

A bill to be entitled

An act relating to the Florid Energy Commission.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Section 377.901, Florida Statutes, is amended to read:

377.901 Florida Energy Commission.--

(1) The Florida Energy Commission is created as an independent commission ~~and shall be~~ located within the Department of Environmental Protection ~~Office of Legislative Services for administrative purposes~~. ~~The commission shall be comprised of a total of nine members.~~ The Secretary of the Department shall have no supervisory nor budgetary authority over the Commission or its staff. The Commission shall make all spending decisions within its approved annual operating budget, including the compensation of Commission staff.

(a) The Commission shall be comprised of a total of 12 appointed public members. The members shall be appointed as follows: the Governor shall appoint 6 public members, one of which shall be the chairperson, the President of the Senate and the Speaker of the House of Representatives shall appoint three public ~~four~~ members each and ~~shall jointly appoint the ninth member, who shall serve as chair~~ the President of the Senate shall appoint one member of the Senate as an ex-officio non-voting member, and the Speaker of the House of Representatives shall appoint one member of the House as an ex-officio non-voting member. New gubernatorial members shall be appointed to 32-year terms; however, in order to establish staggered terms, for the initial appointments, ~~each appointing official~~ the Governor

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shall appoint two members to a 1-year term and two members to a 2-year term and 2 members two a 3 year term. New appointees by the President of the Senate and Speaker of the House of Representatives shall be appointed to a three year term. Members must meet the following qualifications and restrictions:

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

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

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

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

(b) The following are ex-officio non-voting members ~~may also attend meetings~~ and may provide information and advise at the request of the chair:

1. The chair of the Florida Public Service Commission, ~~or his or her designee.~~
2. The Public Counsel, ~~or his or her designee.~~
3. The Commissioner of Agriculture, ~~or his or her designee.~~
4. ~~The Director of the Office of Insurance Regulation, or his or her designee.~~
5. ~~The State Surgeon General, or his or her designee.~~
6. ~~The chair of the State Board of Education, or his or her designee.~~
7. The Secretary of Community Affairs, ~~or his or her designee.~~
8. The Secretary of Transportation, ~~or his or her designee.~~
9. The Secretary of Environmental Protection, ~~or his or her designee.~~

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

(3) Meetings of the commission shall be held in various locations around the state and at the call of the chair; however, the commission must meet at least twice each year.

(4)(a) The commission may employ at least four staff members to assist in the performance of its duties, including an executive director, ~~an attorney,~~ a policy director, a communications staff member, and ~~an executive assistant~~ an office manager.

(b) The commission may form advisory groups consisting of Commission members and may invite ~~of~~ the public to participate and provide information on specific issues.

(5) The commission shall independently develop recommendations for legislation to establish a state energy policy. It shall also make recommendations to the appropriate authority for grant awards and to authorize incentive programs from monies appropriated. The Commission shall undertake public awareness advocacy for energy issues, and conduct education and academic summits. The recommendations of the commission shall be based on the guiding principles of reliability, efficiency, affordability, ~~and~~ diversity and environmental quality as provided in subsection (7). The commission shall continually review the state energy policy and shall recommend to the Legislature any additional necessary changes or improvements.

(6)(a) The commission shall report by December 31 of each year to the Governor, President of the Senate and the Speaker of the House of Representatives on its progress and recommendations, including draft legislation.

(b) The commission's initial report must be filed by December 31, 2007, and must set forth ~~identify~~ incentives for research, development, or deployment projects involving the goals and issues related to renewable energy ~~set forth~~ in this section; set forth policy recommendations for conservation of all forms of energy; and set forth a plan of action, together with a timetable, for addressing additional issues.

(c) The commission's initial report shall also recommend consensus-based public-involvement processes that evaluate greenhouse gas emissions in this state and make recommendations regarding related economic, energy, and environmental benefits.

(d) The report must include recommendations ~~recommended steps and a schedule~~ for the development of a comprehensive state climate action plan with greenhouse gas reduction through a public-involvement process, including transportation and land use; power generation; residential, commercial, and industrial activities; waste management; agriculture and forestry; emissions-reporting systems; and public education.

(7) In developing its recommendations, the commission shall be guided by the principles of reliability, efficiency, affordability, ~~and~~ diversity and environmental quality, and more specifically as follows:

(a) The state should have a reliable electric supply with adequate reserves.

(b) The transmission and delivery of electricity should be reliable.

(c) The generation, transmission, and delivery of electricity should be accomplished with the least detriment to the environment and public health.

(d) The generation, transmission, and delivery of electricity should be accomplished compatibly with the goals for growth management.

(e) Electricity generation, transmission, and delivery facilities should be reasonably secure from damage, taking all factors into consideration, and recovery from damage should be prompt.

(f) Electric rates should be affordable, as to base rates and all recovery-clause additions, with sufficient incentives for utilities to achieve this goal.

(g) The state should have a reliable supply of motor vehicle fuels, both under normal circumstances and during hurricanes and other emergency situations.

(h) In-state research, development, and deployment of alternative energy technologies and alternative motor vehicle fuels should be encouraged.

(i) When possible, the resources of the state should be used in achieving the goals enumerated in this subsection.

(j) Consumers of energy should be encouraged and given incentives to be more efficient in their use of energy.

(8) Both the Department of Environmental Protection and the Florida Public Service Commission shall be responsible for review and determination as to the suitability of the 10 year site plan for each utility.

(9) It is the specific intent of the Legislature that nothing in this section shall in any way change the powers, duties, and responsibilities of the Public Service Commission or the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, ss. 403.501-403.518.

Section 2. All of the records and personnel of the Florida Energy Commission previously located within the Office of Legislative Services shall be transferred to the Department of Environmental Protection. The Secretary of the Department shall be responsible for providing additional staffing to the Commission upon its transfer to enable the Commission to adequately address its additional responsibilities.

Section 3. This act shall take effect upon becoming a law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 1.//

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

A bill to be entitled  
An act relating to climate change.

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

Section 1. Part V, Climate Change, consisting of sections 377.950 and 377.975 is created and added to Chapter 377, Florida Statutes, to read:

Part V

Climate Change (ss. 377.950-377.975)

Section 1. Section 377.950, Florida Statutes, is created to read:

377.950 Greenhouse Gas Registry and Inventory--

(1) The Legislature declares its support for this State's participation in the Climate Registry which Florida joined as a founding member in May 2007. The Climate Registry is an international organization of, as of November 7, 2007, 40 states, plus the District of Columbia, four Native American Tribes, four Canadian Provinces and one Mexican State with the common goal of developing and managing a greenhouse gas reporting system with high integrity that is capable of supporting various greenhouse gas emission reporting and reduction polices for our member states and other reporting entities. It will provide an accurate, transparent, and verified set of greenhouse gas emission data from reporting entities, supported by a robust accounting and verification infrastructure. As such, it will greatly assist Florida in developing its own registry.

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(2) The Department of Environmental Protection shall maintain a greenhouse gas registry and inventory. Reporting to the Department shall be mandatory for all of state government and all utilities operating in the State. Reporting shall be optional for county governments and all other businesses. The Department shall seek ways to assist local governments, counties and businesses to voluntarily participate in the Department's registry and inventory.

(3) The Department shall have rule making authority to adopt and implement methodologies for the recording and monitoring of emissions of greenhouse gas and to maintain a ledger to record reductions in such emissions.

Section 2. Section 377.957, Florida Statutes, is created to read:

377.957 Greenhouse Gas Emission Targets.--

(1) It is the intent of the Legislature that the initial greenhouse gas emission targets established in this section are to provide guidance in Florida's long term response to global warming. As such, no specific implementing policies to achieve greenhouse gas emission reductions are statutorily specified. The appropriate mechanism to develop such polices is by the Florida Energy Commission utilizing a consensus-based, stakeholder-driven process.

(2) The State's initial long-term reduction targets for greenhouse gas emissions are as follows:

- a) by 2020 achieve 2000 emission levels,
- b) by 2030 achieve 1990 emission levels, and

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c) by 2050 achieve 80% below 1990 levels

(3) The targets established in section are subject to review in 2013. Such review will require the Florida Energy Commission and the Legislature to reassess the relevant concepts, science, economics, and state policies to determine if such targets should be changed, and, if so, what the new targets should be.

(4) Starting in 2014, the Florida Energy Commission shall provide an annual assessment report on the progress being made in achieving the emission reduction targets. Such assessment report will be provided to the Legislature as part of the Commission's annual report to the Legislature due by December 31 of each year.

Section 3. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 2 AND 3.//

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A bill to be entitled  
An act relating to energy efficiency.

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

Section 1. 377.907, Florida Statutes, is created to read:

Section 377.907 Lead by Example Initiatives. -

(1) The Florida Energy Commission shall develop lead by example initiatives to help state, county, and local governments save money on energy costs. The Commission shall also develop recommendations to promote energy efficiency and clean energy technologies to the public and private sectors.

(2) Recommendations by the Commission shall include, at a minimum, that all new state buildings be built in compliance with Leadership in Energy and Environmental Design (LEED), Green Globes, Florida Green Building Coalition Standards, or any other nationally recognized and verified energy efficiency building standard.

(3) The Commission shall recommend energy efficient operating policies for state buildings to be implemented by the Florida Energy Office or appropriate state agency.

(4) The Commission shall submit to the Legislature its first recommendations pursuant to this section in its annual report to the Legislature due by December 31, 2009. Periodically, thereafter, the Commission shall submit lead by example recommendations to the Legislature.

Section 2. This act shall take effect upon becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 4.//

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

A bill to be entitled  
An act relating to green businesses.

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

Section 1. Section 377.905, Florida Statutes, is created to read:

377.905 Florida Green Businesses Program Development.-

(1) The Florida Energy Commission shall develop a green business program to recognize and award businesses that adopt sound energy or sound environmental practices.

(2) The Commission shall create the criteria needed for any type of business to be recognized and receive an award. The Commission shall also create criteria for a graded award based on the amount of carbon emission reductions a business achieves.

(3) In developing this program, the Florida Energy Commission shall ensure that the program is coordinated with similar programs currently available through state agencies.

(4) The program shall also provide for plaques and window displays to be awarded a business that has met the appropriate criteria.

(5) The Commission shall submit in its 2008 annual report to the Legislature the recommendations it proposes be adopted by the Legislature in order to implement a green business program.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LEGISLATION IMPLEMENTS RECOMMENDATION 5.//

A bill to be entitled  
An act relating to funding.

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

Section 1. Section 377.909, Florida Statutes, is created to read:

377.909 Florida Climate and Energy Finance Fund.--

(1) There is created a financing fund entitled the Florida Climate and Energy Finance Fund the purpose of which is to finance the development of new energy related projects that have a lifecycle value that is positive.

(2) The issuance of revenue bonds to finance the establishment of the program, to be payable primarily from payments of interest, principal, and handling charges to the program from the recipients of the loans, and with other revenues authorized as being pledged as additional security is hereby authorized. The amount of such revenue bonds shall be determined by the Division of Bond Finance of the State Board of Administration. However, the total principal amount shall not exceed \$5 million. The fund shall be operated by the Chief Financial Officer.

(3) The Chief Financial Officer shall in his or her discretion select the recipients of the loan based on the following parameters:

- a. The project has a life cycle that is positive.
- b. The financial viability of the project.
- c. The energy performance or savings of the project.

The Chief Financial Officer may adopt rules to implement and administer this section including the specific procedures for awarding a loan. The Chief Financial

Officer shall determine the maximum amount of a loan allowed under this section.

Section 2. The implementation of this fund is contingent on the availability of appropriated funds.

Section 3. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 6.//

A bill to be entitled  
An act relating to motor vehicles.

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

Section 1. Subsections (12), (13), and (14) are added to section 286.16, Florida Statutes, to read:

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

(12) To assess the transportation-related energy use of all state agencies, including a fleet fuel analysis of motor vehicles and light trucks by class.

(13) To require scheduled vehicle maintenance on all agency and state fleet motor vehicles. Compliance will be measured through the Equipment Management Information System with annual reports to the Legislature.

(14) To require the use of ethanol and biodiesel when locally available and to encourage the development of renewable fuel fueling facilities for both public and private sector motor vehicles.

Section 2. This act shall take effect upon becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 7.//

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A bill to be entitled  
An act relating to motor vehicle  
greenhouse gas emissions.

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

Section 1. Section 376.90, Florida Statutes, is  
created to read:

376.90 Motor Vehicle Greenhouse Gas Emissions.--

(1) The Department of Environmental Protection shall  
establish standards for motor vehicle idling in order to  
minimize fuel waste, air pollution, and greenhouse gas  
released by car and truck emissions.

(2) The Department shall also conduct a study to  
determine the feasibility of providing back up power for  
commercial trucks at Florida's truck stops in order to  
minimize idling at such locations.

Section 2. This act shall take effect upon becoming  
law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 8.//

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

A bill to be entitled  
An act relating to building codes.

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

Section 1. Section 503.9061, Florida Statutes, is created to read:

503.9061 Scheduled Increases in Thermal Efficiency Standards.--

(1) The purpose of this section is to establish a schedule of increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction. The Florida Building Commission shall implement the following goals through the triennial code adoption process:

(a) Include the necessary provisions in the 2010 edition of Florida Energy Efficiency Code for Building Construction ("Energy Code") to increase the energy performance of new buildings by at least 20 percent as compared to 2007 Energy Code;

(b) Increase the energy efficiency requirements of the 2013 edition of the Energy Code by at least 30 percent as compared to the 2007 Energy Code;

(c) Increase the energy efficiency requirements of the 2016 edition of the Energy Code by at least 40 percent as compared to the 2007 Energy Code; and

(d) Increase the energy efficiency requirements of the 2019 edition of the Energy Code by at least 50 percent as compared to the 2007 Energy Code.

(2) The Florida Building Commission shall identify within code support and compliance documentation the specific building options and elements available to meet the energy performance goals identified above. Examples of potential energy efficiency options and elements include:

- (a) solar hot water heating;
- (b) energy efficient appliances;
- (c) energy efficient windows, doors and skylights;
- (d) low solar absorption roofs ("cool roofs");
- (e) enhanced ceiling and wall insulation;
- (f) reduced leak duct systems;
- (g) programmable thermostats; and
- (h) energy efficient lighting systems.

(3) The Florida Energy Commission shall periodically review the energy efficiency goals established above. This review must be performed at least once every three years and must be completed prior to the triennial code adoption process.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 11.//

A bill to be entitled  
An act relating to building codes.

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

Section 1. (1) The Florida Building Commission shall conduct a study to evaluate opportunities to restructure the Florida Energy Efficiency Code for Building Construction to long-range additional improvements to building energy performance. Specifically, the Commission shall address the integration of the following: the Thermal Efficiency Code (s. 553.900), the Energy Conservation Standards Act (s. 553.951) and the Florida Building Energy Efficiency Rating Act (s. 553.990).

(2) The Florida Building Commission shall submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives by February 1, 2009.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 14.//

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

A bill to be entitled  
An act relating to building codes.

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

Section 1. (1) The Florida Building Commission shall conduct a study to evaluate the rating of new buildings and appliances for energy efficiency. The study shall include a review of the current energy efficiency ratings and consumer labeling requirements contained in chapter 553. The study shall include recommendations to strengthen and integrate the energy efficiency rating and labeling requirements.

(2) The Florida Building Commission shall submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives by December 31, 2008.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 15.//

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

A bill to be entitled  
An act relating to building codes.

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

Section 1. Section 553.886, Florida Statutes, is created to read:

553.886 Energy-Efficiency Technologies.—

The provisions of the Florida Building Code shall facilitate and promote the use of cost-effective energy-conserving, energy demand management, and renewable energy technologies in buildings.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 16.//

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A bill to be entitled  
An act relating to renewable energy devices.

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

Section 1. Subsection (2) of section 163.04, Florida Statutes, is amended to read:

163.04 Energy devices based on renewable resources.--

(2) No deed restrictions, covenants, declarations, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the 18 lots or parcels covered by the deed restrictions, covenants, declarations, or binding agreements. A property owner may not be denied permission to install solar collectors or other energy devices based on renewable resources by any entity granted the power or right in any deed restriction, covenant, declaration, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings, including condominiums ~~not exceeding three stories in height~~. For purposes of this subsection, such entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45° east or west of due south provided that such determination does not impair the effective operation of the solar collectors. In the case of a condominium, solar collectors may be installed on a roof that is considered to be a common element of the condominium association.

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Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 17.//

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A bill to be entitled  
An act relating to recycling.

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

Section 1. Section 403.71853, Florida Statutes, is created to read:

403.71853 Recycling of Compact Fluorescent Light Bulbs Containing Mercury.--

The Department of Environmental Protection is directed to work with local governments and retailers to implement a pilot program to collect compact fluorescent light bulbs containing mercury. Local governments are encouraged to establish collection and recycling programs for compact fluorescent light bulbs through existing and household hazardous waste management programs.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 18.//

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

A bill to be entitled  
An act relating to energy conservation.

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

Section 1. Paragraph (c) is added to subsection (2) of section 553.963, Florida Statutes, to read:

553.963 Energy conservation standards.—

(2) STANDARDS FOR LIGHTING EQUIPMENT.—

(c) On and after July 1, 2009, a general service incandescent lamp shall not be sold in the state.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 19.//

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

A bill to be entitled  
An act relating to energy efficiency.

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

Section 1. The Florida Energy Commission and the Public Service Commission shall conduct a study of the potential benefits and costs associated with the establishment of an Energy Efficiency Resource Standard. The Florida Energy Commission shall hold public hearings on this and other related issues and submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives by January 1, 2009.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 20.//

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

A bill to be entitled  
An act relating to energy efficiency.

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

Section 1. Section 366.81, Florida Statutes, is amended to read:

366.81 Legislative findings and intent.--The Legislature finds and declares that it is critical to utilize the most efficient and cost-effective energy conservation systems in order to protect the health, prosperity, and general welfare of the state and its citizens. Reduction in, and control of, the growth rates of electric consumption and of weather-sensitive peak demand are of particular importance. The Legislature further finds that the Florida Public Service Commission is the appropriate agency to adopt goals and approve plans related to the conservation of electric energy and natural gas usage. The Legislature directs the commission to develop and adopt overall goals and authorizes the commission to require each utility to develop plans and implement programs for increasing energy efficiency and conservation within its service area, subject to the approval of the commission. Since solutions to our energy problems are complex, the Legislature intends that the use of solar energy, renewable energy sources, highly efficient systems, cogeneration, advanced metering systems, and load-control systems be encouraged. Accordingly, in exercising its jurisdiction, the commission shall not approve any rate or rate structure which discriminates against any class of customers on account of the use of such facilities,

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systems, or devices. This expression of legislative intent shall not be construed to preclude experimental rates, rate structures, or programs. The Legislature further finds and declares that ss. 366.80-366.85 and 403.519 are to be liberally construed in order to meet the complex problems of reducing and controlling the growth rates of electric consumption and reducing the growth rates of weather-sensitive peak demand; increasing the overall efficiency and cost-effectiveness of electricity and natural gas production and use; encouraging further development of cogeneration facilities; and conserving expensive resources, particularly petroleum fuels.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 22.//

A bill to be entitled  
An act relating to energy efficiency.

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

Section 1. Subsection (4) of section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.—

(4) The commission shall require periodic reports from each utility and shall provide the Legislature and the Governor with an annual report by March 1 of the goals it has adopted and its progress toward meeting those goals. The commission shall also consider the performance of each utility pursuant to ss. 366.80-366.85 and 403.519 when establishing rates for those utilities over which the commission has ratesetting authority. Utilities that are exempt from the requirements of ss. 366.80-366.85 and 403.519 but are subject to s. 286.801, shall submit an annual report to the commission identifying energy efficiency and conservation goals and the actions taken to meet those goals.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 23.//

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

A bill to be entitled  
An act relating to state buildings.

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

Section 1. Section 255.251, Florida Statutes, is amended to read:

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

Section 2. Section 255.252, Florida Statutes, is amended to read:

255.252 Findings and intent.--

(1) Operating and maintenance expenditures associated with energy equipment and with energy consumed in state-financed and leased buildings represent a significant cost over the life of a building. Energy conserved by appropriate building design not only reduces the demand for energy but also reduces costs for building operation. ~~For example, commercial buildings are estimated to use from 20 to 80 percent more energy than would be required if energy-conserving designs were used.~~ The size, design, orientation, and operability of windows, the ratio of ventilating air to air heated or cooled, the level of lighting consonant with space-use requirements, the handling of occupancy loads, and the ability to zone off areas not requiring equivalent levels of heating or cooling are but a few of the considerations necessary to conserving energy.

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

(3) In order that such energy-efficiency and sustainable materials considerations become a function of building design, and also a model for future application in the private sector, it shall be the policy of the state that buildings constructed and financed by the state be designed and constructed to meet the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, Green Building Initiative's Green Globes rating system, Florida Green Building Coalition Standards, or a nationally recognized, high-performance green building rating system as approved by the department ~~in a manner which will minimize the consumption of energy used in the operation and maintenance of such buildings.~~ It is further the policy of the state, when economically feasible, to retrofit existing state- owned buildings in a manner that ~~which~~ will

minimize the consumption of energy used in the operation and maintenance of such buildings.

(4) In addition to designing and constructing new buildings to be energy efficient energy-efficient, it shall be the policy of the state to operate, maintain, and renovate existing state-owned ~~state~~ facilities, or provide for their renovation, in a manner that ~~which~~ will minimize energy consumption and maximize their sustainability as well as ensure that facilities leased by the state are operated so as to minimize energy use. Agencies are encouraged to consider shared savings financing of such energy projects, using contracts that ~~which~~ split the resulting savings for a specified period of time between the agency and the private firm or cogeneration contracts which otherwise permit the state to lower its energy costs. Such energy contracts may be funded from the operating budget.

(5) Each state agency must identify and compile a list of all state-owned buildings within its inventory that it determines are suitable for a guaranteed energy performance savings contract pursuant to s. 489.145. Such list shall be submitted to the Department of Management Services by December 31, 2008, and shall include any criteria used to determine suitability. The list of suitable buildings shall be developed from the list of state-owned facilities over 5,000 square feet in area and for which the agency is responsible for paying the expenses of utilities and other operating expenses as they relate to energy use. In consultation with each department secretary or director, by March 1, 2009, the Department of Management Services shall evaluate each agency's facilities suitable for energy conservation projects and shall develop an energy

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efficiency project schedule based on factors such as project magnitude, efficiency and effectiveness of energy conservation measures to be implemented, and other factors that may prove to be advantageous to pursue. Such schedule shall provide the deadline for guaranteed energy performance savings contract improvements to be made to the state-owned buildings.

Section 3. Subsections (6) and (7) are added to section 255.253, Florida Statutes, to read:

255.253 Definitions; ss. 255.251-255.258.--

(6) "Sustainable building" means a building that is healthy and comfortable for its occupants and is economical to operate while conserving resources, including energy, water, raw materials, and land, and minimizing the generation of toxic materials and waste in its design, construction, landscaping, and operation.

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

Section 4. Section 255.254, Florida Statutes, is amended to read:

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

(1) No state agency shall ~~lease~~, construct, or have constructed~~7~~, within limits prescribed herein, a facility without having secured from the department an ~~a proper~~

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evaluation of life-cycle costs based on sustainable building ratings, ~~as computed by an architect or engineer.~~ Furthermore, construction shall proceed only upon disclosing, for the facility chosen, the life-cycle costs as determined in s. 255.255, its sustainable building rating goal, and the capitalization of the initial construction costs of the building. The life-cycle costs shall be a primary consideration in the selection of a building design in addition to its sustainable building rating goal. ~~Such analysis shall be required only for construction of buildings with an area of 5,000 square feet or greater.~~ For leased buildings 5,000 square feet or greater areas of ~~20,000 square feet or greater~~ within a given building boundary, an energy performance analysis a ~~life cycle analysis~~ shall be performed, and a lease shall only be made where there is a showing that the energy ~~life-cycle~~ costs incurred by the state are minimal compared to available like facilities.

(2) On and after January 1, 1979, no state agency shall initiate construction or have construction initiated, prior to approval thereof by the department, on a facility or self-contained unit of any facility, the design and construction which incorporates or contemplates the use of an energy system other than a solar energy system when the life-cycle costs analysis prepared by the department has determined that a solar energy system is the most cost-efficient energy system for the facility or unit.

(3) After September 30, 1985, when any state agency must replace or supplement major items of energy-consuming equipment in existing state-owned ~~or leased~~ facilities or any self-contained unit of any facility with other major items of energy-consuming equipment, the selection of such

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items shall be made on the basis of a life-cycle cost analysis of alternatives in accordance with rules promulgated by the department under s. 255.255.

Section 5. Subsection (1) of section 255.255, Florida Statutes, is amended to read:

Life-cycle costs.--

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

Section 6. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 24.//

A bill to be entitled  
An act relating to energy efficient schools.

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

Section 1. Section 1013.441, Florida Statutes, is created to read:

1013.441 Green Schools Pilot Project.--

(1) The Legislature finds that it is cost-effective and healthy for the public and the environment to build schools that maximize low-water usage and incorporate energy efficiencies, renewable energy, and recycling technologies into the construction of schools. Therefore, the Green Schools Pilot Project is established for selected school districts for the purpose of incorporating the Leadership in Energy and Environmental Design (LEED) silver-level, ~~or~~ the Green Globes two-globe rating or better building-certification standards, or the appropriate Florida Green Building Coalition Standards into every new educational building construction project and, when feasible, every educational building renovation project.

(2) LEED building certification standards are defined by the United States Green Building Council and the Green Globes certification standards are defined by the Green Building Initiative. Both standards address the total effect that new buildings have on the environment so as to maximize energy efficiency and to minimize adverse effects on the environment.

(3) For purposes of this section, the term "additional costs" means the expenditures that are necessary to build a complete school to LEED silver-level or Green Globes two-globe or better building-certification standards but that

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exceed the expenditures necessary to build a complete school in compliance with this chapter. Such additional costs may include, but are not limited to, registration and certification fees charged for certification of the school to LEED silver-level or Green Globes two-globe or better building-certification standards.

(4)(a) The Department of Education, in consultation with the Florida Energy Office, shall develop by August 1, 2008, an application process for school districts to participate in the pilot project. Three school districts shall be selected by the State Board of Education by January 1, 2009, to participate in the pilot project. One school district shall be in a county having a population of 1 million or more residents; one school district shall be in a county having a population of 250,000 to 999,999 residents; and one school district shall be in a county having a population of fewer than 250,000 residents. School districts selected to participate in the pilot project shall, to the greatest extent possible, represent geographically different regions of the state.

(b) At a minimum, each school district selected by the State Board of Education to participate in the pilot project must:

1. Demonstrate that it implements sound financial management practices by producing documentation that indicates that the school district for the preceding 3 years has had no material weaknesses or instances of material noncompliance noted in its annual audits required under s. 218.39.

2. Engage a design team that has demonstrated knowledge and experience in high-performance green building construction.

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3. Commit to building at least one complete school to LEED silver-level or Green Globes two-globe or better building-certification standards. A school built to such building- certification standards shall be designated as a "Green School."

(c) When selecting school districts to participate in the pilot project, evaluation criteria implemented by the State Board of Education may include, but need not be limited to, school districts that demonstrate a high percentage of environmentally inefficient schools or school districts that propose innovative methods for improving water savings, energy efficiency, or indoor environmental quality.

(5)(a) From funds appropriated for the Green Schools Pilot Program, the department shall distribute to each participating school district an amount sufficient to fund the additional costs required to build one complete school to LEED silver-level or Green Globes two-globe or better building-certification standards.

1. If appropriated funds are insufficient to fund the total of additional costs required to build three complete schools to LEED silver-level or Green Globes two-globe or better building-certification standards, the department shall prorate funds available and make distributions based on the ratio of each school's additional costs relative to the total of additional costs for the three schools.

2. If appropriated funds remain after the distribution, such funds may be distributed by the department to one or more of the participating school districts to fund the additional costs required to build other new schools or to renovate existing schools to LEED

silver-level or Green Globes two-globe or better building-certification standards.

(b) Participating school districts must annually report to the department the expenditure of funds received under paragraph (a). The reports must be open to inspection and examination by the Auditor General. A participating school district must return to the department:

1. Any funds found by the Auditor General to have been improperly expended.

2. Funds received under paragraph (a) for the construction or renovation of a school if LEED silver-level or Green Globes two-globe certification or better is not obtained for the school within 1 year after its completion.

(6) Each participating school district shall deliver to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education a report on the effects Green Schools have had on student performance and health, operational costs, energy consumption, and the environment in the district. This report shall be submitted by July 1 of the year after a Green School has been in full operation for 3 years.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 25.//

A bill to be entitled  
An act relating to guaranteed energy  
performance contracts.

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

Section 1. Paragraph (b) of subsection (2) and subsection (5) of section 287.063, Florida Statutes, are amended to read:

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

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

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

2. No deferred-payment purchase for less than \$30,000 shall be approved, unless it can be satisfactorily demonstrated and documented to the Chief Financial Officer that failure to make such deferred-payment purchase would adversely affect an agency in the performance of its duties. However, the Chief Financial Officer may approve

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any deferred-payment purchase if the Chief Financial Officer determines that such purchase is economically beneficial to the state.

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

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

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

Section 2. Subsections (10) and (11) of section 287.064, 750 Florida Statutes, are amended to read:

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287.064 Consolidated financing of deferred-payment purchases.--

(10) Costs incurred pursuant to a guaranteed energy performance savings contract, including the cost of energy conservation measures, each as defined in s. 489.145, may be financed pursuant to a master equipment financing agreement; however, the costs of training, operation, and maintenance may not be financed. The period of time for repayment of the funds drawn pursuant to the master equipment financing agreement under this subsection may exceed 5 years but may not exceed 20 ~~10~~ years for energy conservation measures pursuant to s. 489.145, excluding the costs of training, operation, and maintenance. The guaranteed energy performance savings contractor shall provide for the replacement or the extension of the useful life of the equipment during the term of the contract.

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

Section 3. Section 489.145, Florida Statutes, is amended to read:

489.145 Guaranteed energy performance savings contracting.--

(1) SHORT TITLE.--This section may be cited as the "Guaranteed Energy Performance Savings Contracting Act."

(2) LEGISLATIVE FINDINGS.--The Legislature finds that investment in energy conservation measures in agency facilities can reduce the amount of energy consumed and produce immediate and long-term savings. It is the policy of this state to encourage agencies to invest in energy conservation measures ~~that reduce energy consumption, produce a cost savings for the agency, and improve the quality of indoor air in public facilities and to operate, maintain, and, when economically feasible, build or renovate existing agency facilities in such a manner as to~~ minimize energy consumption and maximize energy savings. It is further the policy of this state to encourage agencies to reinvest any energy savings resulting from energy conservation measures in additional energy conservation efforts.

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

(a) "Agency" means the state, a municipality, or a political subdivision.

(b) "Energy conservation measure" means a ~~training program,~~ facility alteration, or an equipment purchase to be used in new construction, including an addition to an existing facility, which reduces energy or energy-related operating costs and includes, but is not limited to:

1. Insulation of the facility structure and systems within the facility.

2. Storm windows and doors, caulking or weatherstripping, multiglazed windows and doors, heat-absorbing, or heat-reflective, glazed and coated window and door systems, additional glazing, reductions in glass area, and other

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window and door system modifications that reduce energy consumption.

3. Automatic energy control systems.

4. Heating, ventilating, or air-conditioning system modifications or replacements.

5. Replacement or modifications of lighting fixtures to increase the energy efficiency of the lighting system, which, at a minimum, must conform to the applicable state or local building code.

6. Energy recovery systems.

7. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a facility or complex of facilities.

8. Energy conservation measures that reduce Btu, kW, or kWh consumed or provide long-term operating cost reductions ~~or significantly reduce Btu consumed~~.

9. Renewable energy systems, such as solar, biomass, or wind systems.

10. Devices that reduce water consumption or sewer charges.

11. Storage systems, such as fuel cells and thermal storage.

12. Generating technologies, such as microturbines.

13. Any other repair, replacement, or upgrade of existing equipment.

(c) "Energy cost savings" means a measured reduction in the cost of fuel, energy consumption, and stipulated operation and maintenance created from the implementation of one or more energy conservation measures when compared with an established baseline for the previous cost of fuel, energy consumption, and stipulated operation and maintenance.

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(d) "Guaranteed energy performance savings contract" means a contract for the evaluation, recommendation, and implementation of energy conservation measures or energy-related operational saving measures, which, at a minimum, shall include:

1. The design and installation of equipment to implement one or more of such measures and, if applicable, operation and maintenance of such measures.

2. The amount of any actual annual savings that meet or exceed total annual contract payments made by the agency for the contract and may include allowable cost avoidance. As used in this section, allowable cost avoidance calculations include, but are not limited to, avoided provable budgeted costs contained in a capital replacement plan less the current undepreciated value of replaced equipment and the replacement cost of the new equipment.

3. The finance charges incurred by the agency over the life of the contract.

(e) "Guaranteed energy performance savings contractor" means a person or business that is licensed under chapter 471, chapter 481, or this chapter, and is experienced in the analysis, design, implementation, or installation of energy conservation measures through energy performance contracts.

(4) PROCEDURES.--

(a) An agency may enter into a guaranteed energy performance savings contract with a guaranteed energy performance savings contractor to ~~significantly~~ reduce energy consumption or energy-related operating costs of an agency facility through one or more energy conservation measures.

(b) Before design and installation of energy conservation measures, the agency must obtain from a guaranteed energy performance savings contractor a report that summarizes the costs associated with the energy conservation measures or energy-related operational cost saving measures and provides an estimate of the amount of the ~~energy~~ cost savings. The agency and the guaranteed energy performance savings contractor may enter into a separate agreement to pay for costs associated with the preparation and delivery of the report; however, payment to the contractor shall be contingent upon the report's projection of energy or operational cost savings being equal to or greater than the total projected costs of the design and installation of the report's energy conservation measures.

(c) The agency may enter into a guaranteed energy performance savings contract with a guaranteed energy performance savings contractor if the agency finds that the amount the agency would spend on the energy conservation or energy-related cost saving measures will not likely exceed the amount of the energy or energy-related cost savings for up to 20 years from the date of installation, based on the life cycle cost calculations provided in s. 255.255, if the recommendations in the report were followed and if the qualified provider or providers give a written guarantee that the energy or energy- related cost savings will meet or exceed the costs of the system. However, actual computed cost savings must meet or exceed the estimated cost savings provided in program approval. Baseline adjustments used in calculations must be specified in the contract. The contract may provide for installment payments for a period not to exceed 20 years.

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(d) A guaranteed energy performance savings contractor must be selected in compliance with s. 287.055; except that if fewer than three firms are qualified to perform the required services, the requirement for agency selection of three firms, as provided in s. 287.055(4)(b), and the bid requirements of s. 287.057 do not apply.

(e) Before entering into a guaranteed energy performance savings contract, an agency must provide published notice of the meeting in which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose.

(f) A guaranteed energy performance savings contract may provide for financing, including tax exempt financing, by a third party. The contract for third party financing may be separate from the energy performance contract. A separate contract for third party financing pursuant to this paragraph must include a provision that the third party financier must not be granted rights or privileges that exceed the rights and privileges available to the guaranteed energy performance savings contractor.

(g) Financing for guaranteed energy performance savings contracts may be provided under the authority of s. 287.064.

(h) The Office of the Chief Financial Officer shall review proposals to ensure that the most effective financing is being used.

(i)~~(g)~~—In determining the amount the agency will finance to acquire the energy conservation measures, the agency may reduce such amount by the application of any grant moneys, rebates, or capital funding available to the agency for the purpose of buying down the cost of the guaranteed energy performance savings contract. However, in

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calculating the life cycle cost as required in paragraph (c), the agency shall not apply any grants, rebates, or capital funding.

(5) CONTRACT PROVISIONS.--

(a) A guaranteed energy performance savings contract must include a written guarantee that may include, but is not limited to the form of, a letter of credit, insurance policy, corporate guarantee by the guaranteed energy performance savings contractor that annual energy cost savings will meet or exceed the amortized cost of energy conservation measures.

(b) The guaranteed energy performance savings contract must provide that all payments, except obligations on termination of the contract before its expiration, may be made over time, but not to exceed 20 years from the date of complete installation and acceptance by the agency, and that the annual savings are guaranteed to the extent necessary to make annual payments to satisfy the guaranteed energy performance savings contract.

(c) The guaranteed energy performance savings contract must require that the guaranteed energy performance savings contractor to whom the contract is awarded provide a 100-percent public construction bond to the agency for its faithful performance, as required by s. 255.05.

(d) The guaranteed energy performance savings contract may contain a provision allocating to the parties to the contract any annual energy cost savings that exceed the amount of the energy cost savings guaranteed in the contract.

(e) The guaranteed energy performance savings contract shall require the guaranteed energy performance savings contractor to provide to the agency an annual

reconciliation of the guaranteed energy or energy-related cost savings. If the reconciliation reveals a shortfall in annual energy or energy-related cost savings, the guaranteed energy performance savings contractor is liable for such shortfall. If the reconciliation reveals an excess in annual ~~energy~~ cost savings, the excess savings may be allocated under paragraph (d) but may not be used to cover potential energy cost savings shortages in subsequent contract years.

(f) The guaranteed energy performance savings contract must provide for payments of not less than one-twentieth of the price to be paid within 2 years from the date of the complete installation and acceptance by the agency using straight-line amortization for the term of the loan, and the remaining costs to be paid at least quarterly, not to exceed a 20-year term, based on life cycle cost calculations.

(g) The guaranteed energy performance savings contract may extend beyond the fiscal year in which it becomes effective; however, the term of any contract expires at the end of each fiscal year and may be automatically renewed annually for up to 20 years, subject to the agency making sufficient annual appropriations based upon continued realized energy savings.

(h) The guaranteed energy performance savings contract must stipulate that it does not constitute a debt, liability, or obligation of the state.

(6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The Department of Management Services, with the assistance of the Office of the Chief Financial Officer, shall ~~may~~, within available resources, provide technical content assistance to state agencies contracting for energy

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conservation measures and engage in other activities considered appropriate by the department for promoting and facilitating guaranteed energy performance contracting by state agencies. The Office of the Chief Financial Officer, with the assistance of the Department of Management Services, shall ~~may, within available resources,~~ develop model contractual and related documents for use by state agencies. Prior to entering into a guaranteed energy performance savings contract, any contract or lease for third-party financing, or any combination of such contracts, a state agency shall submit such proposed contract or lease to the Office of the Chief Financial Officer for review and approval. A proposed contract or lease shall include:

(a) Supporting information required by s. 216.023(4)(a)9.

(b) Documentation supporting recurring funds requirements in ss. 287.063(5) and 287.064(11).

(c) Approval by the agency head or his or her designee.

(d) An agency measurement and verification plan to monitor costs savings.

(7) FUNDING SUPPORT.--For purposes of consolidated financing of deferred payment commodity contracts under this section by a state agency, any such contract must be supported from available recurring funds appropriated to the agency in an appropriation category, as defined in chapter 216, that the Chief Financial Officer has determined is appropriate or that the Legislature has designated for payment of the obligation incurred under this section. The Office of the Chief Financial Officer

may not approve any contract submitted under this section  
that does not meet the requirements of this section.

Section 4. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 26.//

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A bill to be entitled  
An act relating to recycling.

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

Section 1. The Legislature finds that the failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources. Therefore, the maximum recycling and reuse of such resources must be considered high priority goals of the State.

Section 2. The long term goal for the reduction of solid waste by recycling efforts undertaken by state government shall be a reduction by 2020 of 75 percent of the amount of solid waste that was disposed of by state government in 2007, not including any recycling efforts undertaken during that year. The Department of Environmental Protection shall, by 2010, develop a recycling program, in conjunction with the state judicial and legislative branches of government, designed to meet that goal.

Section 3. The long term goal for the reduction of solid waste by recycling efforts undertaken by municipal and county governments shall be a reduction by 2020 of 75 percent the amount of solid waste that was disposed of in 2007, not including any recycling efforts undertaken in that year. Each county shall provide to the Department by 2010 a recycling program for that county, including municipalities, designed to meet that goal.

Section 4. A recycling grant program is hereby established to aid local communities in establishing, operating, or providing public awareness for such recycling

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efforts. The following factors shall be considered, among others, when selecting recipients for the recycling program grants:

- A. The benefits to energy conservation and the environment,
- B. The availability of capacity at existing solid waste facilities, and
- C. The level of commitment of local officials, and the level of volunteer and private sector interest in the program.

To be eligible to receive a grant, local communities must commit to a 50 percent local match to the amount awarded by the State. The local recycling project must also be planned or underway, and any education project must directly promote the use of that project. Counties and municipalities are encouraged to form inter-local agreements to pursue such recycling programs when applying for grants.

Section 5. The implementation of the grant program is contingent on the availability of appropriated funds.

Section 6. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 27.//

A bill to be entitled  
An act relating to state motor vehicles.

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

Section 1. Subsection (12) is added to section s.  
287.16, Florida Statutes, to read:

287.16 Powers and duties of department.—The Department  
of Management Services shall have the following powers,  
duties, and responsibilities:

(12) To conduct an inventory and determine the  
percentage of motor vehicles purchased with state funds  
which are flexible motor fuel vehicles or hybrid motor  
vehicles in current use. Notwithstanding s. 287.151, the  
department shall purchase over the next 3 years only those  
vehicles with the greatest fuel efficiency in a given  
class. In implementing this provision the department should  
exempt special purpose, law enforcement, and heavy duty  
vehicles.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 28.//

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A bill to be entitled  
An act relating to sales tax exemption  
on energy efficient products.

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

Section 1. Section 212.0802, Florida Statutes, is created to read:

212.0802 Sales tax exemption for energy efficient products.--

(1) To encourage Floridians to conserve energy and use energy efficiently, the week beginning October 3, 2008, is designated "Energy Efficiency and Conservation Week."

(2) The tax levied under this chapter may not be collected from 12:01 a.m., October 3, 2008, through midnight, October 10, 2008, on the sale of a new energy-efficient product having a selling price of \$1,500 or less per product during that period. This exemption applies only when the energy-efficient product is purchased for noncommercial home or personal use and does not apply when the product is purchased for trade, business, or resale. As used in this section, the term "energy-efficient product" means a dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator that has been designated by the United States Environmental Protection Agency or by the United States Department of Energy as meeting or exceeding the requirements under the Energy Star Program of either agency. Purchases made under this section may not be made using a business or company credit or debit card or check. Any construction company, building contractor, or commercial business or entity that purchases

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or attempts to purchase the energy-efficient products as exempt under this section commits an unfair method of competition in violation of s. 501.204, punishable as provided in s. 501.2075. The Department of Revenue may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 29.//

A bill to be entitled  
An act relating to renewable energy devices.

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

Section 1. Section 196.175, Florida Statutes, is amended to read:

196.175 Renewable energy source exemption.--

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

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

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

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

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

(3) It shall be the responsibility of the applicant for an exemption pursuant to this section to demonstrate affirmatively to the satisfaction of the property appraiser that he or she meets the requirements for exemption under this section and that the original cost ~~pursuant to~~

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~~paragraph (1)(b)~~ and the period for which the device was operative, as indicated on the exemption application, are correct.

(4) No exemption authorized pursuant to this section shall be granted for a period of more than 10 years. No exemption shall be granted with respect to renewable energy source devices installed before July 1, 2008 ~~January 1, 1980, or after December 31, 1990.~~

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 30.//

A bill to be entitled  
An act relating to sales tax exemption  
on energy efficient tires.

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

Section 1. Paragraph (ggg) is added to section (7) of section 212.08, Florida Statutes, to read:

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

(7) MISCELLANEOUS EXEMPTIONS.--

(ggg) Low Rolling Resistance Tires.--Also exempt from the payment of the tax imposed by this chapter are motor vehicle tires certified by the manufacturer as low rolling resistance tires.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 31.//

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A bill to be entitled  
An act relating to solar energy incentives.

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

Section 1. Subsections (2) and (3) of section 377.806, Florida Statutes, are amended, present subsection (6) is renumbered as subsection (7), present subsection (7) is renumbered as subsection (8) and amended, and a new subsection (6) is added to that section, to read:

377.806 Solar Energy System Incentives Program.--

(2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

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

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

2. The system complies with state interconnection standards as provided by the commission.

3. The system complies with all applicable building codes as defined by the local jurisdictional authority.

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

1. Twenty thousand dollars for a residence.

2. One hundred thousand dollars for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.

(c) Application.--To be eligible to receive a rebate, applicants must file with the department a preapplication

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form demonstrating that the planned system will meet applicable requirements of this section. The department shall review the preapplication to determine if it complies with the requirements of this section, shall notify the applicant within 30 days after receipt of the preapplication that the preapplication has been received and meets such requirements, and shall reserve funding for the preapplication for up to 90 days following the date of issuance of notification to the applicant. Within 90 days after the purchase of the solar photovoltaic system, the applicant must submit to the department a separate application for a rebate payment.

(3) SOLAR THERMAL SYSTEM INCENTIVE.--

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

1. The system is installed by a state-licensed solar or plumbing contractor.

2. The system complies with all applicable building codes as defined by the local jurisdictional authority.

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

1. Five hundred dollars for a residence.

2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings. ~~Btu must be verified by approved metering equipment.~~

(6) LIMITATION.--Rebates are limited to one type of system per resident per state fiscal year.

(8)(7)---RULES.--The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications

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for rebate reservations and rebate payments and administer the issuance of rebates.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 32.//

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

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

A bill to be entitled  
An act relating to energy assistance programs.

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

Section 1. The Department of Community Affairs shall convene a workgroup comprised of representatives of social-service agencies, utility representatives, and low-income customer representatives to identify and review issues relating to the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program. The workgroup shall identify recommendations that support customers' health, safety and well-being; maximize available financial and energy conservation assistance; improve the quality service to customers seeking assistance; and educate customers to make informed decisions regarding energy use and conservation. No later than January 1, 2009, the department shall report to the President of the Senate and the Speaker of the House of Representatives on findings of the workgroup and together with any recommended statutory changes required to implement those findings.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 33.//

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

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A bill to be entitled  
An act relating to renewable energy policy.

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

Section 1. Subsection (1) Section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.--

(1) It is the intent of the Legislature to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers. Florida's renewable energy policy must also be developed in the context of the state's larger energy, environmental and economic plans. In particular, the renewable energy policy should be consistent with the state's greenhouse gas reduction goals, air quality standards, and the guiding principles of reliability, affordability, efficiency and diversity.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 35.//

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

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A bill to be entitled  
An act relating to renewable energy.

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

Section 1. Paragraph (b) of subsection (2) of Section 366.91, Florida Statutes, is amended to read:

366.91 Renewable energy.--

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

(b) "~~Renewable energy~~" ~~means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations~~ means electrical, mechanical or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels or nuclear energy, solar energy, geothermal energy, wind energy, ocean energy, waste heat, hydroelectric power, and biomass. As used in this definition, biomass means a power source that is comprised of combustible residues, oils or gases from forest products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, biogenic municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

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Section 2. Paragraph (j) of subsection (2) of Section 377.703, Florida Statutes is amended to read:

(2) DEFINITIONS.—

(j) "Renewable energy resource" ~~means any method, process, or substance the use of which does not diminish its availability or abundance, including, but not limited to, biomass conversion, geothermal energy, solar energy, wind energy, wood fuels derived from waste, ocean thermal gradient power, hydroelectric power, and fuels derived from agricultural products~~ means electrical, mechanical or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels or nuclear energy, solar energy, geothermal energy, wind energy, ocean energy, waste heat, hydroelectric power, and biomass. As used in this definition, biomass means a power source that is comprised of combustible residues, oils or gases from forest products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, biogenic municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

Section 3. Subsection (6) of Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions. --

(6) "Renewable energy" ~~means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power~~ means electrical, mechanical or thermal energy produced from a

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method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels or nuclear energy, solar energy, geothermal energy, wind energy, ocean energy, waste heat, hydroelectric power, and biomass. As used in this definition, biomass means a power source that is comprised of combustible residues, oils or gases from forest products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, biogenic municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

Section 4. Paragraph (d) of subsection (1) of Section 570.957, Florida Statutes, is amended to read:

1) As used in this section, the term:

(d) "~~Renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power~~ means electrical, mechanical or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels or nuclear energy, solar energy, geothermal energy, wind energy, ocean energy, waste heat, hydroelectric power, and biomass. As used in this definition, biomass means a power source that is comprised of combustible residues, oils or gases from forest products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, biogenic municipal solid

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waste, municipal liquid waste treatment operations, and  
landfill gas.

Section 5. This act shall take effect on becoming  
law.

//THIS DRAFT LEGISLATION IMPLEMENTS RECOMMENDATION 36.//

A bill to be entitled  
An act relating to renewable energy.

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

Section 1. ASSESSMENT OF FLORIDA RENEWABLE ENERGY STATUS. The Florida Department of Environmental Protection and the Florida Public Service Commission shall jointly produce a current and comprehensive assessment of renewable energy opportunities and demand-side resources and technologies in the State. The report should address existing and potential renewable resources and technologies, economic considerations and environmental issues. The report shall be developed within a timeframe to allow ample opportunity for appropriate participation by the various stakeholders. Upon completion, the report shall be delivered to the President of the Senate, the Speaker of the House of Representatives, and the Florida Energy Commission.

Section 2. DEPARTMENT OF ENVIRONMENTAL PROTECTION MEASUREMENT OF FLORIDA'S ELECTRIC GENERATION. The Florida Department of Environmental Protection shall measure the environmental effects of each generation method used, or proposed to be used, in the generation of electricity in Florida. This measurement process is to create an emission profile and determine a greenhouse coefficient, measured in equivalent pounds of carbon dioxide emitted per MWh of electricity generated, for each generation method.

Section 3. PUBLIC SERVICE COMMISSION EVALUATION OF FLORIDA'S ELECTRICAL GENERATION. The Florida Public Service

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Commission shall evaluate each method used, or proposed to be used, to generate electricity in Florida to determine its efficacy in achieving the goals of reliability, affordability, efficiency, and diversity. This evaluation process should establish the levelized cost in cents per kWh and incremental capacity in Florida in kW for each generation method.

Section 4. RANKING OF ELECTRIC GENERATION AND GREENHOUSE GAS EMISSION GOALS. The Florida Public Service Commission and the Florida Department of Environmental Protection shall jointly establish a ranking for all generation methods used, or proposed to be used, in the generation of electricity in Florida based on the quantitative results determined by the Commission in its evaluation as required by Section 3 above.

Section 5. RANKING OF ELECTRIC GENERATION AND GREENHOUSE GAS EMISSION GOALS. The Florida Public Service Commission and the Florida Department of Environmental Protection shall jointly determine how to achieve state greenhouse gas emission goals using the quantitative results determined by the department in its measurement as required by Section 2 above, within the content of this ranking. The greenhouse effect of each generation method can be calculated under various generation mix scenarios using greenhouse coefficients and incremental capacity data.

Section 6. GENERATION SCENARIOS FOR A RENEWABLE PORTFOLIO STANDARD. The Florida Public Service Commission shall utilize the rankings established pursuant to Sections

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4 and 5 to select generation scenarios to develop a renewable portfolio standard that will appropriately promote the use and development of renewable energy resources and technologies in Florida. After the development of the renewable portfolio standard, the Florida Energy Commission shall review the resulting renewable portfolio standard for any additional recommendations regarding the goals and the scope of the rules, if any, regarding the renewable portfolio standard.

Section 7. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 37-40.//

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A bill to be entitled  
An act relating to public utilities.

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

Section 1. Subsection (1) of section 366.02, Florida Statutes, is amended to read:

366.02 Definitions.--As used in this chapter:

(1) "Public utility" means every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this state; but the term "public utility" does not include either a cooperative now or hereafter organized and existing under the Rural Electric Cooperative Law of the state; a municipality or any agency thereof; any dependent or independent special natural gas district; any natural gas transmission pipeline company making only sales or transportation delivery of natural gas at wholesale and to direct industrial consumers; any entity selling or arranging for sales of natural gas which neither owns nor operates natural gas transmission or distribution facilities within the state; or a person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, or owning or operating facilities beyond the outlet of a meter through which natural gas is supplied for compression and delivery into motor vehicle fuel tanks or other transportation containers, unless such person also supplies electricity or manufactured or natural gas. The supplying of electricity to or for the public does

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not include third party ownership of renewable generation facilities located on the site of an electric energy customer and the sale of up to 5MW of renewable electricity to a single customer provided the facilities are located on the customer's premises.

Section 2. This change shall not eliminate the obligation of the local electric utility to provide back-up service or to purchase excess energy generated by the installer.

Section 3. This act shall take effect upon becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 42.//

A bill to be entitled  
An act relating to renewable energy.

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

Section 1. Subsection (5) is added to Section 366.92, Florida Statutes, to read:

366.92 Florida renewable energy policy.-

(5) It is the intent of this Legislature to support distributed generation. Therefore, each electric customer who generates renewable electricity can interconnect to the grid and sell excess electricity. In support of this policy, The Commission shall require all utilities to develop programs providing for such activity. The commission is to adopt rules establishing the interconnection requirements, other technical and safety requirements and the appropriate back up rates that are fair to the utility.

Section 2. This act shall take effect upon becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 43.//

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A bill to be entitled  
An act relating to power plant siting act.

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

Section 1. Subsection (1) of Section 403.506, Florida Statutes, is amended to read:

403.506 Applicability, thresholds, and certification.--

(1) The provisions of this act shall apply to any electrical power plant as defined herein, except that the provisions of this act shall not apply to any electrical power plant or steam generating plant of less than 75 megawatts in capacity or to any substation to be constructed as part of an associated transmission line unless the applicant has elected to apply for certification of such plant or substation under this act. The provisions of this act shall not apply to any ~~unit capacity~~ expansion of ~~35 megawatts or less~~ an existing exothermic reaction ~~co~~generation ~~unit~~ electrical generation facility that produces renewable energy as defined in s. 377.803 and that was exempt from this act when it was originally built; however, this exemption shall not apply if the unit uses oil or natural gas for purposes other than unit startup or if the electrical generating facility exports over 75 megawatts to the grid. No construction of any new electrical power plant or expansion in steam generating capacity as measured by an increase in the maximum electrical generator rating of any existing electrical power plant may be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply to

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any such electrical power plant which is presently operating or under construction or which has, upon the effective date of chapter 73-33, Laws of Florida, applied for a permit or certification under requirements in force prior to the effective date of such act.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 44.//

A bill to be entitled  
An act relating to cogeneration.

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

Section 1. Section 366.051, Florida Statutes, is amended to read:

366.051 Cogeneration; small power production; commission jurisdiction.--

(1) Electricity produced by cogeneration and small power production is of benefit to the public when included as part of the total energy supply of the entire electric grid of the state or consumed by a cogenerator or small power producer. The electric utility in whose service area a cogenerator or small power producer is located shall purchase, in accordance with applicable law, all electricity offered for sale by such cogenerator or small power producer; or the cogenerator or small power producer may sell such electricity to any other electric utility in the state. The commission shall establish guidelines relating to the purchase of power or energy by public utilities from cogenerators or small power producers and may set rates at which a public utility must purchase power or energy from a cogenerator or small power producer. In fixing rates for power purchased by public utilities from cogenerators or small power producers, the commission shall authorize a rate equal to the purchasing utility's full avoided costs. A utility's "full avoided costs" are the incremental costs to the utility of the electric energy or capacity, or both, which, but for the purchase from cogenerators or small power producers, such utility would generate itself or purchase from another source. The

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commission may use a statewide avoided unit when setting full avoided capacity costs. If the cogenerator or small power producer provides adequate security, based on its financial stability, and no costs in excess of full avoided costs are likely to be incurred by the electric utility over the term during which electricity is to be provided, the commission shall authorize the levelization of payments and the elimination of discounts due to risk factors in determining the rates. Public utilities shall provide transmission or distribution service to enable a retail customer to transmit electrical power generated by the customer at one location to the customer's facilities at another location, if the commission finds that the provision of this service, and the charges, terms, and other conditions associated with the provision of this service, are not likely to result in higher cost electric service to the utility's general body of retail and wholesale customers or adversely affect the adequacy or reliability of electric service to all customers.

(2) Notwithstanding any other law to the contrary, the Commission shall allow flexibility in the amount paid to qualifying renewable projects for capacity and energy and shall provide the opportunity for the utility to earn an adder to the utility's allowed return on equity for meeting or exceeding the renewable targets set by the Commission. The adder and any payments over and above the utility's avoided cost is to be recovered through a cost recovery clause in the utility's rates.

(3) Notwithstanding any other provision of law, power generated by the customer and provided by the utility to the customers' facility at another location is subject to the gross receipts tax imposed under s. 203.01 and the use

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tax imposed under s. 212.06. Such taxes shall apply at the time the power is provided at such other location and shall be based upon the cost price of such power as provided in s. 212.06(1)(b).

Section 2. This act shall take effect upon becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 46.//

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A bill to be entitled  
An act relating to alternative fuels.

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

Section 1. A new subsection (6) is added to section 220.192, Florida Statutes, and the current (6) and (7) are renumbered (7) and (8), respectively to read:

220.192 Renewable energy technologies investment tax credit.—

(6) TRANSFERABILITY OF CREDIT.--

(a) Any corporation and any subsequent transferee allowed the tax credit may transfer the tax credit, in whole or in part, to any taxpayer by written agreement, without the requirement of transferring any ownership interest in the property generating the tax credit or any interest in the entity which owns the property. Transferees are entitled to apply the credits against the tax with the same effect as if the transferee had incurred the eligible costs.

(b) To perfect the transfer, the transferor shall provide a written transfer statement providing notice to the Department of Revenue of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, federal taxpayer identification number and tax period, and the amount of tax credits to be transferred. The Department of Revenue shall issue, upon receipt of a transfer statement conforming to the requirements of this section, a certificate to the assignee reflecting the tax credit amounts transferred, a copy of which shall be attached to

each tax return by an assignee in which such tax credits are used.

(c) Tax credits derived by such entities treated as corporations pursuant to this section that are not transferred by such entities to other taxpayers pursuant to this subsection shall be passed through to the taxpayers designated as partners, members, or owners, respectively, in any manner agreed to by such persons, whether or not such persons are allocated or allowed any portion of the federal energy tax credit with respect to the eligible costs.

~~(7)(6)~~ RULES.--The Department of Revenue shall have the authority to adopt rules relating to:

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

(b) The implementation and administration of the provisions allowing a transfer of tax credits, including rules prescribing forms, reporting requirements, and the specific procedures, guidelines, and requirements necessary for a tax credit to be transferred.

(c) The implementation and administration of the provisions allowing a pass through of tax credits, including rules prescribing forms, reporting requirements, and the specific procedures, guidelines, and requirements necessary for a tax credit to be passed through to an owner, member, or partner.

~~(8)(7)~~ PUBLICATION.--The Department of Environmental Protection shall determine and publish on a regular basis the amount of available tax credits remaining in each fiscal year.

Section 2. Paragraph (f) is added to subsection (2) and paragraph (j) is added to subsection (3) of section 220.193, Florida Statutes, to read:

220.193 Florida renewable energy production credit.--

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

(f) "Sale" or "sold" includes the use of the electricity by the producer of the electricity when such use decreases the amount of electricity that would otherwise be purchased by the producer thereof.

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

(j) A taxpayer's use of the credit granted pursuant to this section shall not reduce the amount of any credit authorized by s. 220.186 that would otherwise be available to that taxpayer.

Section 3. Section 570.957, Florida Statutes, is created to read:

570.957 Farm-to-Fuel Grants Program.--

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

(a) "Bioenergy" means energy produced from organic matter that is available on a renewable or recurring basis, including crops and trees, agricultural food and feed crop residues, wood and wood wastes and residues, aquatic plants, grasses, animal wastes and residues, and other organic waste materials.

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(b) "Department" means the Department of Agriculture and Consumer Services. 9

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

(2) The Farm-to-Fuel Grants Program is established within the department to provide matching grants for bioengery projects. Such grants may be made for research, demonstration, or commercialization projects relating to the production of bioenergy or feedstocks used in bioenergy production.

(a) Matching grants for bioenergy demonstration, commercialization, research, and development projects may be made to any of the following:

1. Municipalities and county governments.
2. Established for-profit companies licensed to do business in the state.
3. Universities and colleges in the state.
4. Utilities located and operating within the state.
5. Not-for-profit organizations.
6. Other qualified persons, as determined by the Department of Agriculture and Consumer Services.

(b) The department may adopt rules to provide for allocation of grant funds by project type, application requirements, ranking of applications, and awarding of grants under this program.

(c) Factors for consideration in awarding grants may include, but are not limited to, the degree to which:

1. The project produces bioenergy from Florida-grown crops or biomass.

2. The project demonstrates efficient use of energy and material resources.

3. Matching funds and in-kind contributions from an applicant are available.

4. The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

5. Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

6. The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

7. The project incorporates an innovative new technology or an innovative application of an existing technology.

(d) In evaluating and awarding grants under this section, the department shall consult with and solicit input from the Department of Environmental Protection.

(e) In determining the technical feasibility of grant applications, the department shall coordinate and actively consult with persons having expertise in renewable energy technologies.

(f) In determining the economic feasibility of bioenergy grant applications, the department shall consult with the Office of Tourism, Trade, and Economic Development.

Section 4. Section 570.958, Florida Statutes, is created to read:

570.958 Biofuel Retail Sales Incentive Program.--

(1) The purpose of this section is to encourage the retail sale of biofuels in this state and replace petroleum consumption in the state by the following percentages over the specified periods:

(a) Three percent from January 1, 2008, through December 31, 2008.

(b) Five percent from January 1, 2009, through December 31, 2009.

(c) Seven percent from January 1, 2010, through December 31, 2010.

(d) Ten percent from January 1, 2011, through December 31, 2011.

(2) As used in this section:

(a) "Biodiesel" means the mono-alkyl esters of long-chain fatty acids derived from plant or animal matter for use as a source of energy and meeting the specifications for biodiesel and biodiesel blended with petroleum products as adopted by the department.

(b) "Biofuel" means E85 fuel ethanol, E10 motor fuel, biodiesel, and diesel blended fuel.

(c) "Diesel blended fuel" means a fuel mixture containing 10 percent or more biodiesel or renewable diesel fuel with the balance comprised of diesel fuel and meeting the specifications for diesel blends as adopted by the department.

(d) "E85 fuel ethanol" means ethanol blended with gasoline and formulated with a nominal percentage of 85 percent ethanol by volume and meeting the applicable fuel quality specifications as adopted by the department.

(e) "E10 motor fuel" means a motor fuel blend consisting of nominal percentages of 90 percent gasoline by volume and 10 percent ethanol by volume and meeting the

fuel quality specifications for gasoline as adopted by the department.

(f) "Ethanol or fuel ethanol" means an anhydrous denatured alcohol produced by the conversion of carbohydrates and meeting the specifications for fuel ethanol as adopted by the department.

(g) "Fuel dispenser" means a pump, meter, or similar device used to measure and deliver motor fuel or diesel fuel on a retail basis.

(h) "Renewable diesel fuel" means a fuel that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency in the Clean Air Act; is not a mono-alkyl ester; is intended for use in engines that are designed to run on conventional, petroleum derived diesel fuel; is derived from nonpetroleum renewable resources, including, but not limited to, vegetable oils, animal wastes, including poultry fats and poultry wastes, and other waste materials, or municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and meets the specifications for diesel fuel as adopted by the department.

(i) "Retail dealer" means any person who is engaged in the business of selling fuel at retail at posted retail prices.

(j) "Retail motor fuel site" means a geographic location in this state where a retail dealer sells or offers for sale motor fuel, diesel fuel, or biofuel to the general public.

(3)(a) Subject to specific appropriation, a retail dealer who sells biofuel through fuel dispensers at retail

motor fuel sites is entitled to an incentive payment that shall be computed as follows:

1. An incentive of 1 cent for each gallon of E10 motor fuel sold through a fuel dispenser.

2. An incentive of 5 cents for each gallon of E85 fuel ethanol sold through a fuel dispenser.

3. An incentive of 1 cent for each gallon of diesel blended fuel sold through a fuel dispenser.

4. An incentive of 3 cents for each gallon of biodiesel sold through a fuel dispenser.

(b) The incentive may be claimed for biofuel sold on or after January 1, 2008. Beginning in 2009, each applicant claiming an incentive under this section must first apply to the department by February 1 of each year for an allocation of the available incentive for the preceding calendar year. The department shall develop an application form. The application form shall, at a minimum, require a sworn affidavit from each retail dealer certifying the following information:

1. The name and principal address of the retail dealer.

2. The address of the retail dealer's retail motor fuel sites from which it sold biofuels during the preceding calendar year.

3. The total gallons of E10 ethanol sold through fuel dispensers.

4. The total gallons of E85 ethanol sold through fuel dispensers.

5. The total gallons of diesel blended fuel sold through fuel dispensers.

6. The total gallons of biodiesel sold through fuel dispensers.

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7. Any other information deemed necessary by the department to adequately ensure that the incentive allowed under this section shall be made only to qualified Florida retail dealers.

(c) The department shall determine the amount of the incentive allowed under this section.

(4) If the amount of incentives applied for each year exceeds the amount appropriated, the department shall pay to each applicant a prorated amount based on each applicant's gallonage of qualified biofuel sold and dispensed that is eligible for the incentive under this section.

(5) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and administer this section, including rules prescribing forms, the documentation needed to substantiate a claim for the incentive, and the specific procedures and guidelines for claiming the incentive.

Section 5. Section 570.959, Florida Statutes, is created to read:

570.959 Florida Biofuel Production Incentive Program.-

(1) The purpose of this section is to encourage the development and expansion of facilities that produce biofuels in this state from crops, agricultural waste and residues, and other biomass produced in Florida by providing economic incentives to do so.

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

(a) "Biodiesel" means the mono-alkyl esters of long-chain fatty acids derived from plant or animal matter for use as a source of energy and meeting the specifications for biodiesel and biodiesel blended with petroleum products as adopted by the department.

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

(b) "Biofuel" means ethanol or biodiesel.

(c) "Ethanol" or "fuel ethanol" means an anhydrous denatured alcohol produced by the conversion of carbohydrates and meeting the specifications for fuel ethanol adopted by the department.

(d) "Florida biofuel production" means production of biofuel in the state from crops, agricultural waste and residues, and other biomass produced in Florida.

(3) In order to be eligible for the incentive provided in this section, a producer must have registered and have met the requirements contained in chapter 206.

(4) An incentive, subject to appropriation, shall be paid to a producer based on Florida biofuel production as follows:

(a) The incentive shall be 5 cents for each gallon of unblended Florida biofuel produced, exclusive of denaturant, during a given calendar year and sold to an unrelated blender of biofuel.

(b) The incentive may be earned for production on or after January 1, 2008. Beginning in 2009, each producer claiming an incentive under this section must first apply to the department by February 1 of each year for an allocation of available incentives. The department shall develop an application form that shall, at a minimum, require a sworn affidavit from each producer certifying the production that forms the basis of the application and certifying that all information contained in the application is true and correct.

(c) The department shall determine whether or not such production is eligible for the incentive under this section.

(d) If the amount of incentives applied for each year exceeds the amount appropriated, the department shall pay to each applicant a prorated amount based on the percentage of biofuel produced that is eligible for the incentive under this section.

(5) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and administer this section, including rules prescribing forms, the documentation needed to substantiate a claim for the incentive, and the specific procedures and guidelines for claiming the incentive.

Section 6. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 47-52.//

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

A bill to be entitled  
An act relating to energy infrastructure.

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

Section 1. The Public Service Commission shall conduct a study in conjunction with the Department of Environmental Protection to evaluate the potential for increased storage of natural gas in Florida. In addition, the study shall evaluate the potential for expanded deployment of liquefied natural gas facilities in Florida. Finally, the report shall assess the feasibility of developing a "fuel supply reserve margin" index based on the aggregate energy demand projections at the regulated utilities, natural gas distribution systems, and transportation requirements. No later than March 1, 2009, the commission shall report to the President of the Senate and the Speaker of the House of Representatives on findings of the review together with any recommended statutory changes required to implement those recommendations.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 50, 59 AND  
60.//

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

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

A bill to be entitled  
An act relating to energy.

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

Section 1. Section 366.94, Florida Statutes is created to read:

366.94 Priority Order of Preference for Energy Supply and Demand Options.-

(1) It is the intent of the Legislature to encourage the widest range of energy supply and demand options, ensuring that each supply and demand type meets the state's minimum environmental criteria as determined by the Florida Department of Environmental Protection.

(2) The commission to shall provide guidance to the state's electric utilities through a priority order of preference for future supply and demand options. This priority order of preference shall be based on the guiding principles of reliability, efficiency, affordability, and diversity. In developing the priority order of preference the commission shall specify that energy efficiency and demand response constitute the preferred options in addressing Florida's future energy needs.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 53.//

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

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A bill to be entitled  
An act relating to nuclear energy.

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

Section 1. Section 366.93, Florida Statutes, is amended to read:

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

(1) The Legislature finds that it is in the public interest to promote diversity in fuel types to meet Florida's growing dependency on natural gas for electric production. Additionally, the Legislature finds that nuclear energy has significant benefits as a baseload generation source in addressing the state's goal of reducing greenhouse gases and enhancing energy security.

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

(a) "Cost" includes, but is not limited to, all capital investments, including rate of return, any applicable taxes, and all expenses, including operation and maintenance expenses, related to or resulting from the siting, licensing, design, construction, or operation of the nuclear or integrated gasification combined cycle power plant.

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

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

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

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

(f) "Preconstruction" is that period of time after a site has been selected through and including the date the utility completes site clearing work. Preconstruction costs shall be afforded deferred accounting treatment and shall accrue a carrying charge equal to the utility's allowance for funds during construction (AFUDC) rate until recovered in rates.

(3)~~(2)~~ Within 6 months after the enactment of this act, the commission shall establish, by rule, alternative cost recovery mechanisms for the recovery of costs incurred in the siting, design, licensing, and construction of a nuclear or integrated gasification combined cycle power plant. Such mechanisms shall be designed to promote utility investment in nuclear or integrated gasification combined cycle power plants and allow for the recovery in rates of all prudently incurred costs, and shall include, but are not limited to:

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

(b) Recovery through an incremental increase in the utility's capacity cost recovery clause rates of the carrying costs on the utility's projected construction cost balance associated with the nuclear or integrated gasification combined cycle power plant. To encourage investment and provide certainty, for nuclear or integrated gasification combined cycle power plant need petitions

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submitted on or before December 31, 2010, associated carrying costs shall be equal to the pretax AFUDC in effect upon this act becoming law. For nuclear or integrated gasification combined cycle power plants for which need petitions are submitted after December 31, 2010, the utility's existing pretax AFUDC rate is presumed to be appropriate unless determined otherwise by the commission in the determination of need for the nuclear or integrated gasification combined cycle power plant.

(4)~~(3)~~ After a petition for determination of need is granted, a utility may petition the commission for cost recovery as permitted by this section and commission rules.

(5)~~(4)~~ When the nuclear or integrated gasification combined cycle power plant is placed in commercial service, the utility shall be allowed to increase its base rate charges by the projected annual revenue requirements of the nuclear or integrated gasification combined cycle power plant based on the jurisdictional annual revenue requirements of the plant for the first 12 months of operation. The rate of return on capital investments shall be calculated using the utility's rate of return last approved by the commission prior to the commercial inservice date of the nuclear or integrated gasification combined cycle power plant. If any existing generating plant is retired as a result of operation of the nuclear or integrated gasification combined cycle power plant, the commission shall allow for the recovery, through an increase in base rate charges, of the net book value of the retired plant over a period not to exceed 5 years.

(6)~~(5)~~ The utility shall report to the commission annually the budgeted and actual costs as compared to the estimated inservice cost of the nuclear or integrated

gasification combined cycle power plant provided by the utility pursuant to s. 403.519(4), until the commercial operation of the nuclear or integrated gasification combined cycle power plant. The utility shall provide such information on an annual basis following the final order by the commission approving the determination of need for the nuclear or integrated gasification combined cycle power plant, with the understanding that some costs may be higher than estimated and other costs may be lower.

(7) ~~(6)~~ In the event the utility elects not to complete or is precluded from completing construction of the nuclear or integrated gasification combined cycle power plant, the utility shall be allowed to recover all prudent preconstruction and construction costs incurred following the commission's issuance of a final order granting a determination of need for the nuclear or integrated gasification combined cycle power plant. The utility shall recover such costs through the capacity cost recovery clause over a period equal to the period during which the costs were incurred or 5 years, whichever is greater. The unrecovered balance during the recovery period will accrue interest at the utility's weighted average cost of capital as reported in the commission's earnings surveillance reporting requirement for the prior year.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 54.//

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

A bill to be entitled  
An act relating to energy planning.

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

Section 1. Paragraph (h) is added to subsection (2) of section 186.801, Florida Statutes, to read:

186.801 Ten-year site plans.--

(1) Beginning January 1, 1974, each electric utility shall submit to the Public Service Commission a 10-year site plan which shall estimate its power-generating needs and the general location of its proposed power plant sites. The 10-year plan shall be reviewed and submitted not less frequently than every 2 years.

(2) Within 9 months after the receipt of the proposed plan, the commission shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The commission may suggest alternatives to the plan. All findings of the commission shall be made available to the Department of Environmental Protection for its consideration at any subsequent electrical power plant site certification proceedings. It is recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the commission. A complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, shall constitute an amendment to the 10-year site plan. In its preliminary study of each 10-year site plan, the commission

shall consider such plan as a planning document and shall review:

(a) The need, including the need as determined by the commission, for electrical power in the area to be served.

(b) The effect on fuel diversity within the state.

(c) The anticipated environmental impact of each proposed electrical power plant site.

(d) Possible alternatives to the proposed plan.

(e) The views of appropriate local, state, and federal agencies, including the views of the appropriate water management district as to the availability of water and its recommendation as to the use by the proposed plant of salt water or fresh water for cooling purposes.

(f) The extent to which the plan is consistent with the state comprehensive plan.

(g) The plan with respect to the information of the state on energy availability and consumption.

(h) Potential opportunities for jointly-developed or jointly-owned electrical power plants.

(3) In order to enable it to carry out its duties under this section, the commission may, after hearing, establish a study fee which shall not exceed \$1,000 for each proposed plan studied.

(4) The commission may adopt rules governing the method of submitting, processing, and studying the 10-year plans as required by this section.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 57.//

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A bill to be entitled  
An act relating to comprehensive planning.

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

Section 1. Paragraph (1) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(1) An energy element consisting of an inventory of existing conditions, a statement of goals and objectives, and implementation strategies. More specifically, the energy element must address the following issues:

1. Energy efficiency and conservation.
2. Use of renewable energy sources.
3. Energy supply and delivery infrastructure, including distributed generation.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 61 AND 67.//

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

A bill to be entitled  
An act relating to power plant and  
transmission line siting.

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

Section 1. Subsection (3) of section 403.50663, Florida Statutes, is amended to read: 403.50663 Informational public meetings.--

(3) A local government or regional planning council that intends to conduct an informational public meeting must provide notice of the meeting to all parties not less than 15 ~~5~~ days prior to the meeting and to the general public, in accordance with the provisions of s. 403.5115(5).

Section 2. Subsections (2), (3), and (4) of section 403.50665, Florida Statutes, are amended to read:

403.50665 Land use consistency.--

(2) Within 45 days after the filing of the application, each local government shall file a determination with the department, the applicant, the administrative law judge, and all parties on the consistency of the site or any directly associated facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application. The local government may issue its determination up to 35 days later if the local government has requested additional information on land use and zoning consistency as part of the local government's statement on completeness of the application submitted pursuant to s. 403.5066(1)(a). Incompleteness of information necessary for

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a local government to evaluate an application may be claimed by the local government as cause for a statement of inconsistency with existing land use plans and zoning ordinances. Notice of the consistency determination shall be published in accordance with the requirements of s. 403.5115.

(3) If the local government issues a determination that the proposed electrical power plant is not consistent or in compliance with local land use plans and zoning ordinances, the applicant may apply to the local government for the necessary local approval to address the inconsistencies in the local government's determination. If the applicant makes such an application to the local government, the time schedules under this act shall be tolled until the local government issues its revised determination on land use and zoning or the applicant otherwise withdraws its application to the local government. If the applicant applies to the local government for local land use or zoning approval, the local government shall issue a revised determination within 30 days following the conclusion of any that local proceeding held by the local government to consider the application for land use or zoning approval, and the time schedules and notice requirements under this act shall apply to such revised determination.

(4) If any substantially affected person wishes to dispute the local government's determination, he or she shall file a petition with the designated administrative law judge department within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of s. 403.508(1) shall apply.

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Section 3. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 403.508, Florida Statutes, are amended to read:

403.508 Land use and certification hearings, parties, participants.--

(1)(a) Within 5 days after the filing of ~~if~~ a petition for a hearing on land use ~~has been filed~~ pursuant to s. 403.50665, the designated administrative law judge shall schedule ~~conduct~~ a land use hearing to be conducted in the county of the proposed site or directly associated facility, as applicable, as expeditiously as possible, but not later than 30 days after the department's receipt of the petition. The place of such hearing shall be as close as possible to the proposed site or directly associated facility. If a petition is filed, the hearing shall be held regardless of the status of the completeness of the application. ~~However, incompleteness of information necessary for a local government to evaluate an application may be claimed by the local government as cause for a statement of inconsistency with existing land use plans and zoning ordinances under s. 403.50665.~~

(2)(a) A certification hearing shall be held by the designated administrative law judge no later than 265 days after the application is filed with the department. The certification hearing shall be held at a location in proximity to the proposed site. ~~At the conclusion of the certification hearing, the designated administrative law judge shall, after consideration of all evidence of record, submit to the board a recommended order no later than 45 days after the filing of the hearing transcript.~~

Section 4. Subsection (5) of section 403.509, Florida Statutes, is amended to read:

403.509 Final disposition of application.--

(5) For certifications issued by the board in regard to the properties and works of any agency which is a party to the certification hearing, the board shall have the authority to decide issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities and to direct any such agency to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification. For certifications issued by the department in regard to the properties and works of any agency which is a party to the proceeding, any stipulation filed pursuant to s. 403.508(6)(a) must include a stipulation regarding any issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities. Any agency stipulating to the use, connection to, or crossing of its property must agree to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification.

Section 5. Section 403.5113, Florida Statutes, is amended to read:

403.5113 Postcertification amendments and review.--

(1) POSTCERTIFICATION AMENDMENTS.--

(a) If, subsequent to certification by the board, a licensee proposes any material change to the application

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and revisions or amendments thereto, as certified, the licensee shall submit a written request for amendment and a description of the proposed change to the application to the department. Within 30 days after the receipt of the request for the amendment, the department shall determine whether the proposed change to the application requires a modification of the conditions of certification.

(b)(2) If the department concludes that the change would not require a modification of the conditions of certification, the department shall provide written notification of the determination on approval of the proposed amendment to the licensee, all agencies, and all other parties.

(c)(3) If the department concludes that the change would require a modification of the conditions of certification, the department shall provide written notification to the licensee that the proposed change to the application requires a request for modification pursuant to s. 403.516.

(2)(4) POSTCERTIFICATION REVIEW.--Postcertification submittals filed by the licensee with one or more agencies are for the purpose of monitoring for compliance with the issued certification and must be reviewed by the agencies on an expedited and priority basis because each facility certified under this act is a critical infrastructure facility. In no event shall a postcertification review be completed in more than 90 days after complete information is submitted to the reviewing agencies.

Section 6. Section 403.5115, Florida Statutes, is amended to read:

403.5115 Public notice.--

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(1) The following notices are to be published by the applicant for all applications:

(a) Notice of the filing of a notice of intent under s. 403.5063, which shall be published within 21 days after the filing of the notice. The notice shall be published as specified by subsection (2), except that the newspaper notice shall be one-fourth page in size in a standard size newspaper or one-half page in size in a tabloid size newspaper.

(b) Notice of filing of the application, which shall include a description of the proceedings required by this act, within 21 days after the date of the application filing. Such notice shall give notice of the provisions of s. 403.511(1) and (2).

(c) If applicable, notice of the land use determination made pursuant to s. 403.50665(1) within 21 days after the determination is filed.

(d) If applicable, notice of the land use hearing, which shall be published as specified in subsection (2), no later than 15 days before the hearing.

(e) Notice of the certification hearing and notice of the deadline for filing notice of intent to be a party, which shall be published as specified in subsection (2), at least 65 days before the date set for the certification hearing.

(f) Notice of the cancellation of the certification hearing, if applicable, no later than 3 days before the date of the originally scheduled certification hearing.

(g) Notice of modification when required by the department, based on whether the requested modification of certification will significantly increase impacts to the

environment or the public. Such notice shall be published as specified under subsection (2):

1. Within 21 days after receipt of a request for modification. The newspaper notice shall be of a size as directed by the department commensurate with the scope of the modification.

2. If a hearing is to be conducted in response to the request for modification, then notice shall be published no later than 30 days before the hearing.

~~(h) Notice of a supplemental application, which shall be published as specified in paragraph (b) and subsection (2).~~

~~(i) Notice of existing site certification pursuant to s. 403.5175. Notices shall be published as specified in paragraph (b) and subsection (2).~~

(2) Notices provided by the applicant shall be published in newspapers of general circulation within the county or counties in which the proposed electrical power plant will be located. The newspaper notices shall be at least one-half page in size in a standard size newspaper or a full page in a tabloid size newspaper. These notices shall include a map generally depicting the project and all associated facilities corridors. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

(3) All notices published by the applicant shall be paid for by the applicant and shall be in addition to the application fee.

(4) The department shall arrange for publication of the following notices in the manner specified by chapter 120 and provide copies of those notices to any persons who have requested to be placed on the departmental mailing list for this purpose for each case for which an application has been received by the department:

(a) Notice of the filing of the notice of intent within 15 days after receipt of the notice.

(b) Notice of the filing of the application, no later than 21 days after the application filing.

(c) Notice of the land use determination made pursuant to s. 403.50665(1) within 21 days after the determination is filed.

(d) Notice of the land use hearing before the administrative law judge, if applicable, no later than 15 days before the hearing.

(e) Notice of the land use hearing before the board, if applicable.

(f) Notice of the certification hearing at least 45 days before the date set for the certification hearing.

(g) Notice of the cancellation of the certification hearing, if applicable, no later than 3 days prior to the date of the originally scheduled certification hearing.

(h) Notice of the hearing before the board, if applicable.

(i) Notice of stipulations, proposed agency action, or petitions for modification.

(5) A local government or regional planning council that proposes to conduct an informational public meeting

pursuant to s. 403.50663 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical power plant will be located no later than 7 days prior to the meeting. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

Section 7. Subsection (1) of section 403.5252, Florida Statutes, is amended to read:

403.5252 Determination of completeness.—

(1)(a) Within 30 days after the filing ~~distribution~~ of an application, the affected agencies shall file a statement with the department containing the recommendations of each agency concerning the completeness of the application for certification.

(b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the application ~~completeness statements of each agency~~, the department shall file a statement with the Division of Administrative Hearings, with the applicant, and with all parties declaring its position with regard to the completeness of the application. The statement of the department shall be based upon its consultation with the affected agencies.

Section 8. Paragraph (a) of subsection (6) of section 403.527, Florida Statutes, is amended to read:

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403.527 Certification hearing, parties, participants.—

(6)(a) No later than 29 ~~25~~ days before the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of material fact or law to be raised at the certification hearing.

Section 9. Paragraph (e) of subsection (1) of section 403.5271, Florida Statutes, is amended to read:

403.5271 Alternate corridors.—

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(e)1. Reviewing agencies shall advise the department of any issues concerning completeness no later than 15 days after the submittal of the data required by paragraph (d). Within 22 days after receipt of the data, the department shall issue a determination of completeness.

2. If the department determines that the data required by paragraph (d) is not complete, the party proposing the alternate corridor must file such additional data to correct the incompleteness. This additional data must be submitted within 14 days after the determination by the department.

3. Reviewing agencies may advise the department of any issues concerning completeness of the additional data within 10 days after the filing by the party proposing the alternate corridor. If the department, within 14 days after receiving the additional data, determines that the data

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remains incomplete, the incompleteness of the data is deemed a withdrawal of the proposed alternate corridor. The department may make its determination based on recommendations made by other affected agencies.

Section 10. Subsection (3) of section 403.5272, Florida Statutes, is amended to read:

403.5272 Informational public meetings.--

(3) A local government or regional planning council that intends to conduct an informational public meeting must provide notice of the meeting, with notice sent to all parties listed in s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting, to the general public, in accordance with the provisions of s. 403.5363(4).

Section 11. Paragraph (b) of subsection (1) of section 403.5317, Florida Statutes, is amended to read:

403.5317 Postcertification activities.-

(1) (b) If the department concludes that the change would not require a modification of the conditions of certification, the department shall notify, in writing, the licensee, all agencies, and all parties of the determination on approval ~~approval~~ of the amendment.

Section 12. Paragraph (c) of subsection (3) of section 403.5363, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

403.5363 Public notices; requirements.-

(3) The department shall arrange for the publication of the following notices in the manner specified by chapter 120:

(c) The notice of the cancellation of a certification hearing, if applicable. The notice must be published not later than 3 ~~7~~ days before the date of the originally scheduled certification hearing.

(4) A local government or regional planning council that proposes to conduct an informational public meeting pursuant to s. 403.5272 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical transmission line will be located no later than 7 days prior to the meeting. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

Section 13. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 63.//

A bill to be entitled  
An act relating to energy infrastructure  
and public lands.

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

Section 1. (1) The Department of Environmental Protection shall conduct a study in conjunction with the Public Service Commission, the Department of Transportation, the various water management districts, and other stakeholders to recommend a statewide policy for the co-location of electric transmission and linear fuel supply facilities on appropriate public lands.

(2) The Department of Environmental Protection shall submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives by January 1, 2009.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 64 AND  
65.//

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A bill to be entitled  
An act relating to distributed energy.

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

Section 1. The Florida Public Service Commission shall examine the potential economic congestion relief benefits to the major load areas in the state resulting from the development of distributed generation and active load control. The Commission shall identify economic incentives to developers of distributed generation and active load control that could provide relief to such congestion. Upon completion of its examination, the Commission shall provide a copy of its findings to the President of the Senate, Speaker of the House of Representatives, and the Chair of the Florida Energy Commission.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 67.//

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

A bill to be entitled  
An act relating to consumer education.

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

Section 1. (1) The Public Service Commission, in consultation with the Department of Environmental Protection, the Department of Community Affairs, and other interested stakeholders, shall convene a workgroup to develop a statewide, multimedia energy efficiency marketing and outreach campaign.

(2) The campaign shall be designed to educate Floridians on the energy, financial and environmental benefits of energy efficiency and to support the energy efficiency programs of the utilities, third-party program providers and other organizations. The campaign shall include a range of marketing and outreach strategies including television; radio and newspaper ads; earned media; printed educational materials; events; a website resource; a biweekly electronic newsletter; and cooperative marketing and outreach efforts with businesses, government and nonprofit organizations.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 68 AND 69.//

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A bill to be entitled  
An act relating to energy and  
climate change education.

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

Section 1. Section 377.904, Florida Statutes, is  
create to read:

377.904 Public and Professional Education on Climate  
and Energy Science.--

(1) The Florida Energy Commission shall develop  
educational policy for voluntary programs to inform  
Floridians on scientific aspects of energy generation,  
energy use, energy conservation, climate change, and  
climate change adaptation.

(2) These programs would include a coordinated, long-  
term effort to increase public awareness of the causes and  
solutions to energy and climate issues. These topics would  
be included in the curriculum at all education levels  
(elementary schools, middle schools, high schools,  
community colleges, and universities), and would be  
mandatory in the certification of Florida's climate and  
energy-related professionals (e.g. architects, engineers,  
construction fields, transportation sector, and healthcare  
sector).

(3) The Florida Energy Office would be responsible for  
coordinating the implementation of this policy by state and  
local government agencies.

Section 2. This act shall take effect on becoming  
law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 70.//

A bill to be entitled  
An act relating to driver's education.

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

Section 1. Section 322.71, Florida Statutes, is created to read:

Section 322.71 Driver's education; fuel economy.-

The department shall require that Florida driver education courses and driver license examinations include content on energy use topics such as vehicle fuel efficiency, fuel choices, vehicle emissions, fuel efficient driving practices, car maintenance, optimum tire insufflation, and vehicle idling.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 71.//

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

A bill to be entitled  
An act relating to energy-related education.

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

Section 1. (1) The Legislature declares that there is an important state interest in promoting a well-trained and educated energy workforce. Additionally, there is an increasing public desire to better understand energy-related policy issues and to participate in the policy-development process.

(2) The Department of Education shall provide high-school guidance counselors with the basis to encourage appropriate students to pursue energy-industry careers and institute post-secondary level energy education curriculum and programs. Additionally, the department shall develop programs to expand secondary school relationships with the state's utilities in order to educate students regarding career opportunities in the energy industry.

(3) The Florida Community College System shall incorporate energy-related curriculum into life-long learning and continuing education offerings, and develop and promote an energy certificate/degree program.

(4) The State University System shall establish an Electric Power Institute to specifically address educational opportunities in emerging fuels and power technology and management, and provide for a scholarship program within the Institute funded by the state's electric utilities with matching funds provided by the State of Florida.

Section 2. This act shall take effect on becoming  
law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 72 THRU  
74.//

A bill to be entitled  
An act relating to the Florida Energy Commission.

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

Section 1. Section 377.909, Florida Statutes, is created to read:

377.909 Energy-related research summits.-

The Florida Energy Commission, in coordination with the Florida Energy Office, shall convene an annual energy-related research summit to provide a forum for the state's academic and research community to examine energy-related research initiatives and opportunities for cooperative/collaborative research.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 77.//

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

A bill to be entitled  
An act relating to energy-related education.

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

Section 1. Section 377.913, Florida Statutes, is created to read:

377.913 Coordination of energy-related research and development.—

The Florida Energy Commission, in cooperation and coordination with the state university system and the independent colleges and universities, shall develop a strategy for enhancing research in support of Florida's energy policy with the goal of deploying energy-related research and technology into the marketplace as soon as possible.

Section 2. This act shall take effect on becoming law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 78.//

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

A bill to be entitled  
An act relating to the Florida Energy Commission.

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

Section 1. Subsection (8) is added to section  
377.901, Florida Statutes, to read:

377.901 Florida Energy Commission.—

(8) The commission shall work in conjunction with  
Enterprise Florida to formulate an economic development  
strategy that targets renewable and alternative energy  
companies and creates the business environment in Florida  
necessary to make the state a major center for the  
development and expansion of energy-related companies.

Section 2. This act shall take effect on becoming  
law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 79.//

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

A bill to be entitled  
An act relating to energy-related research  
and development.

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

Section 1. Section 377.808, Florida Statutes, is  
created to read:

377.808 State interest.—

As a condition for the issuance of all grants or other  
monetary awards to private companies for energy-related  
research or deployment projects, the department shall  
require a negotiated or licensing agreement that stipulates  
that after commercialization of the product or process, an  
amount or percentage of the profits as agreed to will be  
returned to the state.

Section 2. This act shall take effect on becoming  
law.

//THIS DRAFT LANGUAGE IMPLEMENTS RECOMMENDATION 80.//