2903 University System.

2904 8. A representative of the Department of Transportation.

2905 (2) Members shall serve without compensation but are

2906 entitled to reimbursement for per diem and travel expenses as

2907 provided in s. 112.061.

2908 (3) Meetings of the commission may be held in various

2909 locations around the state and at the call of the chair;

2910 however, the commission must meet at least six times each year.

2911 (4) The commission may:

2912 (a) Employ staff and counsel as needed in the performance

2913 of its duties.

2914 (b) Prosecute and defend legal actions in its own name.

2915 (c) Form advisory groups consisting of members of the

2916 public to provide information on specific issues.

2917 (5) The commission shall:

2918 (a) Administer the Florida Renewable Energy and Energy
 2919 Efficient Technologies Grants Program pursuant to s. 377.804 to
 2920 assure a robust grant portfolio.

2921 (b) Develop policy for requiring grantees to provide
 2922 royalty-sharing or licensing agreements with state government
 2923 for commercialized products developed under a state grant.

2924 (c) Administer the Florida Green Government Grants Act
 2925 pursuant to s. 377.808 and set annual priorities for grants.

2926 (d) Administer the information gathering and reporting
 2927 functions pursuant to ss. 377.601-377.608.

2928 (e) Administer petroleum planning and emergency
 2929 contingency planning pursuant to ss. 377.701, 377.703, and
 2930 377.704.

2931 (f) Represent Florida in the Southern States Energy
 2932 Compact pursuant to ss. 377.71-377.712.

2933 (g) Complete the annual assessment of the efficacy of
 2934 Florida's Energy and Climate Change Action Plan, upon completion
 2935 by the Governor's Action Team on Energy and Climate Change
 2936 pursuant to the Governor's Executive Order 2007-128, and
 2937 provide specific recommendations to the Governor and the
 2938 Legislature each year to improve results.

2939 (h) Administer the provisions of the Florida Energy and
 2940 Climate Protection Act pursuant to ss. 377.801-377.806.

2941 (i) Advocate for energy and climate change issues and
 2942 provide educational outreach and technical assistance in
 2943 cooperation with the state's academic institutions.

2944 (j) Be a party in the proceedings to adopt goals and
 2945 submit comments to the Public Service Commission pursuant to s.

2946 366.82.

2947 (k) Adopt rules pursuant to chapter 120 in order to
 2948 implement all powers and duties described in this section.

2949 Section 44. Section 377.602, Florida Statutes, is amended
 2950 to read:

2951 377.602 Definitions.--As used in ss. 377.601-377.608:

2952 (1) "Commission" means the Florida Energy and Climate
 2953 Commission.

2954 (2)~~(1)~~ "Energy resources" includes, but shall not be
 2955 limited to:

2956 (a) Energy converted from solar radiation, wind, hydraulic
 2957 potential, tidal movements, biomass, geothermal sources, and
 2958 other energy resources the commission determines to be important
 2959 to the production or supply of energy.

2960 (b)~~(a)~~ Propane, butane, motor gasoline, kerosene, home
 2961 heating oil, diesel fuel, other middle distillates, aviation
 2962 gasoline, kerosene-type jet fuel, naphtha-type jet fuel,
 2963 residual fuels, crude oil, and other petroleum products and
 2964 hydrocarbons as may be determined by the commission ~~department~~
 2965 to be of importance.

2966 (c)~~(b)~~ All natural gas, including casinghead gas, all
 2967 other hydrocarbons not defined as petroleum products in
 2968 paragraph (b) ~~(a)~~, and liquefied petroleum gas as defined in s.
 2969 527.01.

2970 (d)~~(e)~~ All types of coal and products derived from its
 2971 conversion and used as fuel.

2972 (e)~~(d)~~ All types of nuclear energy, special nuclear
 2973 material, and source material, as defined in former s. 290.07.

2974 ~~(e) Every other energy resource, whether natural or~~
 2975 ~~manmade which the department determines to be important to the~~
 2976 ~~production or supply of energy, including, but not limited to,~~
 2977 ~~energy converted from solar radiation, wind, hydraulic~~
 2978 ~~potential, tidal movements, and geothermal sources.~~

2979 (f) All electrical energy.

2980 ~~(2) "Department" means the Department of Environmental~~
 2981 ~~Protection.~~

2982 (3) "Person" means producer, refiner, wholesaler,
 2983 marketer, consignee, jobber, distributor, storage operator,
 2984 importer, exporter, firm, corporation, broker, cooperative,
 2985 public utility as defined in s. 366.02, rural electrification
 2986 cooperative, municipality engaged in the business of providing
 2987 electricity or other energy resources to the public, pipeline
 2988 company, person transporting any energy resources as defined in
 2989 subsection (2) ~~(1)~~, and person holding energy reserves for
 2990 further production; however, "person" does not include persons
 2991 exclusively engaged in the retail sale of petroleum products.

2992 Section 45. All of the powers, duties, functions, records,
 2993 personnel, and property; unexpended balances of appropriations,
 2994 allocations, and other funds; administrative authority;
 2995 administrative rules; pending issues; and existing contracts of
 2996 the state energy program in the Department of Environmental
 2997 Protection, as authorized and governed by ss. 20.255, 288.041,
 2998 377.601-377.608, 377.703, and 377.801-377.806, Florida Statutes,
 2999 are transferred by a type two transfer, pursuant to s. 20.06(2),
 3000 Florida Statutes, to the Florida Energy and Climate Commission
 3001 in the Executive Office of the Governor.

3002 Section 46. Section 377.603, Florida Statutes, is amended
 3003 to read:

3004 377.603 Energy data collection; powers and duties of the
 3005 commission ~~Department of Environmental Protection~~.--

3006 (1) The commission ~~department~~ shall collect data on
 3007 the extraction, production, importation, exportation,
 3008 refinement, transportation, transmission, conversion, storage,
 3009 sale, or reserves of energy resources in this state in an
 3010 efficient and expeditious manner.

3011 (2) The commission ~~department~~ shall prepare periodic
 3012 reports of energy data it collects.

3013 ~~(3) The department shall prescribe and furnish forms for
 3014 the collection of information as required by ss. 377.601-377.608
 3015 and shall consult with other state entities to assure that such
 3016 data collected will meet their data requirements.~~

3017 ~~(3)-(4)~~ The commission ~~department~~ may adopt and promulgate
 3018 such rules and regulations as are necessary to carry out the
 3019 provisions of ss. 377.601-377.608. Such rules shall be pursuant
 3020 to chapter 120.

3021 ~~(4)-(5)~~ The commission ~~department~~ shall maintain internal
 3022 validation procedures to assure the accuracy of information
 3023 received.

3024 Section 47. Section 377.604, Florida Statutes, is amended
 3025 to read:

3026 377.604 Required reports.--Every person who produces,
 3027 imports, exports, refines, transports, transmits, converts,
 3028 stores, sells, or holds known reserves of any form of energy
 3029 resources used as fuel shall report to the commission, at the

3030 ~~request of department at a frequency set,~~ and in a manner
 3031 prescribed, by the commission ~~department,~~ on forms provided by
 3032 the commission ~~department and prepared with the advice of~~
 3033 ~~representatives of the energy industry.~~ Such forms shall be
 3034 designed in such a manner as to indicate:

3035 (1) The identity of the person or persons making the
 3036 report.

3037 (2) The quantity of energy resources extracted, produced,
 3038 imported, exported, refined, transported, transmitted,
 3039 converted, stored, or sold except at retail.

3040 (3) The quantity of energy resources known to be held in
 3041 reserve in the state.

3042 (4) The identity of each refinery from which petroleum
 3043 products have normally been obtained and the type and quantity
 3044 of products secured from that refinery for sale or resale in
 3045 this state.

3046 (5) Any other information which the commission ~~department~~
 3047 deems proper pursuant to the intent of ss. 377.601-377.608.

3048 Section 48. Section 377.605, Florida Statutes, is amended
 3049 to read:

3050 377.605 Use of existing information.--The commission ~~may~~
 3051 ~~department shall~~ utilize to the fullest extent possible any
 3052 existing energy information already prepared for state or
 3053 federal agencies. Every state, county, and municipal agency
 3054 shall cooperate with the commission ~~department~~ and shall submit
 3055 any information on energy to the commission ~~department~~ upon
 3056 request.

3057 Section 49. Section 377.606, Florida Statutes, is amended
 3058 to read:
 3059 377.606 Records of the commission ~~department~~; limits of
 3060 confidentiality.--The information or records of individual
 3061 persons, as defined in this section ~~herein~~, obtained by the
 3062 commission ~~department~~ as a result of a report, investigation, or
 3063 verification required by the commission ~~department~~, shall be
 3064 open to the public, except such information the disclosure of
 3065 which would be likely to cause substantial harm to the
 3066 competitive position of the person providing such information
 3067 and which is requested to be held confidential by the person
 3068 providing such information. Such proprietary information is
 3069 confidential and exempt from the provisions of s. 119.07(1).
 3070 Information reported by entities other than the commission
 3071 ~~department~~ in documents or reports open to public inspection
 3072 shall under no circumstances be classified as confidential by
 3073 the commission ~~department~~. Divulgence of proprietary information
 3074 as is requested to be held confidential, except upon order of a
 3075 court of competent jurisdiction or except to an officer of the
 3076 state entitled to receive the same in his or her official
 3077 capacity, shall be a misdemeanor of the second degree,
 3078 punishable as provided in ss. 775.082 and 775.083. Nothing in
 3079 this section ~~herein~~ shall be construed to prohibit the
 3080 publication or divulgence by other means of data so classified
 3081 as to prevent identification of particular accounts or reports
 3082 made to the commission ~~department~~ in compliance with s. 377.603
 3083 or to prohibit the disclosure of such information to properly
 3084 qualified legislative committees. The commission ~~department~~

3085 shall establish a system which permits reasonable access to
 3086 information developed.

3087 Section 50. Section 377.608, Florida Statutes, is amended
 3088 to read:

3089 377.608 Prosecution of cases by state attorney.--The state
 3090 attorney shall prosecute all cases certified to him or her for
 3091 prosecution by the commission ~~department~~ immediately upon
 3092 receipt of the evidence transmitted by the commission
 3093 ~~department~~, or as soon thereafter as practicable.

3094 Section 51. Section 377.701, Florida Statutes, is amended
 3095 to read:

3096 377.701 Petroleum allocation.--

3097 (1) The Florida Energy and Climate Commission ~~Department~~
 3098 ~~of Environmental Protection~~ shall assume the state's role in
 3099 petroleum allocation and conservation, including the development
 3100 of a fair and equitable petroleum plan. The commission
 3101 ~~department~~ shall constitute the responsible state agency for
 3102 performing the functions of any federal program delegated to the
 3103 state, which relates to petroleum supply, demand, and
 3104 allocation.

3105 (2) The commission ~~department~~ shall, in addition to
 3106 assuming the duties and responsibilities provided by subsection
 3107 (1), perform the following:

3108 (a) In projecting available supplies of petroleum,
 3109 coordinate with the Department of Revenue to secure information
 3110 necessary to assure the sufficiency and accuracy of data
 3111 submitted by persons affected by any federal fuel allocation
 3112 program.

3113 (b) Require such periodic reports from public and private
 3114 sources as may be necessary to the fulfillment of its
 3115 responsibilities under this act. Such reports may include:
 3116 petroleum use; all sales, including end-user sales, except
 3117 retail gasoline and retail fuel oil sales; inventories; expected
 3118 supplies and allocations; and petroleum conservation measures.

3119 (c) In cooperation with the Department of Revenue and
 3120 other relevant state agencies, provide for long-range studies
 3121 regarding the usage of petroleum in the state in order to:

- 3122 1. Comprehend the consumption of petroleum resources.
- 3123 2. Predict future petroleum demands in relation to
 3124 available resources.

- 3125 3. Report the results of such studies to the Legislature.

3126 (3) For the purpose of determining accuracy of data, all
 3127 state agencies shall timely provide the commission ~~department~~
 3128 with petroleum-use information in a format suitable to the needs
 3129 of the allocation program.

3130 (4) A ~~No~~ state employee may not ~~shall~~ divulge or make
 3131 known in any manner any proprietary information acquired under
 3132 this act if the disclosure of such information would be likely
 3133 to cause substantial harm to the competitive position of the
 3134 person providing such information and if the person requests
 3135 that such information be held confidential, except in accordance
 3136 with a court order or in the publication of statistical
 3137 information compiled by methods which do ~~would~~ not disclose the
 3138 identity of individual suppliers or companies. Such proprietary
 3139 information is confidential and exempt from the provisions of s.
 3140 119.07(1). Nothing in this subsection shall be construed to

3141 prevent inspection of reports by the Attorney General, members
 3142 of the Legislature, and interested state agencies; however, such
 3143 agencies and their employees and members are bound by the
 3144 requirements set forth in this subsection.

3145 (5) Any person who willfully fails to submit information
 3146 required by this act or submits false information or who
 3147 violates any provision of this act commits ~~is guilty of~~ a
 3148 misdemeanor of the first degree and shall be punished as
 3149 provided in ss. 775.082 and 775.083.

3150 Section 52. Section 377.703, Florida Statutes, is amended
 3151 to read:

3152 377.703 Additional functions of the Florida Energy and
 3153 Climate Commission ~~Department of Environmental Protection,~~
 3154 ~~energy emergency contingency plan; federal and state~~
 3155 ~~conservation programs.--~~

3156 (1) LEGISLATIVE INTENT.--Recognizing that energy supply
 3157 and demand questions have become a major area of concern to the
 3158 state which must be dealt with by effective and well-coordinated
 3159 state action, it is the intent of the Legislature to promote the
 3160 efficient, effective, and economical management of energy
 3161 problems, centralize energy coordination responsibilities,
 3162 pinpoint responsibility for conducting energy programs, and
 3163 ensure the accountability of state agencies for the
 3164 implementation of s. 377.601(2)~~(4)~~, the state energy policy. It
 3165 is the specific intent of the Legislature that nothing in this
 3166 act shall in any way change the powers, duties, and
 3167 responsibilities assigned by the Florida Electrical Power Plant

3168 Siting Act, part II of chapter 403, or the powers, duties, and
3169 responsibilities of the Florida Public Service Commission.

3170 ~~(2) DEFINITIONS.~~

3171 ~~(a) "Coordinate," "coordination," or "coordinating" means~~
3172 ~~the examination and evaluation of state plans and programs and~~
3173 ~~the providing of recommendations to the Cabinet, Legislature,~~
3174 ~~and appropriate state agency on any measures deemed necessary to~~
3175 ~~ensure that such plans and programs are consistent with state~~
3176 ~~energy policy.~~

3177 ~~(b) "Energy conservation" means increased efficiency in~~
3178 ~~the utilization of energy.~~

3179 ~~(c) "Energy emergency" means an actual or impending~~
3180 ~~shortage or curtailment of usable, necessary energy resources,~~
3181 ~~such that the maintenance of necessary services, the protection~~
3182 ~~of public health, safety, and welfare, or the maintenance of~~
3183 ~~basic sound economy is imperiled in any geographical section of~~
3184 ~~the state or throughout the entire state.~~

3185 ~~(d) "Energy source" means electricity, fossil fuels, solar~~
3186 ~~power, wind power, hydroelectric power, nuclear power, or any~~
3187 ~~other resource which has the capacity to do work.~~

3188 ~~(e) "Facilities" means any building or structure not~~
3189 ~~otherwise exempted by the provisions of this act.~~

3190 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~
3191 ~~coal, natural gas, or any other substance used primarily for its~~
3192 ~~energy content.~~

3193 ~~(g) "Local government" means any county, municipality,~~
3194 ~~regional planning agency, or other special district or local~~

3195 ~~governmental entity the policies or programs of which may affect~~
 3196 ~~the supply or demand, or both, for energy in the state.~~

3197 ~~(h) "Promotion" or "promote" means to encourage, aid,~~
 3198 ~~assist, provide technical and financial assistance, or otherwise~~
 3199 ~~seek to plan, develop, and expand.~~

3200 ~~(i) "Regional planning agency" means those agencies~~
 3201 ~~designated as regional planning agencies by the Department of~~
 3202 ~~Community Affairs.~~

3203 ~~(j) "Renewable energy resource" means any method, process,~~
 3204 ~~or substance the use of which does not diminish its availability~~
 3205 ~~or abundance, including, but not limited to, biomass conversion,~~
 3206 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~
 3207 ~~from waste, ocean thermal gradient power, hydroelectric power,~~
 3208 ~~and fuels derived from agricultural products.~~

3209 ~~(2)(3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT OF~~
 3210 ~~ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department of~~
 3211 ~~Environmental Protection shall, in addition to assuming the~~
 3212 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
 3213 ~~perform the following functions consistent with the development~~
 3214 ~~of a state energy policy:~~

3215 ~~(a) The commission ~~department~~ shall assume the~~
 3216 ~~responsibility for development of an energy emergency~~
 3217 ~~contingency plan to respond to serious shortages of primary and~~
 3218 ~~secondary energy sources. Upon a finding by the Governor,~~
 3219 ~~implementation of any emergency program shall be upon order of~~
 3220 ~~the Governor that a particular kind or type of fuel is, or that~~
 3221 ~~the occurrence of an event which is reasonably expected within~~
 3222 ~~30 days will make the fuel, in short supply. The commission~~

3223 ~~department~~ shall then respond by instituting the appropriate
 3224 measures of the contingency plan to meet the given emergency or
 3225 energy shortage. The Governor may utilize the provisions of s.
 3226 252.36(5) to carry out any emergency actions required by a
 3227 serious shortage of energy sources.

3228 (b) The commission ~~department~~ shall be ~~constitute~~ the
 3229 responsible ~~state agency~~ for performing or coordinating the
 3230 functions of any federal energy programs delegated to the state,
 3231 including energy supply, demand, conservation, or allocation.

3232 (c) The commission ~~department~~ shall analyze present and
 3233 proposed federal energy programs and make recommendations
 3234 regarding those programs to the Governor and the Legislature.

3235 (d) The commission ~~department~~ shall coordinate efforts to
 3236 seek federal support or other support for state energy
 3237 activities, including energy conservation, research, or
 3238 development, and shall be ~~the state agency~~ responsible for the
 3239 coordination of multiagency energy conservation programs and
 3240 plans.

3241 (e) The commission ~~department~~ shall analyze energy data
 3242 collected and prepare long-range forecasts of energy supply and
 3243 demand in coordination with the Florida Public Service
 3244 Commission, which shall have responsibility for electricity and
 3245 natural gas forecasts. To this end, the forecasts shall contain:

3246 1. An analysis of the relationship of state economic
 3247 growth and development to energy supply and demand, including
 3248 the constraints to economic growth resulting from energy supply
 3249 constraints.

3250 2. Plans for the development of renewable energy resources
 3251 and reduction in dependence on depletable energy resources,
 3252 particularly oil and natural gas, and an analysis of the extent
 3253 to which renewable energy sources are being utilized in the
 3254 state.

3255 3. Consideration of alternative scenarios of statewide
 3256 energy supply and demand for 5, 10, and 20 years, to identify
 3257 strategies for long-range action, including identification of
 3258 potential social, economic, and environmental effects.

3259 4. An assessment of the state's energy resources,
 3260 including examination of the availability of commercially
 3261 developable and imported fuels, and an analysis of anticipated
 3262 effects on the state's environment and social services resulting
 3263 from energy resource development activities or from energy
 3264 supply constraints, or both.

3265 (f) The commission ~~department~~ shall submit an annual
 3266 report to ~~make a report, as requested by~~ the Governor and ~~or~~ the
 3267 Legislature, reflecting its activities and making
 3268 recommendations of policies for improvement of the state's
 3269 response to energy supply and demand and its effect on the
 3270 health, safety, and welfare of the people of Florida. The report
 3271 shall include a report from the Florida Public Service
 3272 Commission on electricity and natural gas and information on
 3273 energy conservation programs conducted and underway ~~under way~~ in
 3274 the past year and shall include recommendations for energy
 3275 conservation programs for the state, including, but not limited
 3276 to, the following factors:

3277 1. Formulation of specific recommendations for improvement
 3278 in the efficiency of energy utilization in governmental,
 3279 residential, commercial, industrial, and transportation sectors.

3280 2. Collection and dissemination of information relating to
 3281 energy conservation.

3282 3. Development and conduct of educational and training
 3283 programs relating to energy conservation.

3284 4. An analysis of the ways in which state agencies are
 3285 seeking to implement s. 377.601(2)(4), the state energy policy,
 3286 and recommendations for better fulfilling this policy.

3287 (g) The commission ~~department~~ has authority to adopt rules
 3288 pursuant to ss. 120.536(1) and 120.54 to implement the
 3289 provisions of this act.

3290 (h) The commission shall promote the development and use
 3291 of renewable energy resources, in conformance with the
 3292 provisions of chapter 187 and s. 377.601, by:

3293 1. Establishing goals and strategies for increasing the
 3294 use of solar energy in this state.

3295 2. Aiding and promoting the commercialization of solar
 3296 energy technology, in cooperation with the Florida Solar Energy
 3297 Center, Enterprise Florida, Inc., and any other federal, state,
 3298 or local governmental agency which may seek to promote research,
 3299 development, and demonstration of solar energy equipment and
 3300 technology.

3301 3. Identifying barriers to greater use of solar energy
 3302 systems in this state, and developing specific recommendations
 3303 for overcoming identified barriers, with findings and

3304 recommendations to be submitted annually in the report to the
 3305 Governor and Legislature required under paragraph (f).

3306 4. In cooperation with the Department of Environmental
 3307 Protection, the Department of Transportation, the Department of
 3308 Community Affairs, Enterprise Florida, Inc., the Florida Solar
 3309 Energy Center, and the Florida Solar Energy Industries
 3310 Association, investigating opportunities, pursuant to the
 3311 National Energy Policy Act of 1992, ~~and~~ the Housing and
 3312 Community Development Act of 1992, and any subsequent federal
 3313 legislation, for solar electric vehicles and other solar energy
 3314 manufacturing, distribution, installation, and financing efforts
 3315 which will enhance this state's position as the leader in solar
 3316 energy research, development, and use.

3317 5. Undertaking other initiatives to advance the
 3318 development and use of renewable energy resources in this state.

3319
 3320 In the exercise of its responsibilities under this paragraph,
 3321 the commission ~~department~~ shall seek the assistance of the solar
 3322 energy industry in this state and other interested parties and
 3323 is authorized to enter into contracts, retain professional
 3324 consulting services, and expend funds appropriated by the
 3325 Legislature for such purposes.

3326 (i) The commission ~~department~~ shall promote energy
 3327 conservation in all energy use sectors throughout the state and
 3328 shall constitute the state agency primarily responsible for this
 3329 function. To this end, the commission ~~department~~ shall
 3330 coordinate the energy conservation programs of all state

3331 agencies and review and comment on the energy conservation
3332 programs of all state agencies.

3333 (j) The commission ~~department~~ shall serve as the state
3334 clearinghouse for indexing and gathering all information related
3335 to energy programs in state universities, in private
3336 universities, in federal, state, and local government agencies,
3337 and in private industry and shall prepare and distribute such
3338 information in any manner necessary to inform and advise the
3339 citizens of the state of such programs and activities. This
3340 shall include developing and maintaining a current index and
3341 profile of all research activities, which shall be identified by
3342 energy area and may include a summary of the project, the amount
3343 and sources of funding, anticipated completion dates, or, in
3344 case of completed research, conclusions, recommendations, and
3345 applicability to state government and private sector functions.
3346 The commission ~~department~~ shall coordinate, promote, and respond
3347 to efforts by all sectors of the economy to seek financial
3348 support for energy activities. The commission ~~department~~ shall
3349 provide information to consumers regarding the anticipated
3350 energy-use and energy-saving characteristics of products and
3351 services in coordination with any federal, state, or local
3352 governmental agencies as may provide such information to
3353 consumers.

3354 (k) The commission ~~department~~ shall coordinate energy-
3355 related programs of state government, including, but not limited
3356 to, the programs provided in this section. To this end, the
3357 commission ~~department~~ shall:

3358 1. Provide assistance to other state agencies, counties,
 3359 municipalities, and regional planning agencies to further and
 3360 promote their energy planning activities.

3361 2. Require, in cooperation with the Department of
 3362 Management Services, all state agencies to operate state-owned
 3363 and state-leased buildings in accordance with energy
 3364 conservation standards as adopted by the Department of
 3365 Management Services. Every 3 months, the Department of
 3366 Management Services shall furnish the commission ~~department~~ data
 3367 on agencies' energy consumption and emissions of greenhouse
 3368 gases in a format prescribed by the commission ~~mutually agreed~~
 3369 ~~upon by the two departments~~.

3370 3. Promote the development and use of renewable energy
 3371 resources, energy efficiency technologies, and conservation
 3372 measures.

3373 4. Promote the recovery of energy from wastes, including,
 3374 but not limited to, the use of waste heat, the use of
 3375 agricultural products as a source of energy, and recycling of
 3376 manufactured products. Such promotion shall be conducted in
 3377 conjunction with, and after consultation with, the Department of
 3378 Environmental Protection ~~and~~ the Florida Public Service
 3379 Commission where electrical generation or natural gas is
 3380 involved, and any other relevant federal, state, or local
 3381 governmental agency having responsibility for resource recovery
 3382 programs.

3383 (1) The commission ~~department~~ shall develop, coordinate,
 3384 and promote a comprehensive research plan for state programs.

3385 Such plan shall be consistent with state energy policy and shall
 3386 be updated on a biennial basis.

3387 (m) In recognition of the devastation to the economy of
 3388 this state and the dangers to the health and welfare of
 3389 residents of this state caused by severe hurricanes ~~Hurricane~~
 3390 ~~Andrew~~, and the potential for such impacts caused by other
 3391 natural disasters, the commission ~~department~~ shall include in
 3392 its energy emergency contingency plan and provide to the Florida
 3393 Building Commission ~~Department of Community Affairs~~ for
 3394 inclusion in the Florida Energy Efficiency Code for Building
 3395 Construction ~~state model energy efficiency building code~~
 3396 specific provisions to facilitate the use of cost-effective
 3397 solar energy technologies as emergency remedial and preventive
 3398 measures for providing electric power, street lighting, and
 3399 water heating service in the event of electric power outages.

3400 (3)~~(4)~~ The commission ~~department~~ shall be responsible for
 3401 the administration of the Coastal Energy Impact Program provided
 3402 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

3403 Section 53. Paragraph (a) of subsection (2) of section
 3404 377.705, Florida Statutes, is amended to read:

3405 377.705 Solar Energy Center; development of solar energy
 3406 standards.--

3407 (2) LEGISLATIVE FINDINGS AND INTENT.--

3408 (a) ~~The Legislature recognizes that if present trends~~
 3409 ~~continue, Florida will increase present energy consumption~~
 3410 ~~sixfold by the year 2000. Because of this dramatic increase and~~
 3411 ~~because existing domestic conventional energy resources will not~~
 3412 ~~provide sufficient energy to meet the nation's future needs, new~~

3413 ~~sources of energy must be developed and applied. One such~~
 3414 ~~source, solar energy, has been in limited use in Florida for 30~~
 3415 ~~years. Applications of incident solar energy, the use of solar~~
 3416 ~~radiation to provide energy for water heating, space heating,~~
 3417 ~~space cooling, and other uses, through suitable absorbing~~
 3418 ~~equipment on or near a residence or commercial structure, must~~
 3419 ~~be extensively expanded. Unfortunately, the initial costs with~~
 3420 ~~regard to the production of solar energy have been prohibitively~~
 3421 ~~expensive. However,~~ Because of increases in the cost of
 3422 conventional fuel, certain applications of solar energy are
 3423 becoming competitive, particularly when life-cycle costs are
 3424 considered. It is the intent of the Legislature in formulating a
 3425 sound and balanced energy policy for the state to encourage the
 3426 development of an alternative energy capability in the form of
 3427 incident solar energy.

3428 Section 54. Section 377.801, Florida Statutes, is amended
 3429 to read:

3430 377.801 Short title.--Sections 377.801-377.806 may be
 3431 cited as the "Florida Energy and Climate Protection Renewable
 3432 Energy Technologies and Energy Efficiency Act."

3433 Section 55. Section 377.802, Florida Statutes, is amended
 3434 to read:

3435 377.802 Purpose.--This act is intended to provide
 3436 incentives for Florida's citizens, businesses, school districts,
 3437 and local governments to take action to diversify the state's
 3438 energy supplies, reduce dependence on foreign oil, and mitigate
 3439 the effects of climate change by providing funding for
 3440 activities designed to achieve these goals. The grant programs

3441 in this act are intended ~~matching grants~~ to stimulate capital
 3442 investment in ~~the state and to~~ enhance the market for ~~and~~
 3443 ~~promote the statewide utilization of~~ renewable energy
 3444 technologies and technologies intended to diversify Florida's
 3445 energy supplies, reduce dependence on foreign oil, and combat or
 3446 limit climate change impacts. ~~The targeted grants program is~~
 3447 ~~designed to advance the already growing establishment of~~
 3448 ~~renewable energy technologies in the state and encourage the use~~
 3449 ~~of other incentives such as tax exemptions and regulatory~~
 3450 ~~certainty to attract additional renewable energy technology~~
 3451 ~~producers, developers, and users to the state.~~ This act is also
 3452 intended to provide incentives for the purchase of energy-
 3453 efficient appliances and rebates for solar energy equipment
 3454 installations for residential and commercial buildings.

3455 Section 56. Section 377.803, Florida Statutes, is amended
 3456 to read:

3457 377.803 Definitions.--As used in ss. 377.801-377.806, the
 3458 term:

3459 (1) "Act" means the Florida Energy and Climate Protection
 3460 ~~Renewable Energy Technologies and Energy Efficiency Act.~~

3461 ~~(2) "Approved metering equipment" means a device capable~~
 3462 ~~of measuring the energy output of a solar thermal system that~~
 3463 ~~has been approved by the commission.~~

3464 ~~(2)(3)~~ (2) "Commission" means the Florida Energy and Climate
 3465 ~~Public Service Commission.~~

3466 ~~(4) "Department" means the Department of Environmental~~
 3467 ~~Protection.~~

3468 ~~(3)-(5)~~ "Person" means an individual, partnership, joint
 3469 venture, private or public corporation, association, firm,
 3470 public service company, or any other public or private entity.

3471 ~~(4)-(6)~~ "Renewable energy" means electrical, mechanical, or
 3472 thermal energy produced from a method that uses one or more of
 3473 the following fuels or energy sources: hydrogen, biomass, as
 3474 defined in s. 366.91, solar energy, geothermal energy, wind
 3475 energy, ocean energy, waste heat, or hydroelectric power.

3476 ~~(5)-(7)~~ "Renewable energy technology" means any technology
 3477 that generates or utilizes a renewable energy resource.

3478 ~~(6)-(8)~~ "Solar energy system" means equipment that provides
 3479 for the collection and use of incident solar energy for water
 3480 heating, space heating or cooling, or other applications that
 3481 would normally require a conventional source of energy such as
 3482 petroleum products, natural gas, or electricity that performs
 3483 primarily with solar energy. In other systems in which solar
 3484 energy is used in a supplemental way, only those components that
 3485 collect and transfer solar energy shall be included in this
 3486 definition.

3487 ~~(7)-(9)~~ "Solar photovoltaic system" means a device that
 3488 converts incident sunlight into electrical current.

3489 ~~(8)-(10)~~ "Solar thermal system" means a device that traps
 3490 heat from incident sunlight in order to heat water.

3491 Section 57. Section 377.804, Florida Statutes, as amended
 3492 by section 52 of chapter 2007-73, Laws of Florida, is amended to
 3493 read:

3494 377.804 Renewable Energy and Energy-Efficient Technologies
 3495 Grants Program.--

3496 (1) The Renewable Energy and Energy-Efficient Technologies
 3497 Grants Program is established within the commission ~~department~~
 3498 to provide renewable energy matching grants for demonstration,
 3499 commercialization, research, and development projects relating
 3500 to renewable energy technologies and innovative technologies
 3501 that significantly increase energy efficiency for vehicles and
 3502 commercial buildings.

3503 (2) Matching grants for ~~renewable energy technology~~
 3504 ~~demonstration, commercialization, research, and development~~
 3505 projects described in subsection (1) may be made to any of the
 3506 following:

- 3507 (a) Municipalities and county governments.
- 3508 (b) Established for-profit companies licensed to do
 3509 business in the state.
- 3510 (c) Universities and colleges in the state.
- 3511 (d) Utilities located and operating within the state.
- 3512 (e) Not-for-profit organizations.
- 3513 (f) Other qualified persons, as determined by the
 3514 commission ~~department~~.

3515 (3) The commission ~~department~~ may adopt rules pursuant to
 3516 ss. 120.536(1) and 120.54 to provide for application
 3517 requirements, provide for ranking of applications, and
 3518 administer the awarding of grants under this program.

3519 (4) Factors the commission ~~department~~ shall consider in
 3520 awarding grants include, but are not limited to:

- 3521 (a) The availability of matching funds or other in-kind
 3522 contributions applied to the total project from an applicant.
- 3523 The commission ~~department~~ shall give greater preference to

3524 projects that provide such matching funds or other in-kind
 3525 contributions.

3526 (b) The degree to which the project stimulates in-state
 3527 capital investment and economic development in metropolitan and
 3528 rural areas, including the creation of jobs and the future
 3529 development of a commercial market for renewable energy
 3530 technologies.

3531 (c) The extent to which the proposed project has been
 3532 demonstrated to be technically feasible based on pilot project
 3533 demonstrations, laboratory testing, scientific modeling, or
 3534 engineering or chemical theory that supports the proposal.

3535 (d) The degree to which the project incorporates an
 3536 innovative new technology or an innovative application of an
 3537 existing technology.

3538 (e) The degree to which a project generates thermal,
 3539 mechanical, or electrical energy by means of a renewable energy
 3540 resource that has substantial long-term production potential.

3541 (f) The degree to which a project demonstrates efficient
 3542 use of energy and material resources.

3543 (g) The degree to which the project fosters overall
 3544 understanding and appreciation of renewable energy technologies.

3545 (h) The ability to administer a complete project.

3546 (i) Project duration and timeline for expenditures.

3547 (j) The geographic area in which the project is to be
 3548 conducted in relation to other projects.

3549 (k) The degree of public visibility and interaction.

3550 (5) The commission ~~department~~ shall solicit the expertise
 3551 of ~~other~~ state agencies, Enterprise Florida, Inc., and state

3552 universities, and may solicit the expertise of other public and
 3553 private entities it deems appropriate, in evaluating project
 3554 proposals. State agencies shall cooperate with the commission
 3555 ~~Department of Environmental Protection~~ and provide such
 3556 assistance as requested.

3557 (6) The commission ~~department~~ shall coordinate and
 3558 actively consult with the Department of Agriculture and Consumer
 3559 Services during the review and approval process of grants
 3560 relating to bioenergy projects for renewable energy technology,
 3561 ~~and the departments shall jointly determine the grant awards to~~
 3562 ~~these bioenergy projects. No grant funding shall be awarded to~~
 3563 ~~any bioenergy project without such joint approval.~~ Factors for
 3564 consideration in awarding grants may include, but are not
 3565 limited to, the degree to which:

3566 (a) The project stimulates in-state capital investment and
 3567 economic development in metropolitan and rural areas, including
 3568 the creation of jobs and the future development of a commercial
 3569 market for bioenergy.

3570 (b) The project produces bioenergy from Florida-grown
 3571 crops or biomass.

3572 (c) The project demonstrates efficient use of energy and
 3573 material resources.

3574 (d) The project fosters overall understanding and
 3575 appreciation of bioenergy technologies.

3576 (e) Matching funds and in-kind contributions from an
 3577 applicant are available.

3578 (f) The project duration and the timeline for expenditures
 3579 are acceptable.

3580 (g) The project has a reasonable assurance of enhancing
 3581 the value of agricultural products or will expand agribusiness
 3582 in the state.

3583 (h) Preliminary market and feasibility research has been
 3584 conducted by the applicant or others and shows there is a
 3585 reasonable assurance of a potential market.

3586 (7) Each grant application shall be accompanied by an
 3587 affidavit from the applicant attesting to the accuracy of the
 3588 statements contained in the application.

3589 Section 58. Section 377.806, Florida Statutes, is amended
 3590 to read:

3591 377.806 Solar Energy System Incentives Program.--

3592 (1) PURPOSE.--The Solar Energy System Incentives Program
 3593 is established within the commission ~~department~~ to provide
 3594 financial incentives for the purchase and installation of solar
 3595 energy systems. Any resident of the state who purchases and
 3596 installs a new solar energy system of 2 kilowatts or larger for
 3597 a solar photovoltaic system, a solar energy system that provides
 3598 at least 50 percent of a building's hot water consumption for a
 3599 solar thermal system, or a solar thermal pool heater, from July
 3600 1, 2006, through June 30, 2010, is eligible for a rebate on a
 3601 portion of the purchase price of that solar energy system.

3602 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

3603 (a) Eligibility requirements.--A solar photovoltaic system
 3604 qualifies for a rebate if:

3605 1. The system is installed by a state-licensed master
 3606 electrician, electrical contractor, or solar contractor.

3607 2. The system complies with state interconnection
3608 standards as provided by the Florida Public Service Commission.

3609 3. The system complies with all applicable building codes
3610 as defined by the Florida Building Code ~~local jurisdictional~~
3611 ~~authority~~.

3612 (b) Rebate amounts.--The rebate amount shall be set at \$4
3613 per watt based on the total wattage rating of the system. The
3614 maximum allowable rebate per solar photovoltaic system
3615 installation shall be as follows:

- 3616 1. Twenty thousand dollars for a residence.
- 3617 2. One hundred thousand dollars for a place of business, a
3618 publicly owned or operated facility, or a facility owned or
3619 operated by a private, not-for-profit organization, including
3620 condominiums or apartment buildings.

3621 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

3622 (a) Eligibility requirements.--A solar thermal system
3623 qualifies for a rebate if:

- 3624 1. The system is installed by a state-licensed solar or
3625 plumbing contractor.
- 3626 2. The system complies with all applicable building codes
3627 as defined by the Florida Building Code ~~local jurisdictional~~
3628 ~~authority~~.

3629 (b) Rebate amounts.--Authorized rebates for installation
3630 of solar thermal systems shall be as follows:

- 3631 1. Five hundred dollars for a residence.
- 3632 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
3633 for a place of business, a publicly owned or operated facility,
3634 or a facility owned or operated by a private, not-for-profit

3635 organization, including condominiums or apartment buildings. ~~But~~
 3636 ~~must be verified by approved metering equipment.~~

3637 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

3638 (a) Eligibility requirements.--A solar thermal pool heater
 3639 qualifies for a rebate if the system is installed by a state-
 3640 licensed solar or plumbing contractor and the system complies
 3641 with all applicable building codes as defined by the Florida
 3642 Building Code ~~local jurisdictional authority.~~

3643 (b) Rebate amount.--Authorized rebates for installation of
 3644 solar thermal pool heaters shall be \$100 per installation.

3645 (5) APPLICATION.--Application for a rebate must be made
 3646 within 120 ~~90~~ days after the purchase of the solar energy
 3647 equipment.

3648 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
 3649 determine and publish on a regular basis the amount of rebate
 3650 funds remaining in each fiscal year. The total dollar amount of
 3651 all rebates issued ~~by the department~~ is subject to the total
 3652 amount of appropriations in any fiscal year for this program. If
 3653 funds are insufficient during the current fiscal year, any
 3654 requests for rebates received during that fiscal year may be
 3655 processed during the following fiscal year. Requests for rebates
 3656 received in a fiscal year that are processed during the
 3657 following fiscal year shall be given priority over requests for
 3658 rebates received during the following fiscal year.

3659 (7) RULES.--The commission ~~department~~ shall adopt rules
 3660 pursuant to ss. 120.536(1) and 120.54 to develop rebate
 3661 applications and administer the issuance of rebates.

3662 Section 59. Section 377.808, Florida Statutes, is created
 3663 to read:

3664 377.808 Florida Green Government Grants Act.--

3665 (1) This section may be cited as the "Florida Green
 3666 Government Grants Act."

3667 (2) The Florida Energy and Climate Commission shall use
 3668 funds specifically appropriated to award grants under this
 3669 section to assist local governments, including municipalities,
 3670 counties, and school districts, in the development and
 3671 implementation of programs that achieve green standards. Green
 3672 standards shall be determined by the commission and shall
 3673 provide for cost-efficient solutions, reducing greenhouse gas
 3674 emissions, improving quality of life, and strengthening the
 3675 state's economy.

3676 (3) The commission shall adopt rules pursuant to chapter
 3677 120 to administer the grants provided for in this section. In
 3678 accordance with the rules adopted by the commission under this
 3679 section, the commission may provide grants from funds
 3680 specifically appropriated for this purpose to local governments
 3681 for the costs of achieving green standards, including necessary
 3682 administrative expenses. The rules of the commission shall:

3683 (a) Designate one or more suitable green government
 3684 standards frameworks from which local governments may develop a
 3685 greening government initiative and from which projects may be
 3686 eligible for funding pursuant to this section.

3687 (b) Require that projects that plan, design, construct,
 3688 upgrade, or replace facilities reduce greenhouse gas emissions
 3689 and be cost-effective, environmentally sound, permissible, and

3690 implementable.

3691 (c) Require local governments to match state funds with
3692 direct project cost sharing or in-kind services.

3693 (d) Provide for a scale of matching requirements for local
3694 governments on the basis of population in order to assist rural
3695 and undeveloped areas of the state with any financial burden of
3696 addressing climate change impacts.

3697 (e) Require grant applications to be submitted on
3698 appropriate forms developed and adopted by the commission with
3699 appropriate supporting documentation and require records to be
3700 maintained.

3701 (f) Establish a system to determine the relative priority
3702 of grant applications. The system shall consider greenhouse gas
3703 reductions, energy savings and efficiencies, and proven
3704 technologies.

3705 (g) Establish requirements for competitive procurement of
3706 engineering and construction services, materials, and equipment.

3707 (h) Provide for termination of grants when program
3708 requirements are not met.

3709 (4) Each local government is limited to not more than two
3710 grant applications during each application period announced by
3711 the commission. However, a local government may not have more
3712 than three active projects expending grant funds during any
3713 state fiscal year.

3714 (5) The commission shall perform an adequate overview of
3715 each grant, which may include technical review, site
3716 inspections, disbursement approvals, and auditing to
3717 successfully implement this section.

3718 Section 60. Paragraph (c) of subsection (3) of section
 3719 380.23, Florida Statutes, is amended to read:

3720 380.23 Federal consistency.--

3721 (3) Consistency review shall be limited to review of the
 3722 following activities, uses, and projects to ensure that such
 3723 activities, uses, and projects are conducted in accordance with
 3724 the state's coastal management program:

3725 (c) Federally licensed or permitted activities affecting
 3726 land or water uses when such activities are in or seaward of the
 3727 jurisdiction of local governments required to develop a coastal
 3728 zone protection element as provided in s. 380.24 and when such
 3729 activities involve:

3730 1. Permits and licenses required under the Rivers and
 3731 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3732 2. Permits and licenses required under the Marine
 3733 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
 3734 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3735 3. Permits and licenses required under the Federal Water
 3736 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
 3737 amended, unless such permitting activities have been delegated
 3738 to the state pursuant to said act.

3739 4. Permits and licenses relating to the transportation of
 3740 hazardous substance materials or transportation and dumping
 3741 which are issued pursuant to the Hazardous Materials
 3742 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
 3743 33 U.S.C. s. 1321, as amended.

3744 5. Permits and licenses required under 15 U.S.C. ss. 717-
 3745 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.

3746 | 1331-1356 for construction and operation of interstate gas
 3747 | pipelines and storage facilities.

3748 | 6. Permits and licenses required for the siting and
 3749 | construction of any new electrical power plants as defined in s.
 3750 | 403.503(14)~~(13)~~, as amended, and the licensing and relicensing
 3751 | of hydroelectric power plants under the Federal Power Act, 16
 3752 | U.S.C. ss. 791a et seq., as amended.

3753 | 7. Permits and licenses required under the Mining Law of
 3754 | 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
 3755 | Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
 3756 | Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
 3757 | amended; the Federal Land Policy and Management Act, 43 U.S.C.
 3758 | ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
 3759 | U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
 3760 | U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
 3761 | pipelines, geological and geophysical activities, or rights-of-
 3762 | way on public lands and permits and licenses required under the
 3763 | Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
 3764 | amended.

3765 | 8. Permits and licenses for areas leased under the OCS
 3766 | Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
 3767 | leases and approvals of exploration, development, and production
 3768 | plans.

3769 | 9. Permits and licenses required under the Deepwater Port
 3770 | Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

3771 | 10. Permits required for the taking of marine mammals
 3772 | under the Marine Mammal Protection Act of 1972, as amended, 16
 3773 | U.S.C. s. 1374.

3774 Section 61. Subsection (20) of section 403.031, Florida
 3775 Statutes, is amended to read:

3776 403.031 Definitions.--In construing this chapter, or rules
 3777 and regulations adopted pursuant hereto, the following words,
 3778 phrases, or terms, unless the context otherwise indicates, have
 3779 the following meanings:

3780 (20) "Electrical power plant" means, for purposes of this
 3781 part of this chapter, any electrical generating facility that
 3782 uses any process or fuel and that is owned or operated by an
 3783 electric utility, as defined in s. 403.503~~(14)~~~~(13)~~, and includes
 3784 any associated facility that directly supports the operation of
 3785 the electrical power plant.

3786 Section 62. Section 403.44, Florida Statutes, is created
 3787 to read:

3788 403.44 Florida Climate Protection Act.--

3789 (1) The Legislature finds it is in the best interest of
 3790 the state to document, to the greatest extent practicable,
 3791 greenhouse gas emissions and to pursue a market-based emissions
 3792 abatement program, such as cap and trade, to address greenhouse
 3793 gas emissions reductions.

3794 (2) As used in this section, the term:

3795 (a) "Allowance" means a credit issued by the department
 3796 through allotments or auction which represents an authorization
 3797 to emit specific amounts of greenhouse gases, as further defined
 3798 in department rule.

3799 (b) "Cap and trade" or "emissions trading" means an
 3800 administrative approach used to control pollution by providing a
 3801 limit on total allowable emissions, providing for allowances to

3802 emit pollutants, and providing for the transfer of the
 3803 allowances among pollutant sources as a means of compliance with
 3804 emission limits.

3805 (c) "Greenhouse gas" or "GHG" means carbon dioxide,
 3806 methane, nitrous oxide, and fluorinated gases such as
 3807 hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

3808 (d) "Leakage" means the offset of emission abatement that
 3809 is achieved in one location subject to emission control
 3810 regulation by increased emissions in unregulated locations.

3811 (e) "Major emitter" means an electric utility regulated
 3812 under this chapter.

3813 (3) A major emitter shall be required to use The Climate
 3814 Registry for purposes of emission registration and reporting.

3815 (4) The department shall establish the methodologies,
 3816 reporting periods, and reporting systems that shall be used when
 3817 major emitters report to The Climate Registry. The department
 3818 may require the use of quality-assured data from continuous
 3819 emissions monitoring systems.

3820 (5) The department may adopt rules for a cap-and-trade
 3821 regulatory program to reduce greenhouse gas emissions from major
 3822 emitters. When developing the rules, the department shall
 3823 consult with the Florida Energy and Climate Commission and the
 3824 Florida Public Service Commission and may consult with the
 3825 Governor's Action Team for Energy and Climate Change. The
 3826 department shall not adopt rules until after January 1, 2010.
 3827 The rules shall not become effective until ratified by the
 3828 Legislature.

3829 (6) The rules of the cap-and-trade regulatory program

3830 shall include, but are not limited to:

3831 (a) A statewide limit or cap on the amount of greenhouse

3832 gases emitted by major emitters.

3833 (b) Methods, requirements, and conditions for allocating

3834 the cap among major emitters.

3835 (c) Methods, requirements, and conditions for emissions

3836 allowances and the process for issuing emissions allowances.

3837 (d) The relationship between allowances and the specific

3838 amounts of greenhouse gas emissions they represent.

3839 (e) The length of allowance periods and the time over

3840 which entities must account for emissions and surrender

3841 allowances equal to emissions.

3842 (f) The timeline of allowances from the initiation of the

3843 program through to 2050.

3844 (g) A process for the trade of allowances between major

3845 emitters, including a registry, tracking, or accounting system

3846 for such trades.

3847 (h) Cost containment mechanisms to reduce price and cost

3848 risks associated with the electric generation market in this

3849 state. Cost containment mechanisms to be considered for

3850 inclusion in the rules include, but are not limited to:

3851 1. Allowing major emitters to borrow allowances from

3852 future time periods to meet their greenhouse gas emission

3853 limits.

3854 2. Allowing major emitters to bank greenhouse gas emission

3855 reductions in the current year to be used to meet emission

3856 limits in future years.

3857 3. Allowing major emitters to purchase emissions offsets

3858 from other entities that produce verifiable reductions in
3859 unregulated greenhouse gas emissions or that produce verifiable
3860 reductions in greenhouse gas emissions through voluntary
3861 practices that capture and store greenhouse gases that otherwise
3862 would be released into the atmosphere. In considering this cost
3863 containment mechanism, the department shall identify sectors and
3864 activities outside of the capped sectors, including other state,
3865 federal, or international activities, and the conditions under
3866 which reductions there can be credited against emissions of
3867 capped entities in place of allowances issued by the department.
3868 The department shall also consider potential methods and their
3869 effectiveness to avoid double-incentivizing such activities.

3870 4. Providing a safety valve mechanism to ensure that the
3871 market prices for allowances or offsets do not surpass a
3872 predetermined level compatible with the affordability of
3873 electric utility rates and the well-being of the state's
3874 economy. In considering this cost containment mechanism, the
3875 department shall evaluate different price levels for the safety
3876 valve and methods to change the price level over time to reflect
3877 changing state, federal, and international markets, regulatory
3878 environments, and technological advancements.

3879
3880 In considering cost containment mechanisms for inclusion in the
3881 rules, the department shall evaluate the anticipated overall
3882 effect of each mechanism on the abatement of greenhouse gas
3883 emissions and on electricity ratepayers and the benefits and
3884 costs of each to the state's economy, and shall also consider
3885 the interrelationships between the mechanisms under

3886 consideration.

3887 (i) A process to allow the department to exercise its
 3888 authority to discourage leakage of GHG emissions to neighboring
 3889 states attributable to the implementation of this program.

3890 (j) Provisions for a trial period on the trading of
 3891 allowances before full implementation of a trading system.

3892 (7) In recommending and evaluating proposed features of
 3893 the cap-and-trade system, the following factors shall be
 3894 considered:

3895 (a) The overall cost-effectiveness of the cap-and-trade
 3896 system in combination with other policies and measures in
 3897 meeting statewide targets.

3898 (b) Minimizing the administrative burden to the state of
 3899 implementing, monitoring, and enforcing the program.

3900 (c) Minimizing the administrative burden on entities
 3901 covered under the cap.

3902 (d) The impacts on electricity prices for consumers.

3903 (e) The specific benefits to the state's economy for early
 3904 adoption of a cap-and-trade system for greenhouse gases in the
 3905 context of federal climate change legislation and the
 3906 development of new international compacts.

3907 (f) The specific benefits to the state's economy
 3908 associated with the creation and sale of emissions offsets from
 3909 economic sectors outside of the emissions cap.

3910 (g) The potential effects on leakage if economic activity
 3911 relocates out of the state.

3912 (h) The effectiveness of the combination of measures in
 3913 meeting identified targets.

3914 (i) The implications for near-term periods of long-term
 3915 targets specified in the overall policy.

3916 (j) The overall costs and benefits of a cap-and-trade
 3917 system to the state economy.

3918 (k) How to moderate impacts on low-income consumers that
 3919 result from energy price increases.

3920 (l) Consistency of the program with other state and
 3921 possible federal efforts.

3922 (m) The feasibility and cost-effectiveness of extending
 3923 the program scope as broadly as possible among emitting
 3924 activities and sinks in Florida.

3925 (n) Evaluation of the conditions under which Florida
 3926 should consider linking its trading system to the systems of
 3927 other states or other countries and how that might be affected
 3928 by the potential inclusion in the rule of a safety valve.

3929 (8) Recognizing that the international, national, and
 3930 neighboring state policies and the science of climate change
 3931 will evolve, prior to submitting the proposed rules to the
 3932 Legislature for consideration, the department shall submit the
 3933 proposed rules to the Florida Energy and Climate Commission,
 3934 which shall review the proposed rules and submit a report to the
 3935 Governor, the President of the Senate, the Speaker of the House
 3936 of Representatives, and the department. The report shall
 3937 address:

3938 (a) The overall cost-effectiveness of the proposed cap-
 3939 and-trade system in combination with other policies and measures
 3940 in meeting statewide targets.

3941 (b) The administrative burden to the state of

- 3942 implementing, monitoring, and enforcing the program.
- 3943 (c) The administrative burden on entities covered under
- 3944 the cap.
- 3945 (d) The impacts on electricity prices for consumers.
- 3946 (e) The specific benefits to the state's economy for early
- 3947 adoption of a cap-and-trade system for greenhouse gases in the
- 3948 context of federal climate change legislation and the
- 3949 development of new international compacts.
- 3950 (f) The specific benefits to the state's economy
- 3951 associated with the creation and sale of emissions offsets from
- 3952 economic sectors outside of the emissions cap.
- 3953 (g) The potential effects on leakage if economic activity
- 3954 relocates out of the state.
- 3955 (h) The effectiveness of the combination of measures in
- 3956 meeting identified targets.
- 3957 (i) The economic implications for near-term periods of
- 3958 short-term and long-term targets specified in the overall
- 3959 policy.
- 3960 (j) The overall costs and benefits of a cap-and-trade
- 3961 system to the economy of the state.
- 3962 (k) The impacts on low-income consumers that result from
- 3963 energy price increases.
- 3964 (l) The consistency of the program with other state and
- 3965 possible federal efforts.
- 3966 (m) The evaluation of the conditions under which the state
- 3967 should consider linking its trading system to the systems of
- 3968 other states or other countries and how that might be affected
- 3969 by the potential inclusion in the rule of a safety valve.

3970 (n) The timing and changes in the external environment,
 3971 such as proposals by other states or implementation of a federal
 3972 program that would spur reevaluation of the Florida program.

3973 (o) The conditions and options for eliminating the Florida
 3974 program if a federal program were to supplant it.

3975 (p) The need for a regular reevaluation of the progress of
 3976 other emitting regions of the country and of the world, and
 3977 whether other regions are abating emissions in a commensurate
 3978 manner.

3979 (q) The desirability of and possibilities of broadening
 3980 the scope of the state's cap-and-trade system at a later date to
 3981 include more emitting activities as well as sinks in Florida,
 3982 the conditions that would need to be met to do so, and how the
 3983 program would encourage these conditions to be met, including
 3984 developing monitoring and measuring techniques for land use
 3985 emissions and sinks, regulating sources upstream, and other
 3986 considerations.

3987 Section 63. Section 403.502, Florida Statutes, is amended
 3988 to read:

3989 403.502 Legislative intent.--The Legislature finds that
 3990 the present and predicted growth in electric power demands in
 3991 this state requires the development of a procedure for the
 3992 selection and utilization of sites for electrical generating
 3993 facilities and the identification of a state position with
 3994 respect to each proposed site and its associated facilities. The
 3995 Legislature recognizes that the selection of sites and the
 3996 routing of associated facilities, including transmission lines,
 3997 will have a significant impact upon the welfare of the

3998 population, the location and growth of industry, and the use of
3999 the natural resources of the state. The Legislature finds that
4000 the efficiency of the permit application and review process at
4001 both the state and local level would be improved with the
4002 implementation of a process whereby a permit application would
4003 be centrally coordinated and all permit decisions could be
4004 reviewed on the basis of standards and recommendations of the
4005 deciding agencies. It is the policy of this state that, while
4006 recognizing the pressing need for increased power generation
4007 facilities, the state shall ensure through available and
4008 reasonable methods that the location and operation of electrical
4009 power plants will produce minimal adverse effects on human
4010 health, the environment, the ecology of the land and its
4011 wildlife, and the ecology of state waters and their aquatic life
4012 and will not unduly conflict with the goals established by the
4013 applicable local comprehensive plans. It is the intent to seek
4014 courses of action that will fully balance the increasing demands
4015 for electrical power plant location and operation with the broad
4016 interests of the public. Such action will be based on these
4017 premises:

4018 (1) To assure the citizens of Florida that operation
4019 safeguards are technically sufficient for their welfare and
4020 protection.

4021 (2) To effect a reasonable balance between the need for
4022 the facility and the environmental impact resulting from
4023 construction and operation of the facility, including air and
4024 water quality, fish and wildlife, and the water resources and
4025 other natural resources of the state.

4026 (3) To meet the need for electrical energy as established
 4027 pursuant to s. 403.519.

4028 (4) To assure the citizens of Florida that renewable
 4029 energy sources and technologies, as well as conservation
 4030 measures, are utilized to the extent reasonably available.

4031 Section 64. Subsections (3) through (30) of section
 4032 403.503, Florida Statutes, are renumbered as subsections (4)
 4033 through (31), respectively, present subsections (6), (8), (10),
 4034 (13), (27), and (29) are amended, and a new subsection (3) is
 4035 added to that section, to read:

4036 403.503 Definitions relating to Florida Electrical Power
 4037 Plant Siting Act.--As used in this act:

4038 (3) "Alternate corridor" means an area that is proposed by
 4039 the applicant or a third party within which all or part of an
 4040 associated electrical transmission line right-of-way is to be
 4041 located and that is different from the preferred transmission
 4042 line corridor proposed by the applicant. The width of the
 4043 alternate corridor proposed for certification for an associated
 4044 electrical transmission line may be the width of the proposed
 4045 right-of-way or a wider boundary not to exceed a width of 1
 4046 mile. The area within the alternate corridor may be further
 4047 restricted as a condition of certification. The alternate
 4048 corridor may include alternate electrical substation sites if
 4049 the applicant has proposed an electrical substation as part of
 4050 the portion of the proposed electrical transmission line.

4051 (7)-(6) "Associated facilities" means, for the purpose of
 4052 certification, those onsite and offsite facilities which
 4053 directly support the construction and operation of the

4054 electrical power plant such as electrical transmission lines,
 4055 substations, and fuel unloading facilities; pipelines necessary
 4056 for transporting fuel for the operation of the facility or other
 4057 fuel transportation facilities; water or wastewater transport
 4058 pipelines; construction, maintenance, and access roads; and
 4059 railway lines necessary for transport of construction equipment
 4060 or fuel for the operation of the facility.

4061 (9)~~(8)~~ "Certification" means the written order of the
 4062 board, or secretary when applicable, approving an application
 4063 for the licensing of an electrical power plant, in whole or with
 4064 such changes or conditions as the board may deem appropriate.

4065 (11)~~(10)~~ "Corridor" means the proposed area within which
 4066 an associated linear facility right-of-way is to be located. The
 4067 width of the corridor proposed for certification as an
 4068 associated facility, at the option of the applicant, may be the
 4069 width of the right-of-way or a wider boundary, not to exceed a
 4070 width of 1 mile. The area within the corridor in which a right-
 4071 of-way may be located may be further restricted by a condition
 4072 of certification. After all property interests required for the
 4073 right-of-way have been acquired by the licensee, the boundaries
 4074 of the area certified shall narrow to only that land within the
 4075 boundaries of the right-of-way. The corridors proper for
 4076 certification shall be those addressed in the application, in
 4077 amendments to the application filed under s. 403.5064, and in
 4078 notices of acceptance of proposed alternate corridors filed by
 4079 an applicant and the department pursuant to s. 403.5271 as
 4080 incorporated by reference in s. 403.5064(1)(b) for which the

4081 required information for the preparation of agency supplemental
 4082 reports was filed.

4083 (14)~~(13)~~ "Electrical power plant" means, for the purpose
 4084 of certification, any steam or solar electrical generating
 4085 facility using any process or fuel, including nuclear materials,
 4086 except that this term does not include any steam or solar
 4087 electrical generating facility of less than 75 megawatts in
 4088 capacity unless the applicant for such a facility elects to
 4089 apply for certification under this act. This term also includes
 4090 the site; all associated facilities that will ~~to~~ be owned by the
 4091 applicant that ~~which~~ are physically connected to the ~~electrical~~
 4092 ~~power plant~~ site; all associated facilities that ~~or which~~ are
 4093 indirectly ~~directly~~ connected to the ~~electrical power plant~~ site
 4094 by other proposed associated facilities that will ~~to~~ be owned by
 4095 the applicant; and associated transmission lines that will ~~to~~
 4096 be owned by the applicant which connect the electrical power
 4097 plant to an existing transmission network or rights-of-way to ~~of~~
 4098 which the applicant intends to connect. At the applicant's
 4099 option, this term may include any offsite associated facilities
 4100 that ~~which~~ will not be owned by the applicant; offsite
 4101 associated facilities that ~~which~~ are owned by the applicant but
 4102 that ~~which~~ are not directly connected to the ~~electrical power~~
 4103 ~~plant~~ site; any proposed terminal or intermediate substations or
 4104 substation expansions connected to the associated transmission
 4105 line; or new transmission lines, upgrades, or improvements of an
 4106 existing transmission line on any portion of the applicant's
 4107 electrical transmission system necessary to support the

4108 generation injected into the system from the proposed electrical
 4109 power plant.

4110 (28)-(27) "Site" means any proposed location within which
 4111 will be located ~~wherein~~ an electrical power plant's generating
 4112 facility and onsite support facilities ~~plant~~, or an electrical
 4113 ~~power plant~~ alteration or addition of electrical generating
 4114 facilities and onsite support facilities resulting in an
 4115 increase in generating capacity, ~~will be located~~, including
 4116 offshore sites within state jurisdiction.

4117 (30)-(29) "Ultimate site capacity" means the maximum gross
 4118 generating capacity for a site as certified by the board, unless
 4119 otherwise specified as net generating capacity.

4120 Section 65. Subsections (2) through (5), (9), and (11) of
 4121 section 403.504, Florida Statutes, are amended to read:

4122 403.504 Department of Environmental Protection; powers and
 4123 duties enumerated.--The department shall have the following
 4124 powers and duties in relation to this act:

4125 (2) To prescribe the form and content of the public
 4126 notices and the notice of intent and the form, content, and
 4127 necessary supporting documentation and studies to be prepared by
 4128 the applicant for electrical power plant ~~site~~ certification
 4129 applications.

4130 (3) To receive applications for electrical power plant
 4131 ~~site~~ certifications and to determine the completeness and
 4132 sufficiency thereof.

4133 (4) To make, or contract for, studies of electrical power
 4134 plant ~~site~~ certification applications.

4135 (5) To administer the processing of applications for
 4136 electric power plant ~~site~~ certifications and to ensure that the
 4137 applications are processed as expeditiously as possible.

4138 (9) To determine whether an alternate corridor proposed
 4139 for consideration under s. 403.5064(4) is acceptable ~~issue final~~
 4140 ~~orders after receipt of the administrative law judge's order~~
 4141 ~~relinquishing jurisdiction pursuant to s. 403.508(6).~~

4142 (11) To administer and manage the terms and conditions of
 4143 the certification order and supporting documents and records for
 4144 the life of the electrical power plant facility.

4145 Section 66. Subsection (1) of section 403.506, Florida
 4146 Statutes, is amended, and subsection (3) is added that section,
 4147 to read:

4148 403.506 Applicability, thresholds, and certification.--

4149 (1) The provisions of this act shall apply to any
 4150 electrical power plant as defined herein, except that the
 4151 provisions of this act shall not apply to any electrical power
 4152 plant ~~or steam generating plant~~ of less than 75 megawatts in
 4153 gross capacity, including its associated facilities, or to any
 4154 ~~substation to be constructed as part of an associated~~
 4155 ~~transmission line~~ unless the applicant has elected to apply for
 4156 certification of such electrical power plant or substation under
 4157 this act. The provisions of this act shall not apply to ~~any unit~~
 4158 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
 4159 aggregate, of an existing exothermic reaction cogeneration
 4160 electrical generating facility ~~unit~~ that was exempt from this
 4161 act when it was originally built; however, this exemption shall
 4162 not apply if the unit uses oil or natural gas for purposes other

4163 than unit startup. No construction of any new electrical power
4164 plant or expansion in steam generating capacity as measured by
4165 an increase in the maximum electrical generator rating of any
4166 existing electrical power plant may be undertaken after October
4167 1, 1973, without first obtaining certification in the manner as
4168 herein provided, except that this act shall not apply to any
4169 such electrical power plant which is presently operating or
4170 under construction or which has, upon the effective date of
4171 chapter 73-33, Laws of Florida, applied for a permit or
4172 certification under requirements in force prior to the effective
4173 date of such act.

4174 (3) An electric utility may obtain separate licenses,
4175 permits, and approvals for the construction of facilities
4176 necessary to construct an electrical power plant without first
4177 obtaining certification under this act if the utility intends to
4178 locate, license, and construct a proposed or expanded electrical
4179 power plant that uses nuclear materials as fuel. Such facilities
4180 may include, but are not limited to, access and onsite roads,
4181 rail lines, electrical transmission facilities to support
4182 construction, and facilities necessary for waterborne delivery
4183 of construction materials and project components. This exemption
4184 applies to such facilities regardless of whether the facilities
4185 are used for operation of the power plant. The applicant shall
4186 file with the department a statement that declares that the
4187 construction of such facilities is necessary for the timely
4188 construction of the proposed electrical power plant and
4189 identifies those facilities that the applicant intends to seek
4190 licenses for and construct prior to or separate from

4191 certification of the project. The facilities may be located
 4192 within or off the site for the proposed electrical power plant.
 4193 The filing of an application under this act shall not affect
 4194 other applications for separate licenses which are pending at
 4195 the time of filing the application. Furthermore, the filing of
 4196 an application shall not prevent an electric utility from
 4197 seeking separate licenses for facilities that are necessary to
 4198 construct the electrical power plant. Licenses, permits, or
 4199 approvals issued by any state, regional, or local agency for
 4200 such facilities shall be incorporated by the department into a
 4201 final certification upon completion of construction. Any
 4202 facilities necessary for construction of the electrical power
 4203 plant shall become part of the certified electrical power plant
 4204 upon completion of the electrical power plant's construction.
 4205 The exemption in this subsection shall not require or authorize
 4206 agency rulemaking, and any action taken under this subsection
 4207 shall not be subject to the provisions of chapter 120. This
 4208 subsection shall be given retroactive effect and shall apply to
 4209 applications filed after May 1, 2008.

4210 Section 67. Subsections (1) and (4) of section 403.5064,
 4211 Florida Statutes, are amended to read:

4212 403.5064 Application; schedules.--

4213 (1) The formal date of filing of a certification
 4214 application and commencement of the certification review process
 4215 shall be when the applicant submits:

4216 (a) Copies of the certification application in a quantity
 4217 and format as prescribed by rule to the department and other
 4218 agencies identified in s. 403.507(2)(a).

4219 (b) A statement affirming that the applicant is opting to
4220 allow consideration of alternate corridors for an associated
4221 transmission line corridor. If alternate corridors are allowed,
4222 at the applicant's option, the portion of the application
4223 addressing associated transmission line corridors shall be
4224 processed under the schedule set forth in ss. 403.521-403.526,
4225 403.527(4), and 403.5271, including the opportunity for the
4226 filing of alternate corridors by third parties; however, if such
4227 alternate corridors are filed, the certification hearing shall
4228 not be rescheduled as allowed by s. 403.5271(1)(b).

4229 (c) ~~(b)~~ The application fee specified under s. 403.518 to
4230 the department.

4231 (4) Within 7 days after the filing of an application, the
4232 department shall prepare a proposed schedule of dates for
4233 determination of completeness, submission of statements of
4234 issues, submittal of final reports, and other significant dates
4235 to be followed during the certification process, including dates
4236 for filing notices of appearance to be a party pursuant to s.
4237 403.508(3). If the application includes one or more associated
4238 transmission line corridors, at the request of the applicant
4239 filed concurrently with the application, the department shall
4240 use the application processing schedule set forth in ss.
4241 403.521-403.526, 403.527(4), and 403.5271 for the associated
4242 transmission line corridors, including the opportunity for the
4243 filing and review of alternate corridors, if a party proposes
4244 alternate transmission line corridor routes for consideration no
4245 later than 165 days before the scheduled certification hearing.
4246 Notwithstanding an applicant's option for the transmission line

4247 corridor portion of its application to be processed under the
 4248 proposed schedule, only one certification hearing shall be held
 4249 for the entire plant in accordance with s. 403.508(2). The
 4250 proposed ~~This~~ schedule shall be timely provided by the
 4251 department to the applicant, the administrative law judge, all
 4252 agencies identified pursuant to subsection (2), and all parties.
 4253 Within 7 days after the filing of the proposed schedule, the
 4254 administrative law judge shall issue an order establishing a
 4255 schedule for the matters addressed in the department's proposed
 4256 schedule and other appropriate matters, if any.

4257 Section 68. Subsection (1) of section 403.5065, Florida
 4258 Statutes, is amended to read:

4259 403.5065 Appointment of administrative law judge; powers
 4260 and duties.--

4261 (1) Within 7 days after receipt of an application, the
 4262 department shall request the Division of Administrative Hearings
 4263 to designate an administrative law judge to conduct the hearings
 4264 required by this act. The division director shall designate an
 4265 administrative law judge within 7 days after receipt of the
 4266 request from the department. In designating an administrative
 4267 law judge for this purpose, the division director shall,
 4268 whenever practicable, assign an administrative law judge who has
 4269 had prior experience or training in electrical power plant ~~site~~
 4270 certification proceedings. Upon being advised that an
 4271 administrative law judge has been appointed, the department
 4272 shall immediately file a copy of the application and all
 4273 supporting documents with the designated administrative law
 4274 judge, who shall docket the application.

4275 Section 69. Subsection (3) of section 403.50663, Florida
 4276 Statutes, is amended to read:

4277 403.50663 Informational public meetings.--

4278 (3) A local government or regional planning council that
 4279 intends to conduct an informational public meeting must provide
 4280 notice of the meeting to all parties not less than 5 days prior
 4281 to the meeting and to the general public in accordance with s.
 4282 403.5115(5). The expense for such notice is eligible for
 4283 reimbursement under s. 403.518(2)(c)1.

4284 Section 70. Section 403.50665, Florida Statutes, is
 4285 amended to read:

4286 403.50665 Land use consistency.--

4287 (1) The applicant shall include in the application a
 4288 statement on the consistency of the site and ~~or~~ any ~~directly~~
 4289 associated facilities that constitute a "development," as
 4290 defined in s. 380.04, with existing land use plans and zoning
 4291 ordinances that were in effect on the date the application was
 4292 filed and a full description of such consistency. This
 4293 information shall include an identification of those associated
 4294 facilities that the applicant believes are exempt from the
 4295 requirements of land use plans and zoning ordinances under the
 4296 provisions of the Local Government Comprehensive Planning and
 4297 Land Development Regulation Act provisions of chapter 163 and s.
 4298 380.04(3).

4299 (2)(a) Within 45 days after the filing of the application,
 4300 each local government shall file a determination with the
 4301 department, the applicant, the administrative law judge, and all
 4302 parties on the consistency of the site, and ~~or~~ any ~~directly~~

4303 associated facilities that are not exempt from the requirements
 4304 of land use plans and zoning ordinances under chapter 163 and s.
 4305 380.04(3), with existing land use plans and zoning ordinances
 4306 that were in effect on the date the application was filed, based
 4307 on the information provided in the application. However, this
 4308 requirement does not apply to any new electrical generation unit
 4309 proposed to be constructed and operated on the site of a
 4310 previously certified electrical power plant or on the site of a
 4311 power plant that was not previously certified that will be
 4312 wholly contained within the boundaries of the existing site.

4313 (b) The local government may issue its determination up to
 4314 55 ~~35~~ days later if the application has been determined
 4315 incomplete based in whole or in part upon a local government
 4316 request for ~~has requested~~ additional information on land use and
 4317 zoning consistency as part of the local government's statement
 4318 on completeness of the application submitted pursuant to s.
 4319 403.5066(1)(a). Incompleteness of information necessary for a
 4320 local government to evaluate an application may be claimed by
 4321 the local government as cause for a statement of inconsistency
 4322 with existing land use plans and zoning ordinances.

4323 (c) Notice of the consistency determination shall be
 4324 published in accordance with the requirements of s. 403.5115.

4325 (3)(a) If the local government issues a determination that
 4326 the proposed site and any nonexempt associated facilities are
 4327 ~~electrical power plant is~~ not consistent or in compliance with
 4328 local land use plans and zoning ordinances, the applicant may
 4329 apply to the local government for the necessary local approval

4330 to address the inconsistencies identified in the local
 4331 government's determination.

4332 (b) If the applicant makes such an application to the
 4333 local government, the time schedules under this act shall be
 4334 tolled until the local government issues its revised
 4335 determination on land use and zoning or the applicant otherwise
 4336 withdraws its application to the local government.

4337 (c) If the applicant applies to the local government for
 4338 necessary local land use or zoning approval, the local
 4339 government shall commence a proceeding to consider the
 4340 application for land use or zoning approval within 45 days after
 4341 receipt of the complete request and shall issue a revised
 4342 determination within 30 days following the conclusion of that
 4343 local proceeding.~~and~~ The time schedules and notice
 4344 requirements under this act shall apply to such revised
 4345 determination.

4346 (4) If any substantially affected person wishes to dispute
 4347 the local government's determination, he or she shall file a
 4348 petition with the designated administrative law judge ~~department~~
 4349 within 21 days after the publication of notice of the local
 4350 government's determination. If a hearing is requested, the
 4351 provisions of s. 403.508(1) shall apply.

4352 (5) The dates in this section may be altered upon
 4353 agreement between the applicant, the local government, and the
 4354 department pursuant to s. 403.5095.

4355 (6) If it is determined by the local government that the
 4356 proposed site or nonexempt ~~directly~~ associated facility does
 4357 conform with existing land use plans and zoning ordinances in

4358 effect as of the date of the application and no petition has
 4359 been filed, the responsible zoning or planning authority shall
 4360 not thereafter change such land use plans or zoning ordinances
 4361 so as to foreclose construction and operation of the proposed
 4362 site or directly associated facilities unless certification is
 4363 subsequently denied or withdrawn.

4364 (7) The issue of land use and zoning consistency for any
 4365 proposed alternate intermediate electrical substation which is
 4366 proposed as part of an alternate electrical transmission line
 4367 corridor which is accepted by the applicant and the department
 4368 under s. 403.5271(1)(b) shall be addressed in the supplementary
 4369 report prepared by the local government on the proposed
 4370 alternate corridor and shall be considered as an issue at any
 4371 final certification hearing. If such a proposed alternate
 4372 intermediate electrical substation is determined not to be
 4373 consistent with local land use plans and zoning ordinances, then
 4374 that alternate intermediate electrical substation shall not be
 4375 certified.

4376 Section 71. Paragraph (a) of subsection (2) of section
 4377 403.507, Florida Statutes, is amended to read:

4378 403.507 Preliminary statements of issues, reports, project
 4379 analyses, and studies.--

4380 (2)(a) No later than 100 days after the certification
 4381 application has been determined complete, the following agencies
 4382 shall prepare reports as provided below and shall submit them to
 4383 the department and the applicant, unless a final order denying
 4384 the determination of need has been issued under s. 403.519:

4385 1. The Department of Community Affairs shall prepare a
4386 report containing recommendations which address the impact upon
4387 the public of the proposed electrical power plant, based on the
4388 degree to which the electrical power plant is consistent with
4389 the applicable portions of the state comprehensive plan,
4390 emergency management, and other such matters within its
4391 jurisdiction. The Department of Community Affairs may also
4392 comment on the consistency of the proposed electrical power
4393 plant with applicable strategic regional policy plans or local
4394 comprehensive plans and land development regulations.

4395 2. The water management district shall prepare a report as
4396 to matters within its jurisdiction, including but not limited
4397 to, the impact of the proposed electrical power plant on water
4398 resources, regional water supply planning, and district-owned
4399 lands and works.

4400 3. Each local government in whose jurisdiction the
4401 proposed electrical power plant is to be located shall prepare a
4402 report as to the consistency of the proposed electrical power
4403 plant with all applicable local ordinances, regulations,
4404 standards, or criteria that apply to the proposed electrical
4405 power plant, including any applicable local environmental
4406 regulations adopted pursuant to s. 403.182 or by other means.

4407 4. The Fish and Wildlife Conservation Commission shall
4408 prepare a report as to matters within its jurisdiction.

4409 5. Each regional planning council shall prepare a report
4410 containing recommendations that address the impact upon the
4411 public of the proposed electrical power plant, based on the
4412 degree to which the electrical power plant is consistent with

4413 the applicable provisions of the strategic regional policy plan
 4414 adopted pursuant to chapter 186 and other matters within its
 4415 jurisdiction.

4416 6. The Department of Transportation shall address the
 4417 impact of the proposed electrical power plant on matters within
 4418 its jurisdiction.

4419 Section 72. Subsection (1), paragraph (a) of subsection
 4420 (2), and paragraph (f) of subsection (3) of section 403.508,
 4421 Florida Statutes, are amended to read:

4422 403.508 Land use and certification hearings, parties,
 4423 participants.--

4424 (1)(a) Within 5 days after the filing of ~~If~~ a petition for
 4425 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
 4426 the designated administrative law judge shall schedule ~~conduct~~ a
 4427 land use hearing to be conducted in the county of the proposed
 4428 site or ~~directly~~ associated facility that is not exempt from the
 4429 requirements of land use plans and zoning ordinances under
 4430 chapter 163 and s. 380.04(3), as applicable, as expeditiously as
 4431 possible, but not later than 30 days after the designated
 4432 administrative law judge's ~~department's~~ receipt of the petition.
 4433 The place of such hearing shall be as close as possible to the
 4434 proposed site or ~~directly~~ associated facility. If a petition is
 4435 filed, the hearing shall be held regardless of the status of the
 4436 completeness of the application. ~~However, incompleteness of~~
 4437 ~~information necessary for a local government to evaluate an~~
 4438 ~~application may be claimed by the local government as cause for~~
 4439 ~~a statement of inconsistency with existing land use plans and~~
 4440 ~~zoning ordinances under s. 403.50665.~~

4441 (b) Notice of the land use hearing shall be published in
 4442 accordance with the requirements of s. 403.5115.

4443 (c) The sole issue for determination at the land use
 4444 hearing shall be whether or not the proposed site or nonexempt
 4445 associated facility is consistent and in compliance with
 4446 existing land use plans and zoning ordinances. If the
 4447 administrative law judge concludes that the proposed site or
 4448 nonexempt associated facility is not consistent or in compliance
 4449 with existing land use plans and zoning ordinances, the
 4450 administrative law judge shall receive at the hearing evidence
 4451 on, and address in the recommended order any changes to or
 4452 approvals or variances under, the applicable land use plans or
 4453 zoning ordinances which will render the proposed site or
 4454 nonexempt associated facility consistent and in compliance with
 4455 the local land use plans and zoning ordinances.

4456 (d) The designated administrative law judge's recommended
 4457 order shall be issued within 30 days after completion of the
 4458 hearing and shall be reviewed by the board within 60 days after
 4459 receipt of the recommended order by the board.

4460 (e) If it is determined by the board that the proposed
 4461 site or nonexempt associated facility does conform with existing
 4462 land use plans and zoning ordinances in effect as of the date of
 4463 the application, or as otherwise provided by this act, the
 4464 responsible zoning or planning authority shall not thereafter
 4465 change such land use plans or zoning ordinances so as to
 4466 foreclose construction and operation of the proposed electrical
 4467 power plant on the proposed site or ~~directly~~ associated

4468 facilities unless certification is subsequently denied or
4469 withdrawn.

4470 (f) If it is determined by the board that the proposed
4471 site or nonexempt associated facility does not conform with
4472 existing land use plans and zoning ordinances, the board may, if
4473 it determines after notice and hearing and upon consideration of
4474 the recommended order on land use and zoning issues that it is
4475 in the public interest to authorize the use of the land ~~as a~~
4476 site for a site or associated facility ~~an electrical power~~
4477 ~~plant~~, authorize a variance or other necessary approval to the
4478 adopted land use plan and zoning ordinances required to render
4479 the proposed site or associated facility consistent with local
4480 land use plans and zoning ordinances. The board's action shall
4481 not be controlled by any other procedural requirements of law.
4482 In the event a variance or other approval is denied by the
4483 board, it shall be the responsibility of the applicant to make
4484 the necessary application for any approvals determined by the
4485 board as required to make the proposed site or associated
4486 facility consistent and in compliance with local land use plans
4487 and zoning ordinances. No further action may be taken on the
4488 complete application until the proposed site or associated
4489 facility conforms to the adopted land use plan or zoning
4490 ordinances or the board grants relief as provided under this
4491 act.

4492 (2) (a) A certification hearing shall be held by the
4493 designated administrative law judge no later than 265 days after
4494 the application is filed with the department. The certification
4495 hearing shall be held at a location in proximity to the proposed

4496 site. ~~At the conclusion of the certification hearing, the~~
 4497 ~~designated administrative law judge shall, after consideration~~
 4498 ~~of all evidence of record, submit to the board a recommended~~
 4499 ~~order no later than 45 days after the filing of the hearing~~
 4500 ~~transcript.~~

4501 (3)

4502 (f) Any agency, including those whose properties or works
 4503 are being affected pursuant to s. 403.509 (5) ~~(4)~~, shall be made a
 4504 party upon the request of the department or the applicant.

4505 Section 73. Subsection (3) of section 403.509, Florida
 4506 Statutes, is amended, subsection (4) is renumbered as subsection
 4507 (5), a new subsection (4) is added to that section, and
 4508 subsection (5) is renumbered as subsection (6) and amended, to
 4509 read:

4510 403.509 Final disposition of application.--

4511 (3) In determining whether an application should be
 4512 approved in whole, approved with modifications or conditions, or
 4513 denied, the board, or secretary when applicable, shall consider
 4514 whether, and the extent to which, the location, construction,
 4515 and operation of the electrical power plant ~~and directly~~
 4516 ~~associated facilities and their construction and operation~~ will:

4517 (a) Provide reasonable assurance that operational
 4518 safeguards are technically sufficient for the public welfare and
 4519 protection.

4520 (b) Comply with applicable nonprocedural requirements of
 4521 agencies.

4522 (c) Be consistent with applicable local government
 4523 comprehensive plans and land development regulations.

4524 (d) Meet the electrical energy needs of the state in an
4525 orderly, reliable, and timely fashion.

4526 (e) Effect a reasonable balance between the need for the
4527 facility as established pursuant to s. 403.519 and the impacts
4528 upon air and water quality, fish and wildlife, water resources,
4529 and other natural resources of the state resulting from the
4530 construction and operation of the facility.

4531 (f) Minimize, through the use of reasonable and available
4532 methods, the adverse effects on human health, the environment,
4533 and the ecology of the land and its wildlife and the ecology of
4534 state waters and their aquatic life.

4535 (g) Serve and protect the broad interests of the public.

4536 (4) (a) Any transmission line corridor certified by the
4537 board, or secretary if applicable, shall meet the criteria of
4538 this section. When more than one transmission line corridor is
4539 proper for certification under s. 403.503(11) and meets the
4540 criteria of this section, the board, or secretary if applicable,
4541 shall certify the transmission line corridor that has the least
4542 adverse impact regarding the criteria in subsection (3),
4543 including costs.

4544 (b) If the board, or secretary if applicable, finds that
4545 an alternate corridor rejected pursuant to s. 403.5271 as
4546 incorporated by reference in s. 403.5064(1)(b) meets the
4547 criteria of subsection (3) and has the least adverse impact
4548 regarding the criteria in subsection (3), the board, or
4549 secretary if applicable, shall deny certification or shall allow
4550 the applicant to submit an amended application to include the
4551 corridor.

4552 (c) If the board, or secretary if applicable, finds that
 4553 two or more of the corridors that comply with subsection (3)
 4554 have the least adverse impacts regarding the criteria in
 4555 subsection (3), including costs, and that the corridors are
 4556 substantially equal in adverse impacts regarding the criteria in
 4557 subsection (3), including costs, the board, or secretary if
 4558 applicable, shall certify the corridor preferred by the
 4559 applicant if the corridor is one proper for certification under
 4560 s. 403.503(11).

4561 ~~(6)-(5)~~ For certifications issued by the board in regard to
 4562 the properties and works of any agency which is a party to the
 4563 certification hearing, the board shall have the authority to
 4564 decide issues relating to the use, the connection thereto, or
 4565 the crossing thereof, for the electrical power plant and
 4566 directly associated facilities and to direct any such agency to
 4567 execute, within 30 days after the entry of certification, the
 4568 necessary license or easement for such use, connection, or
 4569 crossing, subject only to the conditions set forth in such
 4570 certification. For certifications issued by the department in
 4571 regard to the properties and works of any agency that is a party
 4572 to the proceeding, any stipulation filed pursuant to s.
 4573 403.508(6)(a) must include a stipulation regarding any issues
 4574 relating to the use, the connection thereto, or the crossing
 4575 thereof, for the electrical power plant. Any agency stipulating
 4576 to the use of, connection to, or crossing of its property must
 4577 agree to execute, within 30 days after the entry of
 4578 certification, the necessary license or easement for such use,

4579 connection, or crossing, subject only to the conditions set
 4580 forth in such certification.

4581 Section 74. Subsections (1) and (6) of section 403.511,
 4582 Florida Statutes, are amended to read:

4583 403.511 Effect of certification.--

4584 (1) Subject to the conditions set forth therein, any
 4585 certification shall constitute the sole license of the state and
 4586 any agency as to the approval of the location of the site and
 4587 any associated facility and the construction and operation of
 4588 the proposed electrical power plant, except for the issuance of
 4589 department licenses required under any federally delegated or
 4590 approved permit program and except as otherwise provided in
 4591 subsection (4).

4592 (6) No term or condition of an electrical power plant a
 4593 site certification shall be interpreted to supersede or control
 4594 the provisions of a final operation permit for a major source of
 4595 air pollution issued by the department pursuant to s. 403.0872
 4596 to a facility certified under this part.

4597 Section 75. Subsection (1) of section 403.5112, Florida
 4598 Statutes, is amended to read:

4599 403.5112 Filing of notice of certified corridor route.--

4600 (1) Within 60 days after certification of an ~~a~~ directly
 4601 associated linear facility pursuant to this act, the applicant
 4602 shall file, in accordance with s. 28.222, with the department
 4603 and the clerk of the circuit court for each county through which
 4604 the corridor will pass, a notice of the certified route.

4605 Section 76. Section 403.5113, Florida Statutes, is amended
 4606 to read:

4607 403.5113 Postcertification amendments and review.--
 4608 (1) POSTCERTIFICATION AMENDMENTS.--
 4609 (a) If, subsequent to certification by the board, a
 4610 licensee proposes any material change to the application and
 4611 revisions or amendments thereto, as certified, the licensee
 4612 shall submit a written request for amendment and a description
 4613 of the proposed change to the application to the department.
 4614 Within 30 days after the receipt of the request for the
 4615 amendment, the department shall determine whether the proposed
 4616 change to the application requires a modification of the
 4617 conditions of certification.

4618 (b)~~(2)~~ If the department concludes that the change would
 4619 not require a modification of the conditions of certification,
 4620 the department shall provide written notification of the
 4621 approval of the proposed amendment to the licensee, all
 4622 agencies, and all other parties.

4623 (c)~~(3)~~ If the department concludes that the change would
 4624 require a modification of the conditions of certification, the
 4625 department shall provide written notification to the licensee
 4626 that the proposed change to the application requires a request
 4627 for modification pursuant to s. 403.516.

4628 (2)~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
 4629 submittals filed by the licensee with one or more agencies are
 4630 for the purpose of monitoring for compliance with the issued
 4631 certification and must be reviewed by the agencies on an
 4632 expedited and priority basis because each facility certified
 4633 under this act is a critical infrastructure facility. In no
 4634 event shall a postcertification review be completed in more than

4635 90 days after complete information is submitted to the reviewing
4636 agencies.

4637 Section 77. Section 403.5115, Florida Statutes, is amended
4638 to read:

4639 403.5115 Public notice.--

4640 (1) The following notices are to be published by the
4641 applicant for all applications:

4642 (a) Notice of the filing of a notice of intent under s.
4643 403.5063, which shall be published within 21 days after the
4644 filing of the notice. The notice shall be published as specified
4645 by subsection (2), except that the newspaper notice shall be
4646 one-fourth page in size in a standard size newspaper or one-half
4647 page in size in a tabloid size newspaper.

4648 (b) Notice of filing of the application, which shall
4649 include a description of the proceedings required by this act,
4650 within 21 days after the date of the application filing. Such
4651 notice shall give notice of the provisions of s. 403.511(1) and
4652 (2).

4653 (c) If applicable, notice of the land use determination
4654 made pursuant to s. 403.50665(2)-(1) within 21 days after the
4655 deadline for the filing of the determination is filed.

4656 (d) If applicable, notice of the land use hearing, which
4657 shall be published as specified in subsection (2), no later than
4658 15 days before the hearing.

4659 (e) Notice of the certification hearing and notice of the
4660 deadline for filing notice of intent to be a party, which shall
4661 be published as specified in subsection (2), at least 65 days
4662 before the date set for the certification hearing. If one or

4663 more alternate corridors have been accepted for consideration,
 4664 the notice of the certification hearing shall include a map of
 4665 all corridors proposed for certification.

4666 (f) Notice of revised deadline for filing alternate
 4667 corridors if the certification hearing is rescheduled to a date
 4668 other than as published in the notice of filing of the
 4669 application. This notice shall be published at least 185 days
 4670 before the rescheduled certification hearing and as specified in
 4671 subsection (2), except no map is required and the size of the
 4672 notice shall be no smaller than 6 square inches.

4673 (g) ~~(f)~~ Notice of the cancellation of the certification
 4674 hearing, if applicable, no later than 3 days before the date of
 4675 the originally scheduled certification hearing. The newspaper
 4676 notice shall be one-fourth page in size in a standard-size
 4677 newspaper or one-half page in size in a tabloid-size newspaper.

4678 (h) ~~(g)~~ Notice of modification when required by the
 4679 department, based on whether the requested modification of
 4680 certification will significantly increase impacts to the
 4681 environment or the public. Such notice shall be published as
 4682 specified under subsection (2):

4683 1. Within 21 days after receipt of a request for
 4684 modification. The newspaper notice shall be of a size as
 4685 directed by the department commensurate with the scope of the
 4686 modification.

4687 2. If a hearing is to be conducted in response to the
 4688 request for modification, then notice shall be published no
 4689 later than 30 days before the hearing.

4690 ~~(h) Notice of a supplemental application, which shall be~~
4691 ~~published as specified in paragraph (b) and subsection (2).~~

4692 ~~(i) Notice of existing site certification pursuant to s.~~
4693 ~~403.5175. Notices shall be published as specified in paragraph~~
4694 ~~(b) and subsection (2).~~

4695 (2) Notices provided by the applicant shall be published
4696 in newspapers of general circulation within the county or
4697 counties in which the proposed electrical power plant will be
4698 located. The newspaper notices, unless otherwise specified,
4699 shall be at least one-half page in size in a standard size
4700 newspaper or a full page in a tabloid size newspaper. These
4701 notices shall include a map generally depicting the project and
4702 all associated facilities corridors. A newspaper of general
4703 circulation shall be the newspaper which has the largest daily
4704 circulation in that county and has its principal office in that
4705 county. If the newspaper with the largest daily circulation has
4706 its principal office outside the county, the notices shall
4707 appear in both the newspaper having the largest circulation in
4708 that county and in a newspaper authorized to publish legal
4709 notices in that county.

4710 (3) All notices published by the applicant shall be paid
4711 for by the applicant and shall be in addition to the application
4712 fee.

4713 (4) The department shall arrange for publication of the
4714 following notices in the manner specified by chapter 120 and
4715 provide copies of those notices to any persons who have
4716 requested to be placed on the departmental mailing list for this
4717 purpose:

4718 (a) Notice of the filing of the notice of intent within 15
4719 days after receipt of the notice.

4720 (b) Notice of the filing of the application, no later than
4721 21 days after the application filing.

4722 (c) Notice of the land use determination made pursuant to
4723 s. 403.50665 (2) ~~(1)~~ within 21 days after the determination is
4724 filed.

4725 (d) Notice of the land use hearing before the
4726 administrative law judge, if applicable, no later than 15 days
4727 before the hearing.

4728 (e) Notice of the land use hearing before the board, if
4729 applicable.

4730 (f) Notice of the certification hearing at least 45 days
4731 before the date set for the certification hearing.

4732 (g) Notice of the revised deadline for filing alternate
4733 corridors if the certification hearing is rescheduled to a date
4734 other than as published in the notice of filing of the
4735 application. This notice shall be published at least 185 days
4736 before the rescheduled certification hearing.

4737 (h) ~~(g)~~ Notice of the cancellation of the certification
4738 hearing, if applicable, no later than 3 days prior to the date
4739 of the originally scheduled certification hearing.

4740 (i) ~~(h)~~ Notice of the hearing before the board, if
4741 applicable.

4742 (j) ~~(i)~~ Notice of stipulations, proposed agency action, or
4743 petitions for modification.

4744 (5) A local government or regional planning council that
4745 proposes to conduct an informational public meeting pursuant to

4746 s. 403.50663 must publish notice of the meeting in a newspaper
4747 of general circulation within the county or counties in which
4748 the proposed electrical power plant will be located no later
4749 than 7 days prior to the meeting. A newspaper of general
4750 circulation shall be the newspaper that has the largest daily
4751 circulation in that county and has its principal office in that
4752 county. If the newspaper with the largest daily circulation has
4753 its principal office outside the county, the notices shall
4754 appear in both the newspaper having the largest circulation in
4755 that county and in a newspaper authorized to publish legal
4756 notices in that county.

4757 (6) (a) A good faith effort shall be made by the applicant
4758 to provide direct written notice of the filing of an application
4759 for certification by United States mail or hand delivery no
4760 later than 45 days after filing of the application to all local
4761 landowners whose property, as noted in the most recent local
4762 government tax records, and residences are located within the
4763 following distances of the proposed project:

4764 1. Three miles of the proposed main site boundaries of the
4765 proposed electrical power plant.

4766 2. One-quarter mile for a transmission line corridor that
4767 only includes a transmission line as defined by s. 403.522(22).

4768 3. For all other linear associated facilities extending
4769 away from the main site boundary except for a transmission line
4770 corridor that includes a transmission line that operates below
4771 those defined by s. 403.522(22).

4772 (b) No later than 60 days from the filing of an
4773 application for certification, the applicant shall file a list

4774 with the department's Siting Coordination Office of landowners
 4775 and residences that were notified.

4776 (7) (a) A good faith effort shall be made by the proponent
 4777 of an alternate corridor that includes a transmission line, as
 4778 defined by s. 403.522(22), to provide direct written notice of
 4779 the filing of an alternate corridor for certification by United
 4780 States mail or hand delivery of the filing of no later than 30
 4781 days after filing of the alternate corridor to all local
 4782 landowners whose property, as noted in the most recent local
 4783 government tax records, and residences, are located within one-
 4784 quarter mile of the proposed boundaries of a transmission line
 4785 corridor that includes a transmission line as defined by s.
 4786 403.522(22).

4787 (b) No later than 45 days from the filing of an alternate
 4788 corridor for certification, the proponent of an alternate
 4789 corridor shall file a list with the department's Siting
 4790 Coordination Office of landowners and residences that were
 4791 notified.

4792 Section 78. Paragraph (b) of subsection (1) of section
 4793 403.516, Florida Statutes, is amended to read:

4794 403.516 Modification of certification.--

4795 (1) A certification may be modified after issuance in any
 4796 one of the following ways:

4797 (b)1. The department may modify specific conditions of a
 4798 site certification which are inconsistent with the terms of any
 4799 federally delegated or approved permit for the certified
 4800 electrical power plant.

4801 2. Such modification may be made without further notice if
 4802 the matter has been previously noticed under the requirements
 4803 for any federally delegated or approved permit program.

4804 Section 79. Paragraphs (a) and (c) of subsection (1) of
 4805 section 403.517, Florida Statutes, are amended to read:

4806 403.517 Supplemental applications for sites certified for
 4807 ultimate site capacity.--

4808 (1)(a) Supplemental applications may be submitted for
 4809 certification of the construction and operation of electrical
 4810 power plants to be located at sites which have been previously
 4811 certified for an ultimate site capacity pursuant to this act.
 4812 Supplemental applications shall be limited to electrical power
 4813 plants using the fuel type previously certified for that site.
 4814 Such applications shall include all new ~~directly~~ associated
 4815 facilities that support the construction and operation of the
 4816 electrical power plant.

4817 (c) The time limits for the processing of a complete
 4818 supplemental application shall be designated by the department
 4819 commensurate with the scope of the supplemental application, but
 4820 shall not exceed any time limitation governing the review of
 4821 initial applications for ~~site~~ certification pursuant to this
 4822 act, it being the legislative intent to provide shorter time
 4823 limitations for the processing of supplemental applications for
 4824 electrical power plants to be constructed and operated at sites
 4825 which have been previously certified for an ultimate site
 4826 capacity.

4827 Section 80. Subsections (1), (2), and (3) of section
 4828 403.5175, Florida Statutes, are amended to read:

4829 403.5175 Existing electrical power plant site
 4830 certification.--

4831 (1) An electric utility that owns or operates an existing
 4832 electrical power plant as defined in s. 403.503 (14) ~~(13)~~ may
 4833 apply for certification of an existing power plant and its site
 4834 in order to obtain all agency licenses necessary to ensure
 4835 compliance with federal or state environmental laws and
 4836 regulation using the centrally coordinated, one-stop licensing
 4837 process established by this part. An application for ~~site~~
 4838 certification under this section must be in the form prescribed
 4839 by department rule. Applications must be reviewed and processed
 4840 using the same procedural steps and notices as for an
 4841 application for a new facility, except that a determination of
 4842 need by the Public Service Commission is not required.

4843 (2) An application for certification under this section
 4844 must include:

4845 (a) A description of the site and existing power plant
 4846 installations and associated facilities;

4847 (b) A description of all proposed changes or alterations
 4848 to the site and ~~or electrical power plant, including~~ all new
 4849 associated facilities that are the subject of the application;

4850 (c) A description of the environmental and other impacts
 4851 caused by the existing utilization of the site and ~~directly~~
 4852 associated facilities, and the operation of the electrical power
 4853 plant that is the subject of the application, and of the
 4854 environmental and other benefits, if any, to be realized as a
 4855 result of the proposed changes or alterations if certification
 4856 is approved and such other information as is necessary for the

4857 reviewing agencies to evaluate the proposed changes and the
 4858 expected impacts;

4859 (d) The justification for the proposed changes or
 4860 alterations;

4861 (e) Copies of all existing permits, licenses, and
 4862 compliance plans authorizing utilization of the site and
 4863 ~~directly~~ associated facilities or operation of the electrical
 4864 power plant that is the subject of the application.

4865 (3) The land use and zoning determination requirements of
 4866 s. 403.50665 do not apply to an application under this section
 4867 if the applicant does not propose to expand the boundaries of
 4868 the existing site or to add additional offsite associated
 4869 facilities that are not exempt from the provisions of s.
 4870 403.50665. If the applicant proposes to expand the boundaries of
 4871 the existing site or to add additional offsite associated
 4872 facilities that are not exempt from the provisions of s.
 4873 403.50665 to accommodate portions of the electrical generating
 4874 facility plant or associated facilities, a land use and zoning
 4875 determination shall be made as specified in s. 403.50665;
 4876 provided, however, that the sole issue for determination is
 4877 whether the proposed site expansion or additional nonexempt
 4878 associated facilities are ~~is~~ consistent and in compliance with
 4879 the existing land use plans and zoning ordinances.

4880 Section 81. Section 403.518, Florida Statutes, is amended
 4881 to read:

4882 403.518 Fees; disposition.--The department shall charge
 4883 the applicant the following fees, as appropriate, which, unless

4884 otherwise specified, shall be paid into the Florida Permit Fee
 4885 Trust Fund:

4886 (1) A fee for a notice of intent pursuant to s. 403.5063,
 4887 in the amount of \$2,500, to be submitted to the department at
 4888 the time of filing of a notice of intent. The notice-of-intent
 4889 fee shall be used and disbursed in the same manner as the
 4890 application fee.

4891 (2) An application fee, which shall not exceed \$200,000.
 4892 The fee shall be fixed by rule on a sliding scale related to the
 4893 size, type, ultimate site capacity, or increase in electrical
 4894 generating capacity proposed by the application.

4895 (a) Sixty percent of the fee shall go to the department to
 4896 cover any costs associated with coordinating the review and
 4897 acting upon the application, to cover any field services
 4898 associated with monitoring construction and operation of the
 4899 facility, and to cover the costs of the public notices published
 4900 by the department.

4901 (b) The following percentages shall be transferred to the
 4902 Operating Trust Fund of the Division of Administrative Hearings
 4903 of the Department of Management Services:

4904 1. Five percent to compensate expenses from the initial
 4905 exercise of duties associated with the filing of an application.

4906 2. An additional 5 percent if a land use hearing is held
 4907 pursuant to s. 403.508.

4908 3. An additional 10 percent if a certification hearing is
 4909 held pursuant to s. 403.508.

4910 (c)1. Upon written request with proper itemized accounting
 4911 within 90 days after final agency action by the board or

4912 department or withdrawal of the application, the agencies that
 4913 prepared reports pursuant to s. 403.507 or participated in a
 4914 hearing pursuant to s. 403.508 may submit a written request to
 4915 the department for reimbursement of expenses incurred during the
 4916 certification proceedings. The request shall contain an
 4917 accounting of expenses incurred which may include time spent
 4918 reviewing the application, preparation of any studies required
 4919 of the agencies by this act, agency travel and per diem to
 4920 attend any hearing held pursuant to this act, and for any ~~agency~~
 4921 ~~or~~ local government's or regional planning council's provision
 4922 of notice of public meetings ~~or hearings~~ required as a result of
 4923 the application for certification. The department shall review
 4924 the request and verify that the expenses are valid. Valid
 4925 expenses shall be reimbursed; however, in the event the amount
 4926 of funds available for reimbursement is insufficient to provide
 4927 for full compensation to the agencies requesting reimbursement,
 4928 reimbursement shall be on a prorated basis.

4929 2. If the application review is held in abeyance for more
 4930 than 1 year, the agencies may submit a request for
 4931 reimbursement. This time period shall be measured from the date
 4932 the applicant has provided written notification to the
 4933 department that it desires to have the application review
 4934 process placed on hold. The fee disbursement shall be processed
 4935 in accordance with subparagraph 1.

4936 (d) If any sums are remaining, the department shall retain
 4937 them for its use in the same manner as is otherwise authorized
 4938 by this act; provided, however, that if the certification
 4939 application is withdrawn, the remaining sums shall be refunded

4940 to the applicant within 90 days after the submittal of the
 4941 written notification of withdrawal.

4942 (3) (a) A certification modification fee, which shall not
 4943 exceed \$30,000. The department shall establish rules for
 4944 determining such a fee based on the number of agencies involved
 4945 in the review, equipment redesign, change in site size, type,
 4946 increase in generating capacity proposed, or change in an
 4947 associated ~~linear~~ facility location.

4948 (b) The fee shall be submitted to the department with a
 4949 petition for modification pursuant to s. 403.516. This fee shall
 4950 be established, disbursed, and processed in the same manner as
 4951 the application fee in subsection (2), except that the Division
 4952 of Administrative Hearings shall not receive a portion of the
 4953 fee unless the petition for certification modification is
 4954 referred to the Division of Administrative Hearings for hearing.
 4955 If the petition is so referred, only \$10,000 of the fee shall be
 4956 transferred to the Operating Trust Fund of the Division of
 4957 Administrative Hearings of the Department of Management
 4958 Services.

4959 (4) A supplemental application fee, not to exceed \$75,000,
 4960 to cover all reasonable expenses and costs of the review,
 4961 processing, and proceedings of a supplemental application. This
 4962 fee shall be established, disbursed, and processed in the same
 4963 manner as the certification application fee in subsection (2).

4964 (5) An existing ~~site~~ certification application fee, not to
 4965 exceed \$200,000, to cover all reasonable costs and expenses of
 4966 the review processing and proceedings for certification of an
 4967 existing power plant site under s. 403.5175. This fee must be

4968 established, disbursed, and processed in the same manner as the
 4969 certification application fee in subsection (2).

4970 (6) An application fee for an alternate corridor filed
 4971 pursuant to s. 403.5064(4). The application fee shall be \$750
 4972 per mile for each mile of the alternate corridor located within
 4973 an existing electric transmission line right-of-way or within an
 4974 existing right-of-way for a road, highway, railroad, or other
 4975 aboveground linear facility, or \$1,000 per mile for each mile of
 4976 an electric transmission line corridor proposed to be located
 4977 outside the existing right-of-way.

4978 Section 82. Paragraphs (a) and (e) of subsection (4) of
 4979 section 403.519, Florida Statutes, are amended to read:

4980 403.519 Exclusive forum for determination of need.--

4981 (4) In making its determination on a proposed electrical
 4982 power plant using nuclear materials or synthesis gas produced by
 4983 integrated gasification combined cycle power plant as fuel, the
 4984 commission shall hold a hearing within 90 days after the filing
 4985 of the petition to determine need and shall issue an order
 4986 granting or denying the petition within 135 days after the date
 4987 of the filing of the petition. The commission shall be the sole
 4988 forum for the determination of this matter and the issues
 4989 addressed in the petition, which accordingly shall not be
 4990 reviewed in any other forum, or in the review of proceedings in
 4991 such other forum. In making its determination to either grant or
 4992 deny the petition, the commission shall consider the need for
 4993 electric system reliability and integrity, including fuel
 4994 diversity, the need for base-load generating capacity, the need
 4995 for adequate electricity at a reasonable cost, and whether

4996 renewable energy sources and technologies, as well as
 4997 conservation measures, are utilized to the extent reasonably
 4998 available.

4999 (a) The applicant's petition shall include:

5000 1. A description of the need for the generation capacity.

5001 2. A description of how the proposed nuclear or integrated
 5002 gasification combined cycle power plant will enhance the
 5003 reliability of electric power production within the state by
 5004 improving the balance of power plant fuel diversity and reducing
 5005 Florida's dependence on fuel oil and natural gas.

5006 3. A description of and a nonbinding estimate of the cost
 5007 of the nuclear or integrated gasification combined cycle power
 5008 plant, including any costs associated with new, expanded, or
 5009 relocated electrical transmission lines or facilities of any
 5010 size that are necessary to serve the nuclear power plant.

5011 4. The annualized base revenue requirement for the first
 5012 12 months of operation of the nuclear or integrated gasification
 5013 combined cycle power plant.

5014 5. Information on whether there were any discussions with
 5015 any electric utilities regarding ownership of a portion of the
 5016 nuclear or integrated gasification combined cycle power plant by
 5017 such electric utilities.

5018 (e) After a petition for determination of need for a
 5019 nuclear or integrated gasification combined cycle power plant
 5020 has been granted, the right of a utility to recover any costs
 5021 incurred prior to commercial operation, including, but not
 5022 limited to, costs associated with the siting, design, licensing,
 5023 or construction of the plant and new, expanded, or relocated

5024 electrical transmission lines or facilities of any size that are
 5025 necessary to serve the nuclear power plant, shall not be subject
 5026 to challenge unless and only to the extent the commission finds,
 5027 based on a preponderance of the evidence adduced at a hearing
 5028 before the commission under s. 120.57, that certain costs were
 5029 imprudently incurred. Proceeding with the construction of the
 5030 nuclear or integrated gasification combined cycle power plant
 5031 following an order by the commission approving the need for the
 5032 nuclear or integrated gasification combined cycle power plant
 5033 under this act shall not constitute or be evidence of
 5034 imprudence. Imprudence shall not include any cost increases due
 5035 to events beyond the utility's control. Further, a utility's
 5036 right to recover costs associated with a nuclear or integrated
 5037 gasification combined cycle power plant may not be raised in any
 5038 other forum or in the review of proceedings in such other forum.
 5039 Costs incurred prior to commercial operation shall be recovered
 5040 pursuant to chapter 366.

5041 Section 83. Subsection (1) of section 403.5252, Florida
 5042 Statutes, is amended to read:

5043 403.5252 Determination of completeness.--

5044 (1) (a) Within 30 days after the filing ~~distribution~~ of an
 5045 application, the affected agencies shall file a statement with
 5046 the department containing the recommendations of each agency
 5047 concerning the completeness of the application for
 5048 certification.

5049 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 5050 application ~~completeness statements of each agency~~, the
 5051 department shall file a statement with the Division of

5052 Administrative Hearings, with the applicant, and with all
 5053 parties declaring its position with regard to the completeness
 5054 of the application. The statement of the department shall be
 5055 based upon its consultation with the affected agencies.

5056 Section 84. Subsection (1) and paragraph (a) of subsection
 5057 (2) of section 403.526, Florida Statutes, are amended to read:

5058 403.526 Preliminary statements of issues, reports, and
 5059 project analyses; studies.--

5060 (1) Each affected agency that is required to file a report
 5061 in accordance with this section shall submit a preliminary
 5062 statement of issues to the department and all parties no later
 5063 than the submittal of each agency's recommendation that the
 5064 application is complete ~~50 days after the filing of the~~
 5065 ~~application. Such statements of issues shall be made available~~
 5066 ~~to each local government for use as information for public~~
 5067 ~~meetings held under s. 403.5272. The failure to raise an issue~~
 5068 in this preliminary statement of issues does not preclude the
 5069 issue from being raised in the agency's report.

5070 (2) (a) No later than 90 days after the filing of the
 5071 application, the following agencies shall prepare reports as
 5072 provided below, unless a final order denying the determination
 5073 of need has been issued under s. 403.537 ~~and shall submit them~~
 5074 ~~to the department and the applicant no later than 90 days after~~
 5075 ~~the filing of the application:~~

5076 1. The department shall prepare a report as to the impact
 5077 of each proposed transmission line or corridor as it relates to
 5078 matters within its jurisdiction.

5079 2. Each water management district in the jurisdiction of
 5080 which a proposed transmission line or corridor is to be located
 5081 shall prepare a report as to the impact on water resources and
 5082 other matters within its jurisdiction.

5083 3. The Department of Community Affairs shall prepare a
 5084 report containing recommendations which address the impact upon
 5085 the public of the proposed transmission line or corridor, based
 5086 on the degree to which the proposed transmission line or
 5087 corridor is consistent with the applicable portions of the state
 5088 comprehensive plan, emergency management, and other matters
 5089 within its jurisdiction. The Department of Community Affairs may
 5090 also comment on the consistency of the proposed transmission
 5091 line or corridor with applicable strategic regional policy plans
 5092 or local comprehensive plans and land development regulations.

5093 4. The Fish and Wildlife Conservation Commission shall
 5094 prepare a report as to the impact of each proposed transmission
 5095 line or corridor on fish and wildlife resources and other
 5096 matters within its jurisdiction.

5097 5. Each local government shall prepare a report as to the
 5098 impact of each proposed transmission line or corridor on matters
 5099 within its jurisdiction, including the consistency of the
 5100 proposed transmission line or corridor with all applicable local
 5101 ordinances, regulations, standards, or criteria that apply to
 5102 the proposed transmission line or corridor, including local
 5103 comprehensive plans, zoning regulations, land development
 5104 regulations, and any applicable local environmental regulations
 5105 adopted pursuant to s. 403.182 or by other means. A change by
 5106 the responsible local government or local agency in local

5107 comprehensive plans, zoning ordinances, or other regulations
5108 made after the date required for the filing of the local
5109 government's report required by this section is not applicable
5110 to the certification of the proposed transmission line or
5111 corridor unless the certification is denied or the application
5112 is withdrawn.

5113 6. Each regional planning council shall present a report
5114 containing recommendations that address the impact upon the
5115 public of the proposed transmission line or corridor based on
5116 the degree to which the transmission line or corridor is
5117 consistent with the applicable provisions of the strategic
5118 regional policy plan adopted under chapter 186 and other impacts
5119 of each proposed transmission line or corridor on matters within
5120 its jurisdiction.

5121 7. The Department of Transportation shall prepare a report
5122 as to the impact of the proposed transmission line or corridor
5123 on state roads, railroads, airports, aeronautics, seaports, and
5124 other matters within its jurisdiction.

5125 8. The commission shall prepare a report containing its
5126 determination under s. 403.537, and the report may include the
5127 comments from the commission with respect to any other subject
5128 within its jurisdiction.

5129 9. Any other agency, if requested by the department, shall
5130 also perform studies or prepare reports as to subjects within
5131 the jurisdiction of the agency which may potentially be affected
5132 by the proposed transmission line.

5133 Section 85. Subsection (4) and paragraph (a) of subsection
5134 (6) of section 403.527, Florida Statutes, are amended to read:

5135 403.527 Certification hearing, parties, participants.--
 5136 (4) (a) One public hearing where members of the public who
 5137 are not parties to the certification hearing may testify shall
 5138 be held in conjunction with the certification hearing ~~within the~~
 5139 ~~boundaries of each county, at the option of any local~~
 5140 ~~government.~~

5141 (b) Upon the request of the local government, one public
 5142 hearing where members of the public who are not parties to the
 5143 certification hearing and who reside within the jurisdiction of
 5144 the local government may testify shall be held within the
 5145 boundaries of each county in which a local government that made
 5146 such a request is located.

5147 (c) ~~(a)~~ A local government shall notify the administrative
 5148 law judge and all parties not later than 50 ~~21~~ days after the
 5149 filing of the application ~~has been determined complete~~ as to
 5150 whether the local government wishes to have a public hearing
 5151 within the boundaries of its county. ~~If a filing for an~~
 5152 ~~alternate corridor is accepted for consideration under s.~~
 5153 ~~403.5271(1) by the department and the applicant, any newly~~
 5154 ~~affected local government must notify the administrative law~~
 5155 ~~judge and all parties not later than 10 days after the data~~
 5156 ~~concerning the alternate corridor has been determined complete~~
 5157 ~~as to whether the local government wishes to have such a public~~
 5158 ~~hearing.~~ The local government is responsible for providing the
 5159 location of the public hearing if held separately from the
 5160 certification hearing.

5161 (d) ~~(b)~~ Within 5 days after notification, the
 5162 administrative law judge shall determine the date of the public

5163 hearing, which shall be held before or during the certification
 5164 hearing. If two or more local governments within one county
 5165 request a public hearing, the hearing shall be consolidated so
 5166 that only one public hearing is held in any county. The location
 5167 of a consolidated hearing shall be determined by the
 5168 administrative law judge.

5169 (e)~~(e)~~ If a local government does not request a public
 5170 hearing within 50 ~~21~~ days after the filing of the application
 5171 ~~has been determined complete~~, members of the public who are not
 5172 parties to the certification hearing and who reside ~~persons~~
 5173 ~~residing~~ within the jurisdiction of the local government may
 5174 testify during the ~~that portion of the certification hearing~~
 5175 held under paragraph (b) at which public testimony is heard.

5176 (6) (a) No later than 29 ~~25~~ days before the certification
 5177 hearing, the department or the applicant may request that the
 5178 administrative law judge cancel the certification hearing and
 5179 relinquish jurisdiction to the department if all parties to the
 5180 proceeding stipulate that there are no disputed issues of
 5181 material fact or law ~~to be raised at the certification hearing.~~

5182 Section 86. Paragraphs (b), (c), and (e) of subsection (1)
 5183 of section 403.5271, Florida Statutes, are amended to read:

5184 403.5271 Alternate corridors.--

5185 (1) No later than 45 days before the originally scheduled
 5186 certification hearing, any party may propose alternate
 5187 transmission line corridor routes for consideration under the
 5188 provisions of this act.

5189 (b)1. Within 7 days after receipt of the notice, the
 5190 applicant and the department shall file with the administrative

5191 law judge and all parties a notice of acceptance or rejection of
 5192 a proposed alternate corridor for consideration. If the
 5193 alternate corridor is rejected by the applicant or the
 5194 department, the certification hearing and the public hearings
 5195 shall be held as scheduled. If both the applicant and the
 5196 department accept a proposed alternate corridor for
 5197 consideration, the certification hearing and the public hearings
 5198 shall be rescheduled, if necessary. If a filing for an alternate
 5199 corridor is accepted for consideration by the department and the
 5200 applicant, any newly affected local government must notify the
 5201 administrative law judge and all parties not later than 10 days
 5202 after the data concerning the alternate corridor has been
 5203 determined complete as to whether the local government wishes to
 5204 have such a public hearing. The local government is responsible
 5205 for providing the location of the public hearing if held
 5206 separately from the certification hearing. The provisions of s.
 5207 403.527(4)(b) and (c) shall apply. Notice of the local hearings
 5208 shall be published in accordance with s. 403.5363.

5209 2. If rescheduled, the certification hearing shall be held
 5210 no more than 90 days after the previously scheduled
 5211 certification hearing, unless the data submitted under paragraph
 5212 (d) is determined to be incomplete, in which case the
 5213 rescheduled certification hearing shall be held no more than 105
 5214 days after the previously scheduled certification hearing. If
 5215 additional time is needed due to the alternate corridor crossing
 5216 a local government jurisdiction that was not previously
 5217 affected, the remainder of the schedule listed below shall be
 5218 appropriately adjusted by the administrative law judge to allow

5219 that local government to prepare a report pursuant to s.
 5220 403.526(2)(a)5. Notice that the certification hearing has been
 5221 deferred due to the acceptance of the alternate corridor shall
 5222 be published in accordance with s. 403.5363.

5223 (c) Notice of the filing of the alternate corridor, ~~of the~~
 5224 ~~revised time schedules, of the deadline for newly affected~~
 5225 ~~persons and agencies to file notice of intent to become a party,~~
 5226 ~~of the rescheduled hearing date, and of the proceedings~~ shall be
 5227 published by the alternate proponent in accordance with s.
 5228 403.5363(2). If the notice is not timely published or does not
 5229 meet the notice requirements, the alternate shall be deemed
 5230 withdrawn.

5231 (e)1. Reviewing agencies shall advise the department of
 5232 any issues concerning completeness no later than 15 days after
 5233 the submittal of the data required by paragraph (d). Within 22
 5234 days after receipt of the data, the department shall issue a
 5235 determination of completeness.

5236 2. If the department determines that the data required by
 5237 paragraph (d) is not complete, the party proposing the alternate
 5238 corridor must file such additional data to correct the
 5239 incompleteness. This additional data must be submitted within 14
 5240 days after the determination by the department.

5241 3. Reviewing agencies may advise the department of any
 5242 issues concerning completeness of the additional data within 10
 5243 days after the filing by the party proposing the alternate
 5244 corridor. If the department, within 14 days after receiving the
 5245 additional data, determines that the data remains incomplete,
 5246 the incompleteness of the data is deemed a withdrawal of the

5247 | proposed alternate corridor. The department may make its
 5248 | determination based on recommendations made by other affected
 5249 | agencies.

5250 | Section 87. Subsection (3) of section 403.5272, Florida
 5251 | Statutes, is amended to read:

5252 | 403.5272 Informational public meetings.--

5253 | (3) A local government or regional planning council that
 5254 | intends to conduct an informational public meeting must provide
 5255 | notice of the meeting, with notice sent to all parties listed in
 5256 | s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting and
 5257 | to the general public in accordance with s. 403.5363(4).

5258 | Section 88. Subsection (1) of section 403.5312, Florida
 5259 | Statutes, is amended to read:

5260 | 403.5312 Filing of notice of certified corridor route.--

5261 | (1) Within 60 days after certification of a ~~directly~~
 5262 | ~~associated transmission line under ss. 403.501-403.518 or a~~
 5263 | transmission line corridor under ss. 403.52-403.5365, the
 5264 | applicant shall file with the department and, in accordance with
 5265 | s. 28.222, with the clerk of the circuit court for each county
 5266 | through which the corridor will pass, a notice of the certified
 5267 | route.

5268 | Section 89. Section 403.5363, Florida Statutes, is amended
 5269 | to read:

5270 | 403.5363 Public notices; requirements.--

5271 | (1)(a) The applicant shall arrange for the publication of
 5272 | the notices specified in paragraph (b).

5273 | 1. The notices shall be published in newspapers of general
 5274 | circulation within counties crossed by the transmission line

5275 corridors proper for certification. The required newspaper
 5276 notices ~~for filing of an application and for the certification~~
 5277 ~~hearing shall be one-half page in size in a standard-size~~
 5278 ~~newspaper or a full page in a tabloid size newspaper and~~
 5279 published in a section of the newspaper other than the section
 5280 for legal notices. ~~These two notices must include a map~~
 5281 ~~generally depicting all transmission corridors proper for~~
 5282 ~~certification.~~ A newspaper of general circulation shall be the
 5283 newspaper within a county crossed by a transmission line
 5284 corridor proper for certification which newspaper has the
 5285 largest daily circulation in that county and has its principal
 5286 office in that county. If the newspaper having the largest daily
 5287 circulation has its principal office outside the county, the
 5288 notices must appear in both the newspaper having the largest
 5289 circulation in that county and in a newspaper authorized to
 5290 publish legal notices in that county.

5291 2. The department shall adopt rules specifying the content
 5292 of the newspaper notices.

5293 3. All notices published by the applicant shall be paid
 5294 for by the applicant and shall be in addition to the application
 5295 fee.

5296 (b) Public notices that must be published under this
 5297 section include:

5298 1. The notice of the filing of an application, which must
 5299 include a description of the proceedings required by this act.
 5300 The notice must describe the provisions of s. 403.531(1) and (2)
 5301 and give the date by which notice of intent to be a party or a
 5302 petition to intervene in accordance with s. 403.527(2) must be

5303 filed. This notice must be published no more than 21 days after
5304 the application is filed. The notice shall, at a minimum, be
5305 one-half page in size in a standard-size newspaper or a full
5306 page in a tabloid-size newspaper. The notice must include a map
5307 generally depicting all transmission corridors proper for
5308 certification.

5309 2. The notice of the certification hearing and any ~~other~~
5310 public hearing held ~~permitted~~ under s. 403.527(4). The notice
5311 must include the date by which a person wishing to appear as a
5312 party must file the notice to do so. The notice of the
5313 originally scheduled certification hearing must be published at
5314 least 65 days before the date set for the certification hearing.
5315 The notice shall meet the size and map requirements set forth in
5316 subparagraph 1.

5317 3. The notice of the cancellation of the certification
5318 hearing under s. 403.527(6), if applicable. The notice must be
5319 published at least 3 days before the date of the originally
5320 scheduled certification hearing. The notice shall, at a minimum,
5321 be one-fourth page in size in a standard-size newspaper or one-
5322 half page in a tabloid-size newspaper. The notice shall not
5323 require a map to be included.

5324 4. The notice of the deferment of the certification
5325 hearing due to the acceptance of an alternate corridor under s.
5326 403.5272(1)(b)2. The notice must be published at least 7 days
5327 before the date of the originally scheduled certification
5328 hearing. The notice shall, at a minimum, be one-eighth page in
5329 size in a standard-size newspaper or one-fourth page in a

5330 tabloid-size newspaper. The notice shall not require a map to be
 5331 included.

5332 5. If the notice of the rescheduled certification hearing
 5333 required of an alternate proponent under s. 403.5271(1)(c) is
 5334 not timely published or does not meet the notice requirements
 5335 such that an alternate corridor is withdrawn under the
 5336 provisions of s. 403.5271(1)(c), the notice of the rescheduled
 5337 hearing and any local hearings shall be provided by the
 5338 applicant at least 30 days prior to the rescheduled
 5339 certification hearing.

5340 6.4. The notice of the filing of a proposal to modify the
 5341 certification submitted under s. 403.5315, if the department
 5342 determines that the modification would require relocation or
 5343 expansion of the transmission line right-of-way or a certified
 5344 substation.

5345 (2) (a) Each ~~The~~ proponent of an alternate corridor shall
 5346 arrange for newspaper notice of the publication of the filing of
 5347 the proposal for an alternate corridor. If there is more than
 5348 one alternate proponent, the proponents may jointly publish
 5349 notice, so long as the content requirements below are met and
 5350 the maps are legible.

5351 (b) The notice shall specify, the revised time schedules,
 5352 the date by which newly affected persons or agencies may file
 5353 the notice of intent to become a party, ~~and~~ the date of the
 5354 rescheduled hearing, and the date of any public hearing held
 5355 under s. 403.5271(1)(b)1.

5356 (c) A notice listed in this subsection must be published
 5357 in a newspaper of general circulation within the county or

5358 | counties crossed by the proposed alternate corridor and comply
 5359 | with the content, size, and map requirements set forth in this
 5360 | section ~~paragraph (1)(a)~~.

5361 | (d) The notice of the alternate corridor proposal must be
 5362 | published not less than 45 ~~50~~ days before the rescheduled
 5363 | certification hearing.

5364 | (3) The department shall arrange for the publication of
 5365 | the following notices in the manner specified by chapter 120:

5366 | (a) The notice of the filing of an application and the
 5367 | date by which a person intending to become a party must file a
 5368 | petition to intervene or a notice of intent to be a party. The
 5369 | notice must be published no later than 21 days after the
 5370 | application has been filed.

5371 | (b) The notice of any administrative hearing for
 5372 | certification, if applicable. The notice must be published not
 5373 | less than 65 days before the date set for a hearing, except that
 5374 | notice for a rescheduled certification hearing after acceptance
 5375 | of an alternative corridor must be published not less than 50
 5376 | days before the date set for the hearing.

5377 | (c) The notice of the cancellation of a certification
 5378 | hearing under s. 403.527(6), if applicable. The notice must be
 5379 | published not later than 7 days before the date of the
 5380 | originally scheduled certification hearing.

5381 | (d) The notice of the deferment of the certification
 5382 | hearing due to the acceptance of an alternate corridor under s.
 5383 | 403.5271(1)(b)2. The notice must be published at least 7 days
 5384 | before the date of the originally scheduled certification
 5385 | hearing.

5386 ~~(e)-(d)~~ The notice of the hearing before the siting board,
5387 if applicable.

5388 ~~(f)-(e)~~ The notice of stipulations, proposed agency action,
5389 or a petition for modification.

5390 (4) A local government or regional planning council that
5391 proposes to conduct an informational public meeting pursuant to
5392 s. 403.5272 must publish notice of the meeting in a newspaper of
5393 general circulation within the county or counties in which the
5394 proposed electrical transmission line will be located no later
5395 than 7 days prior to the meeting. A newspaper of general
5396 circulation shall be the newspaper that has the largest daily
5397 circulation in that county and has its principal office in that
5398 county. If the newspaper with the largest daily circulation has
5399 its principal office outside the county, the notices shall
5400 appear in both the newspaper having the largest circulation in
5401 that county and in a newspaper authorized to publish legal
5402 notices in that county.

5403 (5) (a) A good faith effort shall be made by the applicant
5404 to provide direct notice of the filing of an application for
5405 certification by United States mail or hand delivery no later
5406 than 45 days after filing of the application to all local
5407 landowners whose property, as noted in the most recent local
5408 government tax records, and residences are located within one-
5409 quarter mile of the proposed boundaries of a transmission line
5410 corridor that only includes a transmission line as defined by s.
5411 403.522 (22) .

5412 (b) No later than 60 days after the filing of an
5413 application for certification, the applicant shall file a list

5414 with the department's Siting Coordination Office of landowners
 5415 and residences that were notified.

5416 (6) (a) A good faith effort shall be made by the proponent
 5417 of an alternate corridor that includes a transmission line, as
 5418 defined by s. 403.522(22), to provide direct notice of the
 5419 filing of an alternate corridor for certification by United
 5420 States mail or hand delivery of the filing no later than 30 days
 5421 after filing of the alternate corridor to all local landowners
 5422 whose property, as noted in the most recent local government tax
 5423 records, and residences are located within one-quarter mile of
 5424 the proposed boundaries of a transmission line corridor that
 5425 includes a transmission line as defined by s. 403.522(22).

5426 (b) No later than 45 days after the filing of an alternate
 5427 corridor for certification, the proponent of an alternate
 5428 corridor shall file a list with the department's Siting
 5429 Coordination Office of landowners and residences that were
 5430 notified.

5431 Section 90. Paragraphs (d) and (e) of subsection (1) of
 5432 section 403.5365, Florida Statutes, are amended to read:

5433 403.5365 Fees; disposition.--The department shall charge
 5434 the applicant the following fees, as appropriate, which, unless
 5435 otherwise specified, shall be paid into the Florida Permit Fee
 5436 Trust Fund:

5437 (1) An application fee.

5438 (d)1. Upon written request with proper itemized accounting
 5439 within 90 days after final agency action by the siting board or
 5440 the department or the written notification of the withdrawal of
 5441 the application, the agencies that prepared reports under s.

5442 403.526 or s. 403.5271 or participated in a hearing under s.
 5443 403.527 or s. 403.5271 may submit a written request to the
 5444 department for reimbursement of expenses incurred during the
 5445 certification proceedings. The request must contain an
 5446 accounting of expenses incurred, which may include time spent
 5447 reviewing the application, preparation of any studies required
 5448 of the agencies by this act, agency travel and per diem to
 5449 attend any hearing held under this act, and for the local
 5450 government or regional planning council providing additional
 5451 notice of the informational public meeting. The department shall
 5452 review the request and verify whether a claimed expense is
 5453 valid. Valid expenses shall be reimbursed; however, if the
 5454 amount of funds available for reimbursement is insufficient to
 5455 provide for full compensation to the agencies, reimbursement
 5456 shall be on a prorated basis.

5457 2. If the application review is held in abeyance for more
 5458 than 1 year, the agencies may submit a request for reimbursement
 5459 under subparagraph 1. This time period shall be measured from
 5460 the date the applicant has provided written notification to the
 5461 department that it desires to have the application review
 5462 process placed on hold. The fee disbursement shall be processed
 5463 in accordance with subparagraph 1.

5464 (e) If any sums are remaining, the department shall retain
 5465 them for its use in the same manner as is otherwise authorized
 5466 by this section; however, if the certification application is
 5467 withdrawn, the remaining sums shall be refunded to the applicant
 5468 within 90 days after submittal of the written notification of
 5469 withdrawal.

5470 Section 91. Section 403.7055, Florida Statutes, is created
 5471 to read:

5472 403.7055 Methane capture.--

5473 (1) Each county is encouraged to form multicounty regional
 5474 solutions to the capture and reuse or sale of methane gas from
 5475 landfills and wastewater treatment facilities.

5476 (2) The department shall provide planning guidelines and
 5477 technical assistance to each county to develop and implement
 5478 such multicounty efforts.

5479 Section 92. Section 403.7032, Florida Statutes, is created
 5480 to read

5481 403.7032 Recycling.--

5482 (1) The Legislature finds that the failure or inability to
 5483 economically recover material and energy resources from solid
 5484 waste results in the unnecessary waste and depletion of our
 5485 natural resources. As the state continues to grow, so will the
 5486 potential amount of discarded material that must be treated and
 5487 disposed of, necessitating the improvement of solid waste
 5488 collection and disposal. Therefore, the maximum recycling and
 5489 reuse of such resources are considered high-priority goals of
 5490 the state.

5491 (2) By the year 2020, the long-term goal for the recycling
 5492 efforts of state and local governmental entities, private
 5493 companies and organizations, and the general public is to reduce
 5494 the amount of recyclable solid waste disposed of in waste
 5495 management facilities, landfills, or incineration facilities by
 5496 a statewide average of at least 75 percent. However, any solid
 5497 waste used for the production of renewable energy shall count

5498 toward the long term recycling goal as set forth in this
5499 section.

5500 (3) The Department of Environmental Protection shall
5501 develop a comprehensive recycling program that is designed to
5502 achieve the percentage under subsection (2) and submit the
5503 program to the President of the Senate and the Speaker of the
5504 House of Representatives by January 1, 2010. The program may not
5505 be implemented until approved by the Legislature. The program
5506 must be developed in coordination with input from state and
5507 local entities, private businesses, and the public. Under the
5508 program, recyclable materials shall include, but are not limited
5509 to, metals, paper, glass, plastic, textile, rubber materials,
5510 and mulch. Components of the program shall include, but are not
5511 limited to:

5512 (a) Programs to identify environmentally preferable
5513 purchasing practices to encourage the purchase of recycled,
5514 durable, and less toxic goods.

5515 (b) Programs to educate students in grades K-12 in the
5516 benefits of, and proper techniques for, recycling.

5517 (c) Programs for statewide recognition of successful
5518 recycling efforts by schools, businesses, public groups, and
5519 private citizens.

5520 (d) Programs for municipalities and counties to develop
5521 and implement efficient recycling efforts to return valuable
5522 materials to productive use, conserve energy, and protect
5523 natural resources.

5524 (e) Programs by which the department can provide technical
 5525 assistance to municipalities and counties in support of their
 5526 recycling efforts.

5527 (f) Programs to educate and train the public in proper
 5528 recycling efforts;

5529 (g) Evaluation of how financial assistance can best be
 5530 provided to municipalities and counties in support of their
 5531 recycling efforts.

5532 (h) Evaluation of why existing waste management and
 5533 recycling programs in the state have not been better used.

5534 Section 93. Section 403.7033, Florida Statutes, is created
 5535 to read:

5536 403.7033 Departmental analysis of particular recyclable
 5537 materials.--The Legislature finds that prudent regulation of
 5538 recyclable materials is crucial to the ongoing welfare of
 5539 Florida's ecology and economy. As such, the Department of
 5540 Environmental Protection shall undertake an analysis of the need
 5541 for new or different regulation of auxiliary containers,
 5542 wrappings, or disposable plastic bags used by consumers to carry
 5543 products from retail establishments. The analysis shall include
 5544 input from state and local government agencies, stakeholders,
 5545 private businesses, and citizens, and shall evaluate the
 5546 efficacy and necessity of both statewide and local regulation of
 5547 these materials. To ensure consistent and effective
 5548 implementation, the department shall submit a report with
 5549 conclusions and recommendations to the Legislature no later than
 5550 February 1, 2010. Until such time that the Legislature adopts
 5551 the recommendations of the department, no local government,

5552 local governmental agency, or state government agency may enact
 5553 any rule, regulation, or ordinance regarding use, disposition,
 5554 sale, prohibition, restriction, or tax of such auxiliary
 5555 containers, wrappings, or disposable plastic bags.

5556 Section 94. 403.706 Local government solid waste
 5557 responsibilities.--

5558 (2) (a) Each county shall implement a recyclable materials
 5559 recycling program. Counties and municipalities are encouraged to
 5560 form cooperative arrangements for implementing recycling
 5561 programs.

5562 (b) Such programs shall be designed to recover a
 5563 significant portion of at least four of the following materials
 5564 from the solid waste stream prior to final disposal at a solid
 5565 waste disposal facility and to offer these materials for
 5566 recycling: newspaper, aluminum cans, steel cans, glass, plastic
 5567 bottles, cardboard, office paper, and yard trash. Local
 5568 governments which operate permitted waste-to-energy facilities
 5569 may retrieve ferrous and nonferrous metal as a byproduct of
 5570 combustion.

5571 (c) Local governments are encouraged to separate all
 5572 plastics, metal, and all grades of paper for recycling prior to
 5573 final disposal and are further encouraged to recycle yard trash
 5574 and other mechanically treated solid waste into compost
 5575 available for agricultural and other acceptable uses.

5576 (d) By July 1, 2010, each county shall develop and
 5577 implement a plan to achieve a goal to compost ~~is encouraged to~~
 5578 ~~consider plans for composting or mulching of~~ organic materials
 5579 that would otherwise be disposed of in a landfill. The goal

5580 shall provide that up to 10 percent and no less than 5 percent
 5581 of organic material would be composted within the county and the
 5582 municipalities within its boundaries. The department may reduce
 5583 or modify the compost goal if the county demonstrates to the
 5584 department that achievement of the goal would be impractical
 5585 given the county's unique demographic, urban density, or
 5586 inability to separate normally compostable material from the
 5587 solid waste stream. The composting plan is ~~or mulching plans are~~
 5588 encouraged to address partnership with the private sector.

5589 (e) Each county is encouraged to consider plans for
 5590 mulching organic materials that would otherwise be disposed of
 5591 in a landfill. The mulching plans are encouraged to address
 5592 partnership with the private sector.

5593 Section 95. Subsection (6) of section 403.814, Florida
 5594 Statutes, is amended to read:

5595 403.814 General permits; delegation.--

5596 (6) Construction and maintenance of electric transmission
 5597 or distribution lines in wetlands by electric utilities, as
 5598 defined in s. 366.02, shall be authorized by general permit
 5599 provided the following provisions are implemented:

5600 (a) All permanent fill shall be at grade. Fill shall be
 5601 limited to that necessary for the electrical support structures,
 5602 towers, poles, guy wires, stabilizing backfill, and at-grade
 5603 access roads limited to 20-foot widths; and

5604 (b) The permittee may utilize access and work areas
 5605 limited to the following: a linear access area of up to 25 feet
 5606 wide between electrical support structures, an access area of up
 5607 to 25 feet wide to electrical support structures from the edge

5608 of the right-of-way, and a work area around the electrical
5609 support structures, towers, poles, and guy wires. These areas
5610 may be cleared to ground, including removal of stumps as
5611 necessary; and

5612 (c) Vegetation within wetlands may be cut or removed no
5613 lower than the soil surface under the conductor, and 20 feet to
5614 either side of the outermost conductor, while maintaining the
5615 remainder of the project right-of-way within the wetland by
5616 selectively clearing vegetation which has an expected mature
5617 height above 14 feet. Brazilian pepper, Australian pine, and
5618 melaleuca shall be eradicated throughout the wetland portion of
5619 the right-of-way; and

5620 (d) Erosion control methods shall be implemented as
5621 necessary to ensure that state water quality standards for
5622 turbidity are met. Diversion and impoundment of surface waters
5623 shall be minimized; and

5624 (e) The proposed construction and clearing shall not
5625 adversely affect threatened and endangered species; and

5626 (f) The proposed construction and clearing shall not
5627 result in a permanent change in existing ground surface
5628 elevation; and

5629 (g) Where fill is placed in wetlands, the clearing to
5630 ground of forested wetlands is restricted to 4.0 acres per 10-
5631 mile section of the project, with no more than one impact site
5632 exceeding 0.5 acres. The impact site which exceeds 0.5 acres
5633 shall not exceed 2.0 acres. The total forested wetland clearing
5634 to the ground per 10-mile section shall not exceed 15 acres. The
5635 10-mile sections shall be measured from the beginning to the

5636 terminus, or vice versa, and the section shall not end in a
 5637 wetland; and

5638 (h) The general permit authorized by this subsection shall
 5639 not apply in forested wetlands located within 550 feet from the
 5640 shoreline of a named water body designated as an Outstanding
 5641 Florida Water; and

5642 (i) This subsection also applies to transmission lines and
 5643 appurtenances certified under part II of this chapter. However,
 5644 the criteria of the general permit shall not affect the
 5645 authority of the siting board to condition certification of
 5646 transmission lines as authorized under part II of this chapter.

5647
 5648 Maintenance of existing electric lines and clearing of
 5649 vegetation in wetlands conducted without the placement of
 5650 structures in wetlands or other dredge and fill activities does
 5651 not require an individual or general construction permit. For
 5652 the purpose of this subsection, wetlands shall mean the landward
 5653 extent of waters of the state regulated under s. 403.927 ~~ss.~~
 5654 ~~403.91-403.929~~ and isolated and nonisolated wetlands regulated
 5655 under part IV of chapter 373. The provisions provided in this
 5656 subsection apply to the permitting requirements of the
 5657 department, any water management district, and any local
 5658 government implementing part IV of chapter 373 or part VIII of
 5659 this chapter.

5660 Section 96. Section 489.145, Florida Statutes, is amended
 5661 to read:

5662 489.145 Guaranteed energy, water, and wastewater
 5663 performance savings contracting.--

5664 (1) SHORT TITLE.--This section may be cited as the
 5665 "Guaranteed Energy, Water, and Wastewater Performance Savings
 5666 Contracting Act."

5667 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
 5668 investment in energy, water, and wastewater efficiency and
 5669 conservation measures in agency facilities can reduce the amount
 5670 of energy and water consumed and wastewater produced and produce
 5671 immediate and long-term savings. It is the policy of this state
 5672 to encourage each agency ~~agencies~~ to invest in energy, water,
 5673 and wastewater efficiency and conservation measures ~~that reduce~~
 5674 ~~energy consumption, produce a cost savings for the agency, and~~
 5675 ~~improve the quality of indoor air in public facilities and to~~
 5676 ~~operate, maintain, and, when economically feasible, build or~~
 5677 ~~renovate existing agency facilities in such a manner as to~~
 5678 minimize energy and water consumption and wastewater production
 5679 and maximize energy, water, and wastewater savings. It is
 5680 further the policy of this state to encourage agencies to
 5681 reinvest any ~~energy~~ savings resulting from energy, water, and
 5682 wastewater efficiency and conservation measures in additional
 5683 energy, water, and wastewater efficiency and conservation
 5684 measures ~~efforts~~.

5685 (3) DEFINITIONS.--As used in this section, the term:

5686 (a) "Agency" means the state, a municipality, or a
 5687 political subdivision.

5688 (b) "Energy, water, and wastewater efficiency and
 5689 conservation measure" means a training program incidental to the
 5690 contract, facility alteration, or equipment purchase to be used
 5691 in new construction, including an addition to ~~an~~ existing

5692 facilities or infrastructure facility, which reduces energy or
 5693 water consumption, wastewater production, or energy-related
 5694 operating costs and includes, but is not limited to:

5695 1. Insulation of the facility structure and systems within
 5696 the facility.

5697 2. Storm windows and doors, caulking or weatherstripping,
 5698 multiglazed windows and doors, heat-absorbing, or heat-
 5699 reflective, glazed and coated window and door systems,
 5700 additional glazing, reductions in glass area, and other window
 5701 and door system modifications that reduce energy consumption.

5702 3. Automatic energy control systems.

5703 4. Heating, ventilating, or air-conditioning system
 5704 modifications or replacements.

5705 5. Replacement or modifications of lighting fixtures to
 5706 increase the energy efficiency of the lighting system, which, at
 5707 a minimum, must conform to the applicable state or local
 5708 building code.

5709 6. Energy recovery systems.

5710 7. Cogeneration systems that produce steam or forms of
 5711 energy such as heat, as well as electricity, for use primarily
 5712 within a facility or complex of facilities.

5713 8. Energy conservation measures that reduce British
 5714 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)
 5715 consumed or provide long-term operating cost reductions ~~or~~
 5716 ~~significantly reduce Btu consumed~~.

5717 9. Renewable energy systems, such as solar, biomass, or
 5718 wind systems.

5719 10. Devices that reduce water consumption or sewer
5720 charges.

5721 11. Energy storage systems, such as fuel cells and thermal
5722 storage.

5723 12. Energy-generating ~~generating~~ technologies, such as
5724 microturbines.

5725 13. Any other repair, replacement, or upgrade of existing
5726 equipment.

5727 (c) "Energy, water, or wastewater cost savings" means a
5728 measured reduction in the cost of fuel, energy or water
5729 consumption, wastewater production, and stipulated operation and
5730 maintenance created from the implementation of one or more
5731 energy, water, or wastewater efficiency or conservation measures
5732 when compared with an established baseline for the previous cost
5733 of fuel, energy or water consumption, wastewater production, and
5734 stipulated operation and maintenance.

5735 (d) "Guaranteed energy, water, and wastewater performance
5736 savings contract" means a contract for the evaluation,
5737 recommendation, and implementation of energy, water, or
5738 wastewater efficiency or conservation measures, which, at a
5739 minimum, shall include:

5740 1. The design and installation of equipment to implement
5741 one or more of such measures and, if applicable, operation and
5742 maintenance of such measures.

5743 2. The amount of any actual annual savings that meet or
5744 exceed total annual contract payments made by the agency for the
5745 contract and may include allowable cost avoidance if determined
5746 appropriate by the Chief Financial Officer.

5747 3. The finance charges incurred by the agency over the
5748 life of the contract.

5749 (e) "Guaranteed energy, water, and wastewater performance
5750 savings contractor" means a person or business that is licensed
5751 under chapter 471, chapter 481, or this chapter, and is
5752 experienced in the analysis, design, implementation, or
5753 installation of energy, water, and wastewater efficiency and
5754 conservation measures through energy performance contracts.

5755 (f) "Investment grade energy audit" means a detailed
5756 energy, water, and wastewater audit, along with an accompanying
5757 analysis of proposed energy, water, and wastewater conservation
5758 measures, and their costs, savings, and benefits prior to entry
5759 into an energy savings contract.

5760 (4) PROCEDURES.--

5761 (a) An agency may enter into a guaranteed energy, water,
5762 and wastewater performance savings contract with a guaranteed
5763 energy, water, and wastewater performance savings contractor to
5764 ~~significantly~~ reduce energy or water consumption, wastewater
5765 production, or energy-related operating costs of an agency
5766 facility through one or more energy, water, or wastewater
5767 efficiency or conservation measures.

5768 (b) Before design and installation of energy, water, or
5769 wastewater efficiency and conservation measures, the agency must
5770 obtain from a guaranteed energy, water, and wastewater
5771 performance savings contractor a report that summarizes the
5772 costs associated with the energy, water, or wastewater
5773 efficiency and conservation measures or energy-related
5774 operational cost saving measures and provides an estimate of the

5775 amount of the ~~energy~~ cost savings. The agency and the guaranteed
5776 energy, water, and wastewater performance savings contractor may
5777 enter into a separate agreement to pay for costs associated with
5778 the preparation and delivery of the report; however, payment to
5779 the contractor shall be contingent upon the report's projection
5780 of energy, water, and wastewater cost savings being equal to or
5781 greater than the total projected costs of the design and
5782 installation of the report's energy conservation measures.

5783 (c) The agency may enter into a guaranteed energy, water,
5784 and wastewater performance savings contract with a guaranteed
5785 energy, water, and wastewater performance savings contractor if
5786 the agency finds that the amount the agency would spend on the
5787 energy, water, and wastewater efficiency and conservation
5788 measures will not likely exceed the amount of the ~~energy~~ cost
5789 savings for up to 20 years from the date of installation, based
5790 on the life cycle cost calculations provided in s. 255.255, if
5791 the recommendations in the report were followed and if the
5792 qualified provider or providers give a written guarantee that
5793 the ~~energy~~ cost savings will meet or exceed the costs of the
5794 system. However, actual computed cost savings must meet or
5795 exceed the estimated cost savings provided in each agency's
5796 program approval. Baseline adjustments used in calculations must
5797 be specified in the contract. The contract may provide for
5798 installment payments for a period not to exceed 20 years.

5799 (d) A guaranteed energy, water, and wastewater performance
5800 savings contractor must be selected in compliance with s.
5801 287.055; except that if fewer than three firms are qualified to
5802 perform the required services, the requirement for agency

5803 selection of three firms, as provided in s. 287.055(4)(b), and
 5804 the bid requirements of s. 287.057 do not apply.

5805 (e) Before entering into a guaranteed energy, water, and
 5806 wastewater performance savings contract, an agency must provide
 5807 published notice of the meeting in which it proposes to award
 5808 the contract, the names of the parties to the proposed contract,
 5809 and the contract's purpose.

5810 (f) A guaranteed energy, water, and wastewater performance
 5811 savings contract may provide for financing, including tax-exempt
 5812 financing, by a third party. The contract for third-party ~~third~~
 5813 ~~party~~ financing may be separate from the energy, water, and
 5814 wastewater performance contract. A separate contract for third-
 5815 party ~~third-party~~ financing under this paragraph must include a
 5816 provision that the third-party ~~third-party~~ financier must not be
 5817 granted rights or privileges that exceed the rights and
 5818 privileges available to the guaranteed energy, water, and
 5819 wastewater performance savings contractor.

5820 (g) Financing for guaranteed energy, water, and wastewater
 5821 performance savings contracts may be provided under the
 5822 authority of s. 287.064.

5823 (h) The Office of the Chief Financial Officer shall review
 5824 proposals from state agencies to ensure that the most effective
 5825 financing is being used.

5826 (i) Annually, the agency that has entered into the
 5827 contract shall provide the Department of Management Services and
 5828 the Chief Financial Officer the measurement and verification
 5829 report required by the contract to validate that savings have
 5830 occurred.

5831 (j)~~(g)~~ In determining the amount the agency will finance
5832 to acquire the energy, water, and wastewater efficiency and
5833 conservation measures, the agency may reduce such amount by the
5834 application of any grant moneys, rebates, or capital funding
5835 available to the agency for the purpose of buying down the cost
5836 of the guaranteed energy, water, and wastewater performance
5837 savings contract. However, in calculating the life cycle cost as
5838 required in paragraph (c), the agency shall not apply any
5839 grants, rebates, or capital funding.

5840 (5) CONTRACT PROVISIONS.--

5841 (a) A guaranteed energy, water, and wastewater performance
5842 savings contract must include a written guarantee that may
5843 include, but is not limited to the form of, a letter of credit,
5844 insurance policy, or corporate guarantee by the guaranteed
5845 energy, water, and wastewater performance savings contractor
5846 that annual ~~energy~~ cost savings will meet or exceed the
5847 amortized cost of energy, water, and wastewater efficiency and
5848 conservation measures.

5849 (b) The guaranteed energy, water, and wastewater
5850 performance savings contract must provide that all payments,
5851 except obligations on termination of the contract before its
5852 expiration, may be made over time, but not to exceed 20 years
5853 from the date of complete installation and acceptance by the
5854 agency, and that the annual savings are guaranteed to the extent
5855 necessary to make annual payments to satisfy the guaranteed
5856 energy, water, and wastewater performance savings contract.

5857 (c) The guaranteed energy, water, and wastewater
5858 performance savings contract must require that the guaranteed

5859 energy, water, and wastewater performance savings contractor to
5860 whom the contract is awarded provide a 100-percent public
5861 construction bond to the agency for its faithful performance, as
5862 required by s. 255.05.

5863 (d) The guaranteed energy, water, and wastewater
5864 performance savings contract may contain a provision allocating
5865 to the parties to the contract any annual ~~energy~~ cost savings
5866 that exceed the amount of the ~~energy~~ cost savings guaranteed in
5867 the contract.

5868 (e) The guaranteed energy, water, and wastewater
5869 performance savings contract shall require the guaranteed
5870 energy, water, and wastewater performance savings contractor to
5871 provide to the agency an annual reconciliation of the guaranteed
5872 energy or associated cost savings. If the reconciliation reveals
5873 a shortfall in annual energy or associated cost savings, the
5874 guaranteed energy, water, and wastewater performance savings
5875 contractor is liable for such shortfall. If the reconciliation
5876 reveals an excess in annual ~~energy~~ cost savings, the excess
5877 savings may be allocated under paragraph (d) but may not be used
5878 to cover potential energy or associated cost savings shortages
5879 in subsequent contract years.

5880 (f) The guaranteed energy, water, and wastewater
5881 performance savings contract must provide for payments of not
5882 less than one-twentieth of the price to be paid within 2 years
5883 from the date of the complete installation and acceptance by the
5884 agency using straight-line amortization for the term of the
5885 loan, and the remaining costs to be paid at least quarterly, not
5886 to exceed a 20-year term, based on life cycle cost calculations.

5887 (g) The guaranteed energy, water, and wastewater
 5888 performance savings contract may extend beyond the fiscal year
 5889 in which it becomes effective; however, the term of any contract
 5890 expires at the end of each fiscal year and may be automatically
 5891 renewed annually for up to 20 years, subject to the agency
 5892 making sufficient annual appropriations based upon continued
 5893 realized energy, water, and wastewater savings.

5894 (h) The guaranteed energy, water, and wastewater
 5895 performance savings contract must stipulate that it does not
 5896 constitute a debt, liability, or obligation of the state.

5897 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
 5898 Department of Management Services, with the assistance of the
 5899 Office of the Chief Financial Officer, shall ~~may~~, within
 5900 available resources, provide technical content assistance to
 5901 state agencies contracting for energy, water, and wastewater
 5902 efficiency and conservation measures and engage in other
 5903 activities considered appropriate by the department for
 5904 promoting and facilitating guaranteed energy, water, and
 5905 wastewater performance contracting by state agencies. The
 5906 Department of Management Services shall review the investment-
 5907 grade audit for each proposed project and certify that the cost
 5908 savings are appropriate and sufficient for the term of the
 5909 contract. The Office of the Chief Financial Officer, with the
 5910 assistance of the Department of Management Services, shall ~~may~~,
 5911 within available resources, develop model contractual and
 5912 related documents for use by state agencies. Prior to entering
 5913 into a guaranteed energy, water, and wastewater performance
 5914 savings contract, any contract or lease for third-party

5915 financing, or any combination of such contracts, a state agency
 5916 shall submit such proposed contract or lease to the Office of
 5917 the Chief Financial Officer for review and approval. A proposed
 5918 contract or lease shall include:

5919 (a) Supporting information required by s. 216.023(4)(a)9.
 5920 in ss. 287.063(5) and 287.064(11). For contracts approved under
 5921 this section, the criteria may, add a minimum, include the
 5922 specification of a benchmark cost of capital and minimum real
 5923 rate of return on energy, water, or wastewater savings against
 5924 which proposals shall be evaluated.

5925 (b) Documentation supporting recurring funds requirements
 5926 in ss. 287.063(5) and 287.064(11).

5927 (c) Approval by the head of the agency or his or her
 5928 designee.

5929 (d) An agency measurement and verification plan to monitor
 5930 cost savings.

5931 (7) FUNDING SUPPORT.--For purposes of consolidated
 5932 financing of deferred payment commodity contracts under this
 5933 section by an agency, any such contract must be supported from
 5934 available funds appropriated to the agency in an appropriation
 5935 category, as defined in chapter 216, that the Chief Financial
 5936 Officer has determined is appropriate or that the Legislature
 5937 has designated for payment of the obligation incurred under this
 5938 section.

5939
 5940 The Office of the Chief Financial Officer shall not approve any
 5941 contract submitted under this section from a state agency that
 5942 does not meet the requirements of this section.

5943 Section 97. Section 526.201, Florida Statutes, is created
 5944 to read:

5945 526.201 Short title.--Sections 526.201-526.207 may be
 5946 cited as the "Florida Renewable Fuel Standard Act."

5947 Section 98. Section 526.202, Florida Statutes, is created
 5948 to read:

5949 526.202 Legislative findings.--The Legislature finds it is
 5950 vital to the public interest and to the state's economy to
 5951 establish a market and the necessary infrastructure for
 5952 renewable fuels in this state by requiring that all gasoline
 5953 offered for sale in this state include a percentage of
 5954 agriculturally derived, denatured ethanol. The Legislature
 5955 further finds that the use of renewable fuel reduces greenhouse
 5956 gas emissions and dependence on imports of foreign oil, improves
 5957 the health and quality of life for Floridians, and stimulates
 5958 economic development and the creation of a sustainable industry
 5959 that combines agricultural production with state-of-the-art
 5960 technology.

5961 Section 99. Section 526.203, Florida Statutes, is created
 5962 to read:

5963 526.203 Renewable fuel standard.--

5964 (1) DEFINITIONS.--As used in this act:

5965 (a) "Blender," "importer," "terminal supplier," and
 5966 "wholesaler" are defined as provided in s. 206.01.

5967 (b) "Blended gasoline" means a mixture of 90 to 91 percent
 5968 gasoline and 9 to 10 percent fuel ethanol, by volume, that meets
 5969 the specifications as adopted by the department. The fuel
 5970 ethanol portion may be derived from any agricultural source.

5971 (c) "Fuel ethanol" means an anhydrous denatured alcohol
 5972 produced by the conversion of carbohydrates that meets the
 5973 specifications as adopted by the department.

5974 (d) "Unblended gasoline" means gasoline that has not been
 5975 blended with fuel ethanol and that meets the specifications as
 5976 adopted by the department.

5977 (2) FUEL STANDARD.--Beginning December 31, 2010, all
 5978 gasoline sold or offered for sale in Florida by a terminal
 5979 supplier, importer, blender, or wholesaler shall be blended
 5980 gasoline.

5981 (3) EXEMPTIONS.--The requirements of this act do not apply
 5982 to the following:

5983 (a) Fuel used in aircraft.

5984 (b) Fuel sold for use in boats and similar watercraft.

5985 (c) Fuel sold to a blender.

5986 (d) Fuel sold for use in collector vehicles or vehicles
 5987 eligible to be licensed as collector vehicles, off-road
 5988 vehicles, motorcycles, or small engines.

5989 (e) Fuel unable to comply due to requirements of the
 5990 United States Environmental Protection Agency.

5991 (f) Fuel transferred between terminals.

5992 (g) Fuel exported from the state in accordance with s.
 5993 206.052.

5994 (h) Fuel qualifying for any exemption in accordance with
 5995 chapter 206.

5996 (i) Fuel for a railroad locomotive.

5997 (j) Fuel for equipment, including vehicle or vessel,
 5998 covered by a warranty that would be voided, if explicitly stated

5999 in writing by the vehicle or vessel manufacturer, if the
 6000 equipment were to be operated using fuel meeting the
 6001 requirements of subsection (2).

6002
 6003 All records of sale of unblended gasoline shall include the
 6004 following statement: "Unblended gasoline may be sold only for
 6005 the purposes authorized under s. 526.203(3), F.S."

6006 (4) REPORT.--Pursuant to s. 206.43, each terminal
 6007 supplier, importer, blender, and wholesaler shall include in its
 6008 report to the Department of Revenue the number of gallons of
 6009 blended and unblended gasoline sold. The Department of Revenue
 6010 shall provide a monthly summary report to the department.

6011 Section 100. Section 526.204, Florida Statutes, is created
 6012 to read:

6013 526.204 Waivers and suspensions.--

6014 (1) If a terminal supplier, importer, blender, or
 6015 wholesaler is unable to obtain fuel ethanol or blended gasoline
 6016 at the same or lower price as unblended gasoline, then the sale
 6017 or delivery of unblended gasoline by the terminal supplier,
 6018 importer, blender, or wholesaler shall not be deemed a violation
 6019 of this act. The terminal supplier, importer, blender, or
 6020 wholesaler shall, upon request of the department, provide the
 6021 required documentation regarding the sales transaction and price
 6022 of fuel ethanol, blended gasoline, and unblended gasoline to the
 6023 department.

6024 (2) To account for supply disruptions and ensure reliable
 6025 supplies of motor fuels in the state, the requirements of this

6026 act shall be suspended when the provisions of s. 252.36(2) in
 6027 any area of the state are in effect plus an additional 30 days.

6028 Section 101. Section 526.205, Florida Statutes, is created
 6029 to read:

6030 526.205 Enforcement; extensions.--

6031 (1) Unless a waiver or suspension pursuant to s. 526.204
 6032 applies, or an extension has been granted pursuant to subsection
 6033 (3), it shall be unlawful for a terminal supplier, importer,
 6034 blender, or wholesaler to sell or distribute, or offer for sale
 6035 or distribution, any gasoline which fails to meet the
 6036 requirements of this act.

6037 (2) Upon a determination by the department of a violation
 6038 of this act, the department shall enter an order imposing one or
 6039 more of the following penalties:

6040 (a) Issuance of a warning letter.

6041 (b) Imposition of an administrative fine of not more than
 6042 \$1,000 per violation for a first-time offender. For a second-
 6043 time or repeat offender, or any person who is shown to have
 6044 willfully and intentionally violated any provision of this act,
 6045 the administrative fine shall not exceed \$5,000 per violation.
 6046 When imposing any fine under this section, the department shall
 6047 consider the monetary benefit to the violator as a result of
 6048 noncompliance, whether the violation was committed willfully,
 6049 and the compliance record of the violator. All funds recovered
 6050 by the department shall be deposited into the General Inspection
 6051 Trust Fund.

6052 (3) Any terminal supplier, importer, blender, or
 6053 wholesaler may apply to the department by September 30, 2010,

6054 for an extension of time to comply with the requirements of this
 6055 act. The application for an extension must demonstrate that the
 6056 applicant has made a good faith effort to comply with the
 6057 requirements but has been unable to do so for reasons beyond the
 6058 applicant's control, such as delays in receiving governmental
 6059 permits. The department shall review each application and make a
 6060 determination as to whether the failure to comply was beyond the
 6061 control of the applicant. If the department determines that the
 6062 applicant made a good faith effort to comply, but was unable to
 6063 do so for reasons beyond the applicant's control, the department
 6064 shall grant an extension of time determined necessary for the
 6065 applicant to comply.

6066 Section 102. Section 526.206, Florida Statutes, is created
 6067 to read:

6068 526.206 Rules.--The Department of Revenue and the
 6069 Department of Agriculture and Consumer Services are authorized
 6070 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
 6071 implement the provisions of this act.

6072 Section 103. Section 526.207, Florida Statutes, is created
 6073 to read:

6074 526.207 Studies and reports.--

6075 (1) The Florida Energy and Climate Commission shall
 6076 conduct a study to evaluate and recommend the life-cycle
 6077 greenhouse gas emissions associated with all renewable fuels,
 6078 including, but not limited to, biodiesel, renewable diesel,
 6079 biobutanol, and ethanol derived from any source. In addition,
 6080 the commission shall evaluate and recommend a requirement that
 6081 all renewable fuels introduced into commerce in the state, as a

6082 result of the renewable fuel standard, shall reduce the life-
 6083 cycle greenhouse gas emissions by an average percentage. The
 6084 commission may also evaluate and recommend any benefits
 6085 associated with the creation, banking, transfer, and sale of
 6086 credits among fuel refiners, blenders, and importers.

6087 (2) The Florida Energy and Climate Commission shall submit
 6088 a report containing specific recommendations to the President of
 6089 the Senate and the Speaker of the House of Representatives no
 6090 later than December 31, 2010.

6091 Section 104. Paragraph (a) of subsection (6) of section
 6092 553.73, Florida Statutes, is amended to read:

6093 553.73 Florida Building Code.--

6094 (6) (a) The commission, by rule adopted pursuant to ss.
 6095 120.536(1) and 120.54, shall update the Florida Building Code
 6096 every 3 years. When updating the Florida Building Code, the
 6097 commission shall select the most current version of the
 6098 International Building Code, the International Fuel Gas Code,
 6099 the International Mechanical Code, the International Plumbing
 6100 Code, and the International Residential Code, all of which are
 6101 adopted by the International Code Council, and the National
 6102 Electrical Code, which is adopted by the National Fire
 6103 Protection Association, to form the foundation codes of the
 6104 updated Florida Building Code, if the version has been adopted
 6105 by the applicable model code entity and made available to the
 6106 public at least 6 months prior to its selection by the
 6107 commission. The commission shall select the most current version
 6108 of the International Energy Conservation Code (IECC) as a
 6109 foundation code; however, the IECC shall be modified by the

6110 commission to maintain the overall efficiencies of the Florida
 6111 Energy Efficiency Code for Building Construction adopted and
 6112 amended pursuant to part IV of this chapter.

6113 Section 105. Section 553.9061, Florida Statutes, is
 6114 created to read:

6115 553.9061 Scheduled increases in thermal efficiency
 6116 standards.--

6117 (1) The purpose of this section is to establish a schedule
 6118 of increases in the energy performance of buildings subject to
 6119 the Florida Energy Efficiency Code for Building Construction.
 6120 The Florida Building Commission shall:

6121 (a) Include the necessary provisions by the 2010 edition
 6122 of the Florida Energy Efficiency Code for Building Construction
 6123 to increase the energy performance of new buildings by at least
 6124 20 percent as compared to the energy efficiency provisions of
 6125 the 2007 Florida Building Code adopted October 31, 2007.

6126 (b) Increase energy efficiency requirements by the 2013
 6127 edition of the Florida Energy Efficiency Code for Building
 6128 Construction by at least 30 percent as compared to the energy
 6129 efficiency provisions of the 2007 Florida Building Code adopted
 6130 October 31, 2007.

6131 (c) Increase energy efficiency requirements by the 2016
 6132 edition of the Florida Energy Efficiency Code for Building
 6133 Construction by at least 40 percent as compared to the energy
 6134 efficiency provisions of the 2007 Florida Building Code adopted
 6135 October 31, 2007.

6136 (d) Increase energy efficiency requirements by the 2019
 6137 edition of the Florida Energy Efficiency Code for Building

6138 Construction by at least 50 percent as compared to the energy
 6139 efficiency provisions of the 2007 Florida Building Code adopted
 6140 October 31, 2007.

6141 (2) The Florida Building Commission shall identify within
 6142 code support and compliance documentation the specific building
 6143 options and elements available to meet the energy performance
 6144 goals established in subsection (1).

6145 (3) The Florida Building Commission shall, prior to
 6146 implementing the goals established in subsection (1), adopt by
 6147 rule and implement a cost-effectiveness test for proposed
 6148 increases in energy efficiency. The cost-effectiveness test
 6149 shall measure cost-effectiveness to the average consumer and
 6150 shall ensure that energy efficiency increases result in a
 6151 positive net financial impact to the average consumer. The rule
 6152 shall not become effective until the conclusion of the next
 6153 regular session of the Legislature following its adoption.

6154 Section 106. Subsection (1) of section 553.909, Florida
 6155 Statutes, is amended, subsections (3) and (4) are renumbered as
 6156 subsections (6) and (7), respectively, and new subsections (3),
 6157 (4), and (5) are added to that section, to read:

6158 553.909 Setting requirements for appliances; exceptions.--

6159 (1) The Florida Energy Efficiency Code for Building
 6160 Construction shall set the minimum requirements for commercial
 6161 or residential swimming pool pumps, swimming pool water heaters,
 6162 and heat traps and thermostat settings for water heaters used to
 6163 heat potable water sold for residential use. The code shall
 6164 further establish the minimum acceptable standby loss for
 6165 electric water heaters and the minimum recovery efficiency and

6166 standby loss for water heaters fueled by natural gas or
6167 liquefied petroleum gas.

6168 (3) Commercial or residential swimming pool pumps or water
6169 heaters sold after July 1, 2011, shall comply with the
6170 requirements of this subsection. Natural gas pool heaters shall
6171 not be equipped with constantly burning pilots. Heat pump pool
6172 heaters shall have a coefficient of performance at low
6173 temperature of not less than 4.0. The thermal efficiency of gas-
6174 fired pool heaters and oil-fired pool heaters shall not be less
6175 than 80 percent. All pool heaters shall have a readily
6176 accessible on-off switch that is mounted outside the heater and
6177 that allows shutting off the heater without adjusting the
6178 thermostat setting.

6179 (4) Pool pump motors shall not be split-phase, shaded-
6180 pole, or capacitor start-induction run types. Residential pool
6181 pumps and pool pumps motors with a total horsepower of 1 HP or
6182 more shall have the capability of operating at two or more
6183 speeds with a low speed having a rotation rate that is no more
6184 than one-half of the motor's maximum rotation rate. Residential
6185 pool pump motor controls shall have the capability of operating
6186 the pool pump at a minimum of two speeds. The default
6187 circulation speed shall be the residential filtration speed,
6188 with a higher speed override capability being for a temporary
6189 period not to exceed one normal cycle or 120 minutes, whichever
6190 is less. Except that circulation speed for solar pool heating
6191 systems shall be permitted to run at higher speeds during
6192 periods of usable solar heat gain.

6193 (5) Portable electric spas standby power shall not be
6194 greater than 5(V²/3) watts where V = the total volume, in
6195 gallons, when spas are measured in accordance with the spa
6196 industry test protocol.

6197 ~~(6)(3)~~ The Florida Energy Efficiency Code for Building
6198 Construction may include standards for other appliances and
6199 energy-using systems if they are determined by the department to
6200 have a significant impact on the energy use of the building and
6201 if they are cost-effective to the consumer.

6202 ~~(7)(4)~~ If the provisions of this section are preempted in
6203 part by federal standards, those provisions not preempted shall
6204 apply.

6205 Section 107. (1) By July 1, 2009, the Agency for
6206 Enterprise Information Technology shall define objective
6207 standards for:

6208 (a) Measuring data center energy consumption and
6209 efficiency, including, but not limited to, airflow and cooling,
6210 power consumption and distribution, and environmental control
6211 systems in a data center facility.

6212 (b) Calculating total cost of ownership of energy-
6213 efficient information technology products, including initial
6214 purchase, installation, ongoing operation and maintenance, and
6215 disposal costs over the life cycle of the product.

6216 (2) State data centers and computing facilities designated
6217 by the Agency for Enterprise Information Technology shall
6218 evaluate their data center facilities for energy efficiency
6219 using the standards established pursuant to this section.

6220 (a) Results of these evaluations shall be reported to the

6221 Agency for Enterprise Information Technology, the President of
6222 the Senate, and the Speaker of the House of Representatives.
6223 Reports shall enable the tracking of energy performance over
6224 time and comparisons between facilities.

6225 (b) By December 31, 2010, and annually thereafter, the
6226 Agency for Enterprise Information Technology shall submit to the
6227 Legislature recommendations for reducing energy consumption and
6228 improving the energy efficiency of state data centers.

6229 (3) When the total cost of ownership of an energy-
6230 efficient product is less than or equal to the cost of the
6231 existing data center facility or infrastructure, technical
6232 specifications for energy-efficient products should be
6233 incorporated in the plans and processes for replacing,
6234 upgrading, or expanding data center facilities or
6235 infrastructure, including, but not limited to, network, storage,
6236 or computer equipment and software.

6237 Section 108. Section 1004.648, Florida Statutes, is
6238 created to read:

6239 1004.648 Florida Energy Systems Consortium.--

6240 (1) There is created the Florida Energy Systems Consortium
6241 to promote collaboration among experts in the State University
6242 System for the purposes of sharing energy-related expertise and
6243 assisting in the development and implementation of a
6244 comprehensive, long-term, environmentally compatible,
6245 sustainable, and efficient energy strategic plan for the state.

6246 (2) The consortium shall focus on the research and
6247 development of innovative energy systems that will lead to

6248 alternative energy strategies, improved energy efficiencies, and
6249 expanded economic development for the state.

6250 (3) The consortium shall consist of the University of
6251 Florida, Florida State University, the University of South
6252 Florida, the University of Central Florida, Florida Atlantic
6253 University, Florida International University, Florida
6254 Agricultural and Mechanical University, and Florida Gulf Coast
6255 University.

6256 (4) The consortium shall be administered at the University
6257 of Florida by a director who shall be appointed by the oversight
6258 board.

6259 (5) The director, whose office shall be located at the
6260 University of Florida, shall report to the Florida Energy and
6261 Climate Commission created pursuant to s. 377.6015.

6262 (6) The oversight board shall consist of the Vice
6263 President for Research at each university that is a member of
6264 the consortium.

6265 (7) In addition to selecting the director, the oversight
6266 board shall be responsible for the technical performance and
6267 financial management of the consortium.

6268 (8) In performing its responsibilities, the consortium
6269 shall collaborate with the oversight board and may also
6270 collaborate with industry and other affected parties.

6271 (9) Through collaborative research and development across
6272 the State University System and industry, the goal of the
6273 consortium is to become a world leader in energy research,
6274 education, technology, and energy systems analysis. In so doing,
6275 the consortium shall:

6276 (a) Coordinate and initiate increased collaborative
6277 interdisciplinary energy research among the universities and the
6278 energy industry.

6279 (b) Assist in the creation and development of a Florida-
6280 based energy technology industry through efforts that would
6281 expedite commercialization of innovative energy technologies by
6282 taking advantage of the energy expertise within the State
6283 University System, high-technology incubators, industrial parks,
6284 and industry-driven research centers.

6285 (c) Provide a state resource for objective energy systems
6286 analysis.

6287 (d) Develop education and outreach programs to prepare a
6288 qualified energy workforce and informed public. Specifically,
6289 the faculty associated with the consortium shall coordinate a
6290 statewide workforce development initiative focusing on college-
6291 level degrees, technician training, and public and commercial
6292 sectors awareness. The consortium shall develop specific
6293 programs targeted at preparing graduates who have a background
6294 in energy, continuing education courses for technical and
6295 nontechnical professionals, and modules, laboratories, and
6296 courses to be shared among the universities. Additionally, the
6297 consortium shall work with the Florida Community College System
6298 using the Florida Advanced Technological Education Center for
6299 the coordination and design of industry-specific training
6300 programs for technicians.

6301 (10) The consortium shall solicit and leverage state,
6302 federal, and private funds for the purpose of conducting

6303 education, research, and development in the area of sustainable
 6304 energy.

6305 (11) The oversight board, in consultation with the Florida
 6306 Energy and Climate Commission, shall ensure that the consortium:

6307 (a) Maintains accurate records of any funds received by
 6308 the consortium.

6309 (b) Meets financial and technical performance
 6310 expectations, which may include external technical reviews as
 6311 required.

6312 (12) The oversight board and the Florida Energy and
 6313 Climate Commission shall constitute the steering committee which
 6314 shall be responsible for establishing and assuring the success
 6315 of the consortium's mission under subsection (9).

6316 (13) By November 1 of each year, the consortium shall
 6317 submit an annual report to the Governor, the President of the
 6318 Senate, the Speaker of the House of Representatives, and the
 6319 Florida Energy and Climate Commission regarding its activities
 6320 including, but not limited to, education, research, development,
 6321 and deployment of alternative energy technologies.

6322 Section 109. Woody biomass economic study.--The Department
 6323 of Agriculture and Consumer Services, in conjunction with the
 6324 Department of Environmental Protection, shall conduct an
 6325 economic impact analysis on the effects of granting financial
 6326 incentives to energy producers who use woody biomass as fuel,
 6327 including an analysis of effects on wood supply and prices and
 6328 impacts on current markets and forest sustainability. The
 6329 departments shall prepare and submit a report on the results of
 6330 the analysis to the Governor, the President of the Senate, and

6331 the Speaker of the House of Representatives no later than March
6332 1, 2010.

6333 Section 110. The Public Service Commission shall analyze
6334 utility revenue decoupling and provide a report and
6335 recommendations to the Governor, the President of the Senate,
6336 and the Speaker of the House of Representatives by January 1,
6337 2009.

6338 Section 111. Section 377.901, Florida Statutes, is
6339 repealed.

6340 Section 112. Except as otherwise expressly provided in
6341 this act, this act shall take effect July 1, 2008.