

HB 7147

2014

1 A bill to be entitled

2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 377.6015, F.S.;
4 removing a provision relating to the department's duty
5 to represent the state in the Southern States Energy
6 Compact; amending s. 377.703, F.S.; requiring the
7 department's annual report to include recommendations
8 for energy efficiency; revising provisions relating to
9 the promotion of the development and use of renewable
10 energy resources; directing the department to
11 cooperate with the Florida Energy Systems Consortium
12 in the development and use of renewable energy
13 resources; amending s. 377.712, F.S.; authorizing the
14 Commissioner of Agriculture to serve on or appoint a
15 representative to the Southern States Energy Board;
16 redirecting authority to approve proposed activities
17 relating to the Southern States Energy Compact from
18 the Department of Health to the department; amending
19 s. 377.801, F.S.; conforming a cross-reference;
20 amending ss. 377.802 and 377.803, F.S.; conforming
21 provisions to changes made by the act; creating s.
22 377.815, F.S.; authorizing the department to post on
23 its website information relating to alternative
24 fueling stations and electric vehicle charging
25 stations; defining the term "alternative fuel";
26 authorizing the owner or operator of an alternative

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

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27 fueling station or an electric vehicle charging
 28 station to report certain information; amending s.
 29 553.74, F.S.; providing for the appointment of a
 30 department representative to the Florida Building
 31 Commission; deleting obsolete provisions; repealing
 32 ss. 377.806 and 377.807, F.S., relating to the Solar
 33 Energy System Incentives Program and the energy-
 34 efficient appliance rebate program, respectively;
 35 providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:
 38

39 Section 1. Paragraph (e) of subsection (2) of section
 40 377.6015, Florida Statutes, is amended to read:

41 377.6015 Department of Agriculture and Consumer Services;
 42 powers and duties.—

43 (2) The department shall:

44 ~~(c) Represent Florida in the Southern States Energy~~
 45 ~~Compact pursuant to ss. 377.71-377.712.~~

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

48 377.703 Additional functions of the Department of
 49 Agriculture and Consumer Services.—

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

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53 (f) The department shall submit an annual report to the
54 Governor and the Legislature reflecting its activities and
55 recommending ~~making recommendations of~~ policies for improvement
56 of the state's response to energy supply and demand and its
57 effect on the health, safety, and welfare of the residents of
58 this state ~~people of Florida~~. The report must ~~shall~~ include a
59 report from the Florida Public Service Commission on electricity
60 and natural gas and information on energy efficiency and
61 conservation programs conducted and underway in the past year
62 and ~~shall~~ include recommendations for energy efficiency and
63 conservation programs for the state, including, ~~but not limited~~
64 ~~to, the following factors:~~

65 1. Formulation of specific recommendations for improvement
66 in the efficiency of energy utilization in governmental,
67 residential, commercial, industrial, and transportation sectors.

68 2. Collection and dissemination of information relating to
69 energy efficiency and conservation.

70 3. Development and conduct of educational and training
71 programs relating to energy efficiency and conservation.

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

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

78 1. Establishing goals and strategies for increasing the

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79 use of renewable ~~solar~~ energy in this state.

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

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

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

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105 5. Undertaking other initiatives to advance the
106 development and use of renewable energy resources in this state.
107

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

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

122 Section 3. Section 377.712, Florida Statutes, is amended
123 to read:

124 377.712 Florida participation.—

125 (1) (a) The Governor shall appoint one member of the
126 Southern States Energy Board. The member or the Governor may
127 designate another person as the deputy or assistant to such
128 member.

129 (b) The President of the Senate shall appoint one member
130 of the Southern States Energy Board. The member or the president

131 | may designate another person as the assistant or deputy to such
 132 | member.

133 | (c) The Speaker of the House of Representatives shall
 134 | appoint one member of the Southern States Energy Board. The
 135 | member or the speaker may designate another person as the
 136 | assistant or deputy to such member.

137 | (d) The Commissioner of Agriculture may serve, or may
 138 | appoint a deputy or assistant from the department to serve, as a
 139 | member of the Southern States Energy Board.

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

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

150 | Section 4. Section 377.801, Florida Statutes, is amended
 151 | to read:

152 | 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~
 153 | ~~377.807~~ may be cited as the "Florida Energy and Climate
 154 | Protection Act."

155 | Section 5. Section 377.802, Florida Statutes, is amended
 156 | to read:

157 377.802 Purpose.—This act is intended to provide
 158 incentives for Florida's citizens, businesses, school districts,
 159 and local governments to take action to diversify the state's
 160 energy supplies, reduce dependence on foreign oil, and mitigate
 161 the effects of climate change by providing funding for
 162 activities designed to achieve these goals. The grant programs
 163 in this act are intended to stimulate capital investment in and
 164 enhance the market for renewable energy technologies and
 165 technologies intended to diversify Florida's energy supplies,
 166 reduce dependence on foreign oil, and combat or limit climate
 167 change impacts. ~~This act is also intended to provide incentives~~
 168 ~~for the purchase of energy-efficient appliances and rebates for~~
 169 ~~solar energy equipment installations for residential and~~
 170 ~~commercial buildings.~~

171 Section 6. Section 377.803, Florida Statutes, is amended
 172 to read:

173 377.803 Definitions.—As used in ss. 377.801-377.804
 174 ~~377.801-377.807~~, the term:

175 (1) "Act" means the Florida Energy and Climate Protection
 176 Act.

177 (2) "Department" means the Department of Agriculture and
 178 Consumer Services.

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

182 (4) "Renewable energy" means electrical, mechanical, or

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

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

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

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

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

202 Section 7. Section 377.815, Florida Statutes, is created
203 to read:

204 377.815 Alternative fueling stations and electric vehicle
205 charging stations.—The Department of Agriculture and Consumer
206 Services may post information on its website relating to
207 alternative fueling stations and electric vehicle charging
208 stations that are available for public use in this state.

209 (1) As used in this section, the term "alternative fuel"
 210 means nontraditional transportation fuel, such as pure methanol,
 211 ethanol, and other alcohols; blends of 85 percent or more of
 212 alcohol with gasoline; natural gas and liquid fuels domestically
 213 produced from natural gas; liquefied petroleum gas; coal-derived
 214 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,
 215 other than alcohol, derived from biological materials; and P-
 216 series fuels.

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

220 (a) The type of alternative fuel available.

221 (b) The station's name, address, or location.

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

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

227 (a) The station's name, address, or location.

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

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

232 553.74 Florida Building Commission.—

233 (1) The Florida Building Commission is created and located
 234 within the Department of Business and Professional Regulation

235 for administrative purposes. Members are appointed by the
 236 Governor subject to confirmation by the Senate. The commission
 237 is composed of 27 ~~26~~ members, consisting of the following:

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

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

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

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

259 (e) One member from fire protection engineering or
 260 technology who is actively engaged in the profession. The

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261 Florida Chapter of the Society of Fire Protection Engineers and
262 the Florida Fire Marshals and Inspectors Association are
263 encouraged to recommend a list of candidates for consideration.

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

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

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

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

284 (j) Three members who are municipal or district codes
285 enforcement officials, one of whom is also a fire official. The
286 Building Officials Association of Florida and the Florida Fire

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287 Marshals and Inspectors Association are encouraged to recommend
288 a list of candidates for consideration.

289 (k) One member who represents the Department of Financial
290 Services.

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

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

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

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

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

309 (q) One member of the building products manufacturing
310 industry who is authorized to do business in this state and is
311 actively engaged in the industry. The Florida Building Material
312 Association, the Florida Concrete and Products Association, and

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313 the Fenestration Manufacturers Association are encouraged to
314 recommend a list of candidates for consideration.

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

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

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

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

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

337 (w) One member who is a representative of a natural gas
338 distribution system and who is actively engaged in the

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339 distribution of natural gas in this state. The Florida Natural
340 Gas Association is encouraged to recommend a list of candidates
341 for consideration.

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

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

350
351 ~~Any person serving on the commission under paragraph (c) or~~
352 ~~paragraph (h) on October 1, 2003, and who has served less than~~
353 ~~two full terms is eligible for reappointment to the commission~~
354 ~~regardless of whether he or she meets the new qualification.~~

355 Section 9. Sections 377.806 and 377.807, Florida Statutes,
356 are repealed.

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