

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Payne offered the following:

Amendment (with title amendment)

Remove lines 545-624 and insert:

6 Section 9. Subsection (1) and paragraphs (e), (f), (h),
 7 and (m) of subsection (2) of section 377.703, Florida Statutes,
 8 are amended to read:

9 377.703 Additional functions of the Department of
 10 Agriculture and Consumer Services.—

11 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
 12 demand questions have become a major area of concern to the
 13 state which must be dealt with by effective and well-coordinated
 14 state action, it is the intent of the Legislature to promote the
 15 efficient, effective, and economical management of energy
 16 problems, centralize energy coordination responsibilities,

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17 pinpoint responsibility for conducting energy programs, and
18 ensure the accountability of state agencies for the
19 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy
20 policy. It is the specific intent of the Legislature that
21 nothing in this act shall in any way change the powers, duties,
22 and responsibilities assigned by the Florida Electrical Power
23 Plant Siting Act, part II of chapter 403, or the powers, duties,
24 and responsibilities of the Florida Public Service Commission.

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

28 (e) The department shall analyze energy data collected and
29 prepare long-range forecasts of energy supply and demand in
30 coordination with the Florida Public Service Commission, which
31 is responsible for electricity and natural gas forecasts. To
32 this end, the forecasts shall contain:

33 1. An analysis of the relationship of state economic
34 growth and development to energy supply and demand, including
35 the constraints to economic growth resulting from energy supply
36 constraints.

37 ~~2. Plans for the development of renewable energy resources~~
38 ~~and reduction in dependence on depletable energy resources,~~
39 ~~particularly oil and natural gas, and~~ An analysis of the extent
40 to which domestic energy resources, including renewable energy
41 sources, are being utilized in this ~~the~~ state.

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42 3. Consideration of alternative scenarios of statewide
43 energy supply and demand for 5, 10, and 20 years to identify
44 strategies for long-range action, including identification of
45 potential impacts in relation to the goals in s. 377.601(2)
46 ~~social, economic, and environmental effects.~~

47 4. An assessment of the state's energy resources,
48 including examination of the availability of commercially
49 developable and imported fuels, and an analysis of anticipated
50 impacts in relation to the goals in s. 377.601(2) ~~effects on the~~
51 ~~state's environment and social services~~ resulting from energy
52 resource development activities or from energy supply
53 constraints, or both.

54 (f) The department shall submit an annual report to the
55 Governor and the Legislature reflecting its activities and
56 making recommendations for policies for improvement of the
57 state's response to energy supply and demand and its effect on
58 the health, safety, and welfare of the residents of this state.
59 The report must include a report from the Florida Public Service
60 Commission on electricity and natural gas and information on
61 energy conservation programs conducted and underway in the past
62 year and include recommendations for energy efficiency and
63 conservation programs for the state, including:

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

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

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

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

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

77 1. ~~Establishing goals and strategies for increasing the~~
78 ~~use of renewable energy in this state.~~

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

85 ~~23.~~ Identifying barriers to greater use of renewable
86 energy resources in this state, and developing specific
87 recommendations for overcoming identified barriers, with
88 findings and recommendations to be submitted annually in the
89 report to the Governor and Legislature required under paragraph

90 (f).

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

102 45. Undertaking other initiatives to advance the
103 development and use of renewable energy resources in this state.

104
105 In the exercise of its responsibilities under this paragraph,
106 the department shall seek the assistance of the renewable energy
107 industry in this state and other interested parties and may
108 enter into contracts, retain professional consulting services,
109 and expend funds appropriated by the Legislature for such
110 purposes.

111 (m) In recognition of the devastation to the economy of
112 this state and the dangers to the health and welfare of
113 residents of this state caused by severe hurricanes, and the
114 potential for such impacts caused by other natural disasters,
115 the Division of Emergency Management shall include in its energy

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116 emergency contingency plan and provide to the Florida Building
117 Commission for inclusion in the Florida Energy Efficiency Code
118 for Building Construction specific provisions to facilitate the
119 use of cost-effective ~~solar~~ energy technologies as emergency
120 remedial and preventive measures for providing electric power,
121 street lighting, and water heating service in the event of
122 electric power outages.

123 Section 10. Section 377.708, Florida Statutes, is created
124 to read:

125 377.708 Wind energy.-

126 (1) DEFINITIONS.- As used in this section, the term:

127 (a) "Coastline" means the established line of mean high
128 water.

129 (b) "Department" means the Department of Environmental
130 Protection.

131 (c) "Offshore wind energy facility" means any wind energy
132 facility located on waters of this state, including other
133 buildings, structures, vessels, or electrical transmission
134 cabling to be sited on waters of this state, or connected to
135 corresponding onshore substations that are used to support the
136 operation of one or more wind turbines sited or constructed on
137 any waters of this state and any submerged lands or territorial
138 waters that are not under the jurisdiction of the state.

139 (d) "Real property" has the same meaning as provided in s.
140 192.001.

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141 (e) "Waters of this state" has the same meaning as s.
142 327.02 except the term also includes all state submerged lands.

143 (f) "Wind energy facility" means an electrical wind
144 generation facility or expansion thereof having at least a 400-
145 watt rated capacity, including substations; meteorological data
146 towers; aboveground, underground, and electrical transmission
147 lines; and transformers, control systems, and other buildings or
148 structures under common ownership or operating control used to
149 support the operation of the facility the primary purpose of
150 which is to offer electricity supply for sale.

151 (g) "Wind turbine" means a device or apparatus that has the
152 capability to convert kinetic wind energy into rotational energy
153 that drives an electrical generator consisting of a tower body
154 and rotator with two or more blades. The term includes both
155 horizontal and vertical axis turbines. The term does not include
156 devices used to measure wind speed and direction, such as an
157 anemometer.

158 (2) PROHIBITED ACTIVITIES.-

159 (a) The construction, operation, or expansion of an
160 offshore wind energy facility in this state is prohibited.

161 (b) The construction or operation of a wind turbine on real
162 property within 1 mile of coastline in this state is prohibited.

163 (c) The construction or operation of a wind turbine on
164 waters of this state and any submerged lands is prohibited.

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165 (3) The department shall review all applications for
166 federal wind energy leases in the territorial waters of the
167 United States adjacent to waters of this state and shall signify
168 its approval or objection to each application.

169 (4) INJUNCTIVE RELIEF.-The department may bring an action
170 for injunctive relief against any person who owns, constructs,
171 or operates an offshore wind energy facility or a wind turbine
172 in this state in violation of this section.

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

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Remove line 68 and insert:

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the act; creating s. 377.708, F.S.; providing definitions;

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prohibiting the construction, operation, or expansion of certain

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wind energy facilities and wind turbines in the state;

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authorizing the Department of Environmental Protection to seek

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injunctive relief for violations; repealing s. 377.801, F.S.,

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relating to the