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HB 7135, Engrossed 2

2008 Legislature

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. 163.04, F.S.; clarifying that condominium
14 declarations may not prohibit renewable energy devices;
15 removes three-story height restriction for installation of
16 solar collectors on condominiums; amending s. 186.007,
17 F.S.; authorizing the Executive Office of the Governor to
18 include in the state comprehensive plan goals, objectives,
19 and policies related to energy and global climate change;
20 amending s. 187.201, F.S.; expanding the air quality,
21 energy, and land use goals of the State Comprehensive Plan
22 to include the development of low-carbon-emitting electric
23 power plants, the reduction of atmospheric carbon dioxide,
24 the promotion of the use and development of renewable
25 energy resources, and provide for the siting of low carbon
26 emitting electric power plants, including nuclear plants;
27 amending ss. 196.012 and 196.175, F.S.; deleting outdated,
28 obsolete language; removing the expiration date of the

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29 | property tax exemption for real property on which a
30 | renewable energy source device is installed and revising
31 | the options for calculating the amount of the exemption;
32 | amending s. 206.43, F.S.; requiring each terminal
33 | supplier, importer, blender, and wholesaler to provide in
34 | a report to the Department of Revenue the number of
35 | gallons of blended and unblended gasoline sold; amending
36 | s. 212.08, F.S.; revising the definition of "ethanol";
37 | specifying eligible items as limited to one refund;
38 | requiring a person who receives a refund to notify a
39 | subsequent purchaser of such refund; transferring certain
40 | duties and responsibilities from the Department of
41 | Environmental Protection to the Florida Energy and Climate
42 | Commission; requiring the Florida Energy and Climate
43 | Commission to adopt, by rule, an application form for
44 | claiming a tax exemption; amending s. 220.191, F.S.;
45 | providing that certain qualifying projects are eligible to
46 | transfer capital investment tax credits to other
47 | businesses under certain circumstances; providing
48 | limitations on the use of such transferred credits;
49 | specifying requirements for such transfers; amending s.
50 | 220.192, F.S.; defining terms related to a tax credit;
51 | allowing the tax credit to be transferred for a specified
52 | period; providing procedures and requirements; requiring
53 | the Department of Revenue to adopt rules for
54 | implementation and administration of the program;
55 | transferring certain duties and responsibilities from the
56 | Department of Environmental Protection to the Florida

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57 Energy and Climate Commission; amending s. 220.193, F.S.;

58 defining the terms "sale" or "sold"; defining the term

59 "taxpayer"; providing for retroactivity; providing that

60 the use of the renewable energy production credit does not

61 reduce the alternative minimum tax credit; amending s.

62 253.02, F.S.; authorizing the Board of Trustees of the

63 Internal Improvement Trust Fund to delegate authority to

64 grant easements across lands owned by the Board of

65 Trustees of the Internal Improvement Trust Fund to the

66 Secretary of Environmental Protection under certain

67 conditions; amending s. 255.249, F.S.; requiring state

68 agencies to annually provide telecommuting plans to the

69 Department of Management Services; amending s. 255.251,

70 F.S.; creating the "Florida Energy Conservation and

71 Sustainable Buildings Act"; amending s. 255.252, F.S.;

72 providing findings and legislative intent; providing that

73 it is the policy of the state that buildings constructed

74 and financed by the state be designed to meet the United

75 States Green Building Council (USGBC) Leadership in Energy

76 and Environmental Design (LEED) rating system, the Green

77 Building Initiative's Green Globes rating system, the

78 Florida Green Building Coalition standards, or a

79 nationally recognized green building rating system as

80 approved by the department; requiring each state agency

81 occupying space owned or managed by the department to

82 identify and compile a list of projects suitable for a

83 guaranteed energy, water, and wastewater performance

84 savings contract; amending s. 255.253, F.S.; defining

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85 terms relating to energy conservation for buildings;
86 amending s. 255.254, F.S.; prohibiting a state agency from
87 leasing or constructing a facility without having secured
88 from the department a proper evaluation of life-cycle
89 costs for the building; amending s. 255.255, F.S.;
90 requiring the department to use sustainable building
91 ratings for conducting a life-cycle cost analysis;
92 amending s. 255.257, F.S.; requiring all state agencies to
93 adopt an energy efficiency rating system as approved by
94 the department for all new buildings and renovations to
95 existing buildings; requiring all county, municipal,
96 school district, water management district, state
97 university, community college, and Florida state court
98 buildings to meet certain energy efficiency standards for
99 construction; providing applicability; creating a
100 sustainable building training certification program within
101 St. Petersburg College; specifying program components;
102 creating s. 286.29, F.S.; requiring the Department of
103 Management Services to develop the Florida Climate-
104 Friendly Preferred Products List; requiring state agencies
105 to consult the list and purchase products from the list if
106 the price is comparable; requiring state agencies to
107 contract for meeting and conference space with facilities
108 having the "Green Lodging" designation; authorizing the
109 Department of Environmental Protection to adopt rules;
110 requiring the department to establish voluntary technical
111 assistance programs for various businesses; requiring
112 state agencies, state universities, community colleges,

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113 and local governments that purchase vehicles under a state
114 purchasing plan to maintain vehicles according to minimum
115 standards and follow certain procedures when procuring new
116 vehicles; requiring state agencies to use ethanol and
117 biodiesel-blended fuels when available; amending s.
118 287.063, F.S.; prohibiting the payment term for equipment
119 from exceeding the useful life of the equipment unless the
120 contract provides for the replacement or the extension of
121 the useful life of the equipment during the term of the
122 loan; amending s. 287.064, F.S.; authorizing an extension
123 of the master equipment financing agreement for energy
124 conservation equipment; requiring the guaranteed energy,
125 water, and wastewater savings contractor to provide for
126 the replacement or the extension of the useful life of the
127 energy conservation equipment during the term of the
128 contract; amending s. 287.16, F.S.; requiring the
129 Department of Management Services to analyze specified
130 fuel usage by the Department of Transportation; amending
131 s. 288.1089, F.S.; defining the term "alternative and
132 renewable energy"; revising provisions relating to
133 innovation incentive awards to include alternative and
134 renewable energy projects; specifying eligibility
135 requirements for such projects; requiring Enterprise
136 Florida, Inc., to solicit comments and recommendations
137 from the Florida Energy and Climate Commission in
138 evaluating such projects; amending s. 316.0741, F.S.;
139 requiring all hybrid and other low-emission and energy-
140 efficient vehicles that do not meet the minimum occupancy

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141 requirement and are driven in a high-occupancy-vehicle
142 lane to comply with federally mandated minimum fuel
143 economy standards; authorizing specified vehicles to use
144 certain high-occupancy-vehicle lanes without payment of
145 tolls; amending s. 337.401, F.S.; requiring the Department
146 of Environmental Protection to adopt rules relating to the
147 placement of and access to aerial and underground electric
148 transmission lines having certain specifications; defining
149 the term "base-load generating facilities"; amending s.
150 339.175, F.S.; requiring each metropolitan planning
151 organization to develop a long-range transportation plan
152 and an annual project priority list that, among other
153 considerations, provide for sustainable growth and reduce
154 greenhouse gas emissions; amending s. 350.01, F.S.;
155 conforming the beginning of a Public Service Commission
156 member's term as chair with the beginning of terms of
157 commissioners; correcting cross-references; amending s.
158 350.012, F.S.; renaming the Committee on Public Service
159 Commission Oversight, a standing joint committee of the
160 Legislature, as the "Committee on Public Counsel
161 Oversight"; deleting the committee's authority to
162 recommend to the Governor nominees to fill vacancies on
163 the Public Service Commission; amending s. 350.03, F.S.;
164 clarifying the power of the Governor to remove and fill
165 commission vacancies as set forth in the State
166 Constitution; amending s. 350.031, F.S.; increasing the
167 number of members on the council; requiring the President
168 of the Senate and the Speaker of the House of

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169 Representatives to appoint a chair and vice chair to the
170 council in alternating years; removing spending authority
171 for the council to advertise vacancies; requiring the
172 council to submit recommendations for vacancies on the
173 Public Service Commission to the Governor; requiring the
174 council to nominate a minimum of three persons for each
175 vacancy; revising the date that recommendations for
176 vacancies must be submitted; providing that a successor
177 Governor may remove an appointee only as provided;
178 providing for the council to fill a vacancy on the
179 commission if the Governor fails to do so; authorizing a
180 successor governor to recall an unconfirmed appointee
181 under certain circumstances; amending ss. 350.061 and
182 350.0614, F.S., relating to the appointment, oversight,
183 and compensation of the Public Counsel; conforming
184 provisions to changes made by the act; amending s. 366.04,
185 F.S.; requiring an affected municipal electric utility to
186 conduct a referendum election of all its retail electric
187 customers to determine whether to require the municipal
188 electric utility to provide a proposed charter
189 transferring the operations of the utility to an electric
190 utility authority; amending s. 366.81, F.S.; providing
191 legislative intent; amending s. 366.82, F.S.; defining the
192 term "demand-side renewable energy"; requiring the Public
193 Service Commission to adopt goals for increasing the
194 development of demand-side renewable energy systems energy
195 resources; providing for cost-effectiveness tests;
196 requiring the Florida Energy and Climate Commission to be

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197 a party in the proceedings to adopt goals; providing for
 198 an appropriations; providing for cost recovery;
 199 authorizing the commission to provide financial rewards
 200 and penalties; authorizing the commission to allow an
 201 investor-owned utility to earn an additional return on
 202 equity for exceeding energy efficiency and conservation
 203 goals; amending s. 366.8255, F.S.; redefining the term
 204 "environmental compliance costs" to include costs or
 205 expenses prudently incurred for scientific research and
 206 geological assessments of carbon capture and storage for
 207 the purpose of reducing an electric utility's greenhouse
 208 gas emissions; amending s. 366.91, F.S.; clarifying the
 209 definition of "biomass" to include waste and byproducts;
 210 requiring each public utility, and each municipal electric
 211 utility and rural electric utility cooperative that sells
 212 electricity at retail, to develop a standardized
 213 interconnection and net metering program for customer-
 214 owned renewable generation; authorizing net metering to be
 215 available when a utility purchases power generated from
 216 biogas produced by anaerobic digestion under certain
 217 conditions; amending s. 366.92, F.S.; directing the Public
 218 Service Commission to adopt a renewable portfolio
 219 standard; providing definitions; providing for renewable
 220 energy credits; providing for cost recovery; prohibiting
 221 the renewable portfolio standard rule from taking effect
 222 until ratified by the Legislature; amending s. 366.93,
 223 F.S.; revising the definitions of "cost" and
 224 "preconstruction"; requiring the Public Service Commission

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225 | to establish rules relating to cost recovery for the
 226 | construction of new, expanded, or relocated electrical
 227 | transmission lines and facilities for a nuclear power
 228 | plant; amending s. 377.601, F.S.; revising legislative
 229 | intent with respect to the need to implement alternative
 230 | energy technologies; providing for the transfer of the
 231 | Florida Energy Commission in the Office of Legislative
 232 | Services to the Florida Energy and Climate Commission in
 233 | the Executive Office of the Governor; creating s.
 234 | 377.6015, F.S.; providing for the membership, meetings,
 235 | duties, and responsibilities of the Florida Energy and
 236 | Climate Commission; providing rulemaking authority;
 237 | amending s. 377.602, F.S.; revising the definition of
 238 | "energy resources"; providing for conforming changes;
 239 | providing for the type two transfer of the state energy
 240 | program in the Department of Environmental Protection to
 241 | the Florida Energy and Climate Commission in the Executive
 242 | Office of the Governor; amending ss. 377.603, 377.604,
 243 | 377.605, 377.606, 377.608, 377.701, 377.703, and 377.705,
 244 | F.S.; providing for conforming changes; amending s.
 245 | 377.801, F.S.; providing a short title; amending s.
 246 | 377.802, F.S.; providing the purpose of the Florida Energy
 247 | and Climate Protection Act; amending s. 377.803, F.S.;
 248 | revising definitions; clarifying the definition of
 249 | "renewable energy" to include biomass, as defined in s.
 250 | 366.91, F.S.; amending s. 377.804, F.S., relating to the
 251 | Renewable Energy and Energy-Efficient Technologies Grants
 252 | Program; providing for the program to include matching

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253 grants for technologies that increase the energy
 254 efficiency of vehicles and commercial buildings; providing
 255 for the solicitation of expertise of other entities;
 256 providing application requirements; amending s. 377.806,
 257 F.S.; conforming provisions relating to the Solar Energy
 258 System Incentives Program, to changes made by this act;
 259 requiring all eligible systems under the program to comply
 260 with the Florida Building Code; revising rebate
 261 eligibility requirements for solar thermal systems to
 262 include the installation of certain products by roofing
 263 contractors; creating s. 377.808, F.S.; establishing the
 264 "Florida Green Government Grants Act"; providing for
 265 grants to be awarded to local governments in the
 266 development of programs that achieve green standards;
 267 amending ss. 380.23 and 403.031, F.S.; conforming cross-
 268 references; creating s. 403.44, F.S.; creating the Florida
 269 Climate Protection Act; defining terms; requiring the
 270 Department of Environmental Protection to establish the
 271 methodologies, reporting periods, and reporting systems
 272 that must be used when major emitters report to The
 273 Climate Registry; authorizing the department to adopt
 274 rules for a cap-and-trade regulatory program to reduce
 275 greenhouse gas emissions from major emitters; providing
 276 for the content of the rule; prohibiting the rules from
 277 being adopted until after January 1, 2010, and from
 278 becoming effective until ratified by the Legislature;
 279 amending s. 403.502, F.S.; providing legislative intent;
 280 amending s. 403.503, F.S.; defining the term "alternate

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281 | corridor" and redefining the term "corridor" for purposes
282 | of the Florida Electrical Power Plant Siting Act; amending
283 | s. 403.504, F.S.; requiring the Department of
284 | Environmental Protection to determine whether a proposed
285 | alternate corridor is acceptable; amending s. 403.506,
286 | F.S.; exempting an electric utility from obtaining
287 | certification under the Florida Electrical Power Plant
288 | Siting Act before constructing facilities for a power
289 | plant using nuclear materials as fuel; providing that a
290 | utility may obtain separate licenses, permits, and
291 | approvals for such construction under certain
292 | circumstances; exempting such provisions from review under
293 | ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an
294 | applicant to submit a statement to the department if such
295 | applicant opts for consideration of alternate corridors;
296 | amending s. 403.5065, F.S.; providing for conforming
297 | changes; amending s. 403.50663, F.S.; providing for notice
298 | of meeting to the general public; amending s. 403.50665,
299 | F.S.; requiring an application to include a statement on
300 | the consistency of directly associated facilities
301 | constituting a "development"; requiring the Department of
302 | Environmental Protection to address at the certification
303 | hearing the issue of compliance with land use plans and
304 | zoning ordinances for a proposed substation located in or
305 | along an alternate corridor; amending s. 403.507, F.S.;
306 | providing for reports to be submitted to the department no
307 | later than 100 days after certification application has
308 | been determined complete; amending s. 403.508, F.S.;

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309 providing for land use and certification hearings;
 310 amending s. 403.509, F.S.; requiring the Governor and
 311 Cabinet sitting as the siting board to certify the
 312 corridor having the least adverse impact; authorizing the
 313 board to deny certification or allow a party to amend its
 314 proposal; amending s. 403.511, F.S.; providing for
 315 conforming changes; amending s. 403.5112, F.S.; providing
 316 for filing of notice; amending s. 403.5113, F.S.;
 317 providing for postcertification amendments and
 318 postcertification review; amending s. 403.5115, F.S.;
 319 requiring the applicant proposing the alternate corridor
 320 to publish all notices relating to the application;
 321 requiring that such notices comply with certain
 322 requirements; requiring that notices be published at least
 323 45 days before the rescheduled certification hearing;
 324 requiring applicants to make specified efforts to provide
 325 notice to certain landowners and to file a list of such
 326 notification with the Department of Environmental
 327 Protection's Siting Coordination Office; amending ss.
 328 403.516, 403.517, and 403.5175, F.S.; providing conforming
 329 changes and cross-references; amending s. 403.518, F.S.;
 330 authorizing the Department of Environmental Protection to
 331 charge an application fee for an alternate corridor;
 332 amending ss. 403.519, 403.5252, 403.526, 403.527,
 333 403.5271, 403.5272, 403.5312, 403.5363, 403.5365, and
 334 403.814, F.S., relating to determinations of need, public
 335 notice requirements, and general permits; conforming
 336 provisions to changes made by the act; creating s.

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337 403.7055, F.S.; encouraging counties in the state to form
 338 regional solutions to the capture and reuse or sale of
 339 methane gas from landfills and wastewater treatment
 340 facilities; requiring the Department of Environmental
 341 Protection to provide guidelines and assistance; amending
 342 s. 489.145, F.S.; creating s. 403.7032, F.S.; providing
 343 legislative findings regarding recycling; providing for a
 344 long-term goal of reducing the amount of solid waste
 345 disposed of in the state by a certain percentage;
 346 requiring the Department of Environmental Protection to
 347 develop a comprehensive recycling program and submit such
 348 program to the Legislature by a specified date; requiring
 349 the Legislature's approval before implementing such
 350 program; requiring that such program be developed in
 351 coordination with other state and local entities, private
 352 businesses, and the public; requiring that the program
 353 contain certain components; creating s. 403.7033, F.S.,
 354 requiring a departmental analysis of particular recyclable
 355 materials; requiring a submission of a report; amending s.
 356 403.706, F.S., requiring every county to implement a
 357 composting plan to attain certain goals by a date certain;
 358 provides for goal modifications upon demonstrated need to
 359 the department; amending s. 489.145, F.S.; revising
 360 provisions of the Guaranteed Energy, Water, and Wastewater
 361 Performance Savings Contracting Act; requiring that each
 362 proposed contract or lease contain certain agreements
 363 concerning operational cost-saving measures; requiring the
 364 Office of the Chief Financial Officer to review contract

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365 proposals; redefining terms; requiring that certain
366 baseline information, supporting information, and
367 documentation be included in contracts; requiring the
368 Office of the Chief Financial Officer to review contract
369 proposals; providing audit requirements; requiring
370 contract approval by the Chief Financial Officer; amending
371 s. 526.06, F.S.; revising provisions for the sale of
372 gasoline blended with ethanol; providing specifications
373 for transitioning to ethanol-blended fuels; creating s.
374 526.201, F.S.; creating the "Florida Renewable Fuel
375 Standard Act"; creating s. 526.202, F.S.; establishing
376 legislative findings for the act; creating s. 526.203,
377 F.S.; providing definitions, fuel standard, exemptions,
378 and reporting; creating s. 526.204, F.S.; providing for
379 waivers; providing for suspension of standard requirement
380 during declared emergencies; creating s. 526.205, F.S.;
381 providing for enforcement of the act; providing for
382 extensions; creating s. 526.206, F.S.; providing for
383 rulemaking authority by the Department of Revenue and the
384 Department of Agriculture and Consumer Services; creating
385 s. 526.207, F.S.; requiring studies and reports by the
386 Florida Energy and Climate Commission; amending s. 553.73,
387 F.S.; requiring that the Florida Building Commission
388 select the most recent International Energy Conservation
389 Code as a foundation code; providing for modification of
390 the International Energy Conservation Code by the
391 commission under certain circumstances; creating s.
392 553.9061, F.S.; requiring the Florida Building Commission

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393 to establish a schedule of increases in the energy
394 performance of buildings subject to the Florida Energy
395 Efficiency Code for Building Construction; providing
396 energy-efficiency performance options and elements for
397 achieving performance goals; requiring the commission to
398 adopt rules and implement a cost-effectiveness test;
399 amending s. 553.909, F.S.; requiring the Florida Energy
400 Efficiency Code for Building Construction to set minimum
401 requirements for certain commercial or residential
402 appliances; requiring the Agency for Enterprise
403 Information Technology to define specified objective
404 standards and conduct evaluations relating to energy
405 efficiency; requiring the agency to submit a report;
406 providing report requirements; requiring the agency to
407 submit specified recommendations; providing for the
408 inclusion of specifications in certain plans and
409 processes; creating s. 1004.648, F.S.; establishing the
410 Florida Energy Systems Consortium consisting of all the
411 state universities; providing for membership and duties of
412 the consortium; providing for a director, an oversight
413 board, and a steering committee; requiring the consortium
414 to submit an annual report; requiring an economic impact
415 analysis on the effects of granting financial incentives
416 to energy producers who use woody biomass as fuel;
417 providing that certain vehicle emission standards are
418 subject to ratification by the Legislature prior to
419 implementation or modification by the Department of
420 Environmental Protection; requiring the Department of

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421 Education and the Department of Environmental Protection
 422 to develop an awards or recognition program for
 423 outstanding efforts in conservation, energy and water use
 424 reduction, environmental enhancement, and conservation-
 425 related educational curriculum development; encouraging
 426 the departments to seek private sector funding for the
 427 program; repealing s. 377.901, F.S., relating to the
 428 Florida Energy Commission; requiring the Public Service
 429 Commission to provide a report to the Governor and the
 430 Legislature on utility revenue decoupling; providing
 431 effective dates.

432

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

434

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

438 74.051 Hearing on order of taking.--

439 (3) If a defendant requests a hearing pursuant to s.
 440 74.041(3) and the petitioner is an electric utility that is
 441 seeking to appropriate property necessary for an electric
 442 generation plant, an associated facility of an electric
 443 generation plant, an electric substation, or a power line, it is
 444 the intent of the Legislature that the court, when practicable,
 445 conduct the hearing no more than 120 days after the petition is
 446 filed and issue its order of taking no more than 30 days after
 447 the conclusion of the hearing.

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448 Section 2. Subsection (3) of section 110.171, Florida
 449 Statutes, is amended, and subsection (4) is added to that
 450 section, to read:

451 110.171 State employee telecommuting program.--

452 (3) By September 30, 2009 ~~October 1, 1994~~, each state
 453 agency shall identify and maintain a current listing of the job
 454 classifications and positions that the agency considers
 455 appropriate for telecommuting. Agencies that adopt a state
 456 employee telecommuting program must:

457 (a) Give equal consideration to career service and exempt
 458 positions in their selection of employees to participate in the
 459 telecommuting program.

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

463 (c) Provide that participation by an employee in a
 464 telecommuting program is voluntary, and that the employee may
 465 elect to cease to participate in a telecommuting program at any
 466 time.

467 (d) Adopt provisions to allow for the termination of an
 468 employee's participation in the program if the employee's
 469 continued participation would not be in the best interests of
 470 the agency.

471 (e) Provide that an employee is not currently under a
 472 performance improvement plan in order to participate in the
 473 program.

474 (f) Ensure that employees participating in the program are
 475 subject to the same rules regarding attendance, leave,

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476 performance reviews, and separation action as are other
 477 employees.

478 (g) Establish the reasonable conditions that the agency
 479 plans to impose in order to ensure the appropriate use and
 480 maintenance of any equipment or items provided for use at a
 481 participating employee's home or other place apart from the
 482 employee's usual place of work, including the installation and
 483 maintenance of any telephone equipment and ongoing
 484 communications costs at the telecommuting site which is to be
 485 used for official use only.

486 (h) Prohibit state maintenance of an employee's personal
 487 equipment used in telecommuting, including any liability for
 488 personal equipment and costs for personal utility expenses
 489 associated with telecommuting.

490 (i) Describe the security controls that the agency
 491 considers appropriate.

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

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

497 (l) Require a written agreement that specifies the terms
 498 and conditions of telecommuting, which includes verification by
 499 the employee that the home office provides work space that is
 500 free of safety and fire hazards, together with an agreement
 501 which holds the state harmless against any and all claims,
 502 excluding workers' compensation claims, resulting from an

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503 employee working in the home office, and which must be signed
 504 and agreed to by the telecommuter and the supervisor.

505 (m) Provide measureable financial benefits associated with
 506 reduced office space requirements, reductions in energy
 507 consumption, and reductions in associated emissions of
 508 greenhouse gases resulting from telecommuting. State agencies
 509 operating in office space owned or managed by the department
 510 shall consult the facilities program to ensure its consistency
 511 with the strategic leasing plan required under s. 255.249(3)(b).

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

515 Section 3. Subsection (2) of section 163.04, Florida
 516 Statutes, is amended to read:

517 163.04 Energy devices based on renewable resources.--

518
 519 (2) A deed restriction, covenant, declaration, or similar
 520 binding agreement may not ~~No deed restrictions, covenants, or~~
 521 ~~similar binding agreements running with the land shall prohibit~~
 522 or have the effect of prohibiting solar collectors,
 523 clotheslines, or other energy devices based on renewable
 524 resources from being installed on buildings erected on the lots
 525 or parcels covered by the deed restriction, covenant,
 526 declaration, or binding agreement ~~restrictions, covenants, or~~
 527 ~~binding agreements~~. A property owner may not be denied
 528 permission to install solar collectors or other energy devices
 529 ~~based on renewable resources~~ by any entity granted the power or
 530 right in any deed restriction, covenant, or similar binding

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531 agreement to approve, forbid, control, or direct alteration of
 532 property with respect to residential dwellings and within the
 533 boundaries of a condominium unit. ~~not exceeding three stories in~~
 534 ~~height. For purposes of this subsection,~~ Such entity may
 535 determine the specific location where solar collectors may be
 536 installed on the roof within an orientation to the south or
 537 within 45° east or west of due south if ~~provided that~~ such
 538 determination does not impair the effective operation of the
 539 solar collectors.

540 Section 4. Subsection (3) of section 186.007, Florida
 541 Statutes, is amended to read:

542 186.007 State comprehensive plan; preparation; revision.--

543 (3) In the state comprehensive plan, the Executive Office
 544 of the Governor may include goals, objectives, and policies
 545 related to the following program areas: economic opportunities;
 546 agriculture; employment; public safety; education; health
 547 concerns; social welfare concerns; housing and community
 548 development; natural resources and environmental management;
 549 energy; global climate change; recreational and cultural
 550 opportunities; historic preservation; transportation; and
 551 governmental direction and support services.

552 Section 5. Subsections (10), (11), and (15) of section
 553 187.201, Florida Statutes, are amended to read:

554 187.201 State Comprehensive Plan adopted.--The Legislature
 555 hereby adopts as the State Comprehensive Plan the following
 556 specific goals and policies:

557 (10) AIR QUALITY.--

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

561 (b) Policies.--

562 1. Improve air quality and maintain the improved level to
 563 safeguard human health and prevent damage to the natural
 564 environment.

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

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

569 4. Encourage the use of alternative energy resources that
 570 do not degrade air quality.

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

573 6. Encourage the development of low-carbon-emitting
 574 electric power plants.

575 (11) ENERGY.--

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

581 (b) Policies.--

582 1. Continue to reduce per capita energy consumption.

583 2. Encourage and provide incentives for consumer and
 584 producer energy conservation and establish acceptable energy
 585 performance standards for buildings and energy consuming items.

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- 586 3. Improve the efficiency of traffic flow on existing
 587 roads.
- 588 4. Ensure energy efficiency in transportation design and
 589 planning and increase the availability of more efficient modes
 590 of transportation.
- 591 5. Reduce the need for new power plants by encouraging
 592 end-use efficiency, reducing peak demand, and using cost-
 593 effective alternatives.
- 594 6. Increase the efficient use of energy in design and
 595 operation of buildings, public utility systems, and other
 596 infrastructure and related equipment.
- 597 7. Promote the development and application of solar energy
 598 technologies and passive solar design techniques.
- 599 8. Provide information on energy conservation through
 600 active media campaigns.
- 601 9. Promote the use and development of renewable energy
 602 resources and low-carbon-emitting electric power plants.
- 603 10. Develop and maintain energy preparedness plans that
 604 will be both practical and effective under circumstances of
 605 disrupted energy supplies or unexpected price surges.
- 606 (15) LAND USE.--
- 607 (a) Goal.--In recognition of the importance of preserving
 608 the natural resources and enhancing the quality of life of the
 609 state, development shall be directed to those areas which have
 610 in place, or have agreements to provide, the land and water
 611 resources, fiscal abilities, and service capacity to accommodate
 612 growth in an environmentally acceptable manner.
- 613 (b) Policies.--

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614 1. Promote state programs, investments, and development
 615 and redevelopment activities which encourage efficient
 616 development and occur in areas which will have the capacity to
 617 service new population and commerce.

618 2. Develop a system of incentives and disincentives which
 619 encourages a separation of urban and rural land uses while
 620 protecting water supplies, resource development, and fish and
 621 wildlife habitats.

622 3. Enhance the livability and character of urban areas
 623 through the encouragement of an attractive and functional mix of
 624 living, working, shopping, and recreational activities.

625 4. Develop a system of intergovernmental negotiation for
 626 siting locally unpopular public and private land uses which
 627 considers the area of population served, the impact on land
 628 development patterns or important natural resources, and the
 629 cost-effectiveness of service delivery.

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

633 6. Consider, in land use planning and regulation, the
 634 impact of land use on water quality and quantity; the
 635 availability of land, water, and other natural resources to meet
 636 demands; and the potential for flooding.

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

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

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642 Section 6. Subsection (14) of section 196.012, Florida
 643 Statutes, is amended to read:
 644 196.012 Definitions.--For the purpose of this chapter, the
 645 following terms are defined as follows, except where the context
 646 clearly indicates otherwise:
 647 (14) "Renewable energy source device" or "device" means
 648 any of the following equipment which, when installed in
 649 connection with a dwelling unit or other structure, collects,
 650 transmits, stores, or uses solar energy, wind energy, or energy
 651 derived from geothermal deposits:
 652 (a) Solar energy collectors.
 653 (b) Storage tanks and other storage systems, excluding
 654 swimming pools used as storage tanks.
 655 (c) Rockbeds.
 656 (d) Thermostats and other control devices.
 657 (e) Heat exchange devices.
 658 (f) Pumps and fans.
 659 (g) Roof ponds.
 660 (h) Freestanding thermal containers.
 661 (i) Pipes, ducts, refrigerant handling systems, and other
 662 equipment used to interconnect such systems; however,
 663 conventional backup systems of any type are not included in this
 664 definition.
 665 (j) Windmills.
 666 (k) Wind-driven generators.
 667 (l) Power conditioning and storage devices that use wind
 668 energy to generate electricity or mechanical forms of energy.

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669 (m) Pipes and other equipment used to transmit hot
 670 geothermal water to a dwelling or structure from a geothermal
 671 deposit.

672
 673 ~~"Renewable energy source device" or "device" also means any heat~~
 674 ~~pump with an energy efficiency ratio (EER) or a seasonal energy~~
 675 ~~efficiency ratio (SEER) exceeding 8.5 and a coefficient of~~
 676 ~~performance (COP), exceeding 2.8; waste heat recovery system; or~~
 677 ~~water heating system the primary heat source of which is a~~
 678 ~~dedicated heat pump or the otherwise unused capacity of a heat~~
 679 ~~pump heating, ventilating, and air conditioning system, provided~~
 680 ~~such device is installed in a structure substantially complete~~
 681 ~~before January 1, 1985, and whether or not solar energy, wind~~
 682 ~~energy, or energy derived from geothermal deposits is collected,~~
 683 ~~transmitted, stored, or used by such device.~~

684 Section 7. Section 196.175, Florida Statutes, is amended
 685 to read:

686 196.175 Renewable energy source exemption.--
 687 (1) Improved real property upon which a renewable energy
 688 source device is installed and operated shall be entitled to an
 689 exemption in the amount of not greater than the lesser of:
 690 ~~(a) The assessed value of such real property less any~~
 691 ~~other exemptions applicable under this chapter;~~
 692 ~~(b) the original cost of the device, including the~~
 693 ~~installation cost thereof, but excluding the cost of replacing~~
 694 ~~previously existing property removed or improved in the course~~
 695 ~~of such installation; or~~

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

698 (2) The exempt amount authorized under subsection (1)
 699 shall apply in full if the device was installed and operative
 700 throughout the 12-month period preceding January 1 of the year
 701 of application for this exemption. If the device was operative
 702 for a portion of that period, the exempt amount authorized under
 703 this section shall be reduced proportionally.

704 (3) It shall be the responsibility of the applicant for an
 705 exemption pursuant to this section to demonstrate affirmatively
 706 to the satisfaction of the property appraiser that he or she
 707 meets the requirements for exemption under this section and that
 708 the original cost ~~pursuant to paragraph (1)(b)~~ and the period
 709 for which the device was operative, as indicated on the
 710 exemption application, are correct.

711 (4) No exemption authorized pursuant to this section shall
 712 be granted for a period of more than 10 years. No exemption
 713 shall be granted with respect to renewable energy source devices
 714 installed before January 1, 2009 ~~1980, or after December 31,~~
 715 ~~1990.~~

716 Section 8. Subsection (2) of section 206.43, Florida
 717 Statutes, is amended to read:

718 206.43 Terminal supplier, importer, exporter, blender, and
 719 wholesaler to report to department monthly; deduction.--The
 720 taxes levied and assessed as provided in this part shall be paid
 721 to the department monthly in the following manner:

722 (2) (a) Such report may show in detail the number of
 723 gallons so sold and delivered by the terminal supplier,

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724 importer, exporter, blender, or wholesaler in the state, and the
 725 destination as to the county in the state to which the motor
 726 fuel was delivered for resale at retail or use shall be
 727 specified in the report. The total taxable gallons sold shall
 728 agree with the total gallons reported to the county destinations
 729 for resale at retail or use. All gallons of motor fuel sold
 730 shall be invoiced and shall name the county of destination for
 731 resale at retail or use.

732 (b) Each terminal supplier, importer, blender, and
 733 wholesaler shall also include in the report to the department
 734 the number of gallons of blended and unblended gasoline, as
 735 defined in s. 526.203, sold.

736 Section 9. Paragraph (ccc) of subsection (7) of section
 737 212.08, Florida Statutes, is amended to read:

738 212.08 Sales, rental, use, consumption, distribution, and
 739 storage tax; specified exemptions.--The sale at retail, the
 740 rental, the use, the consumption, the distribution, and the
 741 storage to be used or consumed in this state of the following
 742 are hereby specifically exempt from the tax imposed by this
 743 chapter.

744 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 745 entity by this chapter do not inure to any transaction that is
 746 otherwise taxable under this chapter when payment is made by a
 747 representative or employee of the entity by any means,
 748 including, but not limited to, cash, check, or credit card, even
 749 when that representative or employee is subsequently reimbursed
 750 by the entity. In addition, exemptions provided to any entity by
 751 this subsection do not inure to any transaction that is

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752 otherwise taxable under this chapter unless the entity has
 753 obtained a sales tax exemption certificate from the department
 754 or the entity obtains or provides other documentation as
 755 required by the department. Eligible purchases or leases made
 756 with such a certificate must be in strict compliance with this
 757 subsection and departmental rules, and any person who makes an
 758 exempt purchase with a certificate that is not in strict
 759 compliance with this subsection and the rules is liable for and
 760 shall pay the tax. The department may adopt rules to administer
 761 this subsection.

762 (ccc) Equipment, machinery, and other materials for
 763 renewable energy technologies.--

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

765 a. "Biodiesel" means the mono-alkyl esters of long-chain
 766 fatty acids derived from plant or animal matter for use as a
 767 source of energy and meeting the specifications for biodiesel
 768 and biodiesel blends with petroleum products as adopted by the
 769 Department of Agriculture and Consumer Services. Biodiesel may
 770 refer to biodiesel blends designated BXX, where XX represents
 771 the volume percentage of biodiesel fuel in the blend.

772 b. "Ethanol" means an ~~nominal~~ anhydrous denatured
 773 alcohol produced by the conversion of carbohydrates ~~fermentation~~
 774 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
 775 fuel ethanol blends with petroleum products as adopted by the
 776 Department of Agriculture and Consumer Services. Ethanol may
 777 refer to fuel ethanol blends designated EXX, where XX represents
 778 the volume percentage of fuel ethanol in the blend.

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

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

784 a. Hydrogen-powered vehicles, materials incorporated into
 785 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
 786 a limit of \$2 million in tax each state fiscal year for all
 787 taxpayers.

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

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

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

800 4.a. The exemption provided in this paragraph shall be
 801 available to a purchaser only through a refund of previously
 802 paid taxes. An eligible item is subject to refund one time. A
 803 person who has received a refund on an eligible item shall
 804 notify the next purchaser of the item that such item is no
 805 longer eligible for a refund of paid taxes. This notification

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806 shall be provided to each subsequent purchaser on the sales
 807 invoice or other proof of purchase.

808 b. To be eligible to receive the exemption provided in
 809 this paragraph, a purchaser shall file an application with the
 810 Florida Energy and Climate Commission ~~Department of~~
 811 ~~Environmental Protection~~. The application shall be developed by
 812 the Florida Energy and Climate Commission ~~Department of~~
 813 ~~Environmental Protection~~, in consultation with the department,
 814 and shall require:

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

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

820 (III) The sales invoice or other proof of purchase showing
 821 the amount of sales tax paid, the date of purchase, and the name
 822 and address of the sales tax dealer from whom the property was
 823 purchased.

824 (IV) A sworn statement that the information provided is
 825 accurate and that the requirements of this paragraph have been
 826 met.

827 c. Within 30 days after receipt of an application, the
 828 Florida Energy and Climate Commission ~~Department of~~
 829 ~~Environmental Protection~~ shall review the application and shall
 830 notify the applicant of any deficiencies. Upon receipt of a
 831 completed application, the Florida Energy and Climate Commission
 832 ~~Department of Environmental Protection~~ shall evaluate the
 833 application for exemption and issue a written certification that

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834 the applicant is eligible for a refund or issue a written denial
 835 of such certification within 60 days after receipt of the
 836 application. The Florida Energy and Climate Commission
 837 ~~Department of Environmental Protection~~ shall provide the
 838 department with a copy of each certification issued upon
 839 approval of an application.

840 d. Each certified applicant shall be responsible for
 841 forwarding a certified copy of the application and copies of all
 842 required documentation to the department within 6 months after
 843 certification by the Florida Energy and Climate Commission
 844 ~~Department of Environmental Protection~~.

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

849 f. The Florida Energy and Climate Commission may adopt the
 850 form for the application for a certificate, requirements for the
 851 content and format of information submitted to the Florida
 852 Energy and Climate Commission in support of the application,
 853 other procedural requirements, and criteria by which the
 854 application will be determined by rule. The department may adopt
 855 all other rules pursuant to ss. 120.536(1) and 120.54 to
 856 administer this paragraph, including rules establishing
 857 additional forms and procedures for claiming this exemption.

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

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862 5. The Florida Energy and Climate Commission ~~Department of~~
 863 ~~Environmental Protection~~ shall determine and publish on a
 864 regular basis the amount of sales tax funds remaining in each
 865 fiscal year.

866 6. This paragraph expires July 1, 2010.

867 Section 10. Subsection (2) of section 220.191, Florida
 868 Statutes, is amended to read:

869 220.191 Capital investment tax credit.--

870 (2) (a) An annual credit against the tax imposed by this
 871 chapter shall be granted to any qualifying business in an amount
 872 equal to 5 percent of the eligible capital costs generated by a
 873 qualifying project, for a period not to exceed 20 years
 874 beginning with the commencement of operations of the project.

875 Unless assigned as described in this subsection, the tax credit
 876 shall be granted against only the corporate income tax liability
 877 or the premium tax liability generated by or arising out of the
 878 qualifying project, and the sum of all tax credits provided
 879 pursuant to this section shall not exceed 100 percent of the
 880 eligible capital costs of the project. In no event may any
 881 credit granted under this section be carried forward or backward
 882 by any qualifying business with respect to a subsequent or prior
 883 year. The annual tax credit granted under this section shall not
 884 exceed the following percentages of the annual corporate income
 885 tax liability or the premium tax liability generated by or
 886 arising out of a qualifying project:

887 1.(a) One hundred percent for a qualifying project which
 888 results in a cumulative capital investment of at least \$100
 889 million.

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890 ~~2.(b)~~ Seventy-five percent for a qualifying project which
 891 results in a cumulative capital investment of at least \$50
 892 million but less than \$100 million.

893 ~~3.(e)~~ Fifty percent for a qualifying project which results
 894 in a cumulative capital investment of at least \$25 million but
 895 less than \$50 million.

896 **(b)** A qualifying project which results in a cumulative
 897 capital investment of less than \$25 million is not eligible for
 898 the capital investment tax credit. An insurance company claiming
 899 a credit against premium tax liability under this program shall
 900 not be required to pay any additional retaliatory tax levied
 901 pursuant to s. 624.5091 as a result of claiming such credit.
 902 Because credits under this section are available to an insurance
 903 company, s. 624.5091 does not limit such credit in any manner.

904 **(c)** A qualifying business that establishes a qualifying
 905 project that includes locating a new solar panel manufacturing
 906 facility in this state that generates a minimum of 400 jobs
 907 within 6 months after commencement of operations with an average
 908 salary of at least \$50,000 may assign or transfer the annual
 909 credit, or any portion thereof, granted under this section to
 910 any other business. However, the amount of the tax credit that
 911 may be transferred in any year shall be the lesser of the
 912 qualifying business's state corporate income tax liability for
 913 that year, as limited by the percentages applicable under
 914 paragraph (a) and as calculated prior to taking any credit
 915 pursuant to this section, or the credit amount granted for that
 916 year. A business receiving the transferred or assigned credits
 917 may use the credits only in the year received, and the credits

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918 may not be carried forward or backward. To perfect the transfer,
 919 the transferor shall provide the department with a written
 920 transfer statement notifying the department of the transferor's
 921 intent to transfer the tax credits to the transferee; the date
 922 the transfer is effective; the transferee's name, address, and
 923 federal taxpayer identification number; the tax period; and the
 924 amount of tax credits to be transferred. The department shall,
 925 upon receipt of a transfer statement conforming to the
 926 requirements of this paragraph, provide the transferee with a
 927 certificate reflecting the tax credit amounts transferred. A
 928 copy of the certificate must be attached to each tax return for
 929 which the transferee seeks to apply such tax credits.

930 Section 11. Present subsections (1), (3), (6), and (7) of
 931 section 220.192, Florida Statutes, are amended, and a new
 932 subsection (6) is added to that section, to read:

933 220.192 Renewable energy technologies investment tax
 934 credit.--

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

936 (a) "Biodiesel" means biodiesel as defined in s.
 937 212.08(7)(ccc).

938 (b) "Corporation" includes a general partnership, limited
 939 partnership, limited liability company, unincorporated business,
 940 or other business entity, including entities taxed as
 941 partnerships for federal income tax purposes.

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

943 1. Seventy-five percent of all capital costs, operation
 944 and maintenance costs, and research and development costs
 945 incurred between July 1, 2006, and June 30, 2010, up to a limit

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946 of \$3 million per state fiscal year for all taxpayers, in
 947 connection with an investment in hydrogen-powered vehicles and
 948 hydrogen vehicle fueling stations in the state, including, but
 949 not limited to, the costs of constructing, installing, and
 950 equipping such technologies in the state.

951 2. Seventy-five percent of all capital costs, operation
 952 and maintenance costs, and research and development costs
 953 incurred between July 1, 2006, and June 30, 2010, up to a limit
 954 of \$1.5 million per state fiscal year for all taxpayers, and
 955 limited to a maximum of \$12,000 per fuel cell, in connection
 956 with an investment in commercial stationary hydrogen fuel cells
 957 in the state, including, but not limited to, the costs of
 958 constructing, installing, and equipping such technologies in the
 959 state.

960 3. Seventy-five percent of all capital costs, operation
 961 and maintenance costs, and research and development costs
 962 incurred between July 1, 2006, and June 30, 2010, up to a limit
 963 of \$6.5 million per state fiscal year for all taxpayers, in
 964 connection with an investment in the production, storage, and
 965 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
 966 the state, including the costs of constructing, installing, and
 967 equipping such technologies in the state. Gasoline fueling
 968 station pump retrofits for ethanol (E10-E100) distribution
 969 qualify as an eligible cost under this subparagraph.

970 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
 971 212.08(7)(ccc).

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

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

976 (3) CORPORATE APPLICATION PROCESS.--Any corporation
 977 wishing to obtain tax credits available under this section must
 978 submit to the Florida Energy and Climate Commission ~~Department~~
 979 ~~of Environmental Protection~~ an application for tax credit that
 980 includes a complete description of all eligible costs for which
 981 the corporation is seeking a credit and a description of the
 982 total amount of credits sought. The Florida Energy and Climate
 983 Commission ~~Department of Environmental Protection~~ shall make a
 984 determination on the eligibility of the applicant for the
 985 credits sought and certify the determination to the applicant
 986 and the Department of Revenue. The corporation must attach the
 987 Florida Energy and Climate Commission's ~~Department of~~
 988 ~~Environmental Protection's~~ certification to the tax return on
 989 which the credit is claimed. The Florida Energy and Climate
 990 Commission ~~Department of Environmental Protection~~ shall be
 991 responsible for ensuring that the corporate income tax credits
 992 granted in each fiscal year do not exceed the limits provided
 993 for in this section. The Florida Energy and Climate Commission
 994 ~~Department of Environmental Protection~~ is authorized to adopt
 995 the necessary rules, guidelines, and application materials for
 996 the application process.

997 (6) TRANSFERABILITY OF CREDIT.--

998 (a) For tax years beginning on or after January 1, 2009,
 999 any corporation or subsequent transferee allowed a tax credit
 1000 under this section may transfer the credit, in whole or in part,
 1001 to any taxpayer by written agreement without transferring any

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1002 ownership interest in the property generating the credit or any
 1003 interest in the entity owning such property. The transferee is
 1004 entitled to apply the credits against the tax with the same
 1005 effect as if the transferee had incurred the eligible costs.

1006 (b) To perfect the transfer, the transferor shall provide
 1007 the department with a written transfer statement notifying the
 1008 department of the transferor's intent to transfer the tax
 1009 credits to the transferee; the date the transfer is effective;
 1010 the transferee's name, address, and federal taxpayer
 1011 identification number; the tax period; and the amount of tax
 1012 credits to be transferred. The department shall, upon receipt of
 1013 a transfer statement conforming to the requirements of this
 1014 section, provide the transferee with a certificate reflecting
 1015 the tax credit amounts transferred. A copy of the certificate
 1016 must be attached to each tax return for which the transferee
 1017 seeks to apply such tax credits.

1018 (c) A tax credit authorized under this section that is
 1019 held by a corporation and not transferred under this subsection
 1020 shall be passed through to the taxpayers designated as partners,
 1021 members, or owners, respectively, in the manner agreed to by
 1022 such persons regardless of whether such partners, members, or
 1023 owners are allocated or allowed any portion of the federal
 1024 energy tax credit for the eligible costs. A corporation that
 1025 passes the credit through to a partner, member, or owner must
 1026 comply with the notification requirements described in paragraph
 1027 (b). The partner, member, or owner must attach a copy of the
 1028 certificate to each tax return on which the partner, member, or
 1029 owner claims any portion of the credit.

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1030 (7)~~(6)~~ RULES.--The Department of Revenue shall have the
 1031 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 1032 to administer this section, including rules relating to:

1033 (a) The forms required to claim a tax credit under this
 1034 section, the requirements and basis for establishing an
 1035 entitlement to a credit, and the examination and audit
 1036 procedures required to administer this section.

1037 (b) The implementation and administration of the
 1038 provisions allowing a transfer of a tax credit, including rules
 1039 prescribing forms, reporting requirements, and specific
 1040 procedures, guidelines, and requirements necessary to transfer a
 1041 tax credit.

1042 (8)~~(7)~~ PUBLICATION.--The Florida Energy and Climate
 1043 Commission ~~Department of Environmental Protection~~ shall
 1044 determine and publish on a regular basis the amount of available
 1045 tax credits remaining in each fiscal year.

1046 Section 12. Paragraphs (f) and (g) are added to subsection
 1047 (2) and paragraphs (j) and (k) are added to subsection (3) of
 1048 section 220.193, Florida Statutes, to read:

1049 220.193 Florida renewable energy production credit.--

1050 (2) As used in this section, the term:

1051 (f) "Sale" or "sold" includes the use of electricity by
 1052 the producer of such electricity which decreases the amount of
 1053 electricity that the producer would otherwise have to purchase.

1054 (g) "Taxpayer" includes a general partnership, limited
 1055 partnership, limited liability company, trust, or other
 1056 artificial entity in which a corporation, as defined in s.
 1057 220.03(1)(e), owns an interest and is taxed as a partnership or

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1058 is disregarded as a separate entity from the corporation under
 1059 this chapter.

1060 (3) An annual credit against the tax imposed by this
 1061 section shall be allowed to a taxpayer, based on the taxpayer's
 1062 production and sale of electricity from a new or expanded
 1063 Florida renewable energy facility. For a new facility, the
 1064 credit shall be based on the taxpayer's sale of the facility's
 1065 entire electrical production. For an expanded facility, the
 1066 credit shall be based on the increases in the facility's
 1067 electrical production that are achieved after May 1, 2006.

1068 (j) When an entity treated as a partnership or a
 1069 disregarded entity under this chapter produces and sells
 1070 electricity from a new or expanded renewable energy facility,
 1071 the credit earned by such entity shall pass through in the same
 1072 manner as items of income and expense pass through for federal
 1073 income tax purposes. When an entity applies for the credit and
 1074 the entity has received the credit by a pass-through, the
 1075 application must identify the taxpayer that passed the credit
 1076 through, all taxpayers that received the credit, and the
 1077 percentage of the credit that passes through to each recipient
 1078 and must provide other information that the department requires.

1079 (k) A taxpayer's use of the credit granted pursuant to
 1080 this section does not reduce the amount of any credit available
 1081 to such taxpayer under s. 220.186.

1082 Section 13. It is the intent of the Legislature that the
 1083 amendments made by this act to s. 220.193, Florida Statutes, are
 1084 remedial in nature and apply retroactively to the effective date
 1085 of the law establishing the credit.

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1086 Section 14. Subsection (2) of section 253.02, Florida
 1087 Statutes, is amended to read:

1088 253.02 Board of trustees; powers and duties.--

1089 (2) (a) The board of trustees shall not sell, transfer, or
 1090 otherwise dispose of any lands the title to which is vested in
 1091 the board of trustees except by vote of at least three of the
 1092 four trustees.

1093 (b) The authority of the board of trustees to grant
 1094 easements for rights-of-way over, across, and upon uplands the
 1095 title to which is vested in the board of trustees for the
 1096 construction and operation of electric transmission and
 1097 distribution facilities and related appurtenances is hereby
 1098 confirmed. The board of trustees may delegate to the Secretary
 1099 of Environmental Protection the authority to grant such
 1100 easements on its behalf. All easements for rights-of-way over,
 1101 across, and upon uplands the title to which is vested in the
 1102 board of trustees for the construction and operation of electric
 1103 transmission and distribution facilities and related
 1104 appurtenances which are approved by the Secretary of
 1105 Environmental Protection pursuant to the authority delegated by
 1106 the board of trustees shall meet the following criteria:

1107 1. Such easements shall not prevent the use of the state-
 1108 owned uplands adjacent to the easement area for the purposes for
 1109 which such lands were acquired and shall not unreasonably
 1110 diminish the ecological, conservation, or recreational values of
 1111 the state-owned uplands adjacent to the easement area.

1112 2. There is no practical and prudent alternative to
 1113 locating the linear facility and related appurtenances on state-

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1114 owned upland. For purposes of this subparagraph, the test of
 1115 practicality and prudence shall compare the social, economic,
 1116 and environmental effects of the alternatives.

1117 3. Appropriate steps are taken to minimize the impacts to
 1118 state-owned uplands. Such steps may include:

1119 a. Siting of facilities so as to reduce impacts and
 1120 minimize fragmentation of the overall state-owned parcel;

1121 b. Avoiding significant wildlife habitat, wetlands, or
 1122 other valuable natural resources to the maximum extent
 1123 practicable; or

1124 c. Avoiding interference with active land management
 1125 practices, such as prescribed burning.

1126 4. Except for easements granted as a part of a land
 1127 exchange to accomplish a recreational or conservation benefit or
 1128 other public purpose, in exchange for such easements, the
 1129 grantee pays an amount equal to the market value of the interest
 1130 acquired. In addition, for the initial grant of such easements
 1131 only, the grantee shall provide additional compensation by
 1132 vesting in the board of trustees fee simple title to other
 1133 available uplands that are 1.5 times the size of the easement
 1134 acquired by the grantee. The Secretary of Environmental
 1135 Protection shall approve the property to be acquired on behalf
 1136 of the board of trustees based on the geographic location in
 1137 relation to the land proposed to be under easement and a
 1138 determination that economic, ecological, and recreational value
 1139 is at least equivalent to the value of the lands under proposed
 1140 easement. Priority for replacement uplands shall be given to
 1141 parcels identified as in-holdings and additions to public lands

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1142 and lands on a Florida Forever land acquisition list. However,
 1143 if suitable replacement uplands cannot be identified, the
 1144 grantee shall provide additional compensation for the initial
 1145 grant of such easements only by paying to the department an
 1146 amount equal to 2 times the current market value of the state-
 1147 owned land or the highest and best use value at the time of
 1148 purchase, whichever is greater. When determining such use of
 1149 funds, priority shall be given to parcels identified as in-
 1150 holdings and additions to public lands and lands on a Florida
 1151 Forever land acquisition list.

1152 (c) Where authority to approve easements for rights-of-way
 1153 over, across, and upon uplands the title to which is vested in
 1154 the board of trustees for the construction and operation of
 1155 electric transmission and distribution facilities and related
 1156 appurtenances has not been delegated to the Secretary of
 1157 Environmental Protection, the board of trustees shall apply the
 1158 same criteria and require the same compensation as provided
 1159 above, provided, however, the board of trustees shall have the
 1160 discretion to determine the amount of replacement lands required
 1161 within a range of from one to two times the size of the easement
 1162 acquired by the grantee, depending upon the degree to which the
 1163 proposed use of the easement will interfere with the manner in
 1164 which the lands within the proposed easement area have
 1165 historically been managed.

1166 Section 15. Paragraph (d) of subsection (3) of section
 1167 255.249, Florida Statutes, is amended to read:

1168 255.249 Department of Management Services; responsibility;
 1169 department rules.--

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1170 (3)
 1171 (d) By June 30 of each year, each state agency shall
 1172 annually provide to the department all information regarding
 1173 agency programs affecting the need for or use of space by that
 1174 agency, reviews of lease-expiration schedules for each
 1175 geographic area, active and planned full-time equivalent data,
 1176 business case analyses related to consolidation plans by an
 1177 agency, a telecommuting program, and current occupancy and
 1178 relocation costs, inclusive of furnishings, fixtures and
 1179 equipment, data, and communications.

1180 Section 16. Section 255.251, Florida Statutes, is amended
 1181 to read:

1182 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 1183 Act; short title.--This act shall be cited as the "Florida
 1184 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

1185 Section 17. Section 255.252, Florida Statutes, is amended
 1186 to read:

1187 255.252 Findings and intent.--

1188 (1) Operating and maintenance expenditures associated with
 1189 energy equipment and with energy consumed in state-financed and
 1190 leased buildings represent a significant cost over the life of a
 1191 building. Energy conserved by appropriate building design not
 1192 only reduces the demand for energy but also reduces costs for
 1193 building operation. ~~For example, commercial buildings are~~
 1194 ~~estimated to use from 20 to 80 percent more energy than would be~~
 1195 ~~required if energy conserving designs were used.~~ The size,
 1196 design, orientation, and operability of windows, the ratio of
 1197 ventilating air to air heated or cooled, the level of lighting

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1198 consonant with space-use requirements, the handling of occupancy
 1199 loads, and the ability to zone off areas not requiring
 1200 equivalent levels of heating or cooling are but a few of the
 1201 considerations necessary to conserving energy.

1202 (2) Significant efforts are needed to build energy-
 1203 efficient state-owned buildings that meet environmental
 1204 standards and ~~underway by the General Services Administration,~~
 1205 ~~the National Institute of Standards and Technology, and others~~
 1206 ~~to detail the considerations and practices for energy~~
 1207 ~~conservation in buildings. Most important is that energy-~~
 1208 ~~efficient designs~~ provide energy savings over the life of the
 1209 building structure. ~~Conversely, energy inefficient designs cause~~
 1210 ~~excess and wasteful energy use and high costs over that life.~~
 1211 With buildings lasting many decades and with energy costs
 1212 escalating rapidly, it is essential that the costs of operation
 1213 and maintenance for energy-using equipment and sustainable
 1214 materials be included in all design proposals for state-owned
 1215 state buildings.

1216 (3) In order that such energy-efficiency and sustainable
 1217 materials considerations become a function of building design,
 1218 ~~and also~~ a model for future application in the private sector,
 1219 it shall be the policy of the state that buildings constructed
 1220 and financed by the state be designed and constructed to comply
 1221 with the United States Green Building Council (USGBC) Leadership
 1222 in Energy and Environmental Design (LEED) rating system, the
 1223 Green Building Initiative's Green Globes rating system, the
 1224 Florida Green Building Coalition standards, or a nationally
 1225 recognized, high-performance green building rating system as

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1226 approved by the department ~~in a manner which will minimize the~~
 1227 ~~consumption of energy used in the operation and maintenance of~~
 1228 ~~such buildings~~. It is further the policy of the state, when
 1229 economically feasible, to retrofit existing state-owned
 1230 buildings in a manner which will minimize the consumption of
 1231 energy used in the operation and maintenance of such buildings.

1232 (4) In addition to designing and constructing new
 1233 buildings to be energy-efficient, it shall be the policy of the
 1234 state to operate and, ~~maintain, and renovate existing~~ state
 1235 facilities, ~~or provide for their renovation,~~ in a manner which
 1236 will minimize energy consumption and maximize building
 1237 sustainability as well as ensure that facilities leased by the
 1238 state are operated so as to minimize energy use. It is further
 1239 the policy of the state that the renovation of existing state
 1240 facilities be in accordance with the United States Green
 1241 Building Council (USGBC) Leadership in Energy and Environmental
 1242 Design (LEED) rating system, the Green Building Initiative's
 1243 Green Globes rating system, the Florida Green Building Coalition
 1244 standards, or a nationally recognized, high-performance green
 1245 building rating system as approved by the department. State
 1246 agencies are encouraged to consider shared savings financing of
 1247 such energy efficiency and conservation projects, using
 1248 contracts which split the resulting savings for a specified
 1249 period of time between the state agency and the private firm or
 1250 cogeneration contracts which otherwise permit the state to lower
 1251 its net energy costs. Such energy contracts may be funded from
 1252 the operating budget.

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1253 (5) Each state agency occupying space within buildings
 1254 owned or managed by the Department of Management Services must
 1255 identify and compile a list of projects determined to be
 1256 suitable for a guaranteed energy, water, and wastewater
 1257 performance savings contract pursuant to s. 489.145. The list of
 1258 projects compiled by each state agency shall be submitted to the
 1259 Department of Management Services by December 31, 2008, and must
 1260 include all criteria used to determine suitability. The list of
 1261 projects shall be developed from the list of state-owned
 1262 facilities more than 5,000 square feet in area and for which the
 1263 state agency is responsible for paying the expenses of utilities
 1264 and other operating expenses as they relate to energy use. In
 1265 consultation with the head of each state agency, by July 1,
 1266 2009, the department shall prioritize all projects deemed
 1267 suitable by each state agency and shall develop an energy
 1268 efficiency project schedule based on factors such as project
 1269 magnitude, efficiency and effectiveness of energy conservation
 1270 measures to be implemented, and other factors that may prove to
 1271 be advantageous to pursue. The schedule shall provide the
 1272 deadline for guaranteed energy, water, and wastewater
 1273 performance savings contract improvements to be made to the
 1274 state-owned buildings.

1275 Section 18. Subsections (6) and (7) are added to section
 1276 255.253, Florida Statutes, to read:

1277 255.253 Definitions; ss. 255.251-255.258.--

1278 (6) "Sustainable building" means a building that is
 1279 healthy and comfortable for its occupants and is economical to
 1280 operate while conserving resources, including energy, water, and

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1281 raw materials and land, and minimizing the generation and use of
 1282 toxic materials and waste in its design, construction,
 1283 landscaping, and operation.

1284 (7) "Sustainable building rating" means a rating
 1285 established by the United States Green Building Council (USGBC)
 1286 Leadership in Energy and Environmental Design (LEED) rating
 1287 system, the Green Building Initiative's Green Globes rating
 1288 system, the Florida Green Building Coalition standards, or a
 1289 nationally recognized, high-performance green building rating
 1290 system as approved by the department.

1291 Section 19. Subsection (1) of section 255.254, Florida
 1292 Statutes, is amended to read:

1293 255.254 No facility constructed or leased without life-
 1294 cycle costs.--

1295 (1) No state agency shall lease, construct, or have
 1296 constructed, within limits prescribed in this section ~~herein~~, a
 1297 facility without having secured from the department an ~~a proper~~
 1298 evaluation of life-cycle costs based on sustainable building
 1299 ratings, as computed by an architect or engineer. Furthermore,
 1300 construction shall proceed only upon disclosing to the
 1301 department, for the facility chosen, the life-cycle costs as
 1302 determined in s. 255.255, the facility's sustainable building
 1303 rating goal, and the capitalization of the initial construction
 1304 costs of the building. The life-cycle costs and the sustainable
 1305 building rating goal shall be a primary considerations
 1306 ~~consideration~~ in the selection of a building design. ~~Such~~
 1307 ~~analysis shall be required only for construction of buildings~~
 1308 ~~with an area of 5,000 square feet or greater.~~ For leased

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1309 buildings more than 5,000 ~~areas of 20,000~~ square feet in area ~~or~~
 1310 ~~greater~~ within a given building boundary, an energy performance
 1311 ~~a life-cycle~~ analysis consisting of a projection of the annual
 1312 energy consumption costs in dollars per square foot of major
 1313 energy-consuming equipment and systems based on actual expenses
 1314 from the last 3 years and projected forward for the term of the
 1315 proposed lease shall be performed. ~~The, and a~~ lease shall only
 1316 be made where there is a showing that the energy ~~life-cycle~~
 1317 costs incurred by the state are minimal compared to available
 1318 like facilities. A lease agreement for any building leased by
 1319 the state from a private-sector entity shall include provisions
 1320 for monthly energy use data to be collected and submitted
 1321 monthly to the department by the owner of the building.

1322 Section 20. Subsection (1) of section 255.255, Florida
 1323 Statutes, is amended to read:

1324 255.255 Life-cycle costs.--

1325 (1) The department shall adopt ~~promulgate~~ rules and
 1326 procedures, including energy conservation performance guidelines
 1327 based on sustainable building ratings, for conducting a life-
 1328 cycle cost analysis of alternative architectural and engineering
 1329 designs and alternative major items of energy-consuming
 1330 equipment to be retrofitted in existing state-owned ~~or leased~~
 1331 facilities and for developing energy performance indices to
 1332 evaluate the efficiency of energy utilization for competing
 1333 designs in the construction of state-financed and leased
 1334 facilities.

1335 Section 21. Section 255.257, Florida Statutes, is amended
 1336 to read:

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1337 255.257 Energy management; buildings occupied by state
 1338 agencies.--

1339 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
 1340 shall collect data on energy consumption and cost. The data
 1341 gathered shall be on state-owned facilities and metered state-
 1342 leased facilities of 5,000 net square feet or more. These data
 1343 will be used in the computation of the effectiveness of the
 1344 state energy management plan and the effectiveness of the energy
 1345 management program of each of the state agencies. Collected data
 1346 shall be reported annually to the department in a format
 1347 prescribed by the department.

1348 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency,
 1349 the Florida Public Service Commission, the Department of
 1350 Military Affairs, and the judicial branch shall appoint a
 1351 coordinator whose responsibility shall be to advise the head of
 1352 the state agency on matters relating to energy consumption in
 1353 facilities under the control of that head or in space occupied
 1354 by the various units comprising that state agency, in vehicles
 1355 operated by that state agency, and in other energy-consuming
 1356 activities of the state agency. The coordinator shall implement
 1357 the energy management program agreed upon by the state agency
 1358 concerned and assist the department in the development of the
 1359 State Energy Management Plan.

1360 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
 1361 Department of Management Services shall ~~may~~ develop a state
 1362 energy management plan consisting of, but not limited to, the
 1363 following elements:

1364 (a) Data-gathering requirements;

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- 1365 (b) Building energy audit procedures;
- 1366 (c) Uniform data analysis procedures;
- 1367 (d) Employee energy education program measures;
- 1368 (e) Energy consumption reduction techniques;
- 1369 (f) Training program for state agency energy management
- 1370 coordinators; and
- 1371 (g) Guidelines for building managers.

1372
 1373 The plan shall include a description of actions that state
 1374 agencies shall take to reduce consumption of electricity and
 1375 nonrenewable energy sources used for space heating and cooling,
 1376 ventilation, lighting, water heating, and transportation.

1377 (4) ADOPTION OF STANDARDS.--

1378 (a) All state agencies shall adopt the United States Green
 1379 Building Council (USGBC) Leadership in Energy and Environmental
 1380 Design (LEED) rating system, the Green Building Initiative's
 1381 Green Globes rating system, the Florida Green Building Coalition
 1382 standards, or a nationally recognized, high-performance green
 1383 building rating system as approved by the department for all new
 1384 buildings and renovations to existing buildings.

1385 (b) No state agency shall enter into new leasing
 1386 agreements for office space that does not meet Energy Star
 1387 building standards, except when determined by the appropriate
 1388 state agency head that no other viable or cost-effective
 1389 alternative exists.

1390 (c) All state agencies shall develop energy conservation
 1391 measures and guidelines for new and existing office space where
 1392 state agencies occupy more than 5,000 square feet. These

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1393 conservation measures shall focus on programs that may reduce
 1394 energy consumption and, when established, provide a net
 1395 reduction in occupancy costs.

1396 Section 22. (1) The Legislature declares that there is an
 1397 important state interest in promoting the construction of
 1398 energy-efficient and sustainable buildings. Government
 1399 leadership in promoting these standards is vital to demonstrate
 1400 the state's commitment to energy conservation, saving taxpayers
 1401 money, and raising public awareness of energy-rating systems.

1402 (2) All county, municipal, school district, water
 1403 management district, state university, community college, and
 1404 Florida state court buildings shall be constructed to meet the
 1405 United States Green Building Council (USGBC) Leadership in
 1406 Energy and Environmental Design (LEED) rating system, the Green
 1407 Building Initiative's Green Globes rating system, the Florida
 1408 Green Building Coalition standards, or a nationally recognized,
 1409 high-performance green building rating system as approved by the
 1410 Department of Management Services. This section shall apply to
 1411 all county, municipal, school district, water management
 1412 district, state university, community college, and Florida state
 1413 court buildings the architectural plans of which are commenced
 1414 after July 1, 2008.

1415 (3) St. Petersburg College may work with the Florida
 1416 Community College System and may consult with the University of
 1417 Florida to provide training and educational opportunities that
 1418 will ensure that green building rating system certifying agents
 1419 (accredited professionals who possess a knowledge and
 1420 understanding of green building processes, practices, and

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1421 principles) are available to work with the entities specified in
 1422 subsection (2) as they construct public buildings to meet green
 1423 building rating system standards. St. Petersburg College may
 1424 work with the construction industry to develop online continuing
 1425 education curriculum for use statewide by builders constructing
 1426 energy-efficient and sustainable public-sector buildings and
 1427 students interested in the college's Green/Sustainability Track
 1428 in its Management and Organization Leadership area of study.
 1429 Curriculum developed may be offered by St. Petersburg College or
 1430 in cooperation with other programs at other community colleges.

1431 Section 23. Section 286.29, Florida Statutes, is created
 1432 to read:

1433 286.29 Climate-friendly public business.--The Legislature
 1434 recognizes the importance of leadership by state government in
 1435 the area of energy efficiency and in reducing the greenhouse gas
 1436 emissions of state government operations. The following shall
 1437 pertain to all state agencies when conducting public business:

1438 (1) The Department of Management Services shall develop
 1439 the "Florida Climate-Friendly Preferred Products List." In
 1440 maintaining that list, the department, in consultation with the
 1441 Department of Environmental Protection, shall continually assess
 1442 products currently available for purchase under state term
 1443 contracts to identify specific products and vendors that offer
 1444 clear energy efficiency or other environmental benefits over
 1445 competing products. When procuring products from state term
 1446 contracts, state agencies shall first consult the Florida
 1447 Climate-Friendly Preferred Products List and procure such
 1448 products if the price is comparable.

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1449 (2) Effective July 1, 2008, state agencies shall contract
 1450 for meeting and conference space only with hotels or conference
 1451 facilities that have received the "Green Lodging" designation
 1452 from the Department of Environmental Protection for best
 1453 practices in water, energy, and waste efficiency standards,
 1454 unless the responsible state agency head makes a determination
 1455 that no other viable alternative exists. The Department of
 1456 Environmental Protection is authorized to adopt rules to
 1457 implement the "Green Lodging" program.

1458 (3) Each state agency shall ensure that all maintained
 1459 vehicles meet minimum maintenance schedules shown to reduce fuel
 1460 consumption, which include: ensuring appropriate tire pressures
 1461 and tread depth; replacing fuel filters and emission filters at
 1462 recommended intervals; using proper motor oils; and performing
 1463 timely motor maintenance. Each state agency shall measure and
 1464 report compliance to the Department of Management Services
 1465 through the Equipment Management Information System database.

1466 (4) When procuring new vehicles, all state agencies, state
 1467 universities, community colleges, and local governments that
 1468 purchase vehicles under a state purchasing plan shall first
 1469 define the intended purpose for the vehicle and determine which
 1470 of the following use classes for which the vehicle is being
 1471 procured:

- 1472 (a) State business travel, designated operator;
- 1473 (b) State business travel, pool operators;
- 1474 (c) Construction, agricultural, or maintenance work;
- 1475 (d) Conveyance of passengers;
- 1476 (e) Conveyance of building or maintenance materials and

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- 1477 supplies;
- 1478 (f) Off-road vehicle, motorcycle, or all-terrain vehicle;
- 1479 (g) Emergency response; or
- 1480 (h) Other.

1481

1482 Vehicles described in paragraphs (a) through (h), when being
 1483 processed for purchase or leasing agreements, must be selected
 1484 for the greatest fuel efficiency available for a given use class
 1485 when fuel economy data are available. Exceptions may be made for
 1486 individual vehicles in paragraph (g) when accompanied, during
 1487 the procurement process, by documentation indicating that the
 1488 operator or operators will exclusively be emergency first
 1489 responders or have special documented need for exceptional
 1490 vehicle performance characteristics. Any request for an
 1491 exception must be approved by the purchasing agency head and any
 1492 exceptional performance characteristics denoted as a part of the
 1493 procurement process prior to purchase.

1494 (5) All state agencies shall use ethanol and biodiesel
 1495 blended fuels when available. State agencies administering
 1496 central fueling operations for state-owned vehicles shall
 1497 procure biofuels for fleet needs to the greatest extent
 1498 practicable.

1499 Section 24. Paragraph (b) of subsection (2) and subsection
 1500 (5) of section 287.063, Florida Statutes, are amended to read:

1501 287.063 Deferred-payment commodity contracts; preaudit
 1502 review.--

1503 (2)

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1504 (b) The Chief Financial Officer shall establish, by rule,
 1505 criteria for approving purchases made under deferred-payment
 1506 contracts which require the payment of interest. Criteria shall
 1507 include, but not be limited to, the following provisions:

1508 1. No contract shall be approved in which interest exceeds
 1509 the statutory ceiling contained in this section. However, the
 1510 interest component of any master equipment financing agreement
 1511 entered into for the purpose of consolidated financing of a
 1512 deferred-payment, installment sale, or lease-purchase shall be
 1513 deemed to comply with the interest rate limitation of this
 1514 section so long as the interest component of every interagency
 1515 agreement under such master equipment financing agreement
 1516 complies with the interest rate limitation of this section.

1517 2. No deferred-payment purchase for less than \$30,000
 1518 shall be approved, unless it can be satisfactorily demonstrated
 1519 and documented to the Chief Financial Officer that failure to
 1520 make such deferred-payment purchase would adversely affect an
 1521 agency in the performance of its duties. However, the Chief
 1522 Financial Officer may approve any deferred-payment purchase if
 1523 the Chief Financial Officer determines that such purchase is
 1524 economically beneficial to the state.

1525 ~~3. No agency shall obligate an annualized amount of~~
 1526 ~~payments for deferred payment purchases in excess of current~~
 1527 ~~operating capital outlay appropriations, unless specifically~~
 1528 ~~authorized by law or unless it can be satisfactorily~~
 1529 ~~demonstrated and documented to the Chief Financial Officer that~~
 1530 ~~failure to make such deferred payment purchase would adversely~~
 1531 ~~affect an agency in the performance of its duties.~~

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1532 ~~3.4.~~ No contract shall be approved which extends payment
 1533 beyond 5 years, unless it can be satisfactorily demonstrated and
 1534 documented to the Chief Financial Officer that failure to make
 1535 such deferred-payment purchase would adversely affect an agency
 1536 in the performance of its duties. The payment term may not
 1537 exceed the useful life of the equipment unless the contract
 1538 provides for the replacement or the extension of the useful life
 1539 of the equipment during the term of the loan.

1540 (5) For purposes of this section, the annualized amount of
 1541 any such deferred payment commodity contract must be supported
 1542 from available recurring funds appropriated to the agency in an
 1543 appropriation category, ~~other than the expense appropriation~~
 1544 ~~category~~ as defined in chapter 216, that the Chief Financial
 1545 Officer has determined is appropriate or that the Legislature
 1546 has designated for payment of the obligation incurred under this
 1547 section.

1548 Section 25. Subsections (10) and (11) of section 287.064,
 1549 Florida Statutes, are amended to read:

1550 287.064 Consolidated financing of deferred-payment
 1551 purchases.--

1552 (10) (a) A master equipment financing agreement may finance
 1553 ~~Costs incurred pursuant to a guaranteed energy performance~~
 1554 ~~savings contract, including the cost of energy, water, or~~
 1555 ~~wastewater efficiency and conservation measures, each~~ as defined
 1556 in s. 489.145, excluding ~~may be financed pursuant to a master~~
 1557 ~~equipment financing agreement; however,~~ the costs of training,
 1558 operation, and maintenance, for a term of repayment that may not
 1559 ~~be financed. The period of time for repayment of the funds drawn~~

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1560 ~~pursuant to the master equipment financing agreement under this~~
 1561 ~~subsection~~ may exceed 5 years but may not exceed 20 ~~10~~ years.

1562 (b) The guaranteed energy, water, and wastewater savings
 1563 contractor shall provide for the replacement or the extension of
 1564 the useful life of the equipment during the term of the
 1565 contract.

1566 (11) For purposes of consolidated financing of deferred
 1567 payment commodity contracts under this section by a state
 1568 agency, the annualized amount of any such contract must be
 1569 supported from available recurring funds appropriated to the
 1570 agency in an appropriation category, ~~other than the expense~~
 1571 ~~appropriation category~~ as defined in chapter 216, which ~~that~~ the
 1572 Chief Financial Officer has determined is appropriate or which
 1573 ~~that~~ the Legislature has designated for payment of the
 1574 obligation incurred under this section.

1575 Section 26. Subsection (12) of section 287.16, Florida
 1576 Statutes, is added to read:

1577 287.16 Powers and duties of department.--The Department of
 1578 Management Services shall have the following powers, duties, and
 1579 responsibilities:

1580 (12) To conduct, in coordination with the Department of
 1581 Transportation, an analysis of fuel additive and biofuel use by
 1582 the Department of Transportation through its central fueling
 1583 facilities. The department shall encourage other state
 1584 government entities to analyze transportation fuel usage,
 1585 including the different types and percentages of fuels consumed,
 1586 and report such information to the department.

1587

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1588 Section 27. Present paragraphs (a) through (n) of
 1589 subsection (2) of section 288.1089, Florida Statutes, are
 1590 redesignated as paragraphs (b) through (o), respectively, and a
 1591 new paragraph (a) is added to that subsection, subsections (3),
 1592 (5), (6), and (7) of that section are amended, and paragraph (d)
 1593 is added to subsection (4) of that section, to read:

288.1089 Innovation Incentive Program.--

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

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

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

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

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- 1615 (a) The applicant's federal employer identification
- 1616 number, unemployment account number, and state sales tax
- 1617 registration number. If such numbers are not available at the
- 1618 time of application, they must be submitted to the office in
- 1619 writing prior to the disbursement of any payments under this
- 1620 section.
- 1621 (b) The location in this state at which the project is
- 1622 located or is to be located.
- 1623 (c) A description of the type of business activity,
- 1624 product, or research and development undertaken by the
- 1625 applicant, including six-digit North American Industry
- 1626 Classification System codes for all activities included in the
- 1627 project.
- 1628 (d) The applicant's projected investment in the project.
- 1629 (e) The total investment, from all sources, in the
- 1630 project.
- 1631 (f) The number of net new full-time equivalent jobs in
- 1632 this state the applicant anticipates having created as of
- 1633 December 31 of each year in the project and the average annual
- 1634 wage of such jobs.
- 1635 (g) The total number of full-time equivalent employees
- 1636 currently employed by the applicant in this state, if
- 1637 applicable.
- 1638 (h) The anticipated commencement date of the project.
- 1639 (i) A detailed explanation of why the innovation incentive
- 1640 is needed to induce the applicant to expand or locate in the
- 1641 state and whether an award would cause the applicant to locate
- 1642 or expand in this state.

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1643 (j) If applicable, an estimate of the proportion of the
 1644 revenues resulting from the project that will be generated
 1645 outside this state.

1646 (4) To qualify for review by the office, the applicant
 1647 must, at a minimum, establish the following to the satisfaction
 1648 of Enterprise Florida, Inc., and the office:

1649 (d) For an alternative and renewable energy project in
 1650 this state, the project must:

1651 1. Demonstrate a plan for significant collaboration with
 1652 an institution of higher education;

1653 2. Provide the state, at a minimum, a break-even return on
 1654 investment within a 20-year period;

1655 3. Include matching funds provided by the applicant or
 1656 other available sources. This requirement may be waived if the
 1657 office and the department determine that the merits of the
 1658 individual project or the specific circumstances warrant such
 1659 action;

1660 4. Be located in this state;

1661 5. Provide jobs that pay an estimated annual average wage
 1662 that equals at least 130 percent of the average private-sector
 1663 wage. The average wage requirement may be waived if the office
 1664 and the commission determine that the merits of the individual
 1665 project or the specific circumstances warrant such action; and

1666 6. Meet one of the following criteria:

1667 a. Result in the creation of at least 35 direct, new jobs
 1668 at the business.

1669 b. Have an activity or product that uses feedstock or
 1670 other raw materials grown or produced in this state.

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1671 c. Have a cumulative investment of at least \$50 million
 1672 within a 5-year period.

1673 d. Address the technical feasibility of the technology,
 1674 and the extent to which the proposed project has been
 1675 demonstrated to be technically feasible based on pilot project
 1676 demonstrations, laboratory testing, scientific modeling, or
 1677 engineering or chemical theory that supports the proposal.

1678 e. Include innovative technology and the degree to which
 1679 the project or business incorporates an innovative new
 1680 technology or an innovative application of an existing
 1681 technology.

1682 f. Include production potential and the degree to which a
 1683 project or business generates thermal, mechanical, or electrical
 1684 energy by means of a renewable energy resource that has
 1685 substantial long-term production potential. The project must, to
 1686 the extent possible, quantify annual production potential in
 1687 megawatts or kilowatts.

1688 g. Include and address energy efficiency and the degree to
 1689 which a project demonstrates efficient use of energy, water, and
 1690 material resources.

1691 h. Include project management and the ability of
 1692 management to administer a complete the business project.

1693 (5) Enterprise Florida, Inc., shall evaluate proposals for
 1694 innovation incentive awards and transmit recommendations for
 1695 awards to the office. Enterprise Florida, Inc., shall solicit
 1696 comments and recommendations from the Florida Energy and Climate
 1697 Commission for alternative and renewable energy project

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1698 proposals. Such evaluation and recommendation must include, but
 1699 need not be limited to:

1700 (a) A description of the project, its required facilities,
 1701 and the associated product, service, or research and development
 1702 associated with the project.

1703 (b) The percentage of match provided for the project.

1704 (c) The number of full-time equivalent jobs that will be
 1705 created by the project, the total estimated average annual wages
 1706 of such jobs, and the types of business activities and jobs
 1707 likely to be stimulated by the project.

1708 (d) The cumulative investment to be dedicated to the
 1709 project within 5 years and the total investment expected in the
 1710 project if more than 5 years.

1711 (e) The projected economic and fiscal impacts on the local
 1712 and state economies relative to investment.

1713 (f) A statement of any special impacts the project is
 1714 expected to stimulate in a particular business sector in the
 1715 state or regional economy or in the state's universities and
 1716 community colleges.

1717 (g) A statement of any anticipated or proposed
 1718 relationships with state universities.

1719 (h) A statement of the role the incentive is expected to
 1720 play in the decision of the applicant to locate or expand in
 1721 this state.

1722 (i) A recommendation and explanation of the amount of the
 1723 award needed to cause the applicant to expand or locate in this
 1724 state.

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1725 (j) A discussion of the efforts and commitments made by
 1726 the local community in which the project is to be located to
 1727 induce the applicant's location or expansion, taking into
 1728 consideration local resources and abilities.

1729 (k) A recommendation for specific performance criteria the
 1730 applicant would be expected to achieve in order to receive
 1731 payments from the fund and penalties or sanctions for failure to
 1732 meet or maintain performance conditions.

1733 (l) For a research and development facility project:

1734 1. A description of the extent to which the project has
 1735 the potential to serve as catalyst for an emerging or evolving
 1736 cluster.

1737 2. A description of the extent to which the project has or
 1738 could have a long-term collaborative research and development
 1739 relationship with one or more universities or community colleges
 1740 in this state.

1741 3. A description of the existing or projected impact of
 1742 the project on established clusters or targeted industry
 1743 sectors.

1744 4. A description of the project's contribution to the
 1745 diversity and resiliency of the innovation economy of this
 1746 state.

1747 5. A description of the project's impact on special needs
 1748 communities, including, but not limited to, rural areas,
 1749 distressed urban areas, and enterprise zones.

1750 (6) In consultation with Enterprise Florida, Inc., the
 1751 office may negotiate the proposed amount of an award for any
 1752 applicant meeting the requirements of this section. In

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1753 negotiating such award, the office shall consider the amount of
1754 the incentive needed to cause the applicant to locate or expand
1755 in this state in conjunction with other relevant applicant
1756 impact and cost information and analysis as described in this
1757 section. Particular emphasis shall be given to the potential for
1758 the project to stimulate additional private investment and high-
1759 quality employment opportunities in the area.

1760 (7) Upon receipt of the evaluation and recommendation from
1761 Enterprise Florida, Inc., and from the Florida Energy and
1762 Climate Commission for alternative and renewable energy project
1763 proposals, the director shall recommend to the Governor the
1764 approval or disapproval of an award. In recommending approval of
1765 an award, the director shall include proposed performance
1766 conditions that the applicant must meet in order to obtain
1767 incentive funds and any other conditions that must be met before
1768 the receipt of any incentive funds. The Governor shall consult
1769 with the President of the Senate and the Speaker of the House of
1770 Representatives before giving approval for an award. Upon
1771 approval of an award the Executive Office of the Governor shall
1772 release the funds pursuant to the legislative consultation and
1773 review requirements set forth in s. 216.177.

1774 (8) Upon approval by the Governor and release of the funds
1775 as set forth in subsection (7), the director shall issue a
1776 letter certifying the applicant as qualified for an award. The
1777 office and the applicant shall enter into an agreement that sets
1778 forth the conditions for payment of incentives. The agreement
1779 must include the total amount of funds awarded; the performance
1780 conditions that must be met to obtain the award or portions of

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1781 the award, including, but not limited to, net new employment in
1782 the state, average wage, and total cumulative investment;
1783 demonstration of a baseline of current service and a measure of
1784 enhanced capability; the methodology for validating performance;
1785 the schedule of payments; and sanctions for failure to meet
1786 performance conditions, including any clawback provisions.

1787 (9) Enterprise Florida, Inc., shall assist the office in
1788 validating the performance of an innovation business or research
1789 and development facility that has received an award. At the
1790 conclusion of the innovation incentive award agreement, or its
1791 earlier termination, Enterprise Florida, Inc., shall, within 90
1792 days, report the results of the innovation incentive award to
1793 the Governor, the President of the Senate, and the Speaker of
1794 the House of Representatives.

1795 (10) Enterprise Florida, Inc., shall develop business
1796 ethics standards based on appropriate best industry practices
1797 which shall be applicable to all award recipients. The standards
1798 shall address ethical duties of business enterprises, fiduciary
1799 responsibilities of management, and compliance with the laws of
1800 this state. Enterprise Florida, Inc., may collaborate with the
1801 State University System in reviewing and evaluating appropriate
1802 business ethics standards. Such standards shall be provided to
1803 the Governor, the President of the Senate, and the Speaker of
1804 the House of Representatives by December 31, 2006. An award
1805 agreement entered into on or after December 31, 2006, shall
1806 require a recipient to comply with the business ethics standards
1807 developed pursuant to this section.

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1808 Section 28. Section 316.0741, Florida Statutes, is amended
 1809 to read:

1810 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
 1811 lanes.--

1812 (1) As used in this section, the term:

1813 (a) "High-occupancy-vehicle ~~"High-occupancy vehicle~~ lane"
 1814 or "HOV lane" means a lane of a public roadway designated for
 1815 use by vehicles in which there is more than one occupant unless
 1816 otherwise authorized by federal law.

1817 (b) "Hybrid vehicle" means a motor vehicle that:

1818 1. Draws propulsion energy from an onboard source of
 1819 stored energy comprised of both an internal combustion or heat
 1820 engine using combustible fuel and a rechargeable energy-storage
 1821 system; and

1822 2. In the case of a passenger automobile or light truck,
 1823 has received a certificate of conformity under the Clean Air
 1824 Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
 1825 equivalent qualifying California standards for a low-emission
 1826 vehicle.

1827 (2) The number of persons who ~~that~~ must be in a vehicle to
 1828 qualify for legal use of the HOV lane and the hours during which
 1829 the lane will serve as an HOV lane, if it is not designated as
 1830 such on a full-time basis, must also be indicated on a traffic
 1831 control device.

1832 (3) Except as provided in subsection (4), a vehicle may
 1833 not be driven in an HOV lane if the vehicle is occupied by fewer
 1834 than the number of occupants indicated by a traffic control

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1835 device. A driver who violates this section shall be cited for a
 1836 moving violation, punishable as provided in chapter 318.

1837 (4) (a) Notwithstanding any other provision of this
 1838 section, an inherently low-emission vehicle (ILEV) that is
 1839 certified and labeled in accordance with federal regulations may
 1840 be driven in an HOV lane at any time, regardless of its
 1841 occupancy. In addition, upon the state's receipt of written
 1842 notice from the proper federal regulatory agency authorizing
 1843 such use, a vehicle defined as a hybrid vehicle under this
 1844 section may be driven in an HOV lane at any time, regardless of
 1845 its occupancy.

1846 (b) All eligible hybrid and other low-emission and energy-
 1847 efficient vehicles driven in an HOV lane must comply with the
 1848 minimum fuel economy standards in 23 U.S.C. s. 166(f)(3)(B).

1849 (c) Upon its effective date, the eligibility of hybrid and
 1850 other low-emission and energy-efficient vehicles for operation
 1851 in an HOV lane regardless of occupancy shall be determined in
 1852 accordance with the applicable final rule issued by the United
 1853 States Environmental Protection Agency pursuant to 23 U.S.C. s.
 1854 166(e).

1855 (5) The department shall issue a decal and registration
 1856 certificate, to be renewed annually, reflecting the HOV lane
 1857 designation on ~~such~~ vehicles meeting the criteria in subsection
 1858 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
 1859 department may charge a fee for a decal, not to exceed the costs
 1860 of designing, producing, and distributing each decal, or \$5,
 1861 whichever is less. The proceeds from sale of the decals shall be
 1862 deposited in the Highway Safety Operating Trust Fund. The

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1863 department may, for reasons of operation and management of HOV
 1864 facilities, limit or discontinue issuance of decals for the use
 1865 of HOV facilities by hybrid and low-emission and energy-
 1866 efficient vehicles regardless of occupancy if it has been
 1867 determined by the Department of Transportation that the
 1868 facilities are degraded as defined by 23 U.S.C. s. 166(d) (2).

1869 (6) Vehicles having decals by virtue of compliance with
 1870 the minimum fuel economy standards in 23 U.S.C. s. 166(f) (3) (B)
 1871 and that are registered for use in high-occupancy-vehicle toll
 1872 lanes or express lanes in accordance with Department of
 1873 Transportation rule shall be allowed to use any HOV lane
 1874 redesignated as a high-occupancy-vehicle toll lane without
 1875 requiring payment of the toll.

1876 ~~(5) As used in this section, the term "hybrid vehicle"~~
 1877 ~~means a motor vehicle:~~

1878 ~~(a) That draws propulsion energy from onboard sources of~~
 1879 ~~stored energy which are both:~~

1880 ~~1. An internal combustion or heat engine using combustible~~
 1881 ~~fuel; and~~

1882 ~~2. A rechargeable energy storage system; and~~

1883 ~~(b) That, in the case of a passenger automobile or light~~
 1884 ~~truck:~~

1885 ~~1. Has received a certificate of conformity under the~~
 1886 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

1887 ~~2. Meets or exceeds the equivalent qualifying California~~
 1888 ~~standards for a low emission vehicle.~~

1889 (7)~~(6)~~ The department may adopt rules necessary to
 1890 administer this section.

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1891 Section 29. Subsection (1) of section 337.401, Florida
 1892 Statutes, is amended to read:
 1893 337.401 Use of right-of-way for utilities subject to
 1894 regulation; permit; fees.--
 1895 (1) The department and local governmental entities,
 1896 referred to in ss. 337.401-337.404 as the "authority," that have
 1897 jurisdiction and control of public roads or publicly owned rail
 1898 corridors are authorized to prescribe and enforce reasonable
 1899 rules or regulations with reference to the placing and
 1900 maintaining along, across, or on any road or publicly owned rail
 1901 corridors under their respective jurisdictions any electric
 1902 transmission, telephone, telegraph, or other communications
 1903 services lines; pole lines; poles; railways; ditches; sewers;
 1904 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 1905 pumps; or other structures ~~hereinafter~~ referred to in this
 1906 section as the "utility." For aerial and underground electric
 1907 utility transmission lines designed to operate at 69 or more
 1908 kilovolts that are needed to accommodate the additional
 1909 electrical transfer capacity on the transmission grid resulting
 1910 from new base-load generating facilities, where there is no
 1911 other practicable alternative available for placement of the
 1912 electric utility transmission lines on the department's rights-
 1913 of-way, the department's rules shall provide for placement of
 1914 and access to such transmission lines adjacent to and within the
 1915 right-of-way of any department-controlled public roads,
 1916 including longitudinally within limited access facilities to the
 1917 greatest extent allowed by federal law, if compliance with the
 1918 standards established by such rules is achieved. Such rules may

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1919 include, but need not be limited to, that the use of the right-
 1920 of-way is reasonable based upon a consideration of economic and
 1921 environmental factors, including, without limitation, other
 1922 practicable alternative alignments, utility corridors and
 1923 easements, impacts on adjacent property owners, and minimum
 1924 clear zones and other safety standards, and further provide that
 1925 placement of the electric utility transmission lines within the
 1926 department's right-of-way does not interfere with operational
 1927 requirements of the transportation facility or planned or
 1928 potential future expansion of such transportation facility. If
 1929 the department approves longitudinal placement of electric
 1930 utility transmission lines in limited access facilities,
 1931 compensation for the use of the right-of-way is required. Such
 1932 consideration or compensation paid by the electric utility in
 1933 connection with the department's issuance of a permit does not
 1934 create any property right in the department's property
 1935 regardless of the amount of consideration paid or the
 1936 improvements constructed on the property by the utility. Upon
 1937 notice by the department that the property is needed for
 1938 expansion or improvement of the transportation facility, the
 1939 electric utility transmission line will relocate from the
 1940 facility at the electric utility's sole expense. The electric
 1941 utility shall pay to the department reasonable damages resulting
 1942 from the utility's failure or refusal to timely relocate its
 1943 transmission lines. The rules to be adopted by the department
 1944 may also address the compensation methodology and relocation. As
 1945 used in this subsection, the term "base-load generating
 1946 facilities" means electric power plants that are certified under

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1947 part II of chapter 403. The department may enter into a permit-
 1948 delegation agreement with a governmental entity if issuance of a
 1949 permit is based on requirements that the department finds will
 1950 ensure the safety and integrity of facilities of the Department
 1951 of Transportation; however, the permit-delegation agreement does
 1952 not apply to facilities of electric utilities as defined in s.
 1953 366.02(2).

1954 Section 30. Subsections (1) and (7) of section 339.175,
 1955 Florida Statutes, are amended to read:

1956 339.175 Metropolitan planning organization.--

1957 (1) PURPOSE.--It is the intent of the Legislature to
 1958 encourage and promote the safe and efficient management,
 1959 operation, and development of surface transportation systems
 1960 that will serve the mobility needs of people and freight and
 1961 foster economic growth and development within and through
 1962 urbanized areas of this state while minimizing transportation-
 1963 related fuel consumption, ~~and~~ air pollution, and greenhouse gas
 1964 emissions through metropolitan transportation planning processes
 1965 identified in this section. To accomplish these objectives,
 1966 metropolitan planning organizations, referred to in this section
 1967 as M.P.O.'s, shall develop, in cooperation with the state and
 1968 public transit operators, transportation plans and programs for
 1969 metropolitan areas. The plans and programs for each metropolitan
 1970 area must provide for the development and integrated management
 1971 and operation of transportation systems and facilities,
 1972 including pedestrian walkways and bicycle transportation
 1973 facilities that will function as an intermodal transportation
 1974 system for the metropolitan area, based upon the prevailing

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1975 principles provided in s. 334.046(1). The process for developing
 1976 such plans and programs shall provide for consideration of all
 1977 modes of transportation and shall be continuing, cooperative,
 1978 and comprehensive, to the degree appropriate, based on the
 1979 complexity of the transportation problems to be addressed. To
 1980 ensure that the process is integrated with the statewide
 1981 planning process, M.P.O.'s shall develop plans and programs that
 1982 identify transportation facilities that should function as an
 1983 integrated metropolitan transportation system, giving emphasis
 1984 to facilities that serve important national, state, and regional
 1985 transportation functions. For the purposes of this section,
 1986 those facilities include the facilities on the Strategic
 1987 Intermodal System designated under s. 339.63 and facilities for
 1988 which projects have been identified pursuant to s. 339.2819(4).

1989 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 1990 develop a long-range transportation plan that addresses at least
 1991 a 20-year planning horizon. The plan must include both long-
 1992 range and short-range strategies and must comply with all other
 1993 state and federal requirements. The prevailing principles to be
 1994 considered in the long-range transportation plan are: preserving
 1995 the existing transportation infrastructure; enhancing Florida's
 1996 economic competitiveness; and improving travel choices to ensure
 1997 mobility. The long-range transportation plan must be consistent,
 1998 to the maximum extent feasible, with future land use elements
 1999 and the goals, objectives, and policies of the approved local
 2000 government comprehensive plans of the units of local government
 2001 located within the jurisdiction of the M.P.O. Each M.P.O. is
 2002 encouraged to consider strategies that integrate transportation

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2003 and land use planning to provide for sustainable development and
 2004 reduce greenhouse gas emissions. The approved long-range
 2005 transportation plan must be considered by local governments in
 2006 the development of the transportation elements in local
 2007 government comprehensive plans and any amendments thereto. The
 2008 long-range transportation plan must, at a minimum:

2009 (a) Identify transportation facilities, including, but not
 2010 limited to, major roadways, airports, seaports, spaceports,
 2011 commuter rail systems, transit systems, and intermodal or
 2012 multimodal terminals that will function as an integrated
 2013 metropolitan transportation system. The long-range
 2014 transportation plan must give emphasis to those transportation
 2015 facilities that serve national, statewide, or regional
 2016 functions, and must consider the goals and objectives identified
 2017 in the Florida Transportation Plan as provided in s. 339.155. If
 2018 a project is located within the boundaries of more than one
 2019 M.P.O., the M.P.O.'s must coordinate plans regarding the project
 2020 in the long-range transportation plan.

2021 (b) Include a financial plan that demonstrates how the
 2022 plan can be implemented, indicating resources from public and
 2023 private sources which are reasonably expected to be available to
 2024 carry out the plan, and recommends any additional financing
 2025 strategies for needed projects and programs. The financial plan
 2026 may include, for illustrative purposes, additional projects that
 2027 would be included in the adopted long-range transportation plan
 2028 if reasonable additional resources beyond those identified in
 2029 the financial plan were available. For the purpose of developing
 2030 the long-range transportation plan, the M.P.O. and the

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2031 department shall cooperatively develop estimates of funds that
 2032 will be available to support the plan implementation. Innovative
 2033 financing techniques may be used to fund needed projects and
 2034 programs. Such techniques may include the assessment of tolls,
 2035 the use of value capture financing, or the use of value pricing.

2036 (c) Assess capital investment and other measures necessary
 2037 to:

2038 1. Ensure the preservation of the existing metropolitan
 2039 transportation system including requirements for the operation,
 2040 resurfacing, restoration, and rehabilitation of major roadways
 2041 and requirements for the operation, maintenance, modernization,
 2042 and rehabilitation of public transportation facilities; and

2043 2. Make the most efficient use of existing transportation
 2044 facilities to relieve vehicular congestion and maximize the
 2045 mobility of people and goods.

2046 (d) Indicate, as appropriate, proposed transportation
 2047 enhancement activities, including, but not limited to,
 2048 pedestrian and bicycle facilities, scenic easements,
 2049 landscaping, historic preservation, mitigation of water
 2050 pollution due to highway runoff, and control of outdoor
 2051 advertising.

2052 (e) In addition to the requirements of paragraphs (a)-(d),
 2053 in metropolitan areas that are classified as nonattainment areas
 2054 for ozone or carbon monoxide, the M.P.O. must coordinate the
 2055 development of the long-range transportation plan with the State
 2056 Implementation Plan developed pursuant to the requirements of
 2057 the federal Clean Air Act.

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2059 In the development of its long-range transportation plan, each
 2060 M.P.O. must provide the public, affected public agencies,
 2061 representatives of transportation agency employees, freight
 2062 shippers, providers of freight transportation services, private
 2063 providers of transportation, representatives of users of public
 2064 transit, and other interested parties with a reasonable
 2065 opportunity to comment on the long-range transportation plan.
 2066 The long-range transportation plan must be approved by the
 2067 M.P.O.

2068 Section 31. Subsections (2), (3), and (4) of section
 2069 350.01, Florida Statutes, are amended to read:

2070 350.01 Florida Public Service Commission; terms of
 2071 commissioners; vacancies; election and duties of chair; quorum;
 2072 proceedings.--

2073 (2) (a) Each commissioner serving on July 1, 1978, shall be
 2074 permitted to remain in office until the completion of his or her
 2075 current term. Upon the expiration of the term, a successor shall
 2076 be appointed in the manner prescribed by s. 350.031~~(5)~~, ~~(6)~~, and
 2077 ~~(7)~~ for a 4-year term, except that the terms of the initial
 2078 members appointed under this act shall be as follows:

2079 1. The vacancy created by the present term ending in
 2080 January, 1981, shall be filled by appointment for a 4-year term
 2081 and for 4-year terms thereafter; and

2082 2. The vacancies created by the two present terms ending
 2083 in January, 1979, shall be filled by appointment for a 3-year
 2084 term and for 4-year terms thereafter.

2085 (b) Two additional commissioners shall be appointed in the
 2086 manner prescribed by s. 350.031~~(5)~~, ~~(6)~~, and ~~(7)~~ for 4-year

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2087 terms beginning the first Tuesday after the first Monday in
 2088 January, 1979, and successors shall be appointed for 4-year
 2089 terms thereafter with each term beginning on January 2 of the
 2090 year the term commences and ending 4 years later on January 1.

2091 (c) Vacancies on the commission shall be filled for the
 2092 unexpired portion of the term in the same manner as original
 2093 appointments to the commission.

2094 (3) Any person serving on the commission who seeks to be
 2095 appointed or reappointed shall file with the nominating council
 2096 no later than June 1 prior to the year in which his or her term
 2097 expires at least 210 days before the expiration of his or her
 2098 ~~term~~ a statement that he or she desires to serve an additional
 2099 term.

2100 (4) One member of the commission shall be elected by
 2101 majority vote to serve as chair for a term of 2 years, beginning
 2102 on January 2 of the first year of the term with the first
 2103 ~~Tuesday after the first Monday in January 1979~~. A member may not
 2104 serve two consecutive terms as chair.

2105 Section 32. Section 350.012, Florida Statutes, is amended
 2106 to read:

2107 350.012 Committee on Public Counsel Service ~~Commission~~
 2108 Oversight; creation; membership; powers and duties.--

2109 (1) There is created a standing joint committee of the
 2110 Legislature, designated the Committee on Public Counsel Service
 2111 ~~Commission~~ Oversight, and composed of 12 members appointed as
 2112 follows: six members of the Senate appointed by the President of
 2113 the Senate, two of whom must be members of the minority party;
 2114 and six members of the House of Representatives appointed by the

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2115 Speaker of the House of Representatives, two of whom must be
 2116 members of the minority party. The terms of members shall be for
 2117 2 years and shall run from the organization of one Legislature
 2118 to the organization of the next Legislature. The President shall
 2119 appoint the chair of the committee in even-numbered years and
 2120 the vice chair in odd-numbered years, and the Speaker of the
 2121 House of Representatives shall appoint the chair of the
 2122 committee in odd-numbered years and the vice chair in even-
 2123 numbered years, from among the committee membership. Vacancies
 2124 shall be filled in the same manner as the original appointment.
 2125 Members shall serve without additional compensation, but shall
 2126 be reimbursed for expenses.

2127 (2) The committee shall+

2128 ~~(a) Recommend to the Governor nominees to fill a vacancy~~
 2129 ~~on the Public Service Commission, as provided by general law;~~
 2130 ~~and~~

2131 ~~(b)~~ appoint a Public Counsel as provided by general law.

2132 (3) The committee is authorized to file a complaint with
 2133 the Commission on Ethics alleging a violation of this chapter by
 2134 a commissioner, former commissioner, former commission employee,
 2135 or member of the Public Service Commission Nominating Council.

2136 (4) The committee will not have a permanent staff, but the
 2137 President of the Senate and the Speaker of the House of
 2138 Representatives shall select staff members from among existing
 2139 legislative staff, when and as needed.

2140 Section 33. Section 350.03, Florida Statutes, is amended
 2141 to read:

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2142 350.03 Power of Governor to remove and to fill
 2143 vacancies.-- The Governor shall have the same power to remove,
 2144 suspend, or appoint to fill vacancies in the office of
 2145 commissioners as in other offices, as set forth in s. 7, Art. IV
 2146 of the State Constitution.

2147 Section 34. Subsections (1), (5), (6), (7), and (8) of
 2148 section 350.031, Florida Statutes, are amended, and subsection
 2149 (9) is added to that section, to read:

2150 350.031 Florida Public Service Commission Nominating
 2151 Council.--

2152 (1) (a) There is created a Florida Public Service
 2153 Commission Nominating Council consisting of 12 ~~nine~~ members. At
 2154 least one member of the council must be 60 years of age or
 2155 older. Six ~~Three~~ members, including three members ~~one member~~ of
 2156 the House of Representatives, one of whom shall be a member of
 2157 the minority party, shall be appointed by and serve at the
 2158 pleasure of the Speaker of the House of Representatives. Six~~;~~
 2159 ~~three~~ members, including three members ~~one member~~ of the Senate,
 2160 one of whom shall be a member of the minority party, shall be
 2161 appointed by and serve at the pleasure of the President of the
 2162 Senate; ~~and three members shall be selected and appointed by a~~
 2163 ~~majority vote of the other six members of the council.~~

2164 (b) All terms shall be for 4 years except those members of
 2165 the House and Senate, who shall serve 2-year terms concurrent
 2166 with the 2-year elected terms of House members. All terms of the
 2167 members of the Public Service Commission Nominating Council
 2168 existing on June 30, 2008, shall terminate upon the effective
 2169 date of this act; however, such members may serve an additional

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2170 term if reappointed by the Speaker of the House of
 2171 Representatives or the President of the Senate. To establish
 2172 staggered terms, appointments of members shall be made for
 2173 initial terms to begin on July 1, 2008, with each appointing
 2174 officer to appoint three legislator members, one of whom shall
 2175 be a member of the minority party, to terms through the
 2176 remainder of the 2-year elected terms of House members; one
 2177 nonlegislator member to a 6-month term; one nonlegislator member
 2178 to an 18-month term; and one nonlegislator member to a 42-month
 2179 term. Thereafter, the terms of the nonlegislator members of the
 2180 Public Service Commission Nominating Council shall begin on
 2181 January 2 of the year the term commences and end 4 years later
 2182 on January 1.

2183 (c) The President of the Senate shall appoint the chair of
 2184 the council in even-numbered years and the vice chair in odd-
 2185 numbered years, and the Speaker of the House of Representatives
 2186 shall appoint the chair of the council in odd-numbered years and
 2187 the vice chair in even-numbered years, from among the council
 2188 membership.

2189 (d) Vacancies on the council shall be filled for the
 2190 unexpired portion of the term in the same manner as original
 2191 appointments to the council. A member may not be reappointed to
 2192 the council, except for a member of the House of Representatives
 2193 or the Senate who may be appointed to two 2-year terms, members
 2194 who are reappointed pursuant to paragraph (b), or a person who
 2195 is appointed to fill the remaining portion of an unexpired term.

2196 (5) A person may not be nominated to the Governor for
 2197 appointment to the ~~Committee on~~ Public Service Commission

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2198 ~~Oversight~~ until the council has determined that the person is
 2199 competent and knowledgeable in one or more fields, which shall
 2200 include, but not be limited to: public affairs, law, economics,
 2201 accounting, engineering, finance, natural resource conservation,
 2202 energy, or another field substantially related to the duties and
 2203 functions of the commission. The commission shall fairly
 2204 represent the above-stated fields. Recommendations of the
 2205 council shall be nonpartisan.

2206 (6) It is the responsibility of the council to nominate to
 2207 the Governor no fewer than three ~~Committee on Public Service~~
 2208 ~~Commission Oversight~~ ~~six~~ persons for each vacancy occurring on
 2209 the Public Service Commission. The council shall submit the
 2210 recommendations to the Governor by September 15 ~~committee by~~
 2211 ~~August 1~~ of those years in which the terms are to begin the
 2212 following January, or within 60 days after a vacancy occurs for
 2213 any reason other than the expiration of the term.

2214 (7) ~~The Committee on Public Service Commission Oversight~~
 2215 ~~shall select from the list of nominees provided by the~~
 2216 ~~nominating council three nominees for recommendation to the~~
 2217 ~~Governor for appointment to the commission. The recommendations~~
 2218 ~~must be provided to the Governor within 45 days after receipt of~~
 2219 ~~the list of nominees.~~ The Governor shall fill a vacancy
 2220 occurring on the Public Service Commission by appointment of one
 2221 of the applicants nominated by the council ~~committee~~ only after
 2222 a background investigation of such applicant has been conducted
 2223 by the Florida Department of Law Enforcement. If the Governor
 2224 has not made an appointment within 30 consecutive calendar days
 2225 after the receipt of the recommendation, the council ~~committee~~,

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2226 | by majority vote, shall appoint, within 30 days after the
 2227 | expiration of the Governor's time to make an appointment, one
 2228 | person from the applicants previously nominated to the Governor
 2229 | to fill the vacancy.

2230 | (8) Each appointment to the Public Service Commission
 2231 | shall be subject to confirmation by the Senate during the next
 2232 | regular session after the vacancy occurs. If the Senate refuses
 2233 | to confirm or fails to consider ~~rejects~~ the Governor's
 2234 | appointment, the council shall initiate, in accordance with this
 2235 | section, the nominating process within 30 days.

2236 | (9) When the Governor makes an appointment, to fill a
 2237 | vacancy occurring due to expiration of the term, and that
 2238 | appointment has not been confirmed by the Senate before the
 2239 | appointing Governor's term ends, a successor Governor may,
 2240 | within 30 days after taking office, recall the appointment and,
 2241 | prior to the first day of the next regular session, make a
 2242 | replacement appointment from the list provided to the previous
 2243 | Governor by the council. Such an appointment is subject to
 2244 | confirmation by the Senate at the next regular session following
 2245 | the creation of the vacancy to which the appointments are being
 2246 | made. If the replacement appointment is not timely made, or if
 2247 | the appointment is not confirmed by the Senate for any reason,
 2248 | the council, by majority vote, shall appoint, within 30 days
 2249 | after the Legislature adjourns sine die, one person from the
 2250 | applicants previously nominated to the Governor to fill the
 2251 | vacancy, and this appointee is subject to confirmation by the
 2252 | Senate during the next regular session following the
 2253 | appointment.

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2254 Section 35. Subsection (1) of section 350.061, Florida
 2255 Statutes, is amended to read:

2256 350.061 Public Counsel; appointment; oath; restrictions on
 2257 Public Counsel and his or her employees.--

2258 (1) The Committee on Public Counsel ~~Service Commission~~
 2259 Oversight shall appoint a Public Counsel by majority vote of the
 2260 members of the committee to represent the general public of
 2261 Florida before the Florida Public Service Commission. The Public
 2262 Counsel shall be an attorney admitted to practice before the
 2263 Florida Supreme Court and shall serve at the pleasure of the
 2264 Committee on Public Counsel ~~Service Commission~~ Oversight,
 2265 subject to biennial reconfirmation by the committee. The Public
 2266 Counsel shall perform his or her duties independently. Vacancies
 2267 in the office shall be filled in the same manner as the original
 2268 appointment.

2269 Section 36. Subsection (2) of section 350.0614, Florida
 2270 Statutes, is amended to read:

2271 350.0614 Public Counsel; compensation and expenses.--

2272 (2) The Legislature declares and determines that the
 2273 Public Counsel is under the legislative branch of government
 2274 within the intention of the legislation as expressed in chapter
 2275 216, and no power shall be in the Executive Office of the
 2276 Governor or its successor to release or withhold funds
 2277 appropriated to it, but the same shall be available for
 2278 expenditure as provided by law and the rules or decisions of the
 2279 Committee on Public Counsel ~~Service Commission~~ Oversight.

2280 Section 37. Subsection (7) is added to section 366.04,
 2281 Florida Statutes, to read:

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

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2282 366.04 Jurisdiction of commission.--
 2283 (7) (a) As used in this subsection, the term "affected
 2284 municipal electric utility" means a municipality that operates
 2285 an electric utility that:
 2286 1. Serves two cities in the same county;
 2287 2. Is located in a noncharter county;
 2288 3. Has between 30,000 and 35,000 retail electric customers
 2289 as of September 30, 2007; and
 2290 4. Does not have a service territory that extends beyond
 2291 its home county as of September 30, 2007.
 2292 (b) Each affected municipal electric utility shall conduct
 2293 a referendum election of all of its retail electric customers,
 2294 with each named retail electric customer having one vote,
 2295 concurrent with the next regularly scheduled general election
 2296 following the effective date of this act.
 2297 (c) The ballot for the referendum election required under
 2298 paragraph (b) shall contain the following question: "Should a
 2299 separate electric utility authority be created to operate the
 2300 business of the electric utility in the affected municipal
 2301 electric utility?" The statement shall be followed by the word
 2302 "yes" and the word "no."
 2303 (d) The provisions of the Election Code relating to notice
 2304 and conduct of the election shall be followed to the extent
 2305 practicable. Costs of the referendum election shall be borne by
 2306 the affected municipal electric utility.
 2307 (e) If a majority of the affected municipal electric
 2308 utility's retail electric customers vote in favor of creating a
 2309 separate electric utility authority, the affected municipal

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2310 electric utility shall, no later than January 15, 2009, provide
 2311 to each member of the Legislature whose district includes any
 2312 portion of the electric service territory of the affected
 2313 municipal electric utility a proposed charter that transfers
 2314 operations of its electric, water, and sewer utility businesses
 2315 to a duly-created authority, the governing board of which shall
 2316 proportionally represent the number of county and city
 2317 ratepayers of the electric utility.

2318 Section 38. Section 366.81, Florida Statutes, is amended
 2319 to read:

2320 366.81 Legislative findings and intent.--The Legislature
 2321 finds and declares that it is critical to utilize the most
 2322 efficient and cost-effective demand-side renewable energy
 2323 systems and conservation systems in order to protect the health,
 2324 prosperity, and general welfare of the state and its citizens.
 2325 Reduction in, and control of, the growth rates of electric
 2326 consumption and of weather-sensitive peak demand are of
 2327 particular importance. The Legislature further finds that the
 2328 Florida Public Service Commission is the appropriate agency to
 2329 adopt goals and approve plans related to the promotion of
 2330 demand-side renewable energy systems and the conservation of
 2331 electric energy and natural gas usage. The Legislature directs
 2332 the commission to develop and adopt overall goals and authorizes
 2333 the commission to require each utility to develop plans and
 2334 implement programs for increasing energy efficiency and
 2335 conservation and demand-side renewable energy systems within its
 2336 service area, subject to the approval of the commission. Since
 2337 solutions to our energy problems are complex, the Legislature

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2338 intends that the use of solar energy, renewable energy sources,
 2339 highly efficient systems, cogeneration, and load-control systems
 2340 be encouraged. Accordingly, in exercising its jurisdiction, the
 2341 commission shall not approve any rate or rate structure which
 2342 discriminates against any class of customers on account of the
 2343 use of such facilities, systems, or devices. This expression of
 2344 legislative intent shall not be construed to preclude
 2345 experimental rates, rate structures, or programs. The
 2346 Legislature further finds and declares that ss. 366.80-366.85
 2347 and 403.519 are to be liberally construed in order to meet the
 2348 complex problems of reducing and controlling the growth rates of
 2349 electric consumption and reducing the growth rates of weather-
 2350 sensitive peak demand; increasing the overall efficiency and
 2351 cost-effectiveness of electricity and natural gas production and
 2352 use; encouraging further development of demand-side renewable
 2353 energy systems ~~cogeneration facilities~~; and conserving expensive
 2354 resources, particularly petroleum fuels.

2355 Section 39. Section 366.82, Florida Statutes, is amended
 2356 to read:

2357 366.82 Definition; goals; plans; programs; annual reports;
 2358 energy audits.--

2359 (1) For the purposes of ss. 366.80-366.85 and 403.519:7

2360 (a) "Utility" means any person or entity of whatever form
 2361 which provides electricity or natural gas at retail to the
 2362 public, specifically including municipalities or
 2363 instrumentalities thereof and cooperatives organized under the
 2364 Rural Electric Cooperative Law and specifically excluding any
 2365 municipality or instrumentality thereof, any cooperative

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2366 organized under the Rural Electric Cooperative Law, or any other
 2367 person or entity providing natural gas at retail to the public
 2368 whose annual sales volume is less than 100 million therms or any
 2369 municipality or instrumentality thereof and any cooperative
 2370 organized under the Rural Electric Cooperative Law providing
 2371 electricity at retail to the public whose annual sales as of
 2372 July 1, 1993, to end-use customers is less than 2,000 gigawatt
 2373 hours.

2374 (b) "Demand-side renewable energy" means a system located
 2375 on a customer's premises generating thermal or electric energy
 2376 using Florida renewable energy resources and primarily intended
 2377 to offset all or part of the customer's electricity requirements
 2378 provided such system does not exceed 2 megawatts.

2379 (2) The commission shall adopt appropriate goals for
 2380 increasing the efficiency of energy consumption and increasing
 2381 the development of demand-side renewable energy systems
 2382 ~~co~~generation, specifically including goals designed to increase
 2383 the conservation of expensive resources, such as petroleum
 2384 fuels, to reduce and control the growth rates of electric
 2385 consumption, ~~and~~ to reduce the growth rates of weather-sensitive
 2386 peak demand, and to encourage development of demand-side
 2387 renewable energy resources. The commission may allow efficiency
 2388 investments across generation, transmission, and distribution as
 2389 well as efficiencies within the user base. ~~The Executive Office~~
 2390 ~~of the Governor shall be a party in the proceedings to adopt~~
 2391 ~~goals. The commission may change the goals for reasonable cause.~~
 2392 ~~The time period to review the goals, however, shall not exceed 5~~
 2393 ~~years. After the programs and plans to meet those goals are~~

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2394 ~~completed, the commission shall determine what further goals,~~
 2395 ~~programs, or plans are warranted and, if so, shall adopt them.~~

2396 (3) In developing the goals, the commission shall evaluate
 2397 the full technical potential of all available demand-side and
 2398 supply-side conservation and efficiency measures, including
 2399 demand-side renewable energy systems. In establishing the goals,
 2400 the commission shall take into consideration:

2401 (a) The costs and benefits to customers participating in
 2402 the measure.

2403 (b) The costs and benefits to the general body of
 2404 ratepayers as a whole, including utility incentives and
 2405 participant contributions.

2406 (c) The need for incentives to promote both customer-owned
 2407 and utility-owned energy efficiency and demand-side renewable
 2408 energy systems.

2409 (d) The costs imposed by state and federal regulations on
 2410 the emission of greenhouse gases.

2411 (4) Subject to specific appropriation, the commission may
 2412 expend up to \$250,000 from the Florida Public Service Regulatory
 2413 Trust Fund to obtain needed technical consulting assistance.

2414 (5) The Florida Energy and Climate Commission shall be a
 2415 party in the proceedings to adopt goals and shall file with the
 2416 commission comments on the proposed goals, including, but not
 2417 limited to:

2418 (a) An evaluation of utility load forecasts, including an
 2419 assessment of alternative supply-side and demand-side resource
 2420 options.

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2421 (b) An analysis of various policy options that can be
 2422 implemented to achieve a least-cost strategy, including
 2423 nonutility programs targeted at reducing and controlling the per
 2424 capita use of electricity in the state.

2425 (c) An analysis of the impact of state and local building
 2426 codes and appliance efficiency standards on the need for
 2427 utility-sponsored conservation and energy efficiency measures
 2428 and programs.

2429 (6) The commission may change the goals for reasonable
 2430 cause. The time period to review the goals, however, shall not
 2431 exceed 5 years. After the programs and plans to meet those goals
 2432 are completed, the commission shall determine what further
 2433 goals, programs, or plans are warranted and adopt them.

2434 (7)~~(3)~~ Following adoption of goals pursuant to subsections
 2435 ~~subsection (2) and (3),~~ the commission shall require each
 2436 utility to develop plans and programs to meet the overall goals
 2437 within its service area. The commission may require
 2438 modifications or additions to a utility's plans and programs at
 2439 any time it is in the public interest consistent with this act.
 2440 In approving plans and programs for cost recovery, the
 2441 commission shall have the flexibility to modify or deny plans or
 2442 programs that would have an undue impact on the costs passed on
 2443 to customers. If any plan or program includes loans, collection
 2444 of loans, or similar banking functions by a utility and the plan
 2445 is approved by the commission, the utility shall perform such
 2446 functions, notwithstanding any other provision of the law. The
 2447 ~~commission may pledge up to \$5 million of the Florida Public~~
 2448 ~~Service Regulatory Trust Fund to guarantee such loans. However,~~

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2449 no utility shall be required to loan its funds for the purpose
 2450 of purchasing or otherwise acquiring conservation measures or
 2451 devices, but nothing herein shall prohibit or impair the
 2452 administration or implementation of a utility plan as submitted
 2453 by a utility and approved by the commission under this
 2454 subsection. If the commission disapproves a plan, it shall
 2455 specify the reasons for disapproval, and the utility whose plan
 2456 is disapproved shall resubmit its modified plan within 30 days.
 2457 Prior approval by the commission shall be required to modify or
 2458 discontinue a plan, or part thereof, which has been approved. If
 2459 any utility has not implemented its programs and is not
 2460 substantially in compliance with the provisions of its approved
 2461 plan at any time, the commission shall adopt programs required
 2462 for that utility to achieve the overall goals. Utility programs
 2463 may include variations in rate design, load control,
 2464 cogeneration, residential energy conservation subsidy, or any
 2465 other measure within the jurisdiction of the commission which
 2466 the commission finds likely to be effective; this provision
 2467 shall not be construed to preclude these measures in any plan or
 2468 program.

2469 (8) The commission may authorize financial rewards for
 2470 those utilities over which it has rate-setting authority that
 2471 exceed their goals and may authorize financial penalties for
 2472 those utilities that fail to meet their goals, including, but
 2473 not limited to, the sharing of generation, transmission, and
 2474 distribution cost savings associated with conservation, energy
 2475 efficiency, and demand-side renewable energy systems additions.

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2476 (9) The commission is authorized to allow an investor-
 2477 owned electric utility an additional return on equity of up to
 2478 50 basis points for exceeding 20 percent of their annual load-
 2479 growth through energy efficiency and conservation measures. The
 2480 additional return on equity shall be established by the
 2481 commission through a limited proceeding.

2482 ~~(10)(4)~~ The commission shall require periodic reports from
 2483 each utility and shall provide the Legislature and the Governor
 2484 with an annual report by March 1 of the goals it has adopted and
 2485 its progress toward meeting those goals. The commission shall
 2486 also consider the performance of each utility pursuant to ss.
 2487 366.80-366.85 and 403.519 when establishing rates for those
 2488 utilities over which the commission has ratesetting authority.

2489 ~~(11)(5)~~ The commission shall require each utility to
 2490 offer, or to contract to offer, energy audits to its residential
 2491 customers. This requirement need not be uniform, but may be
 2492 based on such factors as level of usage, geographic location, or
 2493 any other reasonable criterion, so long as all eligible
 2494 customers are notified. The commission may extend this
 2495 requirement to some or all commercial customers. The commission
 2496 shall set the charge for audits by rule, not to exceed the
 2497 actual cost, and may describe by rule the general form and
 2498 content of an audit. In the event one utility contracts with
 2499 another utility to perform audits for it, the utility for which
 2500 the audits are performed shall pay the contracting utility the
 2501 reasonable cost of performing the audits. Each utility over
 2502 which the commission has ratesetting authority shall estimate
 2503 its costs and revenues for audits, conservation programs, and

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2504 implementation of its plan for the immediately following 6-month
 2505 period. Reasonable and prudent unreimbursed costs projected to
 2506 be incurred, or any portion of such costs, may be added to the
 2507 rates which would otherwise be charged by a utility upon
 2508 approval by the commission, provided that the commission shall
 2509 not allow the recovery of the cost of any company image-
 2510 enhancing advertising or of any advertising not directly related
 2511 to an approved conservation program. Following each 6-month
 2512 period, each utility shall report the actual results for that
 2513 period to the commission, and the difference, if any, between
 2514 actual and projected results shall be taken into account in
 2515 succeeding periods. The state plan as submitted for
 2516 consideration under the National Energy Conservation Policy Act
 2517 shall not be in conflict with any state law or regulation.

2518 (12)~~(6)~~~~(a)~~ Notwithstanding the provisions of s. 377.703,
 2519 the commission shall be the responsible state agency for
 2520 performing, coordinating, implementing, or administering the
 2521 functions of the state plan submitted for consideration under
 2522 the National Energy Conservation Policy Act and any acts
 2523 amendatory thereof or supplemental thereto and for performing,
 2524 coordinating, implementing, or administering the functions of
 2525 any future federal program delegated to the state which relates
 2526 to consumption, utilization, or conservation of electricity or
 2527 natural gas; and the commission shall have exclusive
 2528 responsibility for preparing all reports, information, analyses,
 2529 recommendations, and materials related to consumption,
 2530 utilization, or conservation of electrical energy which are
 2531 required or authorized by s. 377.703.

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2532 ~~(b) The Executive Office of the Governor shall be a party~~
 2533 ~~in the proceedings to adopt goals and shall file with the~~
 2534 ~~commission comments on the proposed goals including, but not~~
 2535 ~~limited to:~~

2536 1. ~~An evaluation of utility load forecasts, including an~~
 2537 ~~assessment of alternative supply and demand side resource~~
 2538 ~~options.~~

2539 2. ~~An analysis of various policy options which can be~~
 2540 ~~implemented to achieve a least cost strategy.~~

2541 (13)~~(7)~~ The commission shall establish all minimum
 2542 requirements for energy auditors used by each utility. The
 2543 commission is authorized to contract with any public agency or
 2544 other person to provide any training, testing, evaluation, or
 2545 other step necessary to fulfill the provisions of this
 2546 subsection.

2547 Section 40. Paragraph (d) of subsection (1) of section
 2548 366.8255, Florida Statutes, is amended to read:

2549 366.8255 Environmental cost recovery.--

2550 (1) As used in this section, the term:

2551 (d) "Environmental compliance costs" includes all costs or
 2552 expenses incurred by an electric utility in complying with
 2553 environmental laws or regulations, including, but not limited
 2554 to:

2555 1. Inservice capital investments, including the electric
 2556 utility's last authorized rate of return on equity thereon.†

2557 2. Operation and maintenance expenses.†

2558 3. Fuel procurement costs.†

2559 4. Purchased power costs.†

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- 2560 5. Emission allowance costs ~~and~~
- 2561 6. Direct taxes on environmental equipment ~~and~~
- 2562 7. Costs or expenses prudently incurred by an electric
- 2563 utility pursuant to an agreement entered into on or after the
- 2564 effective date of this act and prior to October 1, 2002, between
- 2565 the electric utility and the Florida Department of Environmental
- 2566 Protection or the United States Environmental Protection Agency
- 2567 for the exclusive purpose of ensuring compliance with ozone
- 2568 ambient air quality standards by an electrical generating
- 2569 facility owned by the electric utility.

2570 8. Costs or expenses prudently incurred for the

2571 quantification, reporting, and third-party verification as

2572 required for participation in greenhouse gas emission registries

2573 for greenhouse gases as defined in s. 403.44.

2574 9. Costs or expenses prudently incurred for scientific

2575 research and geological assessments of carbon capture and

2576 storage conducted in this state for the purpose of reducing an

2577 electric utility's greenhouse gas emissions when such costs or

2578 expenses are incurred in joint research projects with Florida

2579 state government agencies and Florida state universities.

2580 Section 41. Subsection (2) of section 366.91, Florida

2581 Statutes, is amended, subsection (5) is renumbered as subsection

2582 (8), and new subsections (5), (6), and (7) are added to that

2583 section, to read:

2584 366.91 Renewable energy.--

2585 (2) As used in this section, the term:

2586 (a) "Biomass" means a power source that is comprised of,

2587 but not limited to, combustible residues or gases from forest

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2588 products manufacturing, waste, byproducts, or products from
 2589 agricultural and orchard crops, waste or co-products ~~products~~
 2590 from livestock and poultry operations, waste or byproducts from
 2591 ~~and~~ food processing, urban wood waste, municipal solid waste,
 2592 municipal liquid waste treatment operations, and landfill gas.

2593 (b) "Customer-owned renewable generation" means an
 2594 electric generating system located on a customer's premises that
 2595 is primarily intended to offset part or all of the customer's
 2596 electricity requirements with renewable energy.

2597 (c) "Net metering" means a metering and billing
 2598 methodology whereby customer-owned renewable generation is
 2599 allowed to offset the customer's electricity consumption on
 2600 site.

2601 (d) ~~(b)~~ "Renewable energy" means electrical energy produced
 2602 from a method that uses one or more of the following fuels or
 2603 energy sources: hydrogen produced from sources other than fossil
 2604 fuels, biomass, solar energy, geothermal energy, wind energy,
 2605 ocean energy, and hydroelectric power. The term includes the
 2606 alternative energy resource, waste heat, from sulfuric acid
 2607 manufacturing operations.

2608 (5) On or before January 1, 2009, each public utility
 2609 shall develop a standardized interconnection agreement and net
 2610 metering program for customer-owned renewable generation. The
 2611 commission shall establish requirements relating to the
 2612 expedited interconnection and net metering of customer-owned
 2613 renewable generation by public utilities and may adopt rules to
 2614 administer this section.

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2615 (6) On or before July 1, 2009, each municipal electric
2616 utility and each rural electric cooperative that sells
2617 electricity at retail shall develop a standardized
2618 interconnection agreement and net metering program for customer-
2619 owned renewable generation. Each governing authority shall
2620 establish requirements relating to the expedited interconnection
2621 and net metering of customer-owned generation. By April 1 of
2622 each year, each municipal electric utility and rural electric
2623 cooperative utility serving retail customers shall file a report
2624 with the commission detailing customer participation in the
2625 interconnection and net metering program, including, but not
2626 limited to, the number and total capacity of interconnected
2627 generating systems and the total energy net metered in the
2628 previous year.

2629 (7) Under the provisions of subsections (5) and (6), when
2630 a utility purchases power generated from biogas produced by the
2631 anaerobic digestion of agricultural waste, including food waste
2632 or other agricultural byproducts, net metering shall be
2633 available at a single metering point or as a part of conjunctive
2634 billing of multiple points for a customer at a single location,
2635 so long as the provision of such service and its associated
2636 charges, terms, and other conditions are not reasonably
2637 projected to result in higher cost electric service to the
2638 utility's general body of ratepayers or adversely affect the
2639 adequacy or reliability of electric service to all customers, as
2640 determined by the commission for public utilities, or as
2641 determined by the governing authority of the municipal electric
2642 utility or rural electric cooperative that serves at retail.

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2643 Section 42. Section 366.92, Florida Statutes, is amended
 2644 to read:

2645 366.92 Florida renewable energy policy.--

2646 (1) It is the intent of the Legislature to promote the
 2647 development of renewable energy; protect the economic viability
 2648 of Florida's existing renewable energy facilities; diversify the
 2649 types of fuel used to generate electricity in Florida; lessen
 2650 Florida's dependence on natural gas and fuel oil for the
 2651 production of electricity; minimize the volatility of fuel
 2652 costs; encourage investment within the state; improve
 2653 environmental conditions; and, at the same time, minimize the
 2654 costs of power supply to electric utilities and their customers.

2655 (2) As used in ~~For the purposes of~~ this section, the term:

2656 (a) "Florida renewable energy resources" means ~~shall mean~~
 2657 renewable energy, as defined in s. 377.803, that is produced in
 2658 Florida.

2659 (b) "Provider" means a "utility" as defined in s.
 2660 366.8255(1)(a).

2661 (c) "Renewable energy" means renewable energy as defined
 2662 in s. 366.91(2)(d).

2663 (d) "Renewable energy credit" or "REC" means a product
 2664 that represents the unbundled, separable, renewable attribute of
 2665 renewable energy produced in Florida and is equivalent to 1
 2666 megawatt-hour of electricity generated by a source of renewable
 2667 energy located in Florida.

2668 (e) "Renewable portfolio standard" or "RPS" means the
 2669 minimum percentage of total annual retail electricity sales by a

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2670 provider to consumers in Florida that shall be supplied by
 2671 renewable energy produced in Florida.

2672 (3) The commission shall adopt rules for a renewable
 2673 portfolio standard requiring each provider to supply renewable
 2674 energy to its customers directly, by procuring, or through
 2675 renewable energy credits. In developing the RPS rule, the
 2676 commission shall consult the Department of Environmental
 2677 Protection and the Florida Energy and Climate Commission. The
 2678 rule shall not be implemented until ratified by the Legislature.
 2679 The commission shall present a draft rule for legislative
 2680 consideration by February 1, 2009.

2681 (a) In developing the rule, the commission shall evaluate
 2682 the current and forecasted levelized cost in cents per kilowatt
 2683 hour through 2020 and current and forecasted installed capacity
 2684 in kilowatts for each renewable energy generation method through
 2685 2020.

2686 (b) The commission's rule:

2687 1. Shall include methods of managing the cost of
 2688 compliance with the renewable portfolio standard, whether
 2689 through direct supply or procurement of renewable power or
 2690 through the purchase of renewable energy credits. The commission
 2691 shall have rulemaking authority for providing annual cost
 2692 recovery and incentive-based adjustments to authorized rates of
 2693 return on common equity to providers to incentivize renewable
 2694 energy. Notwithstanding s. 366.91(3) and (4), upon the
 2695 ratification of the rules developed pursuant to this subsection,
 2696 the commission may approve projects and power sales agreements
 2697 with renewable power producers and the sale of renewable energy

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2698 credits needed to comply with the renewable portfolio standard.
 2699 In the event of any conflict, this subparagraph shall supersede
 2700 s. 366.91(3) and (4). However, nothing in this section shall
 2701 alter the obligation of each public utility to continuously
 2702 offer a purchase contract to producers of renewable energy.

2703 2. Shall provide for appropriate compliance measures and
 2704 the conditions under which noncompliance shall be excused due to
 2705 a determination by the commission that the supply of renewable
 2706 energy or renewable energy credits was not adequate to satisfy
 2707 the demand for such energy or that the cost of securing
 2708 renewable energy or renewable energy credits was cost
 2709 prohibitive.

2710 3. May provide added weight to energy provided by wind and
 2711 solar photovoltaic over other forms of renewable energy, whether
 2712 directly supplied or procured or indirectly obtained through the
 2713 purchase of renewable energy credits.

2714 4. Shall determine an appropriate period of time for which
 2715 renewable energy credits may be used for purposes of compliance
 2716 with the renewable portfolio standard.

2717 5. Shall provide for monitoring of compliance with and
 2718 enforcement of the requirements of this section.

2719 6. Shall ensure that energy credited toward compliance
 2720 with the requirements of this section is not credited toward any
 2721 other purpose.

2722 7. Shall include procedures to track and account for
 2723 renewable energy credits, including ownership of renewable
 2724 energy credits that are derived from a customer-owned renewable
 2725 energy facility as a result of any action by a customer of an

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2726 electric power supplier that is independent of a program
 2727 sponsored by the electric power supplier.

2728 8. Shall provide for the conditions and options for the
 2729 repeal or alteration of the rule in the event that new
 2730 provisions of federal law supplant or conflict with the rule.

2731 (c) Beginning on April 1 of the year following final
 2732 adoption of the commission's renewable portfolio standard rule,
 2733 each provider shall submit a report to the commission describing
 2734 the steps that have been taken in the previous year and the
 2735 steps that will be taken in the future to add renewable energy
 2736 to the provider's energy supply portfolio. The report shall
 2737 state whether the provider was in compliance with the renewable
 2738 portfolio standard during the previous year and how it will
 2739 comply with the renewable portfolio standard in the upcoming
 2740 year.

2741 (4) In order to demonstrate the feasibility and viability
 2742 of clean energy systems, the commission shall provide for full
 2743 cost recovery under the environmental cost-recovery clause of
 2744 all reasonable and prudent costs incurred by a provider for
 2745 renewable energy projects that are zero greenhouse gas emitting
 2746 at the point of generation, up to a total of 110 megawatts
 2747 statewide, and for which the provider has secured necessary
 2748 land, zoning permits, and transmission rights within the state.
 2749 Such costs shall be deemed reasonable and prudent for purposes
 2750 of cost recovery so long as the provider has used reasonable and
 2751 customary industry practices in the design, procurement, and
 2752 construction of the project in a cost-effective manner
 2753 appropriate to the location of the facility. The provider shall

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2754 report to the commission as part of the cost-recovery
 2755 proceedings the construction costs, in-service costs, operating
 2756 and maintenance costs, hourly energy production of the renewable
 2757 energy project, and any other information deemed relevant by the
 2758 commission. Any provider constructing a clean energy facility
 2759 pursuant to this section shall file for cost recovery no later
 2760 than July 1, 2009.

2761 (5) Each municipal electric utility and rural electric
 2762 cooperative shall develop standards for the promotion,
 2763 encouragement, and expansion of the use of renewable energy
 2764 resources and energy conservation and efficiency measures. On or
 2765 before April 1, 2009, and annually thereafter, each municipal
 2766 electric utility and electric cooperative shall submit to the
 2767 commission a report that identifies such standards.

2768 (6) Nothing in this section shall be construed to impede
 2769 or impair terms and conditions of existing contracts.

2770 ~~(3) The commission may adopt appropriate goals for~~
 2771 ~~increasing the use of existing, expanded, and new Florida~~
 2772 ~~renewable energy resources. The commission may change the goals.~~
 2773 ~~The commission may review and reestablish the goals at least~~
 2774 ~~once every 5 years.~~

2775 (7)~~(4)~~ The commission may adopt rules to administer and
 2776 implement the provisions of this section.

2777 Section 43. Subsections (1), (2), and (6) of section
 2778 366.93, Florida Statutes, are amended to read:

2779 366.93 Cost recovery for the siting, design, licensing,
 2780 and construction of nuclear and integrated gasification combined
 2781 cycle power plants.--

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- 2782 (1) As used in this section, the term:
- 2783 (a) "Cost" includes, but is not limited to, all capital
 2784 investments, including rate of return, any applicable taxes, and
 2785 all expenses, including operation and maintenance expenses,
 2786 related to or resulting from the siting, licensing, design,
 2787 construction, or operation of the nuclear power plant, including
 2788 new, expanded, or relocated electrical transmission lines or
 2789 facilities of any size that are necessary thereto, or of the
 2790 integrated gasification combined cycle power plant.
- 2791 (b) "Electric utility" or "utility" has the same meaning
 2792 as that provided in s. 366.8255(1)(a).
- 2793 (c) "Integrated gasification combined cycle power plant"
 2794 or "plant" means ~~is~~ an electrical power plant as defined in s.
 2795 403.503 (14) ~~(13)~~ that uses synthesis gas produced by integrated
 2796 gasification technology.
- 2797 (d) "Nuclear power plant" or "plant" means ~~is~~ an
 2798 electrical power plant as defined in s. 403.503 (14) ~~(13)~~ that
 2799 uses nuclear materials for fuel.
- 2800 (e) "Power plant" or "plant" means a nuclear power plant
 2801 or an integrated gasification combined cycle power plant.
- 2802 (f) "Preconstruction" is that period of time after a site,
 2803 including any related electrical transmission lines or
 2804 facilities, has been selected through and including the date the
 2805 utility completes site clearing work. Preconstruction costs
 2806 shall be afforded deferred accounting treatment and shall accrue
 2807 a carrying charge equal to the utility's allowance for funds
 2808 during construction (AFUDC) rate until recovered in rates.

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2809 (2) Within 6 months after the enactment of this act, the
2810 commission shall establish, by rule, alternative cost recovery
2811 mechanisms for the recovery of costs incurred in the siting,
2812 design, licensing, and construction of a nuclear power plant,
2813 including new, expanded, or relocated electrical transmission
2814 lines and facilities that are necessary thereto, or of an
2815 integrated gasification combined cycle power plant. Such
2816 mechanisms shall be designed to promote utility investment in
2817 nuclear or integrated gasification combined cycle power plants
2818 and allow for the recovery in rates of all prudently incurred
2819 costs, and shall include, but ~~are~~ not be limited to:

2820 (a) Recovery through the capacity cost recovery clause of
2821 any preconstruction costs.

2822 (b) Recovery through an incremental increase in the
2823 utility's capacity cost recovery clause rates of the carrying
2824 costs on the utility's projected construction cost balance
2825 associated with the nuclear or integrated gasification combined
2826 cycle power plant. To encourage investment and provide
2827 certainty, for nuclear or integrated gasification combined cycle
2828 power plant need petitions submitted on or before December 31,
2829 2010, associated carrying costs shall be equal to the pretax
2830 AFUDC in effect upon this act becoming law. For nuclear or
2831 integrated gasification combined cycle power plants for which
2832 need petitions are submitted after December 31, 2010, the
2833 utility's existing pretax AFUDC rate is presumed to be
2834 appropriate unless determined otherwise by the commission in the
2835 determination of need for the nuclear or integrated gasification
2836 combined cycle power plant.

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2837 (6) ~~If In the event~~ the utility elects not to complete or
 2838 is precluded from completing construction of the nuclear power
 2839 plant, including new, expanded, or relocated electrical
 2840 transmission lines or facilities necessary thereto, or of the
 2841 integrated gasification combined cycle power plant, the utility
 2842 shall be allowed to recover all prudent preconstruction and
 2843 construction costs incurred following the commission's issuance
 2844 of a final order granting a determination of need for the
 2845 nuclear power plant and electrical transmission lines and
 2846 facilities necessary thereto or for the integrated gasification
 2847 combined cycle power plant. The utility shall recover such costs
 2848 through the capacity cost recovery clause over a period equal to
 2849 the period during which the costs were incurred or 5 years,
 2850 whichever is greater. The unrecovered balance during the
 2851 recovery period will accrue interest at the utility's weighted
 2852 average cost of capital as reported in the commission's earnings
 2853 surveillance reporting requirement for the prior year.

2854 Section 44. Section 377.601, Florida Statutes, is amended
 2855 to read:

2856 377.601 Legislative intent.--

2857 (1) The Legislature finds that the state's energy security
 2858 can be increased by lessening dependence on foreign oil; that
 2859 the impacts of global climate change can be reduced through the
 2860 reduction of greenhouse gas emissions; and that the
 2861 implementation of alternative energy technologies can be a
 2862 source of new jobs and employment opportunities for many
 2863 Floridians. The Legislature further finds that the state is
 2864 positioned at the front line against potential impacts of global

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2865 climate change. Human and economic costs of those impacts can be
2866 averted by global actions and, where necessary, adapted to by a
2867 concerted effort to make Florida's communities more resilient
2868 and less vulnerable to these impacts. In focusing the
2869 government's policy and efforts to benefit and protect our
2870 state, its citizens, and its resources, the Legislature believes
2871 that a single government entity with a specific focus on energy
2872 and climate change is both desirable and advantageous. Further,
2873 the Legislature finds that energy infrastructure provides the
2874 foundation for secure and reliable access to the energy supplies
2875 and services on which Florida depends. Therefore, there is
2876 significant value to Florida consumers that comes from
2877 investment in Florida's energy infrastructure that increases
2878 system reliability, enhances energy independence and
2879 diversification, stabilizes energy costs, and reduces greenhouse
2880 gas emissions ~~ability to deal effectively with present shortages~~
2881 ~~of resources used in the production of energy is aggravated and~~
2882 ~~intensified because of inadequate or nonexistent information and~~
2883 ~~that intelligent response to these problems and to the~~
2884 ~~development of a state energy policy demands accurate and~~
2885 ~~relevant information concerning energy supply, distribution, and~~
2886 ~~use. The Legislature finds and declares that a procedure for the~~
2887 ~~collection and analysis of data on the energy flow in this state~~
2888 ~~is essential to the development and maintenance of an energy~~
2889 ~~profile defining the characteristics and magnitudes of present~~
2890 ~~and future energy demands and availability so that the state may~~
2891 ~~rationally deal with present energy problems and anticipate~~
2892 ~~future energy problems.~~

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2893 ~~(2) The Legislature further recognizes that every state~~
 2894 ~~official dealing with energy problems should have current and~~
 2895 ~~reliable information on the types and quantity of energy~~
 2896 ~~resources produced, imported, converted, distributed, exported,~~
 2897 ~~stored, held in reserve, or consumed within the state.~~

2898 ~~(3) It is the intent of the Legislature in the passage of~~
 2899 ~~this act to provide the necessary mechanisms for the effective~~
 2900 ~~development of information necessary to rectify the present lack~~
 2901 ~~of information which is seriously handicapping the state's~~
 2902 ~~ability to deal effectively with the energy problem. To this~~
 2903 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
 2904 ~~broadest possible interpretation consistent with the stated~~
 2905 ~~legislative desire to procure vital information.~~

2906 ~~(2)~~⁽⁴⁾ It is the policy of the State of Florida to:

2907 (a) Develop and promote the effective use of energy in the
 2908 state, and discourage all forms of energy waste, and recognize
 2909 and address the potential of global climate change wherever
 2910 possible.

2911 (b) Play a leading role in developing and instituting
 2912 energy management programs aimed at promoting energy
 2913 conservation, energy security, and the reduction of greenhouse
 2914 gas emissions.

2915 (c) Include energy considerations in all state, regional,
 2916 and local planning.

2917 (d) Utilize and manage effectively energy resources used
 2918 within state agencies.

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2919 (e) Encourage local governments to include energy
 2920 considerations in all planning and to support their work in
 2921 promoting energy management programs.

2922 (f) Include the full participation of citizens in the
 2923 development and implementation of energy programs.

2924 (g) Consider in its decisions the energy needs of each
 2925 economic sector, including residential, industrial, commercial,
 2926 agricultural, and governmental uses, and reduce those needs
 2927 whenever possible.

2928 (h) Promote energy education and the public dissemination
 2929 of information on energy and its environmental, economic, and
 2930 social impact.

2931 (i) Encourage the research, development, demonstration,
 2932 and application of alternative energy resources, particularly
 2933 renewable energy resources.

2934 (j) Consider, in its decisionmaking, the social, economic,
 2935 and environmental impacts of energy-related activities,
 2936 including the whole-life-cycle impacts of any potential energy
 2937 use choices, so that detrimental effects of these activities are
 2938 understood and minimized.

2939 (k) Develop and maintain energy emergency preparedness
 2940 plans to minimize the effects of an energy shortage within
 2941 Florida.

2942 Section 45. All of the records, property, unexpended
 2943 balances of appropriations, and personnel related to the Florida
 2944 Energy Commission for the administration and implementation of
 2945 s. 377.901, Florida Statutes, shall be transferred from the
 2946 Office of Legislative Services to the Florida Energy and Climate

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2947 Commission in the Executive Office of the Governor. The
 2948 Executive Office of the Governor is authorized to establish four
 2949 full-time equivalent positions to staff the Florida Energy and
 2950 Climate Commission.

2951 Section 46. Section 377.6015, Florida Statutes, is created
 2952 to read:

2953 377.6015 Florida Energy and Climate Commission.--

2954 (1) The Florida Energy and Climate Commission is created
 2955 within the Executive Office of the Governor. The commission
 2956 shall be comprised of nine members appointed by the Governor,
 2957 the Commissioner of Agriculture, and the Chief Financial
 2958 Officer.

2959 (a) The Governor shall appoint one member from three
 2960 persons nominated by the Florida Public Service Commission
 2961 Nominating Council, created in s. 350.031, to each of seven
 2962 seats on the commission. The Commissioner of Agriculture shall
 2963 appoint one member from three persons nominated by the council
 2964 to one seat on the commission. The Chief Financial Officer shall
 2965 appoint one member from three persons nominated by the council
 2966 to one seat on the commission.

2967 1. The council shall submit the recommendations to the
 2968 Governor, the Commissioner of Agriculture, and the Chief
 2969 Financial Officer by September 1 of those years in which the
 2970 terms are to begin the following October or within 60 days after
 2971 a vacancy occurs for any reason other than the expiration of the
 2972 term. The Governor, the Commissioner of Agriculture, and the
 2973 Chief Financial Officer may proffer names of persons to be
 2974 considered for nomination by the council.

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2975 2. The Governor, the Commissioner of Agriculture, and the
 2976 Chief Financial Officer shall fill a vacancy occurring on the
 2977 commission by appointment of one of the applicants nominated by
 2978 the council only after a background investigation of such
 2979 applicant has been conducted by the Department of Law
 2980 Enforcement.

2981 3. Members shall be appointed to 3-year terms; however, in
 2982 order to establish staggered terms, for the initial
 2983 appointments, the Governor shall appoint four members to 3-year
 2984 terms, two members to 2-year terms, and one member to a 1-year
 2985 term, and the Commissioner of Agriculture and the Chief
 2986 Financial Officer shall each appoint one member to a 3-year term
 2987 and shall appoint a successor when that appointee's term expires
 2988 in the same manner as the original appointment.

2989 4. The Governor shall select from the membership of the
 2990 commission one person to serve as chair.

2991 5. A vacancy on the commission shall be filled for the
 2992 unexpired portion of the term in the same manner as the original
 2993 appointment.

2994 6. If the Governor, the Commissioner of Agriculture, or
 2995 the Chief Financial Officer has not made an appointment within
 2996 30 consecutive calendar days after the receipt of the
 2997 recommendations, the council shall initiate, in accordance with
 2998 this section, the nominating process within 30 days.

2999 7. Each appointment to the commission shall be subject to
 3000 confirmation by the Senate during the next regular session after
 3001 the vacancy occurs. If the Senate refuses to confirm or fails to
 3002 consider the appointment of the Governor, the Commissioner of

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3003 Agriculture, or the Chief Financial Officer, the council shall
 3004 initiate, in accordance with this section, the nominating
 3005 process within 30 days.

3006 8. The Governor or the Governor's successor may recall an
 3007 appointee.

3008 (b) Members must meet the following qualifications and
 3009 restrictions:

3010 1. A member must be an expert in one or more of the
 3011 following fields: energy, natural resource conservation,
 3012 economics, engineering, finance, law, transportation and land
 3013 use, consumer protection, state energy policy, or another field
 3014 substantially related to the duties and functions of the
 3015 commission. The commission shall fairly represent the fields
 3016 specified in this subparagraph.

3017 2. Each member shall, at the time of appointment and at
 3018 each commission meeting during his or her term of office,
 3019 disclose:

3020 a. Whether he or she has any financial interest, other
 3021 than ownership of shares in a mutual fund, in any business
 3022 entity that, directly or indirectly, owns or controls, or is an
 3023 affiliate or subsidiary of, any business entity that may be
 3024 affected by the policy recommendations developed by the
 3025 commission.

3026 b. Whether he or she is employed by or is engaged in any
 3027 business activity with any business entity that, directly or
 3028 indirectly, owns or controls, or is an affiliate or subsidiary
 3029 of, any business entity that may be affected by the policy
 3030 recommendations developed by the commission.

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3031 (c) The chair may designate the following ex officio,
 3032 nonvoting members to provide information and advice to the
 3033 commission at the request of the chair:

3034 1. The chair of the Florida Public Service Commission, or
 3035 his or her designee.

3036 2. The Public Counsel, or his or her designee.

3037 3. A representative of the Department of Agriculture and
 3038 Consumer Services.

3039 4. A representative of the Department of Financial
 3040 Services.

3041 5. A representative of the Department of Environmental
 3042 Protection.

3043 6. A representative of the Department of Community
 3044 Affairs.

3045 7. A representative of the Board of Governors of the State
 3046 University System.

3047 8. A representative of the Department of Transportation.

3048 (2) Members shall serve without compensation but are
 3049 entitled to reimbursement for per diem and travel expenses as
 3050 provided in s. 112.061.

3051 (3) Meetings of the commission may be held in various
 3052 locations around the state and at the call of the chair;
 3053 however, the commission must meet at least six times each year.

3054 (4) The commission may:

3055 (a) Employ staff and counsel as needed in the performance
 3056 of its duties.

3057 (b) Prosecute and defend legal actions in its own name.

3058 (c) Form advisory groups consisting of members of the

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3059 | public to provide information on specific issues.
 3060 | (5) The commission shall:
 3061 | (a) Administer the Florida Renewable Energy and Energy
 3062 | Efficient Technologies Grants Program pursuant to s. 377.804 to
 3063 | assure a robust grant portfolio.
 3064 | (b) Develop policy for requiring grantees to provide
 3065 | royalty-sharing or licensing agreements with state government
 3066 | for commercialized products developed under a state grant.
 3067 | (c) Administer the Florida Green Government Grants Act
 3068 | pursuant to s. 377.808 and set annual priorities for grants.
 3069 | (d) Administer the information gathering and reporting
 3070 | functions pursuant to ss. 377.601-377.608.
 3071 | (e) Administer petroleum planning and emergency
 3072 | contingency planning pursuant to ss. 377.701, 377.703, and
 3073 | 377.704.
 3074 | (f) Represent Florida in the Southern States Energy
 3075 | Compact pursuant to ss. 377.71-377.712.
 3076 | (g) Complete the annual assessment of the efficacy of
 3077 | Florida's Energy and Climate Change Action Plan, upon completion
 3078 | by the Governor's Action Team on Energy and Climate Change
 3079 | pursuant to the Governor's Executive Order 2007-128, and
 3080 | provide specific recommendations to the Governor and the
 3081 | Legislature each year to improve results.
 3082 | (h) Administer the provisions of the Florida Energy and
 3083 | Climate Protection Act pursuant to ss. 377.801-377.806.
 3084 | (i) Advocate for energy and climate change issues and
 3085 | provide educational outreach and technical assistance in
 3086 | cooperation with the state's academic institutions.

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3087 (j) Be a party in the proceedings to adopt goals and
 3088 submit comments to the Public Service Commission pursuant to s.
 3089 366.82.

3090 (k) Adopt rules pursuant to chapter 120 in order to
 3091 implement all powers and duties described in this section.

3092 Section 47. Section 377.602, Florida Statutes, is amended
 3093 to read:

3094 377.602 Definitions.--As used in ss. 377.601-377.608:

3095 (1) "Commission" means the Florida Energy and Climate
 3096 Commission.

3097 (2)~~(1)~~ "Energy resources" includes, but shall not be
 3098 limited to:

3099 (a) Energy converted from solar radiation, wind, hydraulic
 3100 potential, tidal movements, biomass, geothermal sources, and
 3101 other energy resources the commission determines to be important
 3102 to the production or supply of energy.

3103 (b)~~(a)~~ Propane, butane, motor gasoline, kerosene, home
 3104 heating oil, diesel fuel, other middle distillates, aviation
 3105 gasoline, kerosene-type jet fuel, naphtha-type jet fuel,
 3106 residual fuels, crude oil, and other petroleum products and
 3107 hydrocarbons as may be determined by the commission ~~department~~
 3108 to be of importance.

3109 (c)~~(b)~~ All natural gas, including casinghead gas, all
 3110 other hydrocarbons not defined as petroleum products in
 3111 paragraph (b) ~~(a)~~, and liquefied petroleum gas as defined in s.
 3112 527.01.

3113 (d)~~(c)~~ All types of coal and products derived from its
 3114 conversion and used as fuel.

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3115 (e)~~(d)~~ All types of nuclear energy, special nuclear
 3116 material, and source material, as defined in former s. 290.07.

3117 ~~(e) Every other energy resource, whether natural or~~
 3118 ~~manmade which the department determines to be important to the~~
 3119 ~~production or supply of energy, including, but not limited to,~~
 3120 ~~energy converted from solar radiation, wind, hydraulic~~
 3121 ~~potential, tidal movements, and geothermal sources.~~

3122 (f) All electrical energy.

3123 ~~(2) "Department" means the Department of Environmental~~
 3124 ~~Protection.~~

3125 (3) "Person" means producer, refiner, wholesaler,
 3126 marketer, consignee, jobber, distributor, storage operator,
 3127 importer, exporter, firm, corporation, broker, cooperative,
 3128 public utility as defined in s. 366.02, rural electrification
 3129 cooperative, municipality engaged in the business of providing
 3130 electricity or other energy resources to the public, pipeline
 3131 company, person transporting any energy resources as defined in
 3132 subsection (2) ~~(1)~~, and person holding energy reserves for
 3133 further production; however, "person" does not include persons
 3134 exclusively engaged in the retail sale of petroleum products.

3135 Section 48. All of the powers, duties, functions, records,
 3136 personnel, and property; unexpended balances of appropriations,
 3137 allocations, and other funds; administrative authority;
 3138 administrative rules; pending issues; and existing contracts of
 3139 the state energy program in the Department of Environmental
 3140 Protection, as authorized and governed by ss. 20.255, 288.041,
 3141 377.601-377.608, 377.703, and 377.801-377.806, Florida Statutes,
 3142 are transferred by a type two transfer, pursuant to s. 20.06(2),

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3143 Florida Statutes, to the Florida Energy and Climate Commission
 3144 in the Executive Office of the Governor.

3145 Section 49. Section 377.603, Florida Statutes, is amended
 3146 to read:

3147 377.603 Energy data collection; powers and duties of the
 3148 commission ~~Department of Environmental Protection.~~--

3149 (1) The commission may ~~department shall~~ collect data on
 3150 the extraction, production, importation, exportation,
 3151 refinement, transportation, transmission, conversion, storage,
 3152 sale, or reserves of energy resources in this state in an
 3153 efficient and expeditious manner.

3154 (2) The commission may ~~department shall~~ prepare periodic
 3155 reports of energy data it collects.

3156 ~~(3) The department shall prescribe and furnish forms for~~
 3157 ~~the collection of information as required by ss. 377.601-377.608~~
 3158 ~~and shall consult with other state entities to assure that such~~
 3159 ~~data collected will meet their data requirements.~~

3160 (3)-(4) The commission ~~department~~ may adopt and promulgate
 3161 such rules and regulations as are necessary to carry out the
 3162 provisions of ss. 377.601-377.608. Such rules shall be pursuant
 3163 to chapter 120.

3164 (4)-(5) The commission ~~department~~ shall maintain internal
 3165 validation procedures to assure the accuracy of information
 3166 received.

3167 Section 50. Section 377.604, Florida Statutes, is amended
 3168 to read:

3169 377.604 Required reports.--Every person who produces,
 3170 imports, exports, refines, transports, transmits, converts,

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3171 stores, sells, or holds known reserves of any form of energy
 3172 resources used as fuel shall report to the commission, at the
 3173 request of department at a frequency set, and in a manner
 3174 prescribed, by the commission department, on forms provided by
 3175 the commission department and prepared with the advice of
 3176 representatives of the energy industry. Such forms shall be
 3177 designed in such a manner as to indicate:

3178 (1) The identity of the person or persons making the
 3179 report.

3180 (2) The quantity of energy resources extracted, produced,
 3181 imported, exported, refined, transported, transmitted,
 3182 converted, stored, or sold except at retail.

3183 (3) The quantity of energy resources known to be held in
 3184 reserve in the state.

3185 (4) The identity of each refinery from which petroleum
 3186 products have normally been obtained and the type and quantity
 3187 of products secured from that refinery for sale or resale in
 3188 this state.

3189 (5) Any other information which the commission department
 3190 deems proper pursuant to the intent of ss. 377.601-377.608.

3191 Section 51. Section 377.605, Florida Statutes, is amended
 3192 to read:

3193 377.605 Use of existing information.--The commission may
 3194 ~~department shall~~ utilize to the fullest extent possible any
 3195 existing energy information already prepared for state or
 3196 federal agencies. Every state, county, and municipal agency
 3197 shall cooperate with the commission department and shall submit

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3198 any information on energy to the commission ~~department~~ upon
 3199 request.

3200 Section 52. Section 377.606, Florida Statutes, is amended
 3201 to read:

3202 377.606 Records of the commission ~~department~~; limits of
 3203 confidentiality.--The information or records of individual
 3204 persons, as defined in this section ~~herein~~, obtained by the
 3205 commission ~~department~~ as a result of a report, investigation, or
 3206 verification required by the commission ~~department~~, shall be
 3207 open to the public, except such information the disclosure of
 3208 which would be likely to cause substantial harm to the
 3209 competitive position of the person providing such information
 3210 and which is requested to be held confidential by the person
 3211 providing such information. Such proprietary information is
 3212 confidential and exempt from the provisions of s. 119.07(1).
 3213 Information reported by entities other than the commission
 3214 ~~department~~ in documents or reports open to public inspection
 3215 shall under no circumstances be classified as confidential by
 3216 the commission ~~department~~. Divulgence of proprietary information
 3217 as is requested to be held confidential, except upon order of a
 3218 court of competent jurisdiction or except to an officer of the
 3219 state entitled to receive the same in his or her official
 3220 capacity, shall be a misdemeanor of the second degree,
 3221 punishable as provided in ss. 775.082 and 775.083. Nothing in
 3222 this section ~~herein~~ shall be construed to prohibit the
 3223 publication or divulgence by other means of data so classified
 3224 as to prevent identification of particular accounts or reports
 3225 made to the commission ~~department~~ in compliance with s. 377.603

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3226 or to prohibit the disclosure of such information to properly
 3227 qualified legislative committees. The commission ~~department~~
 3228 shall establish a system which permits reasonable access to
 3229 information developed.

3230 Section 53. Section 377.608, Florida Statutes, is amended
 3231 to read:

3232 377.608 Prosecution of cases by state attorney.--The state
 3233 attorney shall prosecute all cases certified to him or her for
 3234 prosecution by the commission ~~department~~ immediately upon
 3235 receipt of the evidence transmitted by the commission
 3236 ~~department~~, or as soon thereafter as practicable.

3237 Section 54. Section 377.701, Florida Statutes, is amended
 3238 to read:

3239 377.701 Petroleum allocation.--

3240 (1) The Florida Energy and Climate Commission ~~Department~~
 3241 ~~of Environmental Protection~~ shall assume the state's role in
 3242 petroleum allocation and conservation, including the development
 3243 of a fair and equitable petroleum plan. The commission
 3244 ~~department~~ shall constitute the responsible state agency for
 3245 performing the functions of any federal program delegated to the
 3246 state, which relates to petroleum supply, demand, and
 3247 allocation.

3248 (2) The commission ~~department~~ shall, in addition to
 3249 assuming the duties and responsibilities provided by subsection
 3250 (1), perform the following:

3251 (a) In projecting available supplies of petroleum,
 3252 coordinate with the Department of Revenue to secure information
 3253 necessary to assure the sufficiency and accuracy of data

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3254 submitted by persons affected by any federal fuel allocation
 3255 program.

3256 (b) Require such periodic reports from public and private
 3257 sources as may be necessary to the fulfillment of its
 3258 responsibilities under this act. Such reports may include:
 3259 petroleum use; all sales, including end-user sales, except
 3260 retail gasoline and retail fuel oil sales; inventories; expected
 3261 supplies and allocations; and petroleum conservation measures.

3262 (c) In cooperation with the Department of Revenue and
 3263 other relevant state agencies, provide for long-range studies
 3264 regarding the usage of petroleum in the state in order to:

- 3265 1. Comprehend the consumption of petroleum resources.
- 3266 2. Predict future petroleum demands in relation to
 3267 available resources.
- 3268 3. Report the results of such studies to the Legislature.

3269 (3) For the purpose of determining accuracy of data, all
 3270 state agencies shall timely provide the commission ~~department~~
 3271 with petroleum-use information in a format suitable to the needs
 3272 of the allocation program.

3273 (4) A ~~No~~ state employee may not ~~shall~~ divulge or make
 3274 known in any manner any proprietary information acquired under
 3275 this act if the disclosure of such information would be likely
 3276 to cause substantial harm to the competitive position of the
 3277 person providing such information and if the person requests
 3278 that such information be held confidential, except in accordance
 3279 with a court order or in the publication of statistical
 3280 information compiled by methods which do ~~would~~ not disclose the
 3281 identity of individual suppliers or companies. Such proprietary

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3282 information is confidential and exempt from the provisions of s.
 3283 119.07(1). Nothing in this subsection shall be construed to
 3284 prevent inspection of reports by the Attorney General, members
 3285 of the Legislature, and interested state agencies; however, such
 3286 agencies and their employees and members are bound by the
 3287 requirements set forth in this subsection.

3288 (5) Any person who willfully fails to submit information
 3289 required by this act or submits false information or who
 3290 violates any provision of this act commits ~~is guilty of~~ a
 3291 misdemeanor of the first degree and shall be punished as
 3292 provided in ss. 775.082 and 775.083.

3293 Section 55. Section 377.703, Florida Statutes, is amended
 3294 to read:

3295 377.703 Additional functions of the Florida Energy and
 3296 Climate Commission ~~Department of Environmental Protection,~~
 3297 ~~energy emergency contingency plan, federal and state~~
 3298 ~~conservation programs.--~~

3299 (1) LEGISLATIVE INTENT.--Recognizing that energy supply
 3300 and demand questions have become a major area of concern to the
 3301 state which must be dealt with by effective and well-coordinated
 3302 state action, it is the intent of the Legislature to promote the
 3303 efficient, effective, and economical management of energy
 3304 problems, centralize energy coordination responsibilities,
 3305 pinpoint responsibility for conducting energy programs, and
 3306 ensure the accountability of state agencies for the
 3307 implementation of s. 377.601(2)~~(4)~~, the state energy policy. It
 3308 is the specific intent of the Legislature that nothing in this
 3309 act shall in any way change the powers, duties, and

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3310 responsibilities assigned by the Florida Electrical Power Plant
 3311 Siting Act, part II of chapter 403, or the powers, duties, and
 3312 responsibilities of the Florida Public Service Commission.

3313 ~~(2) DEFINITIONS.~~

3314 ~~(a) "Coordinate," "coordination," or "coordinating" means~~
 3315 ~~the examination and evaluation of state plans and programs and~~
 3316 ~~the providing of recommendations to the Cabinet, Legislature,~~
 3317 ~~and appropriate state agency on any measures deemed necessary to~~
 3318 ~~ensure that such plans and programs are consistent with state~~
 3319 ~~energy policy.~~

3320 ~~(b) "Energy conservation" means increased efficiency in~~
 3321 ~~the utilization of energy.~~

3322 ~~(c) "Energy emergency" means an actual or impending~~
 3323 ~~shortage or curtailment of usable, necessary energy resources,~~
 3324 ~~such that the maintenance of necessary services, the protection~~
 3325 ~~of public health, safety, and welfare, or the maintenance of~~
 3326 ~~basic sound economy is imperiled in any geographical section of~~
 3327 ~~the state or throughout the entire state.~~

3328 ~~(d) "Energy source" means electricity, fossil fuels, solar~~
 3329 ~~power, wind power, hydroelectric power, nuclear power, or any~~
 3330 ~~other resource which has the capacity to do work.~~

3331 ~~(e) "Facilities" means any building or structure not~~
 3332 ~~otherwise exempted by the provisions of this act.~~

3333 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~
 3334 ~~coal, natural gas, or any other substance used primarily for its~~
 3335 ~~energy content.~~

3336 ~~(g) "Local government" means any county, municipality,~~
 3337 ~~regional planning agency, or other special district or local~~

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3338 ~~governmental entity the policies or programs of which may affect~~
 3339 ~~the supply or demand, or both, for energy in the state.~~

3340 ~~(h) "Promotion" or "promote" means to encourage, aid,~~
 3341 ~~assist, provide technical and financial assistance, or otherwise~~
 3342 ~~seek to plan, develop, and expand.~~

3343 ~~(i) "Regional planning agency" means those agencies~~
 3344 ~~designated as regional planning agencies by the Department of~~
 3345 ~~Community Affairs.~~

3346 ~~(j) "Renewable energy resource" means any method, process,~~
 3347 ~~or substance the use of which does not diminish its availability~~
 3348 ~~or abundance, including, but not limited to, biomass conversion,~~
 3349 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~
 3350 ~~from waste, ocean thermal gradient power, hydroelectric power,~~
 3351 ~~and fuels derived from agricultural products.~~

3352 ~~(2)(3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT OF~~
 3353 ~~ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department of~~
 3354 ~~Environmental Protection shall, in addition to assuming the~~
 3355 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
 3356 ~~perform the following functions consistent with the development~~
 3357 ~~of a state energy policy:~~

3358 ~~(a) The commission ~~department~~ shall assume the~~
 3359 ~~responsibility for development of an energy emergency~~
 3360 ~~contingency plan to respond to serious shortages of primary and~~
 3361 ~~secondary energy sources. Upon a finding by the Governor,~~
 3362 ~~implementation of any emergency program shall be upon order of~~
 3363 ~~the Governor that a particular kind or type of fuel is, or that~~
 3364 ~~the occurrence of an event which is reasonably expected within~~
 3365 ~~30 days will make the fuel, in short supply. The commission~~

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3366 ~~department~~ shall then respond by instituting the appropriate
 3367 measures of the contingency plan to meet the given emergency or
 3368 energy shortage. The Governor may utilize the provisions of s.
 3369 252.36(5) to carry out any emergency actions required by a
 3370 serious shortage of energy sources.

3371 (b) The commission ~~department~~ shall be ~~constitute~~ the
 3372 responsible ~~state agency~~ for performing or coordinating the
 3373 functions of any federal energy programs delegated to the state,
 3374 including energy supply, demand, conservation, or allocation.

3375 (c) The commission ~~department~~ shall analyze present and
 3376 proposed federal energy programs and make recommendations
 3377 regarding those programs to the Governor and the Legislature.

3378 (d) The commission ~~department~~ shall coordinate efforts to
 3379 seek federal support or other support for state energy
 3380 activities, including energy conservation, research, or
 3381 development, and shall be ~~the state agency~~ responsible for the
 3382 coordination of multiagency energy conservation programs and
 3383 plans.

3384 (e) The commission ~~department~~ shall analyze energy data
 3385 collected and prepare long-range forecasts of energy supply and
 3386 demand in coordination with the Florida Public Service
 3387 Commission, which shall have responsibility for electricity and
 3388 natural gas forecasts. To this end, the forecasts shall contain:

3389 1. An analysis of the relationship of state economic
 3390 growth and development to energy supply and demand, including
 3391 the constraints to economic growth resulting from energy supply
 3392 constraints.

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3393 2. Plans for the development of renewable energy resources
 3394 and reduction in dependence on depletable energy resources,
 3395 particularly oil and natural gas, and an analysis of the extent
 3396 to which renewable energy sources are being utilized in the
 3397 state.

3398 3. Consideration of alternative scenarios of statewide
 3399 energy supply and demand for 5, 10, and 20 years, to identify
 3400 strategies for long-range action, including identification of
 3401 potential social, economic, and environmental effects.

3402 4. An assessment of the state's energy resources,
 3403 including examination of the availability of commercially
 3404 developable and imported fuels, and an analysis of anticipated
 3405 effects on the state's environment and social services resulting
 3406 from energy resource development activities or from energy
 3407 supply constraints, or both.

3408 (f) The commission ~~department~~ shall submit an annual
 3409 report to ~~make a report, as requested by~~ the Governor and ~~or~~ the
 3410 Legislature, reflecting its activities and making
 3411 recommendations of policies for improvement of the state's
 3412 response to energy supply and demand and its effect on the
 3413 health, safety, and welfare of the people of Florida. The report
 3414 shall include a report from the Florida Public Service
 3415 Commission on electricity and natural gas and information on
 3416 energy conservation programs conducted and underway ~~under way~~ in
 3417 the past year and shall include recommendations for energy
 3418 conservation programs for the state, including, but not limited
 3419 to, the following factors:

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3420 1. Formulation of specific recommendations for improvement
 3421 in the efficiency of energy utilization in governmental,
 3422 residential, commercial, industrial, and transportation sectors.

3423 2. Collection and dissemination of information relating to
 3424 energy conservation.

3425 3. Development and conduct of educational and training
 3426 programs relating to energy conservation.

3427 4. An analysis of the ways in which state agencies are
 3428 seeking to implement s. 377.601(2)(4), the state energy policy,
 3429 and recommendations for better fulfilling this policy.

3430 (g) The commission ~~department~~ has authority to adopt rules
 3431 pursuant to ss. 120.536(1) and 120.54 to implement the
 3432 provisions of this act.

3433 (h) The commission shall promote the development and use
 3434 of renewable energy resources, in conformance with the
 3435 provisions of chapter 187 and s. 377.601, by:

3436 1. Establishing goals and strategies for increasing the
 3437 use of solar energy in this state.

3438 2. Aiding and promoting the commercialization of solar
 3439 energy technology, in cooperation with the Florida Solar Energy
 3440 Center, Enterprise Florida, Inc., and any other federal, state,
 3441 or local governmental agency which may seek to promote research,
 3442 development, and demonstration of solar energy equipment and
 3443 technology.

3444 3. Identifying barriers to greater use of solar energy
 3445 systems in this state, and developing specific recommendations
 3446 for overcoming identified barriers, with findings and

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3447 | recommendations to be submitted annually in the report to the
 3448 | Governor and Legislature required under paragraph (f).

3449 | 4. In cooperation with the Department of Environmental
 3450 | Protection, the Department of Transportation, the Department of
 3451 | Community Affairs, Enterprise Florida, Inc., the Florida Solar
 3452 | Energy Center, and the Florida Solar Energy Industries
 3453 | Association, investigating opportunities, pursuant to the
 3454 | National Energy Policy Act of 1992, ~~and~~ the Housing and
 3455 | Community Development Act of 1992, and any subsequent federal
 3456 | legislation, for solar electric vehicles and other solar energy
 3457 | manufacturing, distribution, installation, and financing efforts
 3458 | which will enhance this state's position as the leader in solar
 3459 | energy research, development, and use.

3460 | 5. Undertaking other initiatives to advance the
 3461 | development and use of renewable energy resources in this state.

3462 |
 3463 | In the exercise of its responsibilities under this paragraph,
 3464 | the commission ~~department~~ shall seek the assistance of the solar
 3465 | energy industry in this state and other interested parties and
 3466 | is authorized to enter into contracts, retain professional
 3467 | consulting services, and expend funds appropriated by the
 3468 | Legislature for such purposes.

3469 | (i) The commission ~~department~~ shall promote energy
 3470 | conservation in all energy use sectors throughout the state and
 3471 | shall constitute the state agency primarily responsible for this
 3472 | function. To this end, the commission ~~department~~ shall
 3473 | coordinate the energy conservation programs of all state

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3474 agencies and review and comment on the energy conservation
 3475 programs of all state agencies.

3476 (j) The commission ~~department~~ shall serve as the state
 3477 clearinghouse for indexing and gathering all information related
 3478 to energy programs in state universities, in private
 3479 universities, in federal, state, and local government agencies,
 3480 and in private industry and shall prepare and distribute such
 3481 information in any manner necessary to inform and advise the
 3482 citizens of the state of such programs and activities. This
 3483 shall include developing and maintaining a current index and
 3484 profile of all research activities, which shall be identified by
 3485 energy area and may include a summary of the project, the amount
 3486 and sources of funding, anticipated completion dates, or, in
 3487 case of completed research, conclusions, recommendations, and
 3488 applicability to state government and private sector functions.
 3489 The commission ~~department~~ shall coordinate, promote, and respond
 3490 to efforts by all sectors of the economy to seek financial
 3491 support for energy activities. The commission ~~department~~ shall
 3492 provide information to consumers regarding the anticipated
 3493 energy-use and energy-saving characteristics of products and
 3494 services in coordination with any federal, state, or local
 3495 governmental agencies as may provide such information to
 3496 consumers.

3497 (k) The commission ~~department~~ shall coordinate energy-
 3498 related programs of state government, including, but not limited
 3499 to, the programs provided in this section. To this end, the
 3500 commission ~~department~~ shall:

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3501 1. Provide assistance to other state agencies, counties,
 3502 municipalities, and regional planning agencies to further and
 3503 promote their energy planning activities.

3504 2. Require, in cooperation with the Department of
 3505 Management Services, all state agencies to operate state-owned
 3506 and state-leased buildings in accordance with energy
 3507 conservation standards as adopted by the Department of
 3508 Management Services. Every 3 months, the Department of
 3509 Management Services shall furnish the commission ~~department~~ data
 3510 on agencies' energy consumption and emissions of greenhouse
 3511 gases in a format prescribed by the commission ~~mutually agreed~~
 3512 ~~upon by the two departments~~.

3513 3. Promote the development and use of renewable energy
 3514 resources, energy efficiency technologies, and conservation
 3515 measures.

3516 4. Promote the recovery of energy from wastes, including,
 3517 but not limited to, the use of waste heat, the use of
 3518 agricultural products as a source of energy, and recycling of
 3519 manufactured products. Such promotion shall be conducted in
 3520 conjunction with, and after consultation with, the Department of
 3521 Environmental Protection ~~and~~ the Florida Public Service
 3522 Commission where electrical generation or natural gas is
 3523 involved, and any other relevant federal, state, or local
 3524 governmental agency having responsibility for resource recovery
 3525 programs.

3526 (1) The commission ~~department~~ shall develop, coordinate,
 3527 and promote a comprehensive research plan for state programs.

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3528 Such plan shall be consistent with state energy policy and shall
 3529 be updated on a biennial basis.

3530 (m) In recognition of the devastation to the economy of
 3531 this state and the dangers to the health and welfare of
 3532 residents of this state caused by severe hurricanes ~~Hurricane~~
 3533 ~~Andrew~~, and the potential for such impacts caused by other
 3534 natural disasters, the commission ~~department~~ shall include in
 3535 its energy emergency contingency plan and provide to the Florida
 3536 Building Commission ~~Department of Community Affairs~~ for
 3537 inclusion in the Florida Energy Efficiency Code for Building
 3538 Construction ~~state model energy efficiency building code~~
 3539 specific provisions to facilitate the use of cost-effective
 3540 solar energy technologies as emergency remedial and preventive
 3541 measures for providing electric power, street lighting, and
 3542 water heating service in the event of electric power outages.

3543 ~~(3)-(4)~~ The commission ~~department~~ shall be responsible for
 3544 the administration of the Coastal Energy Impact Program provided
 3545 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

3546 Section 56. Paragraph (a) of subsection (2) of section
 3547 377.705, Florida Statutes, is amended to read:

3548 377.705 Solar Energy Center; development of solar energy
 3549 standards.--

3550 (2) LEGISLATIVE FINDINGS AND INTENT.--

3551 (a) ~~The Legislature recognizes that if present trends~~
 3552 ~~continue, Florida will increase present energy consumption~~
 3553 ~~sixfold by the year 2000. Because of this dramatic increase and~~
 3554 ~~because existing domestic conventional energy resources will not~~
 3555 ~~provide sufficient energy to meet the nation's future needs, new~~

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3556 ~~sources of energy must be developed and applied. One such~~
 3557 ~~source, solar energy, has been in limited use in Florida for 30~~
 3558 ~~years. Applications of incident solar energy, the use of solar~~
 3559 ~~radiation to provide energy for water heating, space heating,~~
 3560 ~~space cooling, and other uses, through suitable absorbing~~
 3561 ~~equipment on or near a residence or commercial structure, must~~
 3562 ~~be extensively expanded. Unfortunately, the initial costs with~~
 3563 ~~regard to the production of solar energy have been prohibitively~~
 3564 ~~expensive. However,~~ Because of increases in the cost of
 3565 conventional fuel, certain applications of solar energy are
 3566 becoming competitive, particularly when life-cycle costs are
 3567 considered. It is the intent of the Legislature in formulating a
 3568 sound and balanced energy policy for the state to encourage the
 3569 development of an alternative energy capability in the form of
 3570 incident solar energy.

3571 Section 57. Section 377.801, Florida Statutes, is amended
 3572 to read:

3573 377.801 Short title.--Sections 377.801-377.806 may be
 3574 cited as the "Florida Energy and Climate Protection Renewable
 3575 Energy Technologies and Energy Efficiency Act."

3576 Section 58. Section 377.802, Florida Statutes, is amended
 3577 to read:

3578 377.802 Purpose.--This act is intended to provide
 3579 incentives for Florida's citizens, businesses, school districts,
 3580 and local governments to take action to diversify the state's
 3581 energy supplies, reduce dependence on foreign oil, and mitigate
 3582 the effects of climate change by providing funding for
 3583 activities designed to achieve these goals. The grant programs

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3584 in this act are intended ~~matching grants~~ to stimulate capital
 3585 investment in ~~the state and to~~ enhance the market for ~~and~~
 3586 ~~promote the statewide utilization of~~ renewable energy
 3587 technologies and technologies intended to diversify Florida's
 3588 energy supplies, reduce dependence on foreign oil, and combat or
 3589 limit climate change impacts. ~~The targeted grants program is~~
 3590 ~~designed to advance the already growing establishment of~~
 3591 ~~renewable energy technologies in the state and encourage the use~~
 3592 ~~of other incentives such as tax exemptions and regulatory~~
 3593 ~~certainty to attract additional renewable energy technology~~
 3594 ~~producers, developers, and users to the state.~~ This act is also
 3595 intended to provide incentives for the purchase of energy-
 3596 efficient appliances and rebates for solar energy equipment
 3597 installations for residential and commercial buildings.

3598 Section 59. Section 377.803, Florida Statutes, is amended
 3599 to read:

3600 377.803 Definitions.--As used in ss. 377.801-377.806, the
 3601 term:

3602 (1) "Act" means the Florida Energy and Climate Protection
 3603 ~~Renewable Energy Technologies and Energy Efficiency Act.~~

3604 ~~(2) "Approved metering equipment" means a device capable~~
 3605 ~~of measuring the energy output of a solar thermal system that~~
 3606 ~~has been approved by the commission.~~

3607 ~~(2)(3)~~ (2) "Commission" means the Florida Energy and Climate
 3608 ~~Public Service Commission.~~

3609 ~~(4) "Department" means the Department of Environmental~~
 3610 ~~Protection.~~

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3611 ~~(3)-(5)~~ "Person" means an individual, partnership, joint
 3612 venture, private or public corporation, association, firm,
 3613 public service company, or any other public or private entity.

3614 ~~(4)-(6)~~ "Renewable energy" means electrical, mechanical, or
 3615 thermal energy produced from a method that uses one or more of
 3616 the following fuels or energy sources: hydrogen, biomass, as
 3617 defined in s. 366.91, solar energy, geothermal energy, wind
 3618 energy, ocean energy, waste heat, or hydroelectric power.

3619 ~~(5)-(7)~~ "Renewable energy technology" means any technology
 3620 that generates or utilizes a renewable energy resource.

3621 ~~(6)-(8)~~ "Solar energy system" means equipment that provides
 3622 for the collection and use of incident solar energy for water
 3623 heating, space heating or cooling, or other applications that
 3624 would normally require a conventional source of energy such as
 3625 petroleum products, natural gas, or electricity that performs
 3626 primarily with solar energy. In other systems in which solar
 3627 energy is used in a supplemental way, only those components that
 3628 collect and transfer solar energy shall be included in this
 3629 definition.

3630 ~~(7)-(9)~~ "Solar photovoltaic system" means a device that
 3631 converts incident sunlight into electrical current.

3632 ~~(8)-(10)~~ "Solar thermal system" means a device that traps
 3633 heat from incident sunlight in order to heat water.

3634 Section 60. Section 377.804, Florida Statutes, as amended
 3635 by section 52 of chapter 2007-73, Laws of Florida, is amended to
 3636 read:

3637 377.804 Renewable Energy and Energy-Efficient Technologies
 3638 Grants Program.--

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3639 (1) The Renewable Energy and Energy-Efficient Technologies
 3640 Grants Program is established within the commission ~~department~~
 3641 to provide renewable energy matching grants for demonstration,
 3642 commercialization, research, and development projects relating
 3643 to renewable energy technologies and innovative technologies
 3644 that significantly increase energy efficiency for vehicles and
 3645 commercial buildings.

3646 (2) Matching grants for ~~renewable energy technology~~
 3647 ~~demonstration, commercialization, research, and development~~
 3648 projects described in subsection (1) may be made to any of the
 3649 following:

- 3650 (a) Municipalities and county governments.
- 3651 (b) Established for-profit companies licensed to do
 3652 business in the state.
- 3653 (c) Universities and colleges in the state.
- 3654 (d) Utilities located and operating within the state.
- 3655 (e) Not-for-profit organizations.
- 3656 (f) Other qualified persons, as determined by the
 3657 commission ~~department~~.

3658 (3) The commission ~~department~~ may adopt rules pursuant to
 3659 ss. 120.536(1) and 120.54 to provide for application
 3660 requirements, provide for ranking of applications, and
 3661 administer the awarding of grants under this program.

3662 (4) Factors the commission ~~department~~ shall consider in
 3663 awarding grants include, but are not limited to:

- 3664 (a) The availability of matching funds or other in-kind
 3665 contributions applied to the total project from an applicant.
 3666 The commission ~~department~~ shall give greater preference to

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3667 projects that provide such matching funds or other in-kind
 3668 contributions.

3669 (b) The degree to which the project stimulates in-state
 3670 capital investment and economic development in metropolitan and
 3671 rural areas, including the creation of jobs and the future
 3672 development of a commercial market for renewable energy
 3673 technologies.

3674 (c) The extent to which the proposed project has been
 3675 demonstrated to be technically feasible based on pilot project
 3676 demonstrations, laboratory testing, scientific modeling, or
 3677 engineering or chemical theory that supports the proposal.

3678 (d) The degree to which the project incorporates an
 3679 innovative new technology or an innovative application of an
 3680 existing technology.

3681 (e) The degree to which a project generates thermal,
 3682 mechanical, or electrical energy by means of a renewable energy
 3683 resource that has substantial long-term production potential.

3684 (f) The degree to which a project demonstrates efficient
 3685 use of energy and material resources.

3686 (g) The degree to which the project fosters overall
 3687 understanding and appreciation of renewable energy technologies.

3688 (h) The ability to administer a complete project.

3689 (i) Project duration and timeline for expenditures.

3690 (j) The geographic area in which the project is to be
 3691 conducted in relation to other projects.

3692 (k) The degree of public visibility and interaction.

3693 (5) The commission ~~department~~ shall solicit the expertise
 3694 of ~~other~~ state agencies, Enterprise Florida, Inc., and state

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3695 universities, and may solicit the expertise of other public and
 3696 private entities it deems appropriate, in evaluating project
 3697 proposals. State agencies shall cooperate with the commission
 3698 ~~Department of Environmental Protection~~ and provide such
 3699 assistance as requested.

3700 (6) The commission ~~department~~ shall coordinate and
 3701 actively consult with the Department of Agriculture and Consumer
 3702 Services during the review and approval process of grants
 3703 relating to bioenergy projects for renewable energy technology,
 3704 ~~and the departments shall jointly determine the grant awards to~~
 3705 ~~these bioenergy projects. No grant funding shall be awarded to~~
 3706 ~~any bioenergy project without such joint approval.~~ Factors for
 3707 consideration in awarding grants may include, but are not
 3708 limited to, the degree to which:

3709 (a) The project stimulates in-state capital investment and
 3710 economic development in metropolitan and rural areas, including
 3711 the creation of jobs and the future development of a commercial
 3712 market for bioenergy.

3713 (b) The project produces bioenergy from Florida-grown
 3714 crops or biomass.

3715 (c) The project demonstrates efficient use of energy and
 3716 material resources.

3717 (d) The project fosters overall understanding and
 3718 appreciation of bioenergy technologies.

3719 (e) Matching funds and in-kind contributions from an
 3720 applicant are available.

3721 (f) The project duration and the timeline for expenditures
 3722 are acceptable.

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3723 (g) The project has a reasonable assurance of enhancing
 3724 the value of agricultural products or will expand agribusiness
 3725 in the state.

3726 (h) Preliminary market and feasibility research has been
 3727 conducted by the applicant or others and shows there is a
 3728 reasonable assurance of a potential market.

3729 (7) Each grant application shall be accompanied by an
 3730 affidavit from the applicant attesting to the accuracy of the
 3731 statements contained in the application.

3732 Section 61. Section 377.806, Florida Statutes, is amended
 3733 to read:

3734 377.806 Solar Energy System Incentives Program.--

3735 (1) PURPOSE.--The Solar Energy System Incentives Program
 3736 is established within the commission ~~department~~ to provide
 3737 financial incentives for the purchase and installation of solar
 3738 energy systems. Any resident of the state who purchases and
 3739 installs a new solar energy system of 2 kilowatts or larger for
 3740 a solar photovoltaic system, a solar energy system that provides
 3741 at least 50 percent of a building's hot water consumption for a
 3742 solar thermal system, or a solar thermal pool heater, from July
 3743 1, 2006, through June 30, 2010, is eligible for a rebate on a
 3744 portion of the purchase price of that solar energy system.

3745 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

3746 (a) Eligibility requirements.--A solar photovoltaic system
 3747 qualifies for a rebate if:

3748 1. The system is installed by a state-licensed master
 3749 electrician, electrical contractor, or solar contractor.

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3750 2. The system complies with state interconnection
 3751 standards as provided by the Florida Public Service Commission.

3752 3. The system complies with all applicable building codes
 3753 as defined by the Florida Building Code ~~local jurisdictional~~
 3754 ~~authority~~.

3755 (b) Rebate amounts.--The rebate amount shall be set at \$4
 3756 per watt based on the total wattage rating of the system. The
 3757 maximum allowable rebate per solar photovoltaic system
 3758 installation shall be as follows:

- 3759 1. Twenty thousand dollars for a residence.
- 3760 2. One hundred thousand dollars for a place of business, a
 3761 publicly owned or operated facility, or a facility owned or
 3762 operated by a private, not-for-profit organization, including
 3763 condominiums or apartment buildings.

3764 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

3765 (a) Eligibility requirements.--A solar thermal system
 3766 qualifies for a rebate if:

- 3767 1. The system is installed by a state-licensed solar or
 3768 plumbing contractor, or for the installation of standing seam
 3769 hybrid thermal roofs, a roofing contractor.

3770 2. The system complies with all applicable building codes
 3771 as defined by the Florida Building Code ~~local jurisdictional~~
 3772 ~~authority~~.

3773 (b) Rebate amounts.--Authorized rebates for installation
 3774 of solar thermal systems shall be as follows:

- 3775 1. Five hundred dollars for a residence.
- 3776 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
 3777 for a place of business, a publicly owned or operated facility,

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3778 or a facility owned or operated by a private, not-for-profit
 3779 organization, including condominiums or apartment buildings. ~~But~~
 3780 ~~must be verified by approved metering equipment.~~

3781 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

3782 (a) Eligibility requirements.--A solar thermal pool heater
 3783 qualifies for a rebate if the system is installed by a state-
 3784 licensed solar or plumbing contractor and the system complies
 3785 with all applicable building codes as defined by the Florida
 3786 Building Code ~~local jurisdictional authority.~~

3787 (b) Rebate amount.--Authorized rebates for installation of
 3788 solar thermal pool heaters shall be \$100 per installation.

3789 (5) APPLICATION.--Application for a rebate must be made
 3790 within 120 ~~90~~ days after the purchase of the solar energy
 3791 equipment.

3792 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
 3793 determine and publish on a regular basis the amount of rebate
 3794 funds remaining in each fiscal year. The total dollar amount of
 3795 all rebates issued ~~by the department~~ is subject to the total
 3796 amount of appropriations in any fiscal year for this program. If
 3797 funds are insufficient during the current fiscal year, any
 3798 requests for rebates received during that fiscal year may be
 3799 processed during the following fiscal year. Requests for rebates
 3800 received in a fiscal year that are processed during the
 3801 following fiscal year shall be given priority over requests for
 3802 rebates received during the following fiscal year.

3803 (7) RULES.--The commission ~~department~~ shall adopt rules
 3804 pursuant to ss. 120.536(1) and 120.54 to develop rebate
 3805 applications and administer the issuance of rebates.

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3806 Section 62. Section 377.808, Florida Statutes, is created
 3807 to read:

3808 377.808 Florida Green Government Grants Act.--

3809 (1) This section may be cited as the "Florida Green
 3810 Government Grants Act."

3811 (2) The Florida Energy and Climate Commission shall use
 3812 funds specifically appropriated to award grants under this
 3813 section to assist local governments, including municipalities,
 3814 counties, and school districts, in the development and
 3815 implementation of programs that achieve green standards. Green
 3816 standards shall be determined by the commission and shall
 3817 provide for cost-efficient solutions, reducing greenhouse gas
 3818 emissions, improving quality of life, and strengthening the
 3819 state's economy.

3820 (3) The commission shall adopt rules pursuant to chapter
 3821 120 to administer the grants provided for in this section. In
 3822 accordance with the rules adopted by the commission under this
 3823 section, the commission may provide grants from funds
 3824 specifically appropriated for this purpose to local governments
 3825 for the costs of achieving green standards, including necessary
 3826 administrative expenses. The rules of the commission shall:

3827 (a) Designate one or more suitable green government
 3828 standards frameworks from which local governments may develop a
 3829 greening government initiative and from which projects may be
 3830 eligible for funding pursuant to this section.

3831 (b) Require that projects that plan, design, construct,
 3832 upgrade, or replace facilities reduce greenhouse gas emissions
 3833 and be cost-effective, environmentally sound, permissible, and

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3834 implementable.

3835 (c) Require local governments to match state funds with
 3836 direct project cost sharing or in-kind services.

3837 (d) Provide for a scale of matching requirements for local
 3838 governments on the basis of population in order to assist rural
 3839 and undeveloped areas of the state with any financial burden of
 3840 addressing climate change impacts.

3841 (e) Require grant applications to be submitted on
 3842 appropriate forms developed and adopted by the commission with
 3843 appropriate supporting documentation and require records to be
 3844 maintained.

3845 (f) Establish a system to determine the relative priority
 3846 of grant applications. The system shall consider greenhouse gas
 3847 reductions, energy savings and efficiencies, and proven
 3848 technologies.

3849 (g) Establish requirements for competitive procurement of
 3850 engineering and construction services, materials, and equipment.

3851 (h) Provide for termination of grants when program
 3852 requirements are not met.

3853 (4) Each local government is limited to not more than two
 3854 grant applications during each application period announced by
 3855 the commission. However, a local government may not have more
 3856 than three active projects expending grant funds during any
 3857 state fiscal year.

3858 (5) The commission shall perform an adequate overview of
 3859 each grant, which may include technical review, site
 3860 inspections, disbursement approvals, and auditing to
 3861 successfully implement this section.

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3862 Section 63. Paragraph (c) of subsection (3) of section
 3863 380.23, Florida Statutes, is amended to read:

3864 380.23 Federal consistency.--

3865 (3) Consistency review shall be limited to review of the
 3866 following activities, uses, and projects to ensure that such
 3867 activities, uses, and projects are conducted in accordance with
 3868 the state's coastal management program:

3869 (c) Federally licensed or permitted activities affecting
 3870 land or water uses when such activities are in or seaward of the
 3871 jurisdiction of local governments required to develop a coastal
 3872 zone protection element as provided in s. 380.24 and when such
 3873 activities involve:

3874 1. Permits and licenses required under the Rivers and
 3875 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3876 2. Permits and licenses required under the Marine
 3877 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
 3878 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3879 3. Permits and licenses required under the Federal Water
 3880 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
 3881 amended, unless such permitting activities have been delegated
 3882 to the state pursuant to said act.

3883 4. Permits and licenses relating to the transportation of
 3884 hazardous substance materials or transportation and dumping
 3885 which are issued pursuant to the Hazardous Materials
 3886 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
 3887 33 U.S.C. s. 1321, as amended.

3888 5. Permits and licenses required under 15 U.S.C. ss. 717-
 3889 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.

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3890 1331-1356 for construction and operation of interstate gas
 3891 pipelines and storage facilities.

3892 6. Permits and licenses required for the siting and
 3893 construction of any new electrical power plants as defined in s.
 3894 403.503(14)~~(13)~~, as amended, and the licensing and relicensing
 3895 of hydroelectric power plants under the Federal Power Act, 16
 3896 U.S.C. ss. 791a et seq., as amended.

3897 7. Permits and licenses required under the Mining Law of
 3898 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
 3899 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
 3900 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
 3901 amended; the Federal Land Policy and Management Act, 43 U.S.C.
 3902 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
 3903 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
 3904 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
 3905 pipelines, geological and geophysical activities, or rights-of-
 3906 way on public lands and permits and licenses required under the
 3907 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
 3908 amended.

3909 8. Permits and licenses for areas leased under the OCS
 3910 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
 3911 leases and approvals of exploration, development, and production
 3912 plans.

3913 9. Permits and licenses required under the Deepwater Port
 3914 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

3915 10. Permits required for the taking of marine mammals
 3916 under the Marine Mammal Protection Act of 1972, as amended, 16
 3917 U.S.C. s. 1374.

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3918 Section 64. Subsection (20) of section 403.031, Florida
 3919 Statutes, is amended to read:

3920 403.031 Definitions.--In construing this chapter, or rules
 3921 and regulations adopted pursuant hereto, the following words,
 3922 phrases, or terms, unless the context otherwise indicates, have
 3923 the following meanings:

3924 (20) "Electrical power plant" means, for purposes of this
 3925 part of this chapter, any electrical generating facility that
 3926 uses any process or fuel and that is owned or operated by an
 3927 electric utility, as defined in s. 403.503~~(14)~~~~(13)~~, and includes
 3928 any associated facility that directly supports the operation of
 3929 the electrical power plant.

3930 Section 65. Section 403.44, Florida Statutes, is created
 3931 to read:

3932 403.44 Florida Climate Protection Act.--

3933 (1) The Legislature finds it is in the best interest of
 3934 the state to document, to the greatest extent practicable,
 3935 greenhouse gas emissions and to pursue a market-based emissions
 3936 abatement program, such as cap and trade, to address greenhouse
 3937 gas emissions reductions.

3938 (2) As used in this section, the term:

3939 (a) "Allowance" means a credit issued by the department
 3940 through allotments or auction which represents an authorization
 3941 to emit specific amounts of greenhouse gases, as further defined
 3942 in department rule.

3943 (b) "Cap and trade" or "emissions trading" means an
 3944 administrative approach used to control pollution by providing a
 3945 limit on total allowable emissions, providing for allowances to

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3946 emit pollutants, and providing for the transfer of the
 3947 allowances among pollutant sources as a means of compliance with
 3948 emission limits.

3949 (c) "Greenhouse gas" or "GHG" means carbon dioxide,
 3950 methane, nitrous oxide, and fluorinated gases such as
 3951 hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

3952 (d) "Leakage" means the offset of emission abatement that
 3953 is achieved in one location subject to emission control
 3954 regulation by increased emissions in unregulated locations.

3955 (e) "Major emitter" means an electric utility regulated
 3956 under this chapter.

3957 (3) A major emitter shall be required to use The Climate
 3958 Registry for purposes of emission registration and reporting.

3959 (4) The department shall establish the methodologies,
 3960 reporting periods, and reporting systems that shall be used when
 3961 major emitters report to The Climate Registry. The department
 3962 may require the use of quality-assured data from continuous
 3963 emissions monitoring systems.

3964 (5) The department may adopt rules for a cap-and-trade
 3965 regulatory program to reduce greenhouse gas emissions from major
 3966 emitters. When developing the rules, the department shall
 3967 consult with the Florida Energy and Climate Commission and the
 3968 Florida Public Service Commission and may consult with the
 3969 Governor's Action Team for Energy and Climate Change. The
 3970 department shall not adopt rules until after January 1, 2010.
 3971 The rules shall not become effective until ratified by the
 3972 Legislature.

3973 (6) The rules of the cap-and-trade regulatory program

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3974 shall include, but are not limited to:
 3975 (a) A statewide limit or cap on the amount of greenhouse
 3976 gases emitted by major emitters.
 3977 (b) Methods, requirements, and conditions for allocating
 3978 the cap among major emitters.
 3979 (c) Methods, requirements, and conditions for emissions
 3980 allowances and the process for issuing emissions allowances.
 3981 (d) The relationship between allowances and the specific
 3982 amounts of greenhouse gas emissions they represent.
 3983 (e) The length of allowance periods and the time over
 3984 which entities must account for emissions and surrender
 3985 allowances equal to emissions.
 3986 (f) The timeline of allowances from the initiation of the
 3987 program through to 2050.
 3988 (g) A process for the trade of allowances between major
 3989 emitters, including a registry, tracking, or accounting system
 3990 for such trades.
 3991 (h) Cost containment mechanisms to reduce price and cost
 3992 risks associated with the electric generation market in this
 3993 state. Cost containment mechanisms to be considered for
 3994 inclusion in the rules include, but are not limited to:
 3995 1. Allowing major emitters to borrow allowances from
 3996 future time periods to meet their greenhouse gas emission
 3997 limits.
 3998 2. Allowing major emitters to bank greenhouse gas emission
 3999 reductions in the current year to be used to meet emission
 4000 limits in future years.
 4001 3. Allowing major emitters to purchase emissions offsets

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4002 from other entities that produce verifiable reductions in
 4003 unregulated greenhouse gas emissions or that produce verifiable
 4004 reductions in greenhouse gas emissions through voluntary
 4005 practices that capture and store greenhouse gases that otherwise
 4006 would be released into the atmosphere. In considering this cost
 4007 containment mechanism, the department shall identify sectors and
 4008 activities outside of the capped sectors, including other state,
 4009 federal, or international activities, and the conditions under
 4010 which reductions there can be credited against emissions of
 4011 capped entities in place of allowances issued by the department.
 4012 The department shall also consider potential methods and their
 4013 effectiveness to avoid double-incentivizing such activities.

4014 4. Providing a safety valve mechanism to ensure that the
 4015 market prices for allowances or offsets do not surpass a
 4016 predetermined level compatible with the affordability of
 4017 electric utility rates and the well-being of the state's
 4018 economy. In considering this cost containment mechanism, the
 4019 department shall evaluate different price levels for the safety
 4020 valve and methods to change the price level over time to reflect
 4021 changing state, federal, and international markets, regulatory
 4022 environments, and technological advancements.

4023
 4024 In considering cost containment mechanisms for inclusion in the
 4025 rules, the department shall evaluate the anticipated overall
 4026 effect of each mechanism on the abatement of greenhouse gas
 4027 emissions and on electricity ratepayers and the benefits and
 4028 costs of each to the state's economy, and shall also consider
 4029 the interrelationships between the mechanisms under

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4030 consideration.

4031 (i) A process to allow the department to exercise its
 4032 authority to discourage leakage of GHG emissions to neighboring
 4033 states attributable to the implementation of this program.

4034 (j) Provisions for a trial period on the trading of
 4035 allowances before full implementation of a trading system.

4036 (7) In recommending and evaluating proposed features of
 4037 the cap-and-trade system, the following factors shall be
 4038 considered:

4039 (a) The overall cost-effectiveness of the cap-and-trade
 4040 system in combination with other policies and measures in
 4041 meeting statewide targets.

4042 (b) Minimizing the administrative burden to the state of
 4043 implementing, monitoring, and enforcing the program.

4044 (c) Minimizing the administrative burden on entities
 4045 covered under the cap.

4046 (d) The impacts on electricity prices for consumers.

4047 (e) The specific benefits to the state's economy for early
 4048 adoption of a cap-and-trade system for greenhouse gases in the
 4049 context of federal climate change legislation and the
 4050 development of new international compacts.

4051 (f) The specific benefits to the state's economy
 4052 associated with the creation and sale of emissions offsets from
 4053 economic sectors outside of the emissions cap.

4054 (g) The potential effects on leakage if economic activity
 4055 relocates out of the state.

4056 (h) The effectiveness of the combination of measures in
 4057 meeting identified targets.

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4058 (i) The implications for near-term periods of long-term
 4059 targets specified in the overall policy.

4060 (j) The overall costs and benefits of a cap-and-trade
 4061 system to the state economy.

4062 (k) How to moderate impacts on low-income consumers that
 4063 result from energy price increases.

4064 (l) Consistency of the program with other state and
 4065 possible federal efforts.

4066 (m) The feasibility and cost-effectiveness of extending
 4067 the program scope as broadly as possible among emitting
 4068 activities and sinks in Florida.

4069 (n) Evaluation of the conditions under which Florida
 4070 should consider linking its trading system to the systems of
 4071 other states or other countries and how that might be affected
 4072 by the potential inclusion in the rule of a safety valve.

4073 (8) Recognizing that the international, national, and
 4074 neighboring state policies and the science of climate change
 4075 will evolve, prior to submitting the proposed rules to the
 4076 Legislature for consideration, the department shall submit the
 4077 proposed rules to the Florida Energy and Climate Commission,
 4078 which shall review the proposed rules and submit a report to the
 4079 Governor, the President of the Senate, the Speaker of the House
 4080 of Representatives, and the department. The report shall
 4081 address:

4082 (a) The overall cost-effectiveness of the proposed cap-
 4083 and-trade system in combination with other policies and measures
 4084 in meeting statewide targets.

4085 (b) The administrative burden to the state of

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- 4086 implementing, monitoring, and enforcing the program.
- 4087 (c) The administrative burden on entities covered under
 4088 the cap.
- 4089 (d) The impacts on electricity prices for consumers.
- 4090 (e) The specific benefits to the state's economy for early
 4091 adoption of a cap-and-trade system for greenhouse gases in the
 4092 context of federal climate change legislation and the
 4093 development of new international compacts.
- 4094 (f) The specific benefits to the state's economy
 4095 associated with the creation and sale of emissions offsets from
 4096 economic sectors outside of the emissions cap.
- 4097 (g) The potential effects on leakage if economic activity
 4098 relocates out of the state.
- 4099 (h) The effectiveness of the combination of measures in
 4100 meeting identified targets.
- 4101 (i) The economic implications for near-term periods of
 4102 short-term and long-term targets specified in the overall
 4103 policy.
- 4104 (j) The overall costs and benefits of a cap-and-trade
 4105 system to the economy of the state.
- 4106 (k) The impacts on low-income consumers that result from
 4107 energy price increases.
- 4108 (l) The consistency of the program with other state and
 4109 possible federal efforts.
- 4110 (m) The evaluation of the conditions under which the state
 4111 should consider linking its trading system to the systems of
 4112 other states or other countries and how that might be affected
 4113 by the potential inclusion in the rule of a safety valve.

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4114 (n) The timing and changes in the external environment,
 4115 such as proposals by other states or implementation of a federal
 4116 program that would spur reevaluation of the Florida program.

4117 (o) The conditions and options for eliminating the Florida
 4118 program if a federal program were to supplant it.

4119 (p) The need for a regular reevaluation of the progress of
 4120 other emitting regions of the country and of the world, and
 4121 whether other regions are abating emissions in a commensurate
 4122 manner.

4123 (q) The desirability of and possibilities of broadening
 4124 the scope of the state's cap-and-trade system at a later date to
 4125 include more emitting activities as well as sinks in Florida,
 4126 the conditions that would need to be met to do so, and how the
 4127 program would encourage these conditions to be met, including
 4128 developing monitoring and measuring techniques for land use
 4129 emissions and sinks, regulating sources upstream, and other
 4130 considerations.

4131 Section 66. Section 403.502, Florida Statutes, is amended
 4132 to read:

4133 403.502 Legislative intent.--The Legislature finds that
 4134 the present and predicted growth in electric power demands in
 4135 this state requires the development of a procedure for the
 4136 selection and utilization of sites for electrical generating
 4137 facilities and the identification of a state position with
 4138 respect to each proposed site and its associated facilities. The
 4139 Legislature recognizes that the selection of sites and the
 4140 routing of associated facilities, including transmission lines,
 4141 will have a significant impact upon the welfare of the

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4142 population, the location and growth of industry, and the use of
4143 the natural resources of the state. The Legislature finds that
4144 the efficiency of the permit application and review process at
4145 both the state and local level would be improved with the
4146 implementation of a process whereby a permit application would
4147 be centrally coordinated and all permit decisions could be
4148 reviewed on the basis of standards and recommendations of the
4149 deciding agencies. It is the policy of this state that, while
4150 recognizing the pressing need for increased power generation
4151 facilities, the state shall ensure through available and
4152 reasonable methods that the location and operation of electrical
4153 power plants will produce minimal adverse effects on human
4154 health, the environment, the ecology of the land and its
4155 wildlife, and the ecology of state waters and their aquatic life
4156 and will not unduly conflict with the goals established by the
4157 applicable local comprehensive plans. It is the intent to seek
4158 courses of action that will fully balance the increasing demands
4159 for electrical power plant location and operation with the broad
4160 interests of the public. Such action will be based on these
4161 premises:

4162 (1) To assure the citizens of Florida that operation
4163 safeguards are technically sufficient for their welfare and
4164 protection.

4165 (2) To effect a reasonable balance between the need for
4166 the facility and the environmental impact resulting from
4167 construction and operation of the facility, including air and
4168 water quality, fish and wildlife, and the water resources and
4169 other natural resources of the state.

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4170 (3) To meet the need for electrical energy as established
 4171 pursuant to s. 403.519.

4172 (4) To assure the citizens of Florida that renewable
 4173 energy sources and technologies, as well as conservation
 4174 measures, are utilized to the extent reasonably available.

4175 Section 67. Subsections (3) through (30) of section
 4176 403.503, Florida Statutes, are renumbered as subsections (4)
 4177 through (31), respectively, present subsections (6), (8), (10),
 4178 (13), (27), and (29) are amended, and a new subsection (3) is
 4179 added to that section, to read:

4180 403.503 Definitions relating to Florida Electrical Power
 4181 Plant Siting Act.--As used in this act:

4182 (3) "Alternate corridor" means an area that is proposed by
 4183 the applicant or a third party within which all or part of an
 4184 associated electrical transmission line right-of-way is to be
 4185 located and that is different from the preferred transmission
 4186 line corridor proposed by the applicant. The width of the
 4187 alternate corridor proposed for certification for an associated
 4188 electrical transmission line may be the width of the proposed
 4189 right-of-way or a wider boundary not to exceed a width of 1
 4190 mile. The area within the alternate corridor may be further
 4191 restricted as a condition of certification. The alternate
 4192 corridor may include alternate electrical substation sites if
 4193 the applicant has proposed an electrical substation as part of
 4194 the portion of the proposed electrical transmission line.

4195 ~~(7)-(6)~~ "Associated facilities" means, for the purpose of
 4196 certification, those onsite and offsite facilities which
 4197 directly support the construction and operation of the

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4198 electrical power plant such as electrical transmission lines,
 4199 substations, and fuel unloading facilities; pipelines necessary
 4200 for transporting fuel for the operation of the facility or other
 4201 fuel transportation facilities; water or wastewater transport
 4202 pipelines; construction, maintenance, and access roads; and
 4203 railway lines necessary for transport of construction equipment
 4204 or fuel for the operation of the facility.

4205 (9)-(8) "Certification" means the written order of the
 4206 board, or secretary when applicable, approving an application
 4207 for the licensing of an electrical power plant, in whole or with
 4208 such changes or conditions as the board may deem appropriate.

4209 (11)-(10) "Corridor" means the proposed area within which
 4210 an associated linear facility right-of-way is to be located. The
 4211 width of the corridor proposed for certification as an
 4212 associated facility, at the option of the applicant, may be the
 4213 width of the right-of-way or a wider boundary, not to exceed a
 4214 width of 1 mile. The area within the corridor in which a right-
 4215 of-way may be located may be further restricted by a condition
 4216 of certification. After all property interests required for the
 4217 right-of-way have been acquired by the licensee, the boundaries
 4218 of the area certified shall narrow to only that land within the
 4219 boundaries of the right-of-way. The corridors proper for
 4220 certification shall be those addressed in the application, in
 4221 amendments to the application filed under s. 403.5064, and in
 4222 notices of acceptance of proposed alternate corridors filed by
 4223 an applicant and the department pursuant to s. 403.5271 as
 4224 incorporated by reference in s. 403.5064(1)(b) for which the

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4225 required information for the preparation of agency supplemental
 4226 reports was filed.

4227 (14)~~(13)~~ "Electrical power plant" means, for the purpose
 4228 of certification, any steam or solar electrical generating
 4229 facility using any process or fuel, including nuclear materials,
 4230 except that this term does not include any steam or solar
 4231 electrical generating facility of less than 75 megawatts in
 4232 capacity unless the applicant for such a facility elects to
 4233 apply for certification under this act. This term also includes
 4234 the site; all associated facilities that will ~~to~~ be owned by the
 4235 applicant that ~~which~~ are physically connected to the ~~electrical~~
 4236 ~~power plant~~ site; all associated facilities that ~~or which~~ are
 4237 indirectly ~~directly~~ connected to the ~~electrical power plant~~ site
 4238 by other proposed associated facilities that will ~~to~~ be owned by
 4239 the applicant;r and associated transmission lines that will ~~to~~
 4240 be owned by the applicant which connect the electrical power
 4241 plant to an existing transmission network or rights-of-way to ~~of~~
 4242 which the applicant intends to connect. At the applicant's
 4243 option, this term may include any offsite associated facilities
 4244 that ~~which~~ will not be owned by the applicant; offsite
 4245 associated facilities that ~~which~~ are owned by the applicant but
 4246 that ~~which~~ are not directly connected to the ~~electrical power~~
 4247 ~~plant~~ site; any proposed terminal or intermediate substations or
 4248 substation expansions connected to the associated transmission
 4249 line; or new transmission lines, upgrades, or improvements of an
 4250 existing transmission line on any portion of the applicant's
 4251 electrical transmission system necessary to support the

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4252 generation injected into the system from the proposed electrical
 4253 power plant.

4254 (28)-(27) "Site" means any proposed location within which
 4255 will be located ~~wherein~~ an electrical power plant's generating
 4256 facility and onsite support facilities ~~plant~~, or an electrical
 4257 ~~power plant~~ alteration or addition of electrical generating
 4258 facilities and onsite support facilities resulting in an
 4259 increase in generating capacity, ~~will be located~~, including
 4260 offshore sites within state jurisdiction.

4261 (30)-(29) "Ultimate site capacity" means the maximum gross
 4262 generating capacity for a site as certified by the board, unless
 4263 otherwise specified as net generating capacity.

4264 Section 68. Subsections (2) through (5), (9), and (11) of
 4265 section 403.504, Florida Statutes, are amended to read:

4266 403.504 Department of Environmental Protection; powers and
 4267 duties enumerated.--The department shall have the following
 4268 powers and duties in relation to this act:

4269 (2) To prescribe the form and content of the public
 4270 notices and the notice of intent and the form, content, and
 4271 necessary supporting documentation and studies to be prepared by
 4272 the applicant for electrical power plant ~~site~~ certification
 4273 applications.

4274 (3) To receive applications for electrical power plant
 4275 ~~site~~ certifications and to determine the completeness and
 4276 sufficiency thereof.

4277 (4) To make, or contract for, studies of electrical power
 4278 plant ~~site~~ certification applications.

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4279 (5) To administer the processing of applications for
 4280 electric power plant ~~site~~ certifications and to ensure that the
 4281 applications are processed as expeditiously as possible.

4282 (9) To determine whether an alternate corridor proposed
 4283 for consideration under s. 403.5064(4) is acceptable ~~issue final~~
 4284 ~~orders after receipt of the administrative law judge's order~~
 4285 ~~relinquishing jurisdiction pursuant to s. 403.508(6).~~

4286 (11) To administer and manage the terms and conditions of
 4287 the certification order and supporting documents and records for
 4288 the life of the electrical power plant ~~faecility~~.

4289 Section 69. Subsection (1) of section 403.506, Florida
 4290 Statutes, is amended, and subsection (3) is added that section,
 4291 to read:

4292 403.506 Applicability, thresholds, and certification.--

4293 (1) The provisions of this act shall apply to any
 4294 electrical power plant as defined herein, except that the
 4295 provisions of this act shall not apply to any electrical power
 4296 plant ~~or steam generating plant~~ of less than 75 megawatts in
 4297 gross capacity, including its associated facilities, or to any
 4298 ~~substation to be constructed as part of an associated~~
 4299 ~~transmission line~~ unless the applicant has elected to apply for
 4300 certification of such electrical power plant ~~or substation~~ under
 4301 this act. The provisions of this act shall not apply to ~~any unit~~
 4302 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
 4303 aggregate, of an existing exothermic reaction cogeneration
 4304 electrical generating facility ~~unit~~ that was exempt from this
 4305 act when it was originally built; however, this exemption shall
 4306 not apply if the unit uses oil or natural gas for purposes other

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4307 | than unit startup. No construction of any new electrical power
 4308 | plant or expansion in steam generating capacity as measured by
 4309 | an increase in the maximum electrical generator rating of any
 4310 | existing electrical power plant may be undertaken after October
 4311 | 1, 1973, without first obtaining certification in the manner as
 4312 | herein provided, except that this act shall not apply to any
 4313 | such electrical power plant which is presently operating or
 4314 | under construction or which has, upon the effective date of
 4315 | chapter 73-33, Laws of Florida, applied for a permit or
 4316 | certification under requirements in force prior to the effective
 4317 | date of such act.

4318 | (3) An electric utility may obtain separate licenses,
 4319 | permits, and approvals for the construction of facilities
 4320 | necessary to construct an electrical power plant without first
 4321 | obtaining certification under this act if the utility intends to
 4322 | locate, license, and construct a proposed or expanded electrical
 4323 | power plant that uses nuclear materials as fuel. Such facilities
 4324 | may include, but are not limited to, access and onsite roads,
 4325 | rail lines, electrical transmission facilities to support
 4326 | construction, and facilities necessary for waterborne delivery
 4327 | of construction materials and project components. This exemption
 4328 | applies to such facilities regardless of whether the facilities
 4329 | are used for operation of the power plant. The applicant shall
 4330 | file with the department a statement that declares that the
 4331 | construction of such facilities is necessary for the timely
 4332 | construction of the proposed electrical power plant and
 4333 | identifies those facilities that the applicant intends to seek
 4334 | licenses for and construct prior to or separate from

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4335 certification of the project. The facilities may be located
 4336 within or off the site for the proposed electrical power plant.
 4337 The filing of an application under this act shall not affect
 4338 other applications for separate licenses which are pending at
 4339 the time of filing the application. Furthermore, the filing of
 4340 an application shall not prevent an electric utility from
 4341 seeking separate licenses for facilities that are necessary to
 4342 construct the electrical power plant. Licenses, permits, or
 4343 approvals issued by any state, regional, or local agency for
 4344 such facilities shall be incorporated by the department into a
 4345 final certification upon completion of construction. Any
 4346 facilities necessary for construction of the electrical power
 4347 plant shall become part of the certified electrical power plant
 4348 upon completion of the electrical power plant's construction.
 4349 The exemption in this subsection shall not require or authorize
 4350 agency rulemaking, and any action taken under this subsection
 4351 shall not be subject to the provisions of chapter 120. This
 4352 subsection shall be given retroactive effect and shall apply to
 4353 applications filed after May 1, 2008.

4354 Section 70. Subsections (1) and (4) of section 403.5064,
 4355 Florida Statutes, are amended to read:

4356 403.5064 Application; schedules.--

4357 (1) The formal date of filing of a certification
 4358 application and commencement of the certification review process
 4359 shall be when the applicant submits:

4360 (a) Copies of the certification application in a quantity
 4361 and format as prescribed by rule to the department and other
 4362 agencies identified in s. 403.507(2)(a).

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4363 (b) A statement affirming that the applicant is opting to
4364 allow consideration of alternate corridors for an associated
4365 transmission line corridor. If alternate corridors are allowed,
4366 at the applicant's option, the portion of the application
4367 addressing associated transmission line corridors shall be
4368 processed under the schedule set forth in ss. 403.521-403.526,
4369 403.527(4), and 403.5271, including the opportunity for the
4370 filing of alternate corridors by third parties; however, if such
4371 alternate corridors are filed, the certification hearing shall
4372 not be rescheduled as allowed by s. 403.5271(1)(b).

4373 (c) ~~(b)~~ The application fee specified under s. 403.518 to
4374 the department.

4375 (4) Within 7 days after the filing of an application, the
4376 department shall prepare a proposed schedule of dates for
4377 determination of completeness, submission of statements of
4378 issues, submittal of final reports, and other significant dates
4379 to be followed during the certification process, including dates
4380 for filing notices of appearance to be a party pursuant to s.
4381 403.508(3). If the application includes one or more associated
4382 transmission line corridors, at the request of the applicant
4383 filed concurrently with the application, the department shall
4384 use the application processing schedule set forth in ss.
4385 403.521-403.526, 403.527(4), and 403.5271 for the associated
4386 transmission line corridors, including the opportunity for the
4387 filing and review of alternate corridors, if a party proposes
4388 alternate transmission line corridor routes for consideration no
4389 later than 165 days before the scheduled certification hearing.
4390 Notwithstanding an applicant's option for the transmission line

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4391 corridor portion of its application to be processed under the
 4392 proposed schedule, only one certification hearing shall be held
 4393 for the entire plant in accordance with s. 403.508(2). The
 4394 proposed ~~This~~ schedule shall be timely provided by the
 4395 department to the applicant, the administrative law judge, all
 4396 agencies identified pursuant to subsection (2), and all parties.
 4397 Within 7 days after the filing of the proposed schedule, the
 4398 administrative law judge shall issue an order establishing a
 4399 schedule for the matters addressed in the department's proposed
 4400 schedule and other appropriate matters, if any.

4401 Section 71. Subsection (1) of section 403.5065, Florida
 4402 Statutes, is amended to read:

4403 403.5065 Appointment of administrative law judge; powers
 4404 and duties.--

4405 (1) Within 7 days after receipt of an application, the
 4406 department shall request the Division of Administrative Hearings
 4407 to designate an administrative law judge to conduct the hearings
 4408 required by this act. The division director shall designate an
 4409 administrative law judge within 7 days after receipt of the
 4410 request from the department. In designating an administrative
 4411 law judge for this purpose, the division director shall,
 4412 whenever practicable, assign an administrative law judge who has
 4413 had prior experience or training in electrical power plant ~~site~~
 4414 certification proceedings. Upon being advised that an
 4415 administrative law judge has been appointed, the department
 4416 shall immediately file a copy of the application and all
 4417 supporting documents with the designated administrative law
 4418 judge, who shall docket the application.

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4419 Section 72. Subsection (3) of section 403.50663, Florida
 4420 Statutes, is amended to read:

4421 403.50663 Informational public meetings.--

4422 (3) A local government or regional planning council that
 4423 intends to conduct an informational public meeting must provide
 4424 notice of the meeting to all parties not less than 5 days prior
 4425 to the meeting and to the general public in accordance with s.
 4426 403.5115(5). The expense for such notice is eligible for
 4427 reimbursement under s. 403.518(2)(c)1.

4428 Section 73. Section 403.50665, Florida Statutes, is
 4429 amended to read:

4430 403.50665 Land use consistency.--

4431 (1) The applicant shall include in the application a
 4432 statement on the consistency of the site and ~~or~~ any ~~directly~~
 4433 associated facilities that constitute a "development," as
 4434 defined in s. 380.04, with existing land use plans and zoning
 4435 ordinances that were in effect on the date the application was
 4436 filed and a full description of such consistency. This
 4437 information shall include an identification of those associated
 4438 facilities that the applicant believes are exempt from the
 4439 requirements of land use plans and zoning ordinances under the
 4440 provisions of the Local Government Comprehensive Planning and
 4441 Land Development Regulation Act provisions of chapter 163 and s.
 4442 380.04(3).

4443 (2)(a) Within 45 days after the filing of the application,
 4444 each local government shall file a determination with the
 4445 department, the applicant, the administrative law judge, and all
 4446 parties on the consistency of the site, and ~~or~~ any ~~directly~~

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4447 associated facilities that are not exempt from the requirements
 4448 of land use plans and zoning ordinances under chapter 163 and s.
 4449 380.04(3), with existing land use plans and zoning ordinances
 4450 that were in effect on the date the application was filed, based
 4451 on the information provided in the application. However, this
 4452 requirement does not apply to any new electrical generation unit
 4453 proposed to be constructed and operated on the site of a
 4454 previously certified electrical power plant or on the site of a
 4455 power plant that was not previously certified that will be
 4456 wholly contained within the boundaries of the existing site.

4457 (b) The local government may issue its determination up to
 4458 55 ~~35~~ days later if the application has been determined
 4459 incomplete based in whole or in part upon a local government
 4460 request for ~~has requested~~ additional information on land use and
 4461 zoning consistency as part of the local government's statement
 4462 on completeness of the application submitted pursuant to s.
 4463 403.5066(1)(a). Incompleteness of information necessary for a
 4464 local government to evaluate an application may be claimed by
 4465 the local government as cause for a statement of inconsistency
 4466 with existing land use plans and zoning ordinances.

4467 (c) Notice of the consistency determination shall be
 4468 published in accordance with the requirements of s. 403.5115.

4469 (3)(a) If the local government issues a determination that
 4470 the proposed site and any nonexempt associated facilities are
 4471 ~~electrical power plant is~~ not consistent or in compliance with
 4472 local land use plans and zoning ordinances, the applicant may
 4473 apply to the local government for the necessary local approval

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4474 to address the inconsistencies identified in the local
 4475 government's determination.

4476 (b) If the applicant makes such an application to the
 4477 local government, the time schedules under this act shall be
 4478 tolled until the local government issues its revised
 4479 determination on land use and zoning or the applicant otherwise
 4480 withdraws its application to the local government.

4481 (c) If the applicant applies to the local government for
 4482 necessary local land use or zoning approval, the local
 4483 government shall commence a proceeding to consider the
 4484 application for land use or zoning approval within 45 days after
 4485 receipt of the complete request and shall issue a revised
 4486 determination within 30 days following the conclusion of that
 4487 local proceeding.~~and~~ The time schedules and notice
 4488 requirements under this act shall apply to such revised
 4489 determination.

4490 (4) If any substantially affected person wishes to dispute
 4491 the local government's determination, he or she shall file a
 4492 petition with the designated administrative law judge ~~department~~
 4493 within 21 days after the publication of notice of the local
 4494 government's determination. If a hearing is requested, the
 4495 provisions of s. 403.508(1) shall apply.

4496 (5) The dates in this section may be altered upon
 4497 agreement between the applicant, the local government, and the
 4498 department pursuant to s. 403.5095.

4499 (6) If it is determined by the local government that the
 4500 proposed site or nonexempt ~~directly~~ associated facility does
 4501 conform with existing land use plans and zoning ordinances in

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4502 effect as of the date of the application and no petition has
 4503 been filed, the responsible zoning or planning authority shall
 4504 not thereafter change such land use plans or zoning ordinances
 4505 so as to foreclose construction and operation of the proposed
 4506 site or directly associated facilities unless certification is
 4507 subsequently denied or withdrawn.

4508 (7) The issue of land use and zoning consistency for any
 4509 proposed alternate intermediate electrical substation which is
 4510 proposed as part of an alternate electrical transmission line
 4511 corridor which is accepted by the applicant and the department
 4512 under s. 403.5271(1)(b) shall be addressed in the supplementary
 4513 report prepared by the local government on the proposed
 4514 alternate corridor and shall be considered as an issue at any
 4515 final certification hearing. If such a proposed alternate
 4516 intermediate electrical substation is determined not to be
 4517 consistent with local land use plans and zoning ordinances, then
 4518 that alternate intermediate electrical substation shall not be
 4519 certified.

4520 Section 74. Paragraph (a) of subsection (2) of section
 4521 403.507, Florida Statutes, is amended to read:

4522 403.507 Preliminary statements of issues, reports, project
 4523 analyses, and studies.--

4524 (2)(a) No later than 100 days after the certification
 4525 application has been determined complete, the following agencies
 4526 shall prepare reports as provided below and shall submit them to
 4527 the department and the applicant, unless a final order denying
 4528 the determination of need has been issued under s. 403.519:

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4529 1. The Department of Community Affairs shall prepare a
 4530 report containing recommendations which address the impact upon
 4531 the public of the proposed electrical power plant, based on the
 4532 degree to which the electrical power plant is consistent with
 4533 the applicable portions of the state comprehensive plan,
 4534 emergency management, and other such matters within its
 4535 jurisdiction. The Department of Community Affairs may also
 4536 comment on the consistency of the proposed electrical power
 4537 plant with applicable strategic regional policy plans or local
 4538 comprehensive plans and land development regulations.

4539 2. The water management district shall prepare a report as
 4540 to matters within its jurisdiction, including but not limited
 4541 to, the impact of the proposed electrical power plant on water
 4542 resources, regional water supply planning, and district-owned
 4543 lands and works.

4544 3. Each local government in whose jurisdiction the
 4545 proposed electrical power plant is to be located shall prepare a
 4546 report as to the consistency of the proposed electrical power
 4547 plant with all applicable local ordinances, regulations,
 4548 standards, or criteria that apply to the proposed electrical
 4549 power plant, including any applicable local environmental
 4550 regulations adopted pursuant to s. 403.182 or by other means.

4551 4. The Fish and Wildlife Conservation Commission shall
 4552 prepare a report as to matters within its jurisdiction.

4553 5. Each regional planning council shall prepare a report
 4554 containing recommendations that address the impact upon the
 4555 public of the proposed electrical power plant, based on the
 4556 degree to which the electrical power plant is consistent with

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4557 the applicable provisions of the strategic regional policy plan
 4558 adopted pursuant to chapter 186 and other matters within its
 4559 jurisdiction.

4560 6. The Department of Transportation shall address the
 4561 impact of the proposed electrical power plant on matters within
 4562 its jurisdiction.

4563 Section 75. Subsection (1), paragraph (a) of subsection
 4564 (2), and paragraph (f) of subsection (3) of section 403.508,
 4565 Florida Statutes, are amended to read:

4566 403.508 Land use and certification hearings, parties,
 4567 participants.--

4568 (1)(a) Within 5 days after the filing of ~~If~~ a petition for
 4569 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
 4570 the designated administrative law judge shall schedule ~~conduct~~ a
 4571 land use hearing to be conducted in the county of the proposed
 4572 site or ~~directly~~ associated facility that is not exempt from the
 4573 requirements of land use plans and zoning ordinances under
 4574 chapter 163 and s. 380.04(3), as applicable, as expeditiously as
 4575 possible, but not later than 30 days after the designated
 4576 administrative law judge's ~~department's~~ receipt of the petition.
 4577 The place of such hearing shall be as close as possible to the
 4578 proposed site or ~~directly~~ associated facility. If a petition is
 4579 filed, the hearing shall be held regardless of the status of the
 4580 completeness of the application. ~~However, incompleteness of~~
 4581 ~~information necessary for a local government to evaluate an~~
 4582 ~~application may be claimed by the local government as cause for~~
 4583 ~~a statement of inconsistency with existing land use plans and~~
 4584 ~~zoning ordinances under s. 403.50665.~~

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4585 (b) Notice of the land use hearing shall be published in
 4586 accordance with the requirements of s. 403.5115.

4587 (c) The sole issue for determination at the land use
 4588 hearing shall be whether or not the proposed site or nonexempt
 4589 associated facility is consistent and in compliance with
 4590 existing land use plans and zoning ordinances. If the
 4591 administrative law judge concludes that the proposed site or
 4592 nonexempt associated facility is not consistent or in compliance
 4593 with existing land use plans and zoning ordinances, the
 4594 administrative law judge shall receive at the hearing evidence
 4595 on, and address in the recommended order any changes to or
 4596 approvals or variances under, the applicable land use plans or
 4597 zoning ordinances which will render the proposed site or
 4598 nonexempt associated facility consistent and in compliance with
 4599 the local land use plans and zoning ordinances.

4600 (d) The designated administrative law judge's recommended
 4601 order shall be issued within 30 days after completion of the
 4602 hearing and shall be reviewed by the board within 60 days after
 4603 receipt of the recommended order by the board.

4604 (e) If it is determined by the board that the proposed
 4605 site or nonexempt associated facility does conform with existing
 4606 land use plans and zoning ordinances in effect as of the date of
 4607 the application, or as otherwise provided by this act, the
 4608 responsible zoning or planning authority shall not thereafter
 4609 change such land use plans or zoning ordinances so as to
 4610 foreclose construction and operation of the proposed electrical
 4611 power plant on the proposed site or ~~directly~~ associated

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4612 facilities unless certification is subsequently denied or
 4613 withdrawn.

4614 (f) If it is determined by the board that the proposed
 4615 site or nonexempt associated facility does not conform with
 4616 existing land use plans and zoning ordinances, the board may, if
 4617 it determines after notice and hearing and upon consideration of
 4618 the recommended order on land use and zoning issues that it is
 4619 in the public interest to authorize the use of the land ~~as a~~
 4620 ~~site for a site or associated facility an electrical power~~
 4621 ~~plant~~, authorize a variance or other necessary approval to the
 4622 adopted land use plan and zoning ordinances required to render
 4623 the proposed site or associated facility consistent with local
 4624 land use plans and zoning ordinances. The board's action shall
 4625 not be controlled by any other procedural requirements of law.
 4626 In the event a variance or other approval is denied by the
 4627 board, it shall be the responsibility of the applicant to make
 4628 the necessary application for any approvals determined by the
 4629 board as required to make the proposed site or associated
 4630 facility consistent and in compliance with local land use plans
 4631 and zoning ordinances. No further action may be taken on the
 4632 complete application until the proposed site or associated
 4633 facility conforms to the adopted land use plan or zoning
 4634 ordinances or the board grants relief as provided under this
 4635 act.

4636 (2) (a) A certification hearing shall be held by the
 4637 designated administrative law judge no later than 265 days after
 4638 the application is filed with the department. The certification
 4639 hearing shall be held at a location in proximity to the proposed

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4640 site. ~~At the conclusion of the certification hearing, the~~
 4641 ~~designated administrative law judge shall, after consideration~~
 4642 ~~of all evidence of record, submit to the board a recommended~~
 4643 ~~order no later than 45 days after the filing of the hearing~~
 4644 ~~transcript.~~

4645 (3)

4646 (f) Any agency, including those whose properties or works
 4647 are being affected pursuant to s. 403.509 (5) ~~(4)~~, shall be made a
 4648 party upon the request of the department or the applicant.

4649 Section 76. Subsection (3) of section 403.509, Florida
 4650 Statutes, is amended, subsection (4) is renumbered as subsection
 4651 (5), a new subsection (4) is added to that section, and
 4652 subsection (5) is renumbered as subsection (6) and amended, to
 4653 read:

4654 403.509 Final disposition of application.--

4655 (3) In determining whether an application should be
 4656 approved in whole, approved with modifications or conditions, or
 4657 denied, the board, or secretary when applicable, shall consider
 4658 whether, and the extent to which, the location, construction,
 4659 and operation of the electrical power plant ~~and directly~~
 4660 ~~associated facilities and their construction and operation~~ will:

4661 (a) Provide reasonable assurance that operational
 4662 safeguards are technically sufficient for the public welfare and
 4663 protection.

4664 (b) Comply with applicable nonprocedural requirements of
 4665 agencies.

4666 (c) Be consistent with applicable local government
 4667 comprehensive plans and land development regulations.

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4668 (d) Meet the electrical energy needs of the state in an
 4669 orderly, reliable, and timely fashion.

4670 (e) Effect a reasonable balance between the need for the
 4671 facility as established pursuant to s. 403.519 and the impacts
 4672 upon air and water quality, fish and wildlife, water resources,
 4673 and other natural resources of the state resulting from the
 4674 construction and operation of the facility.

4675 (f) Minimize, through the use of reasonable and available
 4676 methods, the adverse effects on human health, the environment,
 4677 and the ecology of the land and its wildlife and the ecology of
 4678 state waters and their aquatic life.

4679 (g) Serve and protect the broad interests of the public.

4680 (4) (a) Any transmission line corridor certified by the
 4681 board, or secretary if applicable, shall meet the criteria of
 4682 this section. When more than one transmission line corridor is
 4683 proper for certification under s. 403.503(11) and meets the
 4684 criteria of this section, the board, or secretary if applicable,
 4685 shall certify the transmission line corridor that has the least
 4686 adverse impact regarding the criteria in subsection (3),
 4687 including costs.

4688 (b) If the board, or secretary if applicable, finds that
 4689 an alternate corridor rejected pursuant to s. 403.5271 as
 4690 incorporated by reference in s. 403.5064(1) (b) meets the
 4691 criteria of subsection (3) and has the least adverse impact
 4692 regarding the criteria in subsection (3), the board, or
 4693 secretary if applicable, shall deny certification or shall allow
 4694 the applicant to submit an amended application to include the
 4695 corridor.

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4696 (c) If the board, or secretary if applicable, finds that
 4697 two or more of the corridors that comply with subsection (3)
 4698 have the least adverse impacts regarding the criteria in
 4699 subsection (3), including costs, and that the corridors are
 4700 substantially equal in adverse impacts regarding the criteria in
 4701 subsection (3), including costs, the board, or secretary if
 4702 applicable, shall certify the corridor preferred by the
 4703 applicant if the corridor is one proper for certification under
 4704 s. 403.503(11).

4705 ~~(6)~~(5) For certifications issued by the board in regard to
 4706 the properties and works of any agency which is a party to the
 4707 certification hearing, the board shall have the authority to
 4708 decide issues relating to the use, the connection thereto, or
 4709 the crossing thereof, for the electrical power plant and
 4710 directly associated facilities and to direct any such agency to
 4711 execute, within 30 days after the entry of certification, the
 4712 necessary license or easement for such use, connection, or
 4713 crossing, subject only to the conditions set forth in such
 4714 certification. For certifications issued by the department in
 4715 regard to the properties and works of any agency that is a party
 4716 to the proceeding, any stipulation filed pursuant to s.
 4717 403.508(6)(a) must include a stipulation regarding any issues
 4718 relating to the use, the connection thereto, or the crossing
 4719 thereof, for the electrical power plant. Any agency stipulating
 4720 to the use of, connection to, or crossing of its property must
 4721 agree to execute, within 30 days after the entry of
 4722 certification, the necessary license or easement for such use,

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4723 connection, or crossing, subject only to the conditions set
 4724 forth in such certification.

4725 Section 77. Subsections (1) and (6) of section 403.511,
 4726 Florida Statutes, are amended to read:

4727 403.511 Effect of certification.--

4728 (1) Subject to the conditions set forth therein, any
 4729 certification shall constitute the sole license of the state and
 4730 any agency as to the approval of the location of the site and
 4731 any associated facility and the construction and operation of
 4732 the proposed electrical power plant, except for the issuance of
 4733 department licenses required under any federally delegated or
 4734 approved permit program and except as otherwise provided in
 4735 subsection (4).

4736 (6) No term or condition of an electrical power plant a
 4737 ~~site~~ certification shall be interpreted to supersede or control
 4738 the provisions of a final operation permit for a major source of
 4739 air pollution issued by the department pursuant to s. 403.0872
 4740 to a facility certified under this part.

4741 Section 78. Subsection (1) of section 403.5112, Florida
 4742 Statutes, is amended to read:

4743 403.5112 Filing of notice of certified corridor route.--

4744 (1) Within 60 days after certification of an ~~a~~ directly
 4745 associated linear facility pursuant to this act, the applicant
 4746 shall file, in accordance with s. 28.222, with the department
 4747 and the clerk of the circuit court for each county through which
 4748 the corridor will pass, a notice of the certified route.

4749 Section 79. Section 403.5113, Florida Statutes, is amended
 4750 to read:

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4751 403.5113 Postcertification amendments and review.--
 4752 (1) POSTCERTIFICATION AMENDMENTS.--
 4753 (a) If, subsequent to certification by the board, a
 4754 licensee proposes any material change to the application and
 4755 revisions or amendments thereto, as certified, the licensee
 4756 shall submit a written request for amendment and a description
 4757 of the proposed change to the application to the department.
 4758 Within 30 days after the receipt of the request for the
 4759 amendment, the department shall determine whether the proposed
 4760 change to the application requires a modification of the
 4761 conditions of certification.

4762 (b)~~(2)~~ If the department concludes that the change would
 4763 not require a modification of the conditions of certification,
 4764 the department shall provide written notification of the
 4765 approval of the proposed amendment to the licensee, all
 4766 agencies, and all other parties.

4767 (c)~~(3)~~ If the department concludes that the change would
 4768 require a modification of the conditions of certification, the
 4769 department shall provide written notification to the licensee
 4770 that the proposed change to the application requires a request
 4771 for modification pursuant to s. 403.516.

4772 (2)~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
 4773 submittals filed by the licensee with one or more agencies are
 4774 for the purpose of monitoring for compliance with the issued
 4775 certification and must be reviewed by the agencies on an
 4776 expedited and priority basis because each facility certified
 4777 under this act is a critical infrastructure facility. In no
 4778 event shall a postcertification review be completed in more than

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4779 90 days after complete information is submitted to the reviewing
 4780 agencies.

4781 Section 80. Section 403.5115, Florida Statutes, is amended
 4782 to read:

4783 403.5115 Public notice.--

4784 (1) The following notices are to be published by the
 4785 applicant for all applications:

4786 (a) Notice of the filing of a notice of intent under s.
 4787 403.5063, which shall be published within 21 days after the
 4788 filing of the notice. The notice shall be published as specified
 4789 by subsection (2), except that the newspaper notice shall be
 4790 one-fourth page in size in a standard size newspaper or one-half
 4791 page in size in a tabloid size newspaper.

4792 (b) Notice of filing of the application, which shall
 4793 include a description of the proceedings required by this act,
 4794 within 21 days after the date of the application filing. Such
 4795 notice shall give notice of the provisions of s. 403.511(1) and
 4796 (2).

4797 (c) If applicable, notice of the land use determination
 4798 made pursuant to s. 403.50665(2)~~(1)~~ within 21 days after the
 4799 deadline for the filing of the determination is filed.

4800 (d) If applicable, notice of the land use hearing, which
 4801 shall be published as specified in subsection (2), no later than
 4802 15 days before the hearing.

4803 (e) Notice of the certification hearing and notice of the
 4804 deadline for filing notice of intent to be a party, which shall
 4805 be published as specified in subsection (2), at least 65 days
 4806 before the date set for the certification hearing. If one or

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4807 more alternate corridors have been accepted for consideration,
4808 the notice of the certification hearing shall include a map of
4809 all corridors proposed for certification.

4810 (f) Notice of revised deadline for filing alternate
4811 corridors if the certification hearing is rescheduled to a date
4812 other than as published in the notice of filing of the
4813 application. This notice shall be published at least 185 days
4814 before the rescheduled certification hearing and as specified in
4815 subsection (2), except no map is required and the size of the
4816 notice shall be no smaller than 6 square inches.

4817 (g) ~~(f)~~ Notice of the cancellation of the certification
4818 hearing, if applicable, no later than 3 days before the date of
4819 the originally scheduled certification hearing. The newspaper
4820 notice shall be one-fourth page in size in a standard-size
4821 newspaper or one-half page in size in a tabloid-size newspaper.

4822 (h) ~~(g)~~ Notice of modification when required by the
4823 department, based on whether the requested modification of
4824 certification will significantly increase impacts to the
4825 environment or the public. Such notice shall be published as
4826 specified under subsection (2):

4827 1. Within 21 days after receipt of a request for
4828 modification. The newspaper notice shall be of a size as
4829 directed by the department commensurate with the scope of the
4830 modification.

4831 2. If a hearing is to be conducted in response to the
4832 request for modification, then notice shall be published no
4833 later than 30 days before the hearing.

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4834 ~~(h) Notice of a supplemental application, which shall be~~
4835 ~~published as specified in paragraph (b) and subsection (2).~~

4836 ~~(i) Notice of existing site certification pursuant to s.~~
4837 ~~403.5175. Notices shall be published as specified in paragraph~~
4838 ~~(b) and subsection (2).~~

4839 (2) Notices provided by the applicant shall be published
4840 in newspapers of general circulation within the county or
4841 counties in which the proposed electrical power plant will be
4842 located. The newspaper notices, unless otherwise specified,
4843 shall be at least one-half page in size in a standard size
4844 newspaper or a full page in a tabloid size newspaper. These
4845 notices shall include a map generally depicting the project and
4846 all associated facilities corridors. A newspaper of general
4847 circulation shall be the newspaper which has the largest daily
4848 circulation in that county and has its principal office in that
4849 county. If the newspaper with the largest daily circulation has
4850 its principal office outside the county, the notices shall
4851 appear in both the newspaper having the largest circulation in
4852 that county and in a newspaper authorized to publish legal
4853 notices in that county.

4854 (3) All notices published by the applicant shall be paid
4855 for by the applicant and shall be in addition to the application
4856 fee.

4857 (4) The department shall arrange for publication of the
4858 following notices in the manner specified by chapter 120 and
4859 provide copies of those notices to any persons who have
4860 requested to be placed on the departmental mailing list for this
4861 purpose:

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4862 (a) Notice of the filing of the notice of intent within 15
 4863 days after receipt of the notice.

4864 (b) Notice of the filing of the application, no later than
 4865 21 days after the application filing.

4866 (c) Notice of the land use determination made pursuant to
 4867 s. 403.50665 (2) ~~(1)~~ within 21 days after the determination is
 4868 filed.

4869 (d) Notice of the land use hearing before the
 4870 administrative law judge, if applicable, no later than 15 days
 4871 before the hearing.

4872 (e) Notice of the land use hearing before the board, if
 4873 applicable.

4874 (f) Notice of the certification hearing at least 45 days
 4875 before the date set for the certification hearing.

4876 (g) Notice of the revised deadline for filing alternate
 4877 corridors if the certification hearing is rescheduled to a date
 4878 other than as published in the notice of filing of the
 4879 application. This notice shall be published at least 185 days
 4880 before the rescheduled certification hearing.

4881 (h) ~~(g)~~ Notice of the cancellation of the certification
 4882 hearing, if applicable, no later than 3 days prior to the date
 4883 of the originally scheduled certification hearing.

4884 (i) ~~(h)~~ Notice of the hearing before the board, if
 4885 applicable.

4886 (j) ~~(i)~~ Notice of stipulations, proposed agency action, or
 4887 petitions for modification.

4888 (5) A local government or regional planning council that
 4889 proposes to conduct an informational public meeting pursuant to

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4890 s. 403.50663 must publish notice of the meeting in a newspaper
 4891 of general circulation within the county or counties in which
 4892 the proposed electrical power plant will be located no later
 4893 than 7 days prior to the meeting. A newspaper of general
 4894 circulation shall be the newspaper that has the largest daily
 4895 circulation in that county and has its principal office in that
 4896 county. If the newspaper with the largest daily circulation has
 4897 its principal office outside the county, the notices shall
 4898 appear in both the newspaper having the largest circulation in
 4899 that county and in a newspaper authorized to publish legal
 4900 notices in that county.

4901 (6) (a) A good faith effort shall be made by the applicant
 4902 to provide direct written notice of the filing of an application
 4903 for certification by United States mail or hand delivery no
 4904 later than 45 days after filing of the application to all local
 4905 landowners whose property, as noted in the most recent local
 4906 government tax records, and residences are located within the
 4907 following distances of the proposed project:

4908 1. Three miles of the proposed main site boundaries of the
 4909 proposed electrical power plant.

4910 2. One-quarter mile for a transmission line corridor that
 4911 only includes a transmission line as defined by s. 403.522(22).

4912 3. One-quarter mile for all other linear associated
 4913 facilities extending away from the main site boundary except for
 4914 a transmission line corridor that includes a transmission line
 4915 that operates below those defined by s. 403.522(22).

4916 (b) No later than 60 days from the filing of an
 4917 application for certification, the applicant shall file a list

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4918 with the department's Siting Coordination Office of landowners
 4919 and residences that were notified.

4920 (7) (a) A good faith effort shall be made by the proponent
 4921 of an alternate corridor that includes a transmission line, as
 4922 defined by s. 403.522(22), to provide direct written notice of
 4923 the filing of an alternate corridor for certification by United
 4924 States mail or hand delivery of the filing of no later than 30
 4925 days after filing of the alternate corridor to all local
 4926 landowners whose property, as noted in the most recent local
 4927 government tax records, and residences, are located within one-
 4928 quarter mile of the proposed boundaries of a transmission line
 4929 corridor that includes a transmission line as defined by s.
 4930 403.522(22).

4931 (b) No later than 45 days from the filing of an alternate
 4932 corridor for certification, the proponent of an alternate
 4933 corridor shall file a list with the department's Siting
 4934 Coordination Office of landowners and residences that were
 4935 notified.

4936 Section 81. Paragraph (b) of subsection (1) of section
 4937 403.516, Florida Statutes, is amended to read:

4938 403.516 Modification of certification.--

4939 (1) A certification may be modified after issuance in any
 4940 one of the following ways:

4941 (b)1. The department may modify specific conditions of a
 4942 site certification which are inconsistent with the terms of any
 4943 federally delegated or approved permit for the certified
 4944 electrical power plant.

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4945 2. Such modification may be made without further notice if
4946 the matter has been previously noticed under the requirements
4947 for any federally delegated or approved permit program.

4948 Section 82. Paragraphs (a) and (c) of subsection (1) of
4949 section 403.517, Florida Statutes, are amended to read:

4950 403.517 Supplemental applications for sites certified for
4951 ultimate site capacity.--

4952 (1)(a) Supplemental applications may be submitted for
4953 certification of the construction and operation of electrical
4954 power plants to be located at sites which have been previously
4955 certified for an ultimate site capacity pursuant to this act.
4956 Supplemental applications shall be limited to electrical power
4957 plants using the fuel type previously certified for that site.
4958 Such applications shall include all new ~~directly~~ associated
4959 facilities that support the construction and operation of the
4960 electrical power plant.

4961 (c) The time limits for the processing of a complete
4962 supplemental application shall be designated by the department
4963 commensurate with the scope of the supplemental application, but
4964 shall not exceed any time limitation governing the review of
4965 initial applications for ~~site~~ certification pursuant to this
4966 act, it being the legislative intent to provide shorter time
4967 limitations for the processing of supplemental applications for
4968 electrical power plants to be constructed and operated at sites
4969 which have been previously certified for an ultimate site
4970 capacity.

4971 Section 83. Subsections (1), (2), and (3) of section
4972 403.5175, Florida Statutes, are amended to read:

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4973 403.5175 Existing electrical power plant site
 4974 certification.--
 4975 (1) An electric utility that owns or operates an existing
 4976 electrical power plant as defined in s. 403.503 (14) ~~(13)~~ may
 4977 apply for certification of an existing power plant and its site
 4978 in order to obtain all agency licenses necessary to ensure
 4979 compliance with federal or state environmental laws and
 4980 regulation using the centrally coordinated, one-stop licensing
 4981 process established by this part. An application for ~~site~~
 4982 certification under this section must be in the form prescribed
 4983 by department rule. Applications must be reviewed and processed
 4984 using the same procedural steps and notices as for an
 4985 application for a new facility, except that a determination of
 4986 need by the Public Service Commission is not required.
 4987 (2) An application for certification under this section
 4988 must include:
 4989 (a) A description of the site and existing power plant
 4990 installations and associated facilities;
 4991 (b) A description of all proposed changes or alterations
 4992 to the site and ~~or electrical power plant, including~~ all new
 4993 associated facilities that are the subject of the application;
 4994 (c) A description of the environmental and other impacts
 4995 caused by the existing utilization of the site and ~~directly~~
 4996 associated facilities, and the operation of the electrical power
 4997 plant that is the subject of the application, and of the
 4998 environmental and other benefits, if any, to be realized as a
 4999 result of the proposed changes or alterations if certification
 5000 is approved and such other information as is necessary for the

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5001 reviewing agencies to evaluate the proposed changes and the
 5002 expected impacts;

5003 (d) The justification for the proposed changes or
 5004 alterations;

5005 (e) Copies of all existing permits, licenses, and
 5006 compliance plans authorizing utilization of the site and
 5007 ~~directly~~ associated facilities or operation of the electrical
 5008 power plant that is the subject of the application.

5009 (3) The land use and zoning determination requirements of
 5010 s. 403.50665 do not apply to an application under this section
 5011 if the applicant does not propose to expand the boundaries of
 5012 the existing site or to add additional offsite associated
 5013 facilities that are not exempt from the provisions of s.
 5014 403.50665. If the applicant proposes to expand the boundaries of
 5015 the existing site or to add additional offsite associated
 5016 facilities that are not exempt from the provisions of s.
 5017 403.50665 to accommodate portions of the electrical generating
 5018 facility plant or associated facilities, a land use and zoning
 5019 determination shall be made as specified in s. 403.50665;
 5020 provided, however, that the sole issue for determination is
 5021 whether the proposed site expansion or additional nonexempt
 5022 associated facilities are ~~is~~ consistent and in compliance with
 5023 the existing land use plans and zoning ordinances.

5024 Section 84. Section 403.518, Florida Statutes, is amended
 5025 to read:

5026 403.518 Fees; disposition.--The department shall charge
 5027 the applicant the following fees, as appropriate, which, unless

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5028 otherwise specified, shall be paid into the Florida Permit Fee
 5029 Trust Fund:

5030 (1) A fee for a notice of intent pursuant to s. 403.5063,
 5031 in the amount of \$2,500, to be submitted to the department at
 5032 the time of filing of a notice of intent. The notice-of-intent
 5033 fee shall be used and disbursed in the same manner as the
 5034 application fee.

5035 (2) An application fee, which shall not exceed \$200,000.
 5036 The fee shall be fixed by rule on a sliding scale related to the
 5037 size, type, ultimate site capacity, or increase in electrical
 5038 generating capacity proposed by the application.

5039 (a) Sixty percent of the fee shall go to the department to
 5040 cover any costs associated with coordinating the review and
 5041 acting upon the application, to cover any field services
 5042 associated with monitoring construction and operation of the
 5043 facility, and to cover the costs of the public notices published
 5044 by the department.

5045 (b) The following percentages shall be transferred to the
 5046 Operating Trust Fund of the Division of Administrative Hearings
 5047 of the Department of Management Services:

5048 1. Five percent to compensate expenses from the initial
 5049 exercise of duties associated with the filing of an application.

5050 2. An additional 5 percent if a land use hearing is held
 5051 pursuant to s. 403.508.

5052 3. An additional 10 percent if a certification hearing is
 5053 held pursuant to s. 403.508.

5054 (c)1. Upon written request with proper itemized accounting
 5055 within 90 days after final agency action by the board or

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5056 department or withdrawal of the application, the agencies that
 5057 prepared reports pursuant to s. 403.507 or participated in a
 5058 hearing pursuant to s. 403.508 may submit a written request to
 5059 the department for reimbursement of expenses incurred during the
 5060 certification proceedings. The request shall contain an
 5061 accounting of expenses incurred which may include time spent
 5062 reviewing the application, preparation of any studies required
 5063 of the agencies by this act, agency travel and per diem to
 5064 attend any hearing held pursuant to this act, and for any ~~agency~~
 5065 ~~or~~ local government's or regional planning council's provision
 5066 of notice of public meetings ~~or hearings~~ required as a result of
 5067 the application for certification. The department shall review
 5068 the request and verify that the expenses are valid. Valid
 5069 expenses shall be reimbursed; however, in the event the amount
 5070 of funds available for reimbursement is insufficient to provide
 5071 for full compensation to the agencies requesting reimbursement,
 5072 reimbursement shall be on a prorated basis.

5073 2. If the application review is held in abeyance for more
 5074 than 1 year, the agencies may submit a request for
 5075 reimbursement. This time period shall be measured from the date
 5076 the applicant has provided written notification to the
 5077 department that it desires to have the application review
 5078 process placed on hold. The fee disbursement shall be processed
 5079 in accordance with subparagraph 1.

5080 (d) If any sums are remaining, the department shall retain
 5081 them for its use in the same manner as is otherwise authorized
 5082 by this act; provided, however, that if the certification
 5083 application is withdrawn, the remaining sums shall be refunded

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5084 to the applicant within 90 days after the submittal of the
 5085 written notification of withdrawal.

5086 (3) (a) A certification modification fee, which shall not
 5087 exceed \$30,000. The department shall establish rules for
 5088 determining such a fee based on the number of agencies involved
 5089 in the review, equipment redesign, change in site size, type,
 5090 increase in generating capacity proposed, or change in an
 5091 associated ~~linear~~ facility location.

5092 (b) The fee shall be submitted to the department with a
 5093 petition for modification pursuant to s. 403.516. This fee shall
 5094 be established, disbursed, and processed in the same manner as
 5095 the application fee in subsection (2), except that the Division
 5096 of Administrative Hearings shall not receive a portion of the
 5097 fee unless the petition for certification modification is
 5098 referred to the Division of Administrative Hearings for hearing.
 5099 If the petition is so referred, only \$10,000 of the fee shall be
 5100 transferred to the Operating Trust Fund of the Division of
 5101 Administrative Hearings of the Department of Management
 5102 Services.

5103 (4) A supplemental application fee, not to exceed \$75,000,
 5104 to cover all reasonable expenses and costs of the review,
 5105 processing, and proceedings of a supplemental application. This
 5106 fee shall be established, disbursed, and processed in the same
 5107 manner as the certification application fee in subsection (2).

5108 (5) An existing ~~site~~ certification application fee, not to
 5109 exceed \$200,000, to cover all reasonable costs and expenses of
 5110 the review processing and proceedings for certification of an
 5111 existing power plant site under s. 403.5175. This fee must be

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5112 established, disbursed, and processed in the same manner as the
 5113 certification application fee in subsection (2).

5114 (6) An application fee for an alternate corridor filed
 5115 pursuant to s. 403.5064(4). The application fee shall be \$750
 5116 per mile for each mile of the alternate corridor located within
 5117 an existing electric transmission line right-of-way or within an
 5118 existing right-of-way for a road, highway, railroad, or other
 5119 aboveground linear facility, or \$1,000 per mile for each mile of
 5120 an electric transmission line corridor proposed to be located
 5121 outside the existing right-of-way.

5122 Section 85. Paragraphs (a) and (e) of subsection (4) of
 5123 section 403.519, Florida Statutes, are amended to read:

5124 403.519 Exclusive forum for determination of need.--

5125 (4) In making its determination on a proposed electrical
 5126 power plant using nuclear materials or synthesis gas produced by
 5127 integrated gasification combined cycle power plant as fuel, the
 5128 commission shall hold a hearing within 90 days after the filing
 5129 of the petition to determine need and shall issue an order
 5130 granting or denying the petition within 135 days after the date
 5131 of the filing of the petition. The commission shall be the sole
 5132 forum for the determination of this matter and the issues
 5133 addressed in the petition, which accordingly shall not be
 5134 reviewed in any other forum, or in the review of proceedings in
 5135 such other forum. In making its determination to either grant or
 5136 deny the petition, the commission shall consider the need for
 5137 electric system reliability and integrity, including fuel
 5138 diversity, the need for base-load generating capacity, the need
 5139 for adequate electricity at a reasonable cost, and whether

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5140 renewable energy sources and technologies, as well as
 5141 conservation measures, are utilized to the extent reasonably
 5142 available.

5143 (a) The applicant's petition shall include:

5144 1. A description of the need for the generation capacity.

5145 2. A description of how the proposed nuclear or integrated
 5146 gasification combined cycle power plant will enhance the
 5147 reliability of electric power production within the state by
 5148 improving the balance of power plant fuel diversity and reducing
 5149 Florida's dependence on fuel oil and natural gas.

5150 3. A description of and a nonbinding estimate of the cost
 5151 of the nuclear or integrated gasification combined cycle power
 5152 plant, including any costs associated with new, expanded, or
 5153 relocated electrical transmission lines or facilities of any
 5154 size that are necessary to serve the nuclear power plant.

5155 4. The annualized base revenue requirement for the first
 5156 12 months of operation of the nuclear or integrated gasification
 5157 combined cycle power plant.

5158 5. Information on whether there were any discussions with
 5159 any electric utilities regarding ownership of a portion of the
 5160 nuclear or integrated gasification combined cycle power plant by
 5161 such electric utilities.

5162 (e) After a petition for determination of need for a
 5163 nuclear or integrated gasification combined cycle power plant
 5164 has been granted, the right of a utility to recover any costs
 5165 incurred prior to commercial operation, including, but not
 5166 limited to, costs associated with the siting, design, licensing,
 5167 or construction of the plant and new, expanded, or relocated

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5168 electrical transmission lines or facilities of any size that are
 5169 necessary to serve the nuclear power plant, shall not be subject
 5170 to challenge unless and only to the extent the commission finds,
 5171 based on a preponderance of the evidence adduced at a hearing
 5172 before the commission under s. 120.57, that certain costs were
 5173 imprudently incurred. Proceeding with the construction of the
 5174 nuclear or integrated gasification combined cycle power plant
 5175 following an order by the commission approving the need for the
 5176 nuclear or integrated gasification combined cycle power plant
 5177 under this act shall not constitute or be evidence of
 5178 imprudence. Imprudence shall not include any cost increases due
 5179 to events beyond the utility's control. Further, a utility's
 5180 right to recover costs associated with a nuclear or integrated
 5181 gasification combined cycle power plant may not be raised in any
 5182 other forum or in the review of proceedings in such other forum.
 5183 Costs incurred prior to commercial operation shall be recovered
 5184 pursuant to chapter 366.

5185 Section 86. Subsection (1) of section 403.5252, Florida
 5186 Statutes, is amended to read:

5187 403.5252 Determination of completeness.--

5188 (1) (a) Within 30 days after the filing ~~distribution~~ of an
 5189 application, the affected agencies shall file a statement with
 5190 the department containing the recommendations of each agency
 5191 concerning the completeness of the application for
 5192 certification.

5193 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 5194 application ~~completeness statements of each agency~~, the
 5195 department shall file a statement with the Division of

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5196 Administrative Hearings, with the applicant, and with all
 5197 parties declaring its position with regard to the completeness
 5198 of the application. The statement of the department shall be
 5199 based upon its consultation with the affected agencies.

5200 Section 87. Subsection (1) and paragraph (a) of subsection
 5201 (2) of section 403.526, Florida Statutes, are amended to read:

5202 403.526 Preliminary statements of issues, reports, and
 5203 project analyses; studies.--

5204 (1) Each affected agency that is required to file a report
 5205 in accordance with this section shall submit a preliminary
 5206 statement of issues to the department and all parties no later
 5207 than the submittal of each agency's recommendation that the
 5208 application is complete ~~50 days after the filing of the~~
 5209 ~~application. Such statements of issues shall be made available~~
 5210 ~~to each local government for use as information for public~~
 5211 ~~meetings held under s. 403.5272.~~ The failure to raise an issue
 5212 in this preliminary statement of issues does not preclude the
 5213 issue from being raised in the agency's report.

5214 (2) (a) No later than 90 days after the filing of the
 5215 application, the following agencies shall prepare reports as
 5216 provided below, unless a final order denying the determination
 5217 of need has been issued under s. 403.537 ~~and shall submit them~~
 5218 ~~to the department and the applicant no later than 90 days after~~
 5219 ~~the filing of the application:~~

5220 1. The department shall prepare a report as to the impact
 5221 of each proposed transmission line or corridor as it relates to
 5222 matters within its jurisdiction.

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5223 2. Each water management district in the jurisdiction of
 5224 which a proposed transmission line or corridor is to be located
 5225 shall prepare a report as to the impact on water resources and
 5226 other matters within its jurisdiction.

5227 3. The Department of Community Affairs shall prepare a
 5228 report containing recommendations which address the impact upon
 5229 the public of the proposed transmission line or corridor, based
 5230 on the degree to which the proposed transmission line or
 5231 corridor is consistent with the applicable portions of the state
 5232 comprehensive plan, emergency management, and other matters
 5233 within its jurisdiction. The Department of Community Affairs may
 5234 also comment on the consistency of the proposed transmission
 5235 line or corridor with applicable strategic regional policy plans
 5236 or local comprehensive plans and land development regulations.

5237 4. The Fish and Wildlife Conservation Commission shall
 5238 prepare a report as to the impact of each proposed transmission
 5239 line or corridor on fish and wildlife resources and other
 5240 matters within its jurisdiction.

5241 5. Each local government shall prepare a report as to the
 5242 impact of each proposed transmission line or corridor on matters
 5243 within its jurisdiction, including the consistency of the
 5244 proposed transmission line or corridor with all applicable local
 5245 ordinances, regulations, standards, or criteria that apply to
 5246 the proposed transmission line or corridor, including local
 5247 comprehensive plans, zoning regulations, land development
 5248 regulations, and any applicable local environmental regulations
 5249 adopted pursuant to s. 403.182 or by other means. A change by
 5250 the responsible local government or local agency in local

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5251 comprehensive plans, zoning ordinances, or other regulations
5252 made after the date required for the filing of the local
5253 government's report required by this section is not applicable
5254 to the certification of the proposed transmission line or
5255 corridor unless the certification is denied or the application
5256 is withdrawn.

5257 6. Each regional planning council shall present a report
5258 containing recommendations that address the impact upon the
5259 public of the proposed transmission line or corridor based on
5260 the degree to which the transmission line or corridor is
5261 consistent with the applicable provisions of the strategic
5262 regional policy plan adopted under chapter 186 and other impacts
5263 of each proposed transmission line or corridor on matters within
5264 its jurisdiction.

5265 7. The Department of Transportation shall prepare a report
5266 as to the impact of the proposed transmission line or corridor
5267 on state roads, railroads, airports, aeronautics, seaports, and
5268 other matters within its jurisdiction.

5269 8. The commission shall prepare a report containing its
5270 determination under s. 403.537, and the report may include the
5271 comments from the commission with respect to any other subject
5272 within its jurisdiction.

5273 9. Any other agency, if requested by the department, shall
5274 also perform studies or prepare reports as to subjects within
5275 the jurisdiction of the agency which may potentially be affected
5276 by the proposed transmission line.

5277 Section 88. Subsection (4) and paragraph (a) of subsection
5278 (6) of section 403.527, Florida Statutes, are amended to read:

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5279 403.527 Certification hearing, parties, participants.--
 5280 (4) (a) One public hearing where members of the public who
 5281 are not parties to the certification hearing may testify shall
 5282 be held in conjunction with the certification hearing ~~within the~~
 5283 ~~boundaries of each county, at the option of any local~~
 5284 ~~government.~~

5285 (b) Upon the request of the local government, one public
 5286 hearing where members of the public who are not parties to the
 5287 certification hearing and who reside within the jurisdiction of
 5288 the local government may testify shall be held within the
 5289 boundaries of each county in which a local government that made
 5290 such a request is located.

5291 (c) ~~(a)~~ A local government shall notify the administrative
 5292 law judge and all parties not later than 50 ~~21~~ days after the
 5293 filing of the application ~~has been determined complete~~ as to
 5294 whether the local government wishes to have a public hearing
 5295 within the boundaries of its county. ~~If a filing for an~~
 5296 ~~alternate corridor is accepted for consideration under s.~~
 5297 ~~403.5271(1) by the department and the applicant, any newly~~
 5298 ~~affected local government must notify the administrative law~~
 5299 ~~judge and all parties not later than 10 days after the data~~
 5300 ~~concerning the alternate corridor has been determined complete~~
 5301 ~~as to whether the local government wishes to have such a public~~
 5302 ~~hearing.~~ The local government is responsible for providing the
 5303 location of the public hearing if held separately from the
 5304 certification hearing.

5305 (d) ~~(b)~~ Within 5 days after notification, the
 5306 administrative law judge shall determine the date of the public

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5307 hearing, which shall be held before or during the certification
 5308 hearing. If two or more local governments within one county
 5309 request a public hearing, the hearing shall be consolidated so
 5310 that only one public hearing is held in any county. The location
 5311 of a consolidated hearing shall be determined by the
 5312 administrative law judge.

5313 (e)~~(e)~~ If a local government does not request a public
 5314 hearing within 50 ~~21~~ days after the filing of the application
 5315 ~~has been determined complete~~, members of the public who are not
 5316 parties to the certification hearing and who reside ~~persons~~
 5317 ~~residing~~ within the jurisdiction of the local government may
 5318 testify during the ~~that portion of the certification hearing~~
 5319 held under paragraph (b) at which public testimony is heard.

5320 (6) (a) No later than 29 ~~25~~ days before the certification
 5321 hearing, the department or the applicant may request that the
 5322 administrative law judge cancel the certification hearing and
 5323 relinquish jurisdiction to the department if all parties to the
 5324 proceeding stipulate that there are no disputed issues of
 5325 material fact or law ~~to be raised at the certification hearing.~~

5326 Section 89. Paragraphs (b), (c), and (e) of subsection (1)
 5327 of section 403.5271, Florida Statutes, are amended to read:

5328 403.5271 Alternate corridors.--

5329 (1) No later than 45 days before the originally scheduled
 5330 certification hearing, any party may propose alternate
 5331 transmission line corridor routes for consideration under the
 5332 provisions of this act.

5333 (b)1. Within 7 days after receipt of the notice, the
 5334 applicant and the department shall file with the administrative

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5335 law judge and all parties a notice of acceptance or rejection of
 5336 a proposed alternate corridor for consideration. If the
 5337 alternate corridor is rejected by the applicant or the
 5338 department, the certification hearing and the public hearings
 5339 shall be held as scheduled. If both the applicant and the
 5340 department accept a proposed alternate corridor for
 5341 consideration, the certification hearing and the public hearings
 5342 shall be rescheduled, if necessary. If a filing for an alternate
 5343 corridor is accepted for consideration by the department and the
 5344 applicant, any newly affected local government must notify the
 5345 administrative law judge and all parties not later than 10 days
 5346 after the data concerning the alternate corridor has been
 5347 determined complete as to whether the local government wishes to
 5348 have such a public hearing. The local government is responsible
 5349 for providing the location of the public hearing if held
 5350 separately from the certification hearing. The provisions of s.
 5351 403.527(4)(b) and (c) shall apply. Notice of the local hearings
 5352 shall be published in accordance with s. 403.5363.

5353 2. If rescheduled, the certification hearing shall be held
 5354 no more than 90 days after the previously scheduled
 5355 certification hearing, unless the data submitted under paragraph
 5356 (d) is determined to be incomplete, in which case the
 5357 rescheduled certification hearing shall be held no more than 105
 5358 days after the previously scheduled certification hearing. If
 5359 additional time is needed due to the alternate corridor crossing
 5360 a local government jurisdiction that was not previously
 5361 affected, the remainder of the schedule listed below shall be
 5362 appropriately adjusted by the administrative law judge to allow

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5363 that local government to prepare a report pursuant to s.
 5364 403.526(2)(a)5. Notice that the certification hearing has been
 5365 deferred due to the acceptance of the alternate corridor shall
 5366 be published in accordance with s. 403.5363.

5367 (c) Notice of the filing of the alternate corridor, ~~of the~~
 5368 ~~revised time schedules, of the deadline for newly affected~~
 5369 ~~persons and agencies to file notice of intent to become a party,~~
 5370 ~~of the rescheduled hearing date, and of the proceedings~~ shall be
 5371 published by the alternate proponent in accordance with s.
 5372 403.5363(2). If the notice is not timely published or does not
 5373 meet the notice requirements, the alternate shall be deemed
 5374 withdrawn.

5375 (e)1. Reviewing agencies shall advise the department of
 5376 any issues concerning completeness no later than 15 days after
 5377 the submittal of the data required by paragraph (d). Within 22
 5378 days after receipt of the data, the department shall issue a
 5379 determination of completeness.

5380 2. If the department determines that the data required by
 5381 paragraph (d) is not complete, the party proposing the alternate
 5382 corridor must file such additional data to correct the
 5383 incompleteness. This additional data must be submitted within 14
 5384 days after the determination by the department.

5385 3. Reviewing agencies may advise the department of any
 5386 issues concerning completeness of the additional data within 10
 5387 days after the filing by the party proposing the alternate
 5388 corridor. If the department, within 14 days after receiving the
 5389 additional data, determines that the data remains incomplete,
 5390 the incompleteness of the data is deemed a withdrawal of the

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5391 | proposed alternate corridor. The department may make its
 5392 | determination based on recommendations made by other affected
 5393 | agencies.

5394 | Section 90. Subsection (3) of section 403.5272, Florida
 5395 | Statutes, is amended to read:

5396 | 403.5272 Informational public meetings.--

5397 | (3) A local government or regional planning council that
 5398 | intends to conduct an informational public meeting must provide
 5399 | notice of the meeting, with notice sent to all parties listed in
 5400 | s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting and
 5401 | to the general public in accordance with s. 403.5363(4).

5402 | Section 91. Subsection (1) of section 403.5312, Florida
 5403 | Statutes, is amended to read:

5404 | 403.5312 Filing of notice of certified corridor route.--

5405 | (1) Within 60 days after certification of a ~~directly~~
 5406 | ~~associated transmission line under ss. 403.501-403.518 or a~~
 5407 | transmission line corridor under ss. 403.52-403.5365, the
 5408 | applicant shall file with the department and, in accordance with
 5409 | s. 28.222, with the clerk of the circuit court for each county
 5410 | through which the corridor will pass, a notice of the certified
 5411 | route.

5412 | Section 92. Section 403.5363, Florida Statutes, is amended
 5413 | to read:

5414 | 403.5363 Public notices; requirements.--

5415 | (1)(a) The applicant shall arrange for the publication of
 5416 | the notices specified in paragraph (b).

5417 | 1. The notices shall be published in newspapers of general
 5418 | circulation within counties crossed by the transmission line

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5419 corridors proper for certification. The required newspaper
 5420 notices ~~for filing of an application and for the certification~~
 5421 ~~hearing shall be one-half page in size in a standard-size~~
 5422 ~~newspaper or a full page in a tabloid size newspaper and~~
 5423 published in a section of the newspaper other than the section
 5424 for legal notices. ~~These two notices must include a map~~
 5425 ~~generally depicting all transmission corridors proper for~~
 5426 ~~certification.~~ A newspaper of general circulation shall be the
 5427 newspaper within a county crossed by a transmission line
 5428 corridor proper for certification which newspaper has the
 5429 largest daily circulation in that county and has its principal
 5430 office in that county. If the newspaper having the largest daily
 5431 circulation has its principal office outside the county, the
 5432 notices must appear in both the newspaper having the largest
 5433 circulation in that county and in a newspaper authorized to
 5434 publish legal notices in that county.

5435 2. The department shall adopt rules specifying the content
 5436 of the newspaper notices.

5437 3. All notices published by the applicant shall be paid
 5438 for by the applicant and shall be in addition to the application
 5439 fee.

5440 (b) Public notices that must be published under this
 5441 section include:

5442 1. The notice of the filing of an application, which must
 5443 include a description of the proceedings required by this act.
 5444 The notice must describe the provisions of s. 403.531(1) and (2)
 5445 and give the date by which notice of intent to be a party or a
 5446 petition to intervene in accordance with s. 403.527(2) must be

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5447 filed. This notice must be published no more than 21 days after
5448 the application is filed. The notice shall, at a minimum, be
5449 one-half page in size in a standard-size newspaper or a full
5450 page in a tabloid-size newspaper. The notice must include a map
5451 generally depicting all transmission corridors proper for
5452 certification.

5453 2. The notice of the certification hearing and any ~~other~~
5454 public hearing held permitted under s. 403.527(4). The notice
5455 must include the date by which a person wishing to appear as a
5456 party must file the notice to do so. The notice of the
5457 originally scheduled certification hearing must be published at
5458 least 65 days before the date set for the certification hearing.
5459 The notice shall meet the size and map requirements set forth in
5460 subparagraph 1.

5461 3. The notice of the cancellation of the certification
5462 hearing under s. 403.527(6), if applicable. The notice must be
5463 published at least 3 days before the date of the originally
5464 scheduled certification hearing. The notice shall, at a minimum,
5465 be one-fourth page in size in a standard-size newspaper or one-
5466 half page in a tabloid-size newspaper. The notice shall not
5467 require a map to be included.

5468 4. The notice of the deferment of the certification
5469 hearing due to the acceptance of an alternate corridor under s.
5470 403.5272(1)(b)2. The notice must be published at least 7 days
5471 before the date of the originally scheduled certification
5472 hearing. The notice shall, at a minimum, be one-eighth page in
5473 size in a standard-size newspaper or one-fourth page in a

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5474 tabloid-size newspaper. The notice shall not require a map to be
5475 included.

5476 5. If the notice of the rescheduled certification hearing
5477 required of an alternate proponent under s. 403.5271(1)(c) is
5478 not timely published or does not meet the notice requirements
5479 such that an alternate corridor is withdrawn under the
5480 provisions of s. 403.5271(1)(c), the notice of the rescheduled
5481 hearing and any local hearings shall be provided by the
5482 applicant at least 30 days prior to the rescheduled
5483 certification hearing.

5484 6.4. The notice of the filing of a proposal to modify the
5485 certification submitted under s. 403.5315, if the department
5486 determines that the modification would require relocation or
5487 expansion of the transmission line right-of-way or a certified
5488 substation.

5489 (2) (a) Each ~~The~~ proponent of an alternate corridor shall
5490 arrange for newspaper notice of the publication of the filing of
5491 the proposal for an alternate corridor. If there is more than
5492 one alternate proponent, the proponents may jointly publish
5493 notice, so long as the content requirements below are met and
5494 the maps are legible.

5495 (b) The notice shall specify, the revised time schedules,
5496 the date by which newly affected persons or agencies may file
5497 the notice of intent to become a party, ~~and~~ the date of the
5498 rescheduled hearing, and the date of any public hearing held
5499 under s. 403.5271(1)(b)1.

5500 (c) A notice listed in this subsection must be published
5501 in a newspaper of general circulation within the county or

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5502 | counties crossed by the proposed alternate corridor and comply
 5503 | with the content, size, and map requirements set forth in this
 5504 | section ~~paragraph (1)(a)~~.

5505 | (d) The notice of the alternate corridor proposal must be
 5506 | published not less than 45 ~~50~~ days before the rescheduled
 5507 | certification hearing.

5508 | (3) The department shall arrange for the publication of
 5509 | the following notices in the manner specified by chapter 120:

5510 | (a) The notice of the filing of an application and the
 5511 | date by which a person intending to become a party must file a
 5512 | petition to intervene or a notice of intent to be a party. The
 5513 | notice must be published no later than 21 days after the
 5514 | application has been filed.

5515 | (b) The notice of any administrative hearing for
 5516 | certification, if applicable. The notice must be published not
 5517 | less than 65 days before the date set for a hearing, except that
 5518 | notice for a rescheduled certification hearing after acceptance
 5519 | of an alternative corridor must be published not less than 50
 5520 | days before the date set for the hearing.

5521 | (c) The notice of the cancellation of a certification
 5522 | hearing under s. 403.527(6), if applicable. The notice must be
 5523 | published not later than 7 days before the date of the
 5524 | originally scheduled certification hearing.

5525 | (d) The notice of the deferment of the certification
 5526 | hearing due to the acceptance of an alternate corridor under s.
 5527 | 403.5271(1)(b)2. The notice must be published at least 7 days
 5528 | before the date of the originally scheduled certification
 5529 | hearing.

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5530 ~~(e)-(d)~~ The notice of the hearing before the siting board,
 5531 if applicable.

5532 ~~(f)-(e)~~ The notice of stipulations, proposed agency action,
 5533 or a petition for modification.

5534 (4) A local government or regional planning council that
 5535 proposes to conduct an informational public meeting pursuant to
 5536 s. 403.5272 must publish notice of the meeting in a newspaper of
 5537 general circulation within the county or counties in which the
 5538 proposed electrical transmission line will be located no later
 5539 than 7 days prior to the meeting. A newspaper of general
 5540 circulation shall be the newspaper that has the largest daily
 5541 circulation in that county and has its principal office in that
 5542 county. If the newspaper with the largest daily circulation has
 5543 its principal office outside the county, the notices shall
 5544 appear in both the newspaper having the largest circulation in
 5545 that county and in a newspaper authorized to publish legal
 5546 notices in that county.

5547 (5) (a) A good faith effort shall be made by the applicant
 5548 to provide direct notice of the filing of an application for
 5549 certification by United States mail or hand delivery no later
 5550 than 45 days after filing of the application to all local
 5551 landowners whose property, as noted in the most recent local
 5552 government tax records, and residences are located within one-
 5553 quarter mile of the proposed boundaries of a transmission line
 5554 corridor that only includes a transmission line as defined by s.
 5555 403.522 (22) .

5556 (b) No later than 60 days after the filing of an
 5557 application for certification, the applicant shall file a list

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5558 with the department's Siting Coordination Office of landowners
 5559 and residences that were notified.

5560 (6) (a) A good faith effort shall be made by the proponent
 5561 of an alternate corridor that includes a transmission line, as
 5562 defined by s. 403.522(22), to provide direct notice of the
 5563 filing of an alternate corridor for certification by United
 5564 States mail or hand delivery of the filing no later than 30 days
 5565 after filing of the alternate corridor to all local landowners
 5566 whose property, as noted in the most recent local government tax
 5567 records, and residences are located within one-quarter mile of
 5568 the proposed boundaries of a transmission line corridor that
 5569 includes a transmission line as defined by s. 403.522(22).

5570 (b) No later than 45 days after the filing of an alternate
 5571 corridor for certification, the proponent of an alternate
 5572 corridor shall file a list with the department's Siting
 5573 Coordination Office of landowners and residences that were
 5574 notified.

5575 Section 93. Paragraphs (d) and (e) of subsection (1) of
 5576 section 403.5365, Florida Statutes, are amended to read:

5577 403.5365 Fees; disposition.--The department shall charge
 5578 the applicant the following fees, as appropriate, which, unless
 5579 otherwise specified, shall be paid into the Florida Permit Fee
 5580 Trust Fund:

5581 (1) An application fee.

5582 (d)1. Upon written request with proper itemized accounting
 5583 within 90 days after final agency action by the siting board or
 5584 the department or the written notification of the withdrawal of
 5585 the application, the agencies that prepared reports under s.

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5586 403.526 or s. 403.5271 or participated in a hearing under s.
5587 403.527 or s. 403.5271 may submit a written request to the
5588 department for reimbursement of expenses incurred during the
5589 certification proceedings. The request must contain an
5590 accounting of expenses incurred, which may include time spent
5591 reviewing the application, preparation of any studies required
5592 of the agencies by this act, agency travel and per diem to
5593 attend any hearing held under this act, and for the local
5594 government or regional planning council providing additional
5595 notice of the informational public meeting. The department shall
5596 review the request and verify whether a claimed expense is
5597 valid. Valid expenses shall be reimbursed; however, if the
5598 amount of funds available for reimbursement is insufficient to
5599 provide for full compensation to the agencies, reimbursement
5600 shall be on a prorated basis.

5601 2. If the application review is held in abeyance for more
5602 than 1 year, the agencies may submit a request for reimbursement
5603 under subparagraph 1. This time period shall be measured from
5604 the date the applicant has provided written notification to the
5605 department that it desires to have the application review
5606 process placed on hold. The fee disbursement shall be processed
5607 in accordance with subparagraph 1.

5608 (e) If any sums are remaining, the department shall retain
5609 them for its use in the same manner as is otherwise authorized
5610 by this section; however, if the certification application is
5611 withdrawn, the remaining sums shall be refunded to the applicant
5612 within 90 days after submittal of the written notification of
5613 withdrawal.

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5614 Section 94. Section 403.7055, Florida Statutes, is created
 5615 to read:

5616 403.7055 Methane capture.--

5617 (1) Each county is encouraged to form multicounty regional
 5618 solutions to the capture and reuse or sale of methane gas from
 5619 landfills and wastewater treatment facilities.

5620 (2) The department shall provide planning guidelines and
 5621 technical assistance to each county to develop and implement
 5622 such multicounty efforts.

5623 Section 95. Section 403.7032, Florida Statutes, is created
 5624 to read

5625 403.7032 Recycling.--

5626 (1) The Legislature finds that the failure or inability to
 5627 economically recover material and energy resources from solid
 5628 waste results in the unnecessary waste and depletion of our
 5629 natural resources. As the state continues to grow, so will the
 5630 potential amount of discarded material that must be treated and
 5631 disposed of, necessitating the improvement of solid waste
 5632 collection and disposal. Therefore, the maximum recycling and
 5633 reuse of such resources are considered high-priority goals of
 5634 the state.

5635 (2) By the year 2020, the long-term goal for the recycling
 5636 efforts of state and local governmental entities, private
 5637 companies and organizations, and the general public is to reduce
 5638 the amount of recyclable solid waste disposed of in waste
 5639 management facilities, landfills, or incineration facilities by
 5640 a statewide average of at least 75 percent. However, any solid
 5641 waste used for the production of renewable energy shall count

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5642 toward the long term recycling goal as set forth in this
5643 section.

5644 (3) The Department of Environmental Protection shall
5645 develop a comprehensive recycling program that is designed to
5646 achieve the percentage under subsection (2) and submit the
5647 program to the President of the Senate and the Speaker of the
5648 House of Representatives by January 1, 2010. The program may not
5649 be implemented until approved by the Legislature. The program
5650 must be developed in coordination with input from state and
5651 local entities, private businesses, and the public. Under the
5652 program, recyclable materials shall include, but are not limited
5653 to, metals, paper, glass, plastic, textile, rubber materials,
5654 and mulch. Components of the program shall include, but are not
5655 limited to:

5656 (a) Programs to identify environmentally preferable
5657 purchasing practices to encourage the purchase of recycled,
5658 durable, and less toxic goods.

5659 (b) Programs to educate students in grades K-12 in the
5660 benefits of, and proper techniques for, recycling.

5661 (c) Programs for statewide recognition of successful
5662 recycling efforts by schools, businesses, public groups, and
5663 private citizens.

5664 (d) Programs for municipalities and counties to develop
5665 and implement efficient recycling efforts to return valuable
5666 materials to productive use, conserve energy, and protect
5667 natural resources.

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5668 (e) Programs by which the department can provide technical
 5669 assistance to municipalities and counties in support of their
 5670 recycling efforts.

5671 (f) Programs to educate and train the public in proper
 5672 recycling efforts;

5673 (g) Evaluation of how financial assistance can best be
 5674 provided to municipalities and counties in support of their
 5675 recycling efforts.

5676 (h) Evaluation of why existing waste management and
 5677 recycling programs in the state have not been better used.

5678 Section 96. Section 403.7033, Florida Statutes, is created
 5679 to read:

5680 403.7033 Departmental analysis of particular recyclable
 5681 materials.--The Legislature finds that prudent regulation of
 5682 recyclable materials is crucial to the ongoing welfare of
 5683 Florida's ecology and economy. As such, the Department of
 5684 Environmental Protection shall undertake an analysis of the need
 5685 for new or different regulation of auxiliary containers,
 5686 wrappings, or disposable plastic bags used by consumers to carry
 5687 products from retail establishments. The analysis shall include
 5688 input from state and local government agencies, stakeholders,
 5689 private businesses, and citizens, and shall evaluate the
 5690 efficacy and necessity of both statewide and local regulation of
 5691 these materials. To ensure consistent and effective
 5692 implementation, the department shall submit a report with
 5693 conclusions and recommendations to the Legislature no later than
 5694 February 1, 2010. Until such time that the Legislature adopts
 5695 the recommendations of the department, no local government,

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5696 local governmental agency, or state government agency may enact
 5697 any rule, regulation, or ordinance regarding use, disposition,
 5698 sale, prohibition, restriction, or tax of such auxiliary
 5699 containers, wrappings, or disposable plastic bags.

5700 Section 97. 403.706 Local government solid waste
 5701 responsibilities.--

5702 (2) (a) Each county shall implement a recyclable materials
 5703 recycling program. Counties and municipalities are encouraged to
 5704 form cooperative arrangements for implementing recycling
 5705 programs.

5706 (b) Such programs shall be designed to recover a
 5707 significant portion of at least four of the following materials
 5708 from the solid waste stream prior to final disposal at a solid
 5709 waste disposal facility and to offer these materials for
 5710 recycling: newspaper, aluminum cans, steel cans, glass, plastic
 5711 bottles, cardboard, office paper, and yard trash. Local
 5712 governments which operate permitted waste-to-energy facilities
 5713 may retrieve ferrous and nonferrous metal as a byproduct of
 5714 combustion.

5715 (c) Local governments are encouraged to separate all
 5716 plastics, metal, and all grades of paper for recycling prior to
 5717 final disposal and are further encouraged to recycle yard trash
 5718 and other mechanically treated solid waste into compost
 5719 available for agricultural and other acceptable uses.

5720 (d) By July 1, 2010, each county shall develop and
 5721 implement a plan to achieve a goal to compost ~~is encouraged to~~
 5722 ~~consider plans for composting or mulching of~~ organic materials
 5723 that would otherwise be disposed of in a landfill. The goal

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5724 shall provide that up to 10 percent and no less than 5 percent
 5725 of organic material would be composted within the county and the
 5726 municipalities within its boundaries. The department may reduce
 5727 or modify the compost goal if the county demonstrates to the
 5728 department that achievement of the goal would be impractical
 5729 given the county's unique demographic, urban density, or
 5730 inability to separate normally compostable material from the
 5731 solid waste stream. The composting plan is ~~or mulching plans are~~
 5732 encouraged to address partnership with the private sector.

5733 (e) Each county is encouraged to consider plans for
 5734 mulching organic materials that would otherwise be disposed of
 5735 in a landfill. The mulching plans are encouraged to address
 5736 partnership with the private sector.

5737 Section 98. Subsection (6) of section 403.814, Florida
 5738 Statutes, is amended to read:

5739 403.814 General permits; delegation.--

5740 (6) Construction and maintenance of electric transmission
 5741 or distribution lines in wetlands by electric utilities, as
 5742 defined in s. 366.02, shall be authorized by general permit
 5743 provided the following provisions are implemented:

5744 (a) All permanent fill shall be at grade. Fill shall be
 5745 limited to that necessary for the electrical support structures,
 5746 towers, poles, guy wires, stabilizing backfill, and at-grade
 5747 access roads limited to 20-foot widths; and

5748 (b) The permittee may utilize access and work areas
 5749 limited to the following: a linear access area of up to 25 feet
 5750 wide between electrical support structures, an access area of up
 5751 to 25 feet wide to electrical support structures from the edge

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5752 of the right-of-way, and a work area around the electrical
 5753 support structures, towers, poles, and guy wires. These areas
 5754 may be cleared to ground, including removal of stumps as
 5755 necessary; and

5756 (c) Vegetation within wetlands may be cut or removed no
 5757 lower than the soil surface under the conductor, and 20 feet to
 5758 either side of the outermost conductor, while maintaining the
 5759 remainder of the project right-of-way within the wetland by
 5760 selectively clearing vegetation which has an expected mature
 5761 height above 14 feet. Brazilian pepper, Australian pine, and
 5762 melaleuca shall be eradicated throughout the wetland portion of
 5763 the right-of-way; and

5764 (d) Erosion control methods shall be implemented as
 5765 necessary to ensure that state water quality standards for
 5766 turbidity are met. Diversion and impoundment of surface waters
 5767 shall be minimized; and

5768 (e) The proposed construction and clearing shall not
 5769 adversely affect threatened and endangered species; and

5770 (f) The proposed construction and clearing shall not
 5771 result in a permanent change in existing ground surface
 5772 elevation; and

5773 (g) Where fill is placed in wetlands, the clearing to
 5774 ground of forested wetlands is restricted to 4.0 acres per 10-
 5775 mile section of the project, with no more than one impact site
 5776 exceeding 0.5 acres. The impact site which exceeds 0.5 acres
 5777 shall not exceed 2.0 acres. The total forested wetland clearing
 5778 to the ground per 10-mile section shall not exceed 15 acres. The
 5779 10-mile sections shall be measured from the beginning to the

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5780 terminus, or vice versa, and the section shall not end in a
 5781 wetland; and

5782 (h) The general permit authorized by this subsection shall
 5783 not apply in forested wetlands located within 550 feet from the
 5784 shoreline of a named water body designated as an Outstanding
 5785 Florida Water; and

5786 (i) This subsection also applies to transmission lines and
 5787 appurtenances certified under part II of this chapter. However,
 5788 the criteria of the general permit shall not affect the
 5789 authority of the siting board to condition certification of
 5790 transmission lines as authorized under part II of this chapter.

5791
 5792 Maintenance of existing electric lines and clearing of
 5793 vegetation in wetlands conducted without the placement of
 5794 structures in wetlands or other dredge and fill activities does
 5795 not require an individual or general construction permit. For
 5796 the purpose of this subsection, wetlands shall mean the landward
 5797 extent of waters of the state regulated under s. 403.927 ~~ss.~~
 5798 ~~403.91-403.929~~ and isolated and nonisolated wetlands regulated
 5799 under part IV of chapter 373. The provisions provided in this
 5800 subsection apply to the permitting requirements of the
 5801 department, any water management district, and any local
 5802 government implementing part IV of chapter 373 or part VIII of
 5803 this chapter.

5804 Section 99. Section 489.145, Florida Statutes, is amended
 5805 to read:

5806 489.145 Guaranteed energy, water, and wastewater
 5807 performance savings contracting.--

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5808 (1) SHORT TITLE.--This section may be cited as the
 5809 "Guaranteed Energy, Water, and Wastewater Performance Savings
 5810 Contracting Act."

5811 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
 5812 investment in energy, water, and wastewater efficiency and
 5813 conservation measures in agency facilities can reduce the amount
 5814 of energy and water consumed and wastewater produced and produce
 5815 immediate and long-term savings. It is the policy of this state
 5816 to encourage each agency ~~agencies~~ to invest in energy, water,
 5817 and wastewater efficiency and conservation measures ~~that reduce~~
 5818 ~~energy consumption, produce a cost savings for the agency, and~~
 5819 ~~improve the quality of indoor air in public facilities and to~~
 5820 ~~operate, maintain, and, when economically feasible, build or~~
 5821 ~~renovate existing agency facilities in such a manner as to~~
 5822 minimize energy and water consumption and wastewater production
 5823 and maximize energy, water, and wastewater savings. It is
 5824 further the policy of this state to encourage agencies to
 5825 reinvest any ~~energy~~ savings resulting from energy, water, and
 5826 wastewater efficiency and conservation measures in additional
 5827 energy, water, and wastewater efficiency and conservation
 5828 measures ~~efforts~~.

5829 (3) DEFINITIONS.--As used in this section, the term:

5830 (a) "Agency" means the state, a municipality, or a
 5831 political subdivision.

5832 (b) "Energy, water, and wastewater efficiency and
 5833 conservation measure" means a training program incidental to the
 5834 contract, facility alteration, or equipment purchase to be used
 5835 in new construction, including an addition to ~~an~~ existing

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5836 facilities or infrastructure facility, which reduces energy or
 5837 water consumption, wastewater production, or energy-related
 5838 operating costs and includes, but is not limited to:

- 5839 1. Insulation of the facility structure and systems within
 5840 the facility.
- 5841 2. Storm windows and doors, caulking or weatherstripping,
 5842 multiglazed windows and doors, heat-absorbing, or heat-
 5843 reflective, glazed and coated window and door systems,
 5844 additional glazing, reductions in glass area, and other window
 5845 and door system modifications that reduce energy consumption.
- 5846 3. Automatic energy control systems.
- 5847 4. Heating, ventilating, or air-conditioning system
 5848 modifications or replacements.
- 5849 5. Replacement or modifications of lighting fixtures to
 5850 increase the energy efficiency of the lighting system, which, at
 5851 a minimum, must conform to the applicable state or local
 5852 building code.
- 5853 6. Energy recovery systems.
- 5854 7. Cogeneration systems that produce steam or forms of
 5855 energy such as heat, as well as electricity, for use primarily
 5856 within a facility or complex of facilities.
- 5857 8. Energy conservation measures that reduce British
 5858 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)
 5859 consumed or provide long-term operating cost reductions ~~or~~
 5860 ~~significantly reduce Btu consumed~~.
- 5861 9. Renewable energy systems, such as solar, biomass, or
 5862 wind systems.

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- 5863 10. Devices that reduce water consumption or sewer
- 5864 charges.
- 5865 11. Energy storage systems, such as fuel cells and thermal
- 5866 storage.
- 5867 12. Energy-generating ~~generating~~ technologies, such as
- 5868 microturbines.
- 5869 13. Any other repair, replacement, or upgrade of existing
- 5870 equipment.

5871 (c) "Energy, water, or wastewater cost savings" means a

5872 measured reduction in the cost of fuel, energy or water

5873 consumption, wastewater production, and stipulated operation and

5874 maintenance created from the implementation of one or more

5875 energy, water, or wastewater efficiency or conservation measures

5876 when compared with an established baseline for the previous cost

5877 of fuel, energy or water consumption, wastewater production, and

5878 stipulated operation and maintenance.

5879 (d) "Guaranteed energy, water, and wastewater performance

5880 savings contract" means a contract for the evaluation,

5881 recommendation, and implementation of energy, water, or

5882 wastewater efficiency or conservation measures, which, at a

5883 minimum, shall include:

5884 1. The design and installation of equipment to implement

5885 one or more of such measures and, if applicable, operation and

5886 maintenance of such measures.

5887 2. The amount of any actual annual savings that meet or

5888 exceed total annual contract payments made by the agency for the

5889 contract and may include allowable cost avoidance if determined

5890 appropriate by the Chief Financial Officer.

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5891 3. The finance charges incurred by the agency over the
 5892 life of the contract.

5893 (e) "Guaranteed energy, water, and wastewater performance
 5894 savings contractor" means a person or business that is licensed
 5895 under chapter 471, chapter 481, or this chapter, and is
 5896 experienced in the analysis, design, implementation, or
 5897 installation of energy, water, and wastewater efficiency and
 5898 conservation measures through energy performance contracts.

5899 (f) "Investment grade energy audit" means a detailed
 5900 energy, water, and wastewater audit, along with an accompanying
 5901 analysis of proposed energy, water, and wastewater conservation
 5902 measures, and their costs, savings, and benefits prior to entry
 5903 into an energy savings contract.

5904 (4) PROCEDURES.--

5905 (a) An agency may enter into a guaranteed energy, water,
 5906 and wastewater performance savings contract with a guaranteed
 5907 energy, water, and wastewater performance savings contractor to
 5908 ~~significantly~~ reduce energy or water consumption, wastewater
 5909 production, or energy-related operating costs of an agency
 5910 facility through one or more energy, water, or wastewater
 5911 efficiency or conservation measures.

5912 (b) Before design and installation of energy, water, or
 5913 wastewater efficiency and conservation measures, the agency must
 5914 obtain from a guaranteed energy, water, and wastewater
 5915 performance savings contractor a report that summarizes the
 5916 costs associated with the energy, water, or wastewater
 5917 efficiency and conservation measures or energy-related
 5918 operational cost saving measures and provides an estimate of the

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5919 amount of the ~~energy~~ cost savings. The agency and the guaranteed
 5920 energy, water, and wastewater performance savings contractor may
 5921 enter into a separate agreement to pay for costs associated with
 5922 the preparation and delivery of the report; however, payment to
 5923 the contractor shall be contingent upon the report's projection
 5924 of energy, water, and wastewater cost savings being equal to or
 5925 greater than the total projected costs of the design and
 5926 installation of the report's energy conservation measures.

5927 (c) The agency may enter into a guaranteed energy, water,
 5928 and wastewater performance savings contract with a guaranteed
 5929 energy, water, and wastewater performance savings contractor if
 5930 the agency finds that the amount the agency would spend on the
 5931 energy, water, and wastewater efficiency and conservation
 5932 measures will not likely exceed the amount of the ~~energy~~ cost
 5933 savings for up to 20 years from the date of installation, based
 5934 on the life cycle cost calculations provided in s. 255.255, if
 5935 the recommendations in the report were followed and if the
 5936 qualified provider or providers give a written guarantee that
 5937 the ~~energy~~ cost savings will meet or exceed the costs of the
 5938 system. However, actual computed cost savings must meet or
 5939 exceed the estimated cost savings provided in each agency's
 5940 program approval. Baseline adjustments used in calculations must
 5941 be specified in the contract. The contract may provide for
 5942 installment payments for a period not to exceed 20 years.

5943 (d) A guaranteed energy, water, and wastewater performance
 5944 savings contractor must be selected in compliance with s.
 5945 287.055; except that if fewer than three firms are qualified to
 5946 perform the required services, the requirement for agency

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5947 selection of three firms, as provided in s. 287.055(4)(b), and
 5948 the bid requirements of s. 287.057 do not apply.

5949 (e) Before entering into a guaranteed energy, water, and
 5950 wastewater performance savings contract, an agency must provide
 5951 published notice of the meeting in which it proposes to award
 5952 the contract, the names of the parties to the proposed contract,
 5953 and the contract's purpose.

5954 (f) A guaranteed energy, water, and wastewater performance
 5955 savings contract may provide for financing, including tax-exempt
 5956 financing, by a third party. The contract for third-party ~~third~~
 5957 ~~party~~ financing may be separate from the energy, water, and
 5958 wastewater performance contract. A separate contract for third-
 5959 party ~~third-party~~ financing under this paragraph must include a
 5960 provision that the third-party ~~third-party~~ financier must not be
 5961 granted rights or privileges that exceed the rights and
 5962 privileges available to the guaranteed energy, water, and
 5963 wastewater performance savings contractor.

5964 (g) Financing for guaranteed energy, water, and wastewater
 5965 performance savings contracts may be provided under the
 5966 authority of s. 287.064.

5967 (h) The Office of the Chief Financial Officer shall review
 5968 proposals from state agencies to ensure that the most effective
 5969 financing is being used.

5970 (i) Annually, the agency that has entered into the
 5971 contract shall provide the Department of Management Services and
 5972 the Chief Financial Officer the measurement and verification
 5973 report required by the contract to validate that savings have
 5974 occurred.

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5975 (j)~~(g)~~ In determining the amount the agency will finance
 5976 to acquire the energy, water, and wastewater efficiency and
 5977 conservation measures, the agency may reduce such amount by the
 5978 application of any grant moneys, rebates, or capital funding
 5979 available to the agency for the purpose of buying down the cost
 5980 of the guaranteed energy, water, and wastewater performance
 5981 savings contract. However, in calculating the life cycle cost as
 5982 required in paragraph (c), the agency shall not apply any
 5983 grants, rebates, or capital funding.

5984 (5) CONTRACT PROVISIONS.--

5985 (a) A guaranteed energy, water, and wastewater performance
 5986 savings contract must include a written guarantee that may
 5987 include, but is not limited to the form of, a letter of credit,
 5988 insurance policy, or corporate guarantee by the guaranteed
 5989 energy, water, and wastewater performance savings contractor
 5990 that annual ~~energy~~ cost savings will meet or exceed the
 5991 amortized cost of energy, water, and wastewater efficiency and
 5992 conservation measures.

5993 (b) The guaranteed energy, water, and wastewater
 5994 performance savings contract must provide that all payments,
 5995 except obligations on termination of the contract before its
 5996 expiration, may be made over time, but not to exceed 20 years
 5997 from the date of complete installation and acceptance by the
 5998 agency, and that the annual savings are guaranteed to the extent
 5999 necessary to make annual payments to satisfy the guaranteed
 6000 energy, water, and wastewater performance savings contract.

6001 (c) The guaranteed energy, water, and wastewater
 6002 performance savings contract must require that the guaranteed

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6003 energy, water, and wastewater performance savings contractor to
 6004 whom the contract is awarded provide a 100-percent public
 6005 construction bond to the agency for its faithful performance, as
 6006 required by s. 255.05.

6007 (d) The guaranteed energy, water, and wastewater
 6008 performance savings contract may contain a provision allocating
 6009 to the parties to the contract any annual ~~energy~~ cost savings
 6010 that exceed the amount of the ~~energy~~ cost savings guaranteed in
 6011 the contract.

6012 (e) The guaranteed energy, water, and wastewater
 6013 performance savings contract shall require the guaranteed
 6014 energy, water, and wastewater performance savings contractor to
 6015 provide to the agency an annual reconciliation of the guaranteed
 6016 energy or associated cost savings. If the reconciliation reveals
 6017 a shortfall in annual energy or associated cost savings, the
 6018 guaranteed energy, water, and wastewater performance savings
 6019 contractor is liable for such shortfall. If the reconciliation
 6020 reveals an excess in annual ~~energy~~ cost savings, the excess
 6021 savings may be allocated under paragraph (d) but may not be used
 6022 to cover potential energy or associated cost savings shortages
 6023 in subsequent contract years.

6024 (f) The guaranteed energy, water, and wastewater
 6025 performance savings contract must provide for payments of not
 6026 less than one-twentieth of the price to be paid within 2 years
 6027 from the date of the complete installation and acceptance by the
 6028 agency using straight-line amortization for the term of the
 6029 loan, and the remaining costs to be paid at least quarterly, not
 6030 to exceed a 20-year term, based on life cycle cost calculations.

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6031 (g) The guaranteed energy, water, and wastewater
 6032 performance savings contract may extend beyond the fiscal year
 6033 in which it becomes effective; however, the term of any contract
 6034 expires at the end of each fiscal year and may be automatically
 6035 renewed annually for up to 20 years, subject to the agency
 6036 making sufficient annual appropriations based upon continued
 6037 realized energy, water, and wastewater savings.

6038 (h) The guaranteed energy, water, and wastewater
 6039 performance savings contract must stipulate that it does not
 6040 constitute a debt, liability, or obligation of the state.

6041 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
 6042 Department of Management Services, with the assistance of the
 6043 Office of the Chief Financial Officer, shall ~~may~~, within
 6044 available resources, provide technical content assistance to
 6045 state agencies contracting for energy, water, and wastewater
 6046 efficiency and conservation measures and engage in other
 6047 activities considered appropriate by the department for
 6048 promoting and facilitating guaranteed energy, water, and
 6049 wastewater performance contracting by state agencies. The
 6050 Department of Management Services shall review the investment-
 6051 grade audit for each proposed project and certify that the cost
 6052 savings are appropriate and sufficient for the term of the
 6053 contract. The Office of the Chief Financial Officer, with the
 6054 assistance of the Department of Management Services, shall ~~may~~,
 6055 within available resources, develop model contractual and
 6056 related documents for use by state agencies. Prior to entering
 6057 into a guaranteed energy, water, and wastewater performance
 6058 savings contract, any contract or lease for third-party

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6059 financing, or any combination of such contracts, a state agency
 6060 shall submit such proposed contract or lease to the Office of
 6061 the Chief Financial Officer for review and approval. A proposed
 6062 contract or lease shall include:

6063 (a) Supporting information required by s. 216.023(4)(a)9.
 6064 in ss. 287.063(5) and 287.064(11). For contracts approved under
 6065 this section, the criteria may, add a minimum, include the
 6066 specification of a benchmark cost of capital and minimum real
 6067 rate of return on energy, water, or wastewater savings against
 6068 which proposals shall be evaluated.

6069 (b) Documentation supporting recurring funds requirements
 6070 in ss. 287.063(5) and 287.064(11).

6071 (c) Approval by the head of the agency or his or her
 6072 designee.

6073 (d) An agency measurement and verification plan to monitor
 6074 cost savings.

6075 (7) FUNDING SUPPORT.--For purposes of consolidated
 6076 financing of deferred payment commodity contracts under this
 6077 section by an agency, any such contract must be supported from
 6078 available funds appropriated to the agency in an appropriation
 6079 category, as defined in chapter 216, that the Chief Financial
 6080 Officer has determined is appropriate or that the Legislature
 6081 has designated for payment of the obligation incurred under this
 6082 section.

6083
 6084 The Office of the Chief Financial Officer shall not approve any
 6085 contract submitted under this section from a state agency that
 6086 does not meet the requirements of this section.

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6087 Section 100. Section 526.06, Florida Statutes, is amended
 6088 to read:

6089 526.06 Mixing, blending, compounding, or adulteration of
 6090 liquid fuels of same manufacturer prohibited; sale of gasoline
 6091 blended with ethanol ~~gasohol~~.--It is unlawful for any person to
 6092 mix, blend, compound, or adulterate the liquid fuel, lubricating
 6093 oil, grease, or similar product of a manufacturer or distributor
 6094 with a liquid fuel, lubricating oil, grease, or similar product
 6095 of the same manufacturer or distributor of a character or nature
 6096 different from the character or nature of the liquid fuel,
 6097 lubricating oil, grease, or similar product so mixed, blended,
 6098 compounded, or adulterated, and expose for sale, offer for sale,
 6099 or sell the same as the unadulterated product of such
 6100 manufacturer or distributor or as the unadulterated product of
 6101 any other manufacturer or distributor. However, nothing in this
 6102 chapter shall be construed to prevent the lawful owner of such
 6103 products from applying his, her, or its own trademark, trade
 6104 name, or symbol to any product or material. Ethanol-blended
 6105 ~~Alcohol-blended~~ fuels which contain ~~90 percent~~ unleaded gasoline
 6106 and up to 10 percent denatured ethanol by volume ~~ethyl alcohol~~
 6107 ~~of a minimum of 198 proof and a maximum 50 parts per million of~~
 6108 ~~acetic acid, commonly known as "gasohol,"~~ may be sold at retail
 6109 service stations for use in motor vehicles, ~~as long as the~~
 6110 ~~gasoline component complies with current state specifications,~~
 6111 ~~until the American Society for Testing and Materials approves~~
 6112 ~~specifications for gasohol.~~ To provide retail service stations
 6113 flexibility during the transition period to ethanol-blended
 6114 fuels, the T50 and TV/L specifications for gasoline containing

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6115 between 9 and 10 percent ethanol shall be applied to all
 6116 gasoline containing between 1 and 10 percent ethanol by volume
 6117 provided the last three or fewer deliveries contained between 9
 6118 and 10 percent ethanol by volume. If there is no reasonable
 6119 availability of ethanol or the price of ethanol exceeds the
 6120 price of gasoline, the T50 and TV/L specifications for gasoline
 6121 containing between 9 and 10 percent ethanol shall be applicable
 6122 for gasoline containing between 1 and 10 percent ethanol for up
 6123 to three deliveries of fuel.

6124 Section 101. Section 526.201, Florida Statutes, is created
 6125 to read:

6126 526.201 Short title.--Sections 526.201-526.207 may be
 6127 cited as the "Florida Renewable Fuel Standard Act."

6128 Section 102. Section 526.202, Florida Statutes, is created
 6129 to read:

6130 526.202 Legislative findings.--The Legislature finds it is
 6131 vital to the public interest and to the state's economy to
 6132 establish a market and the necessary infrastructure for
 6133 renewable fuels in this state by requiring that all gasoline
 6134 offered for sale in this state include a percentage of
 6135 agriculturally derived, denatured ethanol. The Legislature
 6136 further finds that the use of renewable fuel reduces greenhouse
 6137 gas emissions and dependence on imports of foreign oil, improves
 6138 the health and quality of life for Floridians, and stimulates
 6139 economic development and the creation of a sustainable industry
 6140 that combines agricultural production with state-of-the-art
 6141 technology.

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6142 Section 103. Section 526.203, Florida Statutes, is created
 6143 to read:

6144 526.203 Renewable fuel standard.--

6145 (1) DEFINITIONS.--As used in this act:

6146 (a) "Blender," "importer," "terminal supplier," and
 6147 "wholesaler" are defined as provided in s. 206.01.

6148 (b) "Blended gasoline" means a mixture of 90 to 91 percent
 6149 gasoline and 9 to 10 percent fuel ethanol, by volume, that meets
 6150 the specifications as adopted by the department. The fuel
 6151 ethanol portion may be derived from any agricultural source.

6152 (c) "Fuel ethanol" means an anhydrous denatured alcohol
 6153 produced by the conversion of carbohydrates that meets the
 6154 specifications as adopted by the department.

6155 (d) "Unblended gasoline" means gasoline that has not been
 6156 blended with fuel ethanol and that meets the specifications as
 6157 adopted by the department.

6158 (2) FUEL STANDARD.--Beginning December 31, 2010, all
 6159 gasoline sold or offered for sale in Florida by a terminal
 6160 supplier, importer, blender, or wholesaler shall be blended
 6161 gasoline.

6162 (3) EXEMPTIONS.--The requirements of this act do not apply
 6163 to the following:

6164 (a) Fuel used in aircraft.

6165 (b) Fuel sold for use in boats and similar watercraft.

6166 (c) Fuel sold to a blender.

6167 (d) Fuel sold for use in collector vehicles or vehicles
 6168 eligible to be licensed as collector vehicles, off-road
 6169 vehicles, motorcycles, or small engines.

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- 6170 (e) Fuel unable to comply due to requirements of the
- 6171 United States Environmental Protection Agency.
- 6172 (f) Fuel transferred between terminals.
- 6173 (g) Fuel exported from the state in accordance with s.
- 6174 206.052.
- 6175 (h) Fuel qualifying for any exemption in accordance with
- 6176 chapter 206.
- 6177 (i) Fuel for a railroad locomotive.
- 6178 (j) Fuel for equipment, including vehicle or vessel,
- 6179 covered by a warranty that would be voided, if explicitly stated
- 6180 in writing by the vehicle or vessel manufacturer, if the
- 6181 equipment were to be operated using fuel meeting the
- 6182 requirements of subsection (2).

6183

6184 All records of sale of unblended gasoline shall include the

6185 following statement: "Unblended gasoline may be sold only for

6186 the purposes authorized under s. 526.203(3), F.S."

6187 (4) REPORT.--Pursuant to s. 206.43, each terminal

6188 supplier, importer, blender, and wholesaler shall include in its

6189 report to the Department of Revenue the number of gallons of

6190 blended and unblended gasoline sold. The Department of Revenue

6191 shall provide a monthly summary report to the department.

6192 Section 104. Section 526.204, Florida Statutes, is created

6193 to read:

6194 526.204 Waivers and suspensions.--

6195 (1) If a terminal supplier, importer, blender, or

6196 wholesaler is unable to obtain fuel ethanol or blended gasoline

6197 at the same or lower price as unblended gasoline, then the sale

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6198 or delivery of unblended gasoline by the terminal supplier,
 6199 importer, blender, or wholesaler shall not be deemed a violation
 6200 of this act. The terminal supplier, importer, blender, or
 6201 wholesaler shall, upon request of the department, provide the
 6202 required documentation regarding the sales transaction and price
 6203 of fuel ethanol, blended gasoline, and unblended gasoline to the
 6204 department.

6205 (2) To account for supply disruptions and ensure reliable
 6206 supplies of motor fuels in the state, the requirements of this
 6207 act shall be suspended when the provisions of s. 252.36(2) in
 6208 any area of the state are in effect plus an additional 30 days.

6209 Section 105. Section 526.205, Florida Statutes, is created
 6210 to read:

6211 526.205 Enforcement; extensions.--

6212 (1) Unless a waiver or suspension pursuant to s. 526.204
 6213 applies, or an extension has been granted pursuant to subsection
 6214 (3), it shall be unlawful for a terminal supplier, importer,
 6215 blender, or wholesaler to sell or distribute, or offer for sale
 6216 or distribution, any gasoline which fails to meet the
 6217 requirements of this act.

6218 (2) Upon a determination by the department of a violation
 6219 of this act, the department shall enter an order imposing one or
 6220 more of the following penalties:

6221 (a) Issuance of a warning letter.

6222 (b) Imposition of an administrative fine of not more than
 6223 \$1,000 per violation for a first-time offender. For a second-
 6224 time or repeat offender, or any person who is shown to have
 6225 willfully and intentionally violated any provision of this act,

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6226 the administrative fine shall not exceed \$5,000 per violation.
 6227 When imposing any fine under this section, the department shall
 6228 consider the monetary benefit to the violator as a result of
 6229 noncompliance, whether the violation was committed willfully,
 6230 and the compliance record of the violator. All funds recovered
 6231 by the department shall be deposited into the General Inspection
 6232 Trust Fund.

6233 (3) Any terminal supplier, importer, blender, or
 6234 wholesaler may apply to the department by September 30, 2010,
 6235 for an extension of time to comply with the requirements of this
 6236 act. The application for an extension must demonstrate that the
 6237 applicant has made a good faith effort to comply with the
 6238 requirements but has been unable to do so for reasons beyond the
 6239 applicant's control, such as delays in receiving governmental
 6240 permits. The department shall review each application and make a
 6241 determination as to whether the failure to comply was beyond the
 6242 control of the applicant. If the department determines that the
 6243 applicant made a good faith effort to comply, but was unable to
 6244 do so for reasons beyond the applicant's control, the department
 6245 shall grant an extension of time determined necessary for the
 6246 applicant to comply.

6247 Section 106. Section 526.206, Florida Statutes, is created
 6248 to read:

6249 526.206 Rules.--The Department of Revenue and the
 6250 Department of Agriculture and Consumer Services are authorized
 6251 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
 6252 implement the provisions of this act.

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6253 Section 107. Section 526.207, Florida Statutes, is created
 6254 to read:

6255 526.207 Studies and reports.--

6256 (1) The Florida Energy and Climate Commission shall
 6257 conduct a study to evaluate and recommend the life-cycle
 6258 greenhouse gas emissions associated with all renewable fuels,
 6259 including, but not limited to, biodiesel, renewable diesel,
 6260 biobutanol, and ethanol derived from any source. In addition,
 6261 the commission shall evaluate and recommend a requirement that
 6262 all renewable fuels introduced into commerce in the state, as a
 6263 result of the renewable fuel standard, shall reduce the life-
 6264 cycle greenhouse gas emissions by an average percentage. The
 6265 commission may also evaluate and recommend any benefits
 6266 associated with the creation, banking, transfer, and sale of
 6267 credits among fuel refiners, blenders, and importers.

6268 (2) The Florida Energy and Climate Commission shall submit
 6269 a report containing specific recommendations to the President of
 6270 the Senate and the Speaker of the House of Representatives no
 6271 later than December 31, 2010.

6272 Section 108. Paragraph (a) of subsection (6) of section
 6273 553.73, Florida Statutes, is amended to read:

6274 553.73 Florida Building Code.--

6275 (6) (a) The commission, by rule adopted pursuant to ss.
 6276 120.536(1) and 120.54, shall update the Florida Building Code
 6277 every 3 years. When updating the Florida Building Code, the
 6278 commission shall select the most current version of the
 6279 International Building Code, the International Fuel Gas Code,
 6280 the International Mechanical Code, the International Plumbing

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6281 Code, and the International Residential Code, all of which are
 6282 adopted by the International Code Council, and the National
 6283 Electrical Code, which is adopted by the National Fire
 6284 Protection Association, to form the foundation codes of the
 6285 updated Florida Building Code, if the version has been adopted
 6286 by the applicable model code entity and made available to the
 6287 public at least 6 months prior to its selection by the
 6288 commission. The commission shall select the most current version
 6289 of the International Energy Conservation Code (IECC) as a
 6290 foundation code; however, the IECC shall be modified by the
 6291 commission to maintain the efficiencies of the Florida Energy
 6292 Efficiency Code for Building Construction adopted and amended
 6293 pursuant to s. 553.901.

6294 Section 109. Section 553.9061, Florida Statutes, is
 6295 created to read:

6296 553.9061 Scheduled increases in thermal efficiency
 6297 standards.--

6298 (1) The purpose of this section is to establish a schedule
 6299 of increases in the energy performance of buildings subject to
 6300 the Florida Energy Efficiency Code for Building Construction.
 6301 The Florida Building Commission shall:

6302 (a) Include the necessary provisions by the 2010 edition
 6303 of the Florida Energy Efficiency Code for Building Construction
 6304 to increase the energy performance of new buildings by at least
 6305 20 percent as compared to the energy efficiency provisions of
 6306 the 2007 Florida Building Code adopted October 31, 2007.

6307 (b) Increase energy efficiency requirements by the 2013
 6308 edition of the Florida Energy Efficiency Code for Building

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6309 Construction by at least 30 percent as compared to the energy
 6310 efficiency provisions of the 2007 Florida Building Code adopted
 6311 October 31, 2007.

6312 (c) Increase energy efficiency requirements by the 2016
 6313 edition of the Florida Energy Efficiency Code for Building
 6314 Construction by at least 40 percent as compared to the energy
 6315 efficiency provisions of the 2007 Florida Building Code adopted
 6316 October 31, 2007.

6317 (d) Increase energy efficiency requirements by the 2019
 6318 edition of the Florida Energy Efficiency Code for Building
 6319 Construction by at least 50 percent as compared to the energy
 6320 efficiency provisions of the 2007 Florida Building Code adopted
 6321 October 31, 2007.

6322 (2) The Florida Building Commission shall identify within
 6323 code support and compliance documentation the specific building
 6324 options and elements available to meet the energy performance
 6325 goals established in subsection (1). Energy-efficiency
 6326 performance options and elements include, but are not limited
 6327 to:

6328 (a) Solar water heating.

6329 (b) Energy-efficient appliances.

6330 (c) Energy-efficient windows, doors, and skylights.

6331 (d) Low solar-absorption roofs, also known as "cool
 6332 roofs."

6333 (e) Enhanced ceiling and wall insulation.

6334 (f) Reduced-leak duct systems.

6335 (g) Programmable thermostats.

6336 (h) Energy-efficient lighting systems.

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6337 (3) The Florida Building Commission shall, prior to
 6338 implementing the goals established in subsection (1), adopt by
 6339 rule and implement a cost-effectiveness test for proposed
 6340 increases in energy efficiency. The cost-effectiveness test
 6341 shall measure cost-effectiveness and shall ensure that energy
 6342 efficiency increases result in a positive net financial impact.

6343 Section 110. Subsection (1) of section 553.909, Florida
 6344 Statutes, is amended, subsections (3) and (4) are renumbered as
 6345 subsections (6) and (7), respectively, and new subsections (3),
 6346 (4), and (5) are added to that section, to read:

6347 553.909 Setting requirements for appliances; exceptions.--

6348 (1) The Florida Energy Efficiency Code for Building
 6349 Construction shall set the minimum requirements for commercial
 6350 or residential swimming pool pumps, swimming pool water heaters,
 6351 and heat traps and thermostat settings for water heaters used to
 6352 heat potable water sold for residential use. The code shall
 6353 further establish the minimum acceptable standby loss for
 6354 electric water heaters and the minimum recovery efficiency and
 6355 standby loss for water heaters fueled by natural gas or
 6356 liquefied petroleum gas.

6357 (3) Commercial or residential swimming pool pumps or water
 6358 heaters sold after July 1, 2011, shall comply with the
 6359 requirements of this subsection. Natural gas pool heaters shall
 6360 not be equipped with constantly burning pilots. Heat pump pool
 6361 heaters shall have a coefficient of performance at low
 6362 temperature of not less than 4.0. The thermal efficiency of gas-
 6363 fired pool heaters and oil-fired pool heaters shall not be less
 6364 than 78 percent. All pool heaters shall have a readily

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6365 accessible on-off switch that is mounted outside the heater and
 6366 that allows shutting off the heater without adjusting the
 6367 thermostat setting.

6368 (4) Pool pump motors shall not be split-phase, shaded-
 6369 pole, or capacitor start-induction run types. Residential pool
 6370 pumps and pool pumps motors with a total horsepower of 1 HP or
 6371 more shall have the capability of operating at two or more
 6372 speeds with a low speed having a rotation rate that is no more
 6373 than one-half of the motor's maximum rotation rate. Residential
 6374 pool pump motor controls shall have the capability of operating
 6375 the pool pump at a minimum of two speeds. The default
 6376 circulation speed shall be the residential filtration speed,
 6377 with a higher speed override capability being for a temporary
 6378 period not to exceed one normal cycle or 120 minutes, whichever
 6379 is less. Except that circulation speed for solar pool heating
 6380 systems shall be permitted to run at higher speeds during
 6381 periods of usable solar heat gain.

6382 (5) Portable electric spas standby power shall not be
 6383 greater than 5(V²/3) watts where V = the total volume, in
 6384 gallons, when spas are measured in accordance with the spa
 6385 industry test protocol.

6386 (6)~~(3)~~ The Florida Energy Efficiency Code for Building
 6387 Construction may include standards for other appliances and
 6388 energy-using systems if they are determined by the department to
 6389 have a significant impact on the energy use of the building and
 6390 if they are cost-effective to the consumer.

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6391 (7)~~(4)~~ If the provisions of this section are preempted in
6392 part by federal standards, those provisions not preempted shall
6393 apply.

6394 Section 111. (1) By July 1, 2009, the Agency for
6395 Enterprise Information Technology shall define objective
6396 standards for:

6397 (a) Measuring data center energy consumption and
6398 efficiency, including, but not limited to, airflow and cooling,
6399 power consumption and distribution, and environmental control
6400 systems in a data center facility.

6401 (b) Calculating total cost of ownership of energy-
6402 efficient information technology products, including initial
6403 purchase, installation, ongoing operation and maintenance, and
6404 disposal costs over the life cycle of the product.

6405 (2) State shared resource data centers and other data
6406 centers that the Agency for Enterprise Information Technology
6407 has determined will be recipients for consolidating data
6408 centers, which are designated by the Agency for Enterprise
6409 Information Technology, shall evaluate their data center
6410 facilities for energy efficiency using the standards established
6411 in this section.

6412 (a) Results of these evaluations shall be reported to the
6413 Agency for Enterprise Information Technology, the President of
6414 the Senate, and the Speaker of the House of Representatives.
6415 Reports shall enable the tracking of energy performance over
6416 time and comparisons between facilities.

6417 (b) By December 31, 2010, and bi-annually thereafter, the
6418 Agency for Enterprise Information Technology shall submit to the

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6419 Legislature recommendations for reducing energy consumption and
6420 improving the energy efficiency of state data centers.

6421 (3) The primary means of achieving maximum energy savings
6422 across all state data centers and computing facilities shall be
6423 the consolidation of data centers and computing facilities as
6424 determined by the Agency for Enterprise Information Technology.
6425 State data centers and computing facilities in the state data
6426 center system shall be established as an enterprise information
6427 technology service as defined in s. 282.0041. The Agency for
6428 Enterprise Information Technology shall make recommendations on
6429 consolidating state data centers and computing facilities,
6430 pursuant to s. 282.0056, by December 31, 2009.

6431 (4) When the total cost of ownership of an energy-
6432 efficient product is less than or equal to the cost of the
6433 existing data center facility or infrastructure, technical
6434 specifications for energy-efficient products should be
6435 incorporated in the plans and processes for replacing,
6436 upgrading, or expanding data center facilities or
6437 infrastructure, including, but not limited to, network, storage,
6438 or computer equipment and software.

6439 Section 112. Section 1004.648, Florida Statutes, is
6440 created to read:

6441 1004.648 Florida Energy Systems Consortium.--

6442 (1) There is created the Florida Energy Systems Consortium
6443 to promote collaboration among experts in the State University
6444 System for the purposes of sharing energy-related expertise and
6445 assisting in the development and implementation of a

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6446 comprehensive, long-term, environmentally compatible,
 6447 sustainable, and efficient energy strategic plan for the state.

6448 (2) The consortium shall focus on the research and
 6449 development of innovative energy systems that will lead to
 6450 alternative energy strategies, improved energy efficiencies, and
 6451 expanded economic development for the state.

6452 (3) The consortium shall consist of the state universities
 6453 as identified under s. 1000.21(6).

6454 (4) The consortium shall be administered at the University
 6455 of Florida by a director who shall be appointed by the President
 6456 of the University of Florida.

6457 (5) The director, whose office shall be located at the
 6458 University of Florida, shall report to the Florida Energy and
 6459 Climate Commission created pursuant to s. 377.6015.

6460 (6) The oversight board shall consist of the Vice
 6461 President for Research or other appropriate representative
 6462 appointed by the university president of each member of the
 6463 consortium.

6464 (7) The oversight board shall be responsible for the
 6465 technical performance and financial management of the
 6466 consortium.

6467 (8) In performing its responsibilities, the consortium
 6468 shall collaborate with the oversight board and may also
 6469 collaborate with industry and other affected parties.

6470 (9) Through collaborative research and development across
 6471 the State University System and the industry, the goal of the
 6472 consortium is to become a world leader in energy research,

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6473 education, technology, and energy systems analysis. In so doing,
6474 the consortium shall:

6475 (a) Coordinate and initiate increased collaborative
6476 interdisciplinary energy research among the universities and the
6477 energy industry.

6478 (b) Assist in the creation and development of a Florida-
6479 based energy technology industry through efforts that would
6480 expedite commercialization of innovative energy technologies by
6481 taking advantage of the energy expertise within the State
6482 University System, high-technology incubators, industrial parks,
6483 and industry-driven research centers.

6484 (c) Provide a state resource for objective energy systems
6485 analysis.

6486 (d) Develop education and outreach programs to prepare a
6487 qualified energy workforce and informed public. Specifically,
6488 the faculty associated with the consortium shall coordinate a
6489 statewide workforce development initiative focusing on college-
6490 level degrees, technician training, and public and commercial
6491 sectors awareness. The consortium shall develop specific
6492 programs targeted at preparing graduates who have a background
6493 in energy, continuing education courses for technical and
6494 nontechnical professionals, and modules, laboratories, and
6495 courses to be shared among the universities. Additionally, the
6496 consortium shall work with the Florida Community College System
6497 using the Florida Advanced Technological Education Center for
6498 the coordination and design of industry-specific training
6499 programs for technicians.

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6500 (10) The consortium shall solicit and leverage state,
 6501 federal, and private funds for the purpose of conducting
 6502 education, research, and development in the area of sustainable
 6503 energy.

6504 (11) The oversight board, in consultation with the Florida
 6505 Energy and Climate Commission, shall ensure that the consortium:

6506 (a) Maintains accurate records of any funds received by
 6507 the consortium.

6508 (b) Meets financial and technical performance
 6509 expectations, which may include external technical reviews as
 6510 required.

6511 (12) The steering committee shall consist of the
 6512 university representatives included in the Centers of Excellence
 6513 proposals for the Florida Energy Systems Consortium and the
 6514 Center of Excellence in Ocean Energy Technology-Phase II which
 6515 were reviewed during the 2007-2008 fiscal year by the Florida
 6516 Technology, Research, and Scholarship Board created in s.
 6517 1004.226(4); a university representative appointed by the
 6518 President of Florida International University; and the Florida
 6519 Energy and Climate Commission. The steering committee shall be
 6520 responsible for establishing and ensuring the success of the
 6521 consortium's mission under subsection (9).

6522 (13) By November 1 of each year, the consortium shall
 6523 submit an annual report to the Governor, the President of the
 6524 Senate, the Speaker of the House of Representatives, and the
 6525 Florida Energy and Climate Commission regarding its activities,
 6526 including, but not limited to, education and research related

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6527 to, and the development and deployment of, alternative energy
 6528 technologies.

6529 Section 113. Woody biomass economic study.--The Department
 6530 of Agriculture and Consumer Services, in conjunction with the
 6531 Department of Environmental Protection, shall conduct an
 6532 economic impact analysis on the effects of granting financial
 6533 incentives to energy producers who use woody biomass as fuel,
 6534 including an analysis of effects on wood supply and prices and
 6535 impacts on current markets and forest sustainability. The
 6536 departments shall prepare and submit a report on the results of
 6537 the analysis to the Governor, the President of the Senate, and
 6538 the Speaker of the House of Representatives no later than March
 6539 1, 2010.

6540 Section 114. The Public Service Commission shall analyze
 6541 utility revenue decoupling and provide a report and
 6542 recommendations to the Governor, the President of the Senate,
 6543 and the Speaker of the House of Representatives by January 1,
 6544 2009.

6545 Section 115. Motor vehicle emissions standards.--If the
 6546 Department of Environmental Protection proposes to adopt the
 6547 California motor vehicle emission standards, such standards
 6548 shall not be implemented until ratified by the Legislature. If
 6549 the department proposes to modify its rule adopting the
 6550 California motor vehicle emission standards, such rule
 6551 modifications shall not be implemented until ratified by the
 6552 Legislature.

6553 Section 116. The Department of Education and the
 6554 Department of Environmental Protection shall, in coordination

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6555 with representatives of the business community, the
6556 environmental community, and the energy community, develop a
6557 program to provide awards or recognition for outstanding efforts
6558 or achievements concerning conservation, reductions in energy
6559 and water use, green cleaning solutions, green pest management,
6560 recycling efforts, and curriculum development that is consistent
6561 with efforts that enhance the quality of education while
6562 preserving the environment. Entities that are eligible for such
6563 an award or recognition include students, classes, teachers,
6564 schools, or district school boards. The Legislature encourages
6565 the Department of Education and the Department of Environmental
6566 Protection to form partnerships with the private sector to help
6567 fund the program.

6568 Section 117. Section 377.901, Florida Statutes, is
6569 repealed.

6570 Section 118. Except as otherwise expressly provided in
6571 this act, this act shall take effect July 1, 2008.