



## ENROLLED

CS/HB 7123, Engrossed 2

2007 Legislature

1                                   A bill to be entitled  
2       An act relating to energy; creating the Energy Policy  
3       Governance Task Force; providing for appointment of  
4       members, for responsibilities, and for operations;  
5       providing that the task force expires June 30, 2008;  
6       amending s. 196.175, F.S.; revising provisions for the  
7       renewable energy source exemption; excluding the assessed  
8       value of certain real property for determination of such  
9       exemption; amending s. 212.08, F.S.; revising the  
10      definition of "ethanol"; increasing the cap on the sales  
11      tax exemption for materials used in the distribution of  
12      biodiesel and ethanol fuels; specifying eligible items as  
13      limited to one refund; requiring a purchaser who receives  
14      a refund to notify a subsequent purchaser of such refund;  
15      amending s. 220.192, F.S., relating to the renewable  
16      energy technologies investment tax credit; providing a  
17      definition; providing for the transferability of such tax  
18      credit; providing requirements and procedures therefor;  
19      providing rulemaking requirements and authority; amending  
20      s. 220.193, F.S.; providing a definition; providing that a  
21      taxpayer's use of certain credits does not prohibit the  
22      use of other authorized credits; amending s. 255.251,  
23      F.S.; revising a short title; amending s. 255.252, F.S.;  
24      revising criteria for energy conservation and  
25      sustainability for state-owned buildings; requiring  
26      buildings constructed and financed by the state to meet  
27      certain environmental standards subject to approval by the  
28      Department of Management Services; requiring state

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29 agencies to identify state-owned buildings that are  
30 suitable for guaranteed energy performance savings  
31 contracts; providing requirements and procedures therefor;  
32 requiring the Department of Management Services to  
33 evaluate identified facilities and develop an energy  
34 efficiency project schedule; providing criteria for such  
35 schedule; amending s. 255.253, F.S.; providing  
36 definitions; amending s. 255.254, F.S.; requiring certain  
37 state-owned buildings to meet sustainable building  
38 ratings; amending s. 255.255, F.S.; requiring the  
39 department to adopt rules and procedures for energy  
40 conservation performance guidelines based on sustainable  
41 building ratings; amending s. 287.063, F.S.; requiring  
42 that the term of payment for consolidated equipment  
43 finance contracts may not extend beyond the anticipated  
44 useful life of the equipment financed; deleting the  
45 requirement that the Chief Financial Officer establish  
46 criteria that prohibits a state agency from obligating an  
47 annualized amount of payments for certain deferred payment  
48 purchases; amending s. 287.064, F.S.; extending the period  
49 of time allowed for the repayment of funds for certain  
50 purchases relating to energy conservation measures;  
51 requiring guaranteed energy performance savings  
52 contractors to provide for the replacement or the  
53 extension of the useful life of the equipment during the  
54 term of a contract; amending s. 377.803, F.S.; revising  
55 definitions; amending s. 377.804, F.S.; deleting  
56 provisions relating to bioenergy projects under the

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57 Renewable Energy Technologies Grants Program; amending s.  
58 377.806, F.S.; revising rebate eligibility and application  
59 requirements for solar photovoltaic systems; requiring  
60 applicants to apply for rebate reservations and rebate  
61 payments; providing a limitation; revising rulemaking  
62 authority; creating s. 403.0874, F.S.; providing a  
63 definition; directing the Department of Environmental  
64 Protection to develop greenhouse gas inventories;  
65 providing requirements for such inventories; authorizing  
66 the department to require emission reports; requiring the  
67 department to adopt rules; amending s. 403.50663, F.S.;  
68 revising the requirements for notice of certain  
69 informational public meetings by local governments and  
70 regional planning councils relating to power plant siting;  
71 amending s. 403.50665, F.S.; authorizing local governments  
72 to determine incompleteness of information on certain  
73 siting applications as inconsistent with land use plans  
74 and zoning ordinances; revising provisions for the filing  
75 of certain petitions relating to land use; amending s.  
76 403.508, F.S.; revising provisions for land use  
77 certification hearings relating to power plant siting;  
78 amending s. 403.509, F.S.; revising provisions for the  
79 final disposition of power plant siting applications;  
80 amending s. 403.5113, F.S.; revising provisions relating  
81 to power plant siting postcertification amendments and  
82 review; amending s. 403.5115, F.S.; revising provisions  
83 for public notice of activities relating to power plant  
84 siting; specifying requirements for such notice; amending

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85 s. 403.5252, F.S.; revising the timeframes for agencies  
86 and the Department of Environmental Protection to provide  
87 statements relating to the completeness of applications  
88 for power plant siting certification; amending s. 403.527,  
89 F.S.; revising the timeframe for the administrative law  
90 judge to cancel power plant siting certification hearings  
91 and relinquish jurisdiction to the Department of  
92 Environmental Protection upon request by the applicant or  
93 the department; amending s. 403.5271, F.S.; revising  
94 provisions relating to the completeness of applications  
95 for alternate corridors; amending s. 403.5272, F.S.;  
96 revising the requirements for local governments and  
97 regional planning councils to notice certain informational  
98 public meetings; amending s. 403.5317, F.S.; revising  
99 provisions for power plant siting postcertification  
100 activities; amending s. 403.5363, F.S.; revising  
101 provisions for public notices of power plant siting  
102 certification hearings; requiring local governments and  
103 regional planning councils to publish notice of certain  
104 informational meetings; providing requirements for such  
105 publication; amending s. 489.145, F.S.; revising  
106 provisions relating to guaranteed energy performance  
107 savings contracting to include energy consumption and  
108 energy-related operational savings; revising provisions  
109 for the financing of guaranteed energy performance savings  
110 contracts; revising criteria for proposed contracts;  
111 revising program administration and contract review  
112 provisions; requiring that consolidated financing of

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113 deferred payment commodity contracts be secured by certain  
 114 funds; requiring the Chief Financial Officer to review  
 115 proposed guaranteed energy performance savings contracts;  
 116 creating s. 570.957, F.S.; establishing the Farm-to-Fuel  
 117 Grants Program within the Department of Agriculture and  
 118 Consumer Services; providing definitions; specifying the  
 119 use of renewable energy grants for projects relating to  
 120 bioenergy; providing eligibility requirements; authorizing  
 121 the department to adopt rules; providing criteria for  
 122 grant award consideration; requiring the department to  
 123 consult with the Department of Environmental Protection,  
 124 the Office of Tourism, Trade, and Economic Development,  
 125 and certain experts when evaluating applications; creating  
 126 s. 570.958, F.S.; establishing the Biofuel Retail Sales  
 127 Incentive Program; establishing goals for replacing  
 128 petroleum consumption; providing definitions; providing  
 129 incentive payments to qualified retail dealers for  
 130 increases in the amount of biofuels offered for sale;  
 131 providing requirements and procedures therefor; creating  
 132 s. 570.959, F.S.; establishing the Florida Biofuel  
 133 Production Incentive Program; providing definitions;  
 134 providing incentive payments to producers of certain  
 135 biofuels; providing requirements and procedures therefor;  
 136 authorizing the Department of Agriculture and Consumer  
 137 Services to adopt rules; directing the Florida Building  
 138 Commission to convene a workgroup to develop a model  
 139 residential energy efficiency ordinance; requiring the  
 140 commission to consult with specified entities to review

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141 the cost-effectiveness of energy efficiency measures in  
142 the construction of residential, commercial, and  
143 government buildings; requiring the commission to consult  
144 with specified entities to develop and implement a public  
145 awareness campaign; requiring the commission to provide  
146 reports to the Legislature; requiring all county,  
147 municipal, and public community college buildings to meet  
148 certain energy efficiency standards for construction;  
149 providing applicability; establishing standards for diesel  
150 fuel purchases for use by state-owned diesel vehicles and  
151 equipment to include biodiesel fuel purchase requirements;  
152 establishing standards for fuel purchases for use by  
153 state-owned flex-fuel vehicles to include ethanol purchase  
154 requirements; establishing standards for the use of  
155 biodiesel fuels by school district transportation  
156 services; creating the Florida Energy, Aerospace, and  
157 Technology (F.E.A.T.) Fund; requiring that certain funds  
158 be deposited in the Grants and Donations Trust Fund;  
159 providing requirements and procedures therefor; providing  
160 for the construction and operation of a research and  
161 demonstration cellulosic ethanol plant; providing  
162 requirements and procedures therefor; requiring the  
163 Florida Energy Commission to conduct a study and recommend  
164 a renewable portfolio standard; providing requirements and  
165 procedures therefor; requiring the Florida Energy  
166 Commission to conduct a study to recommend the  
167 establishment of an energy efficiency and solar energy  
168 initiative; providing requirements and procedures

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169 therefor; requiring the Public Service Commission to  
170 submit a report to the Legislature on methods used to  
171 evaluate the conservation goals, plans, and programs of  
172 utilities subject to the Florida Energy Efficiency and  
173 Conservation Act; requiring the Department of Agriculture  
174 and Consumer Services to conduct a study and recommend a  
175 Florida Loan Guarantee Program for cellulosic ethanol  
176 facilities; requiring a report to the Legislature;  
177 requiring the Department of Community Affairs to convene a  
178 workgroup to identify and review certain energy  
179 conservation standards for specified products; providing  
180 requirements and procedures therefor; creating s.  
181 1013.441, F.S.; establishing the Green Schools Pilot  
182 Project to enable selected school districts to comply with  
183 certain building-certification standards; defining the  
184 term "additional costs"; providing for an application and  
185 selection process for participation in the pilot project;  
186 providing requirements for school districts to  
187 participate; providing for evaluation criteria that may be  
188 used during the selection process; providing for the  
189 distribution of funds by the Department of Education;  
190 providing for prorated distribution of funds under  
191 specified circumstances; providing authority to distribute  
192 excess funds for specified purposes; requiring the  
193 reporting of expenditures by participating school  
194 districts; authorizing inspection and evaluation of the  
195 reports by the Auditor General; providing for the return  
196 of improperly expended funds and of specified funds if a

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197 constructed or renovated school fails to achieve specified  
 198 certification standards; providing that appropriated funds  
 199 do not revert to the General Revenue Fund; requiring a  
 200 report by each participating school district; providing an  
 201 effective date.

202

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

204

205 Section 1. The Legislature finds that it is in the public  
 206 interest to promote alternative and renewable energy  
 207 technologies in this state, including alternative fuels and  
 208 technologies for electric power plants and motor vehicles,  
 209 energy conservation, distributed generation, advanced  
 210 transmission methods, and pollution and greenhouse gas control.  
 211 Both Florida and the United States in general are overly  
 212 dependent on foreign oil to meet the energy needs of buildings  
 213 and motor vehicles. Alternative and renewable energy and energy  
 214 conservation technologies have the potential to decrease this  
 215 dependency, minimize volatility of fuel cost, and improve  
 216 environmental conditions. In-state research, development,  
 217 deployment, and use of these technologies can make the state a  
 218 leader in new and innovative technologies and encourage  
 219 investment and economic development in this state.

220 (1) The Energy Policy Governance Task Force is created to  
 221 recommend a unified approach to state energy policy including  
 222 energy conservation and research, development, and the  
 223 deployment of alternative and renewable energy technology. The  
 224 task force shall review the programs and policies of the

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225 Department of Agriculture and Consumer Services, the Department  
 226 of Environmental Protection, the State University System, the  
 227 Public Service Commission, and other relevant public and  
 228 private-sector entities in preparing its recommendations.

229 (2) The task force shall be composed of the following  
 230 members:

231 (a) Two members appointed by the President of the Senate;

232 (b) Two members appointed by the Speaker of the House of  
 233 Representative;

234 (c) Two members appointed by the Governor;

235 (d) The Commissioner of Agriculture or a designee;

236 (e) The Secretary of the Department of Environmental  
 237 Protection or a designee;

238 (f) A vice-president for research designated by the  
 239 Council of Vice-Presidents for State University Research;

240 (g) The Chair of the Florida Energy Commission or a  
 241 designee;

242 (h) The Chair of the Florida Public Service Commission or  
 243 a designee;

244 (i) The Public Counsel.

245 (3) Task force members shall be appointed no later than  
 246 August 1, 2007. Members shall choose a chair and vice-chair from  
 247 the membership of the task force.

248 (4) In developing its recommendations, the task force  
 249 shall determine the appropriate approach to provide a  
 250 coordinated statewide effort to:

251 (a) Promote the state as a leader in new and innovative  
 252 technologies and, in cooperation with Enterprise Florida, Inc.,

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253 as a location for businesses having operations related to  
 254 alternative and renewable energy technologies;

255 (b) Promote alternative and renewable energy technologies,  
 256 including alternative fuels and technologies for electric power  
 257 plants and motor vehicles, energy conservation, distributed  
 258 generation, advance transmission methods, and pollution and  
 259 greenhouse gas control.

260 (c) Administer funding of matching grants for  
 261 demonstration, commercialization, research, and development of  
 262 projects relating to bioenergy and renewable energy  
 263 technologies;

264 (d) Assist the state universities and the private sector  
 265 in determining the areas on which to focus research in  
 266 alternative and renewable energy technology and assist in  
 267 coordinating research projects among the universities and  
 268 relevant private-sector entities; and

269 (e) Assist universities, other state entities, and  
 270 private-sector entities in raising funds from all available  
 271 public or private-sector sources for projects concerning  
 272 research, development, or deployment of alternative and  
 273 renewable energy technology, including projects that involve the  
 274 production of, improvements in, or use of alternative and  
 275 renewable energy technology in this state.

276 (5) The task force shall be jointly staffed by staff  
 277 assigned by the Governor, the President of the Senate, and the  
 278 Speaker of the House of Representatives.

279 (6) No later than February 1, 2008, the task force shall  
 280 submit its recommendations to the Governor, the President of the

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281 Senate, and the Speaker of the House of Representatives.

282 (7) The task force shall expire on June 30, 2008.

283 Section 2. Section 196.175, Florida Statutes, is amended  
284 to read:

285 196.175 Renewable energy source exemption.--

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

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

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

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

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

303 (3) It shall be the responsibility of the applicant for an  
304 exemption pursuant to this section to demonstrate affirmatively  
305 to the satisfaction of the property appraiser that he or she  
306 meets the requirements for exemption under this section and that  
307 the original cost ~~pursuant to paragraph (1)(b)~~ and the period

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308 for which the device was operative, as indicated on the  
 309 exemption application, are correct.

310 (4) No exemption authorized pursuant to this section shall  
 311 be granted for a period of more than 10 years. No exemption  
 312 shall be granted with respect to renewable energy source devices  
 313 installed before July 1, 2007 ~~January 1, 1980, or after December~~  
 314 ~~31, 1990.~~

315 Section 3. Paragraph (ccc) of subsection (7) of section  
 316 212.08, Florida Statutes, is amended to read:

317 212.08 Sales, rental, use, consumption, distribution, and  
 318 storage tax; specified exemptions.--The sale at retail, the  
 319 rental, the use, the consumption, the distribution, and the  
 320 storage to be used or consumed in this state of the following  
 321 are hereby specifically exempt from the tax imposed by this  
 322 chapter.

323 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any  
 324 entity by this chapter do not inure to any transaction that is  
 325 otherwise taxable under this chapter when payment is made by a  
 326 representative or employee of the entity by any means,  
 327 including, but not limited to, cash, check, or credit card, even  
 328 when that representative or employee is subsequently reimbursed  
 329 by the entity. In addition, exemptions provided to any entity by  
 330 this subsection do not inure to any transaction that is  
 331 otherwise taxable under this chapter unless the entity has  
 332 obtained a sales tax exemption certificate from the department  
 333 or the entity obtains or provides other documentation as  
 334 required by the department. Eligible purchases or leases made  
 335 with such a certificate must be in strict compliance with this

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336 subsection and departmental rules, and any person who makes an  
 337 exempt purchase with a certificate that is not in strict  
 338 compliance with this subsection and the rules is liable for and  
 339 shall pay the tax. The department may adopt rules to administer  
 340 this subsection.

341 (ccc) Equipment, machinery, and other materials for  
 342 renewable energy technologies.--

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

344 a. "Biodiesel" means the mono-alkyl esters of long-chain  
 345 fatty acids derived from plant or animal matter for use as a  
 346 source of energy and meeting the specifications for biodiesel  
 347 and biodiesel blends with petroleum products as adopted by the  
 348 Department of Agriculture and Consumer Services. Biodiesel may  
 349 refer to biodiesel blends designated BXX, where XX represents  
 350 the volume percentage of biodiesel fuel in the blend.

351 b. "Ethanol" means an ~~nominal~~ anhydrous denatured  
 352 alcohol produced by the conversion of carbohydrates ~~fermentation~~  
 353 ~~of plant sugars~~ meeting the specifications for fuel ethanol and  
 354 fuel ethanol blends with petroleum products as adopted by the  
 355 Department of Agriculture and Consumer Services. Ethanol may  
 356 refer to fuel ethanol blends designated EXX, where XX represents  
 357 the volume percentage of fuel ethanol in the blend.

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

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

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363 a. Hydrogen-powered vehicles, materials incorporated into  
 364 hydrogen-powered vehicles, and hydrogen-fueling stations, up to  
 365 a limit of \$2 million in tax each state fiscal year for all  
 366 taxpayers.

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

370 c. Materials used in the distribution of biodiesel (B10-  
 371 B100) and ethanol (E10-100), including fueling infrastructure,  
 372 transportation, and storage, up to a limit of \$1 million in tax  
 373 each state fiscal year for all taxpayers. Gasoline fueling  
 374 station pump retrofits for ethanol (E10-E100) distribution  
 375 qualify for the exemption provided in this sub-subparagraph.

376 3. The Department of Environmental Protection shall  
 377 provide to the department a list of items eligible for the  
 378 exemption provided in this paragraph.

379 4.a. The exemption provided in this paragraph shall be  
 380 available to a purchaser only through a refund of previously  
 381 paid taxes. Only one purchase of an eligible item is subject to  
 382 refund. A purchaser who has received a refund on an eligible  
 383 item must notify any subsequent purchaser of the item that the  
 384 item is no longer eligible for a refund of tax paid. This  
 385 notification must be provided to the purchaser on the sales  
 386 invoice or other proof of purchase.

387 b. To be eligible to receive the exemption provided in  
 388 this paragraph, a purchaser shall file an application with the  
 389 Department of Environmental Protection. The application shall be

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390 developed by the Department of Environmental Protection, in  
391 consultation with the department, and shall require:

392 (I) The name and address of the person claiming the  
393 refund.

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

397 (III) The sales invoice or other proof of purchase showing  
398 the amount of sales tax paid, the date of purchase, and the name  
399 and address of the sales tax dealer from whom the property was  
400 purchased.

401 (IV) A sworn statement that the information provided is  
402 accurate and that the requirements of this paragraph have been  
403 met.

404 c. Within 30 days after receipt of an application, the  
405 Department of Environmental Protection shall review the  
406 application and shall notify the applicant of any deficiencies.  
407 Upon receipt of a completed application, the Department of  
408 Environmental Protection shall evaluate the application for  
409 exemption and issue a written certification that the applicant  
410 is eligible for a refund or issue a written denial of such  
411 certification within 60 days after receipt of the application.  
412 The Department of Environmental Protection shall provide the  
413 department with a copy of each certification issued upon  
414 approval of an application.

415 d. Each certified applicant shall be responsible for  
416 forwarding a certified copy of the application and copies of all

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417 required documentation to the department within 6 months after  
 418 certification by the Department of Environmental Protection.

419 e. The provisions of s. 212.095 do not apply to any refund  
 420 application made pursuant to this paragraph. A refund approved  
 421 pursuant to this paragraph shall be made within 30 days after  
 422 formal approval by the department.

423 f. The department may adopt all rules pursuant to ss.  
 424 120.536(1) and 120.54 to administer this paragraph, including  
 425 rules establishing forms and procedures for claiming this  
 426 exemption.

427 g. The Department of Environmental Protection shall be  
 428 responsible for ensuring that the total amounts of the  
 429 exemptions authorized do not exceed the limits as specified in  
 430 subparagraph 2.

431 5. The Department of Environmental Protection shall  
 432 determine and publish on a regular basis the amount of sales tax  
 433 funds remaining in each fiscal year.

434 6. This paragraph expires July 1, 2010.

435 Section 4. Subsection (1) of section 220.192, Florida  
 436 Statutes, is amended, subsection (6) is renumbered as subsection  
 437 (7) and amended, subsection (7) is renumbered as subsection (8),  
 438 and a new subsection (6) is added to that section, to read:

439 220.192 Renewable energy technologies investment tax  
 440 credit.--

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

442 (a) "Biodiesel" means biodiesel as defined in s.  
 443 212.08(7)(ccc).

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444           (b) "Corporation" means a general partnership, limited  
 445 partnership, limited liability company, unincorporated business,  
 446 or other business entity in which a taxpayer owns an interest  
 447 and which is taxed as a partnership or is disregarded as a  
 448 separate entity from the taxpayer for tax purposes.

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

450           1. Seventy-five percent of all capital costs, operation  
 451 and maintenance costs, and research and development costs  
 452 incurred between July 1, 2006, and June 30, 2010, up to a limit  
 453 of \$3 million per state fiscal year for all taxpayers, in  
 454 connection with an investment in hydrogen-powered vehicles and  
 455 hydrogen vehicle fueling stations in the state, including, but  
 456 not limited to, the costs of constructing, installing, and  
 457 equipping such technologies in the state.

458           2. Seventy-five percent of all capital costs, operation  
 459 and maintenance costs, and research and development costs  
 460 incurred between July 1, 2006, and June 30, 2010, up to a limit  
 461 of \$1.5 million per state fiscal year for all taxpayers, and  
 462 limited to a maximum of \$12,000 per fuel cell, in connection  
 463 with an investment in commercial stationary hydrogen fuel cells  
 464 in the state, including, but not limited to, the costs of  
 465 constructing, installing, and equipping such technologies in the  
 466 state.

467           3. Seventy-five percent of all capital costs, operation  
 468 and maintenance costs, and research and development costs  
 469 incurred between July 1, 2006, and June 30, 2010, up to a limit  
 470 of \$6.5 million per state fiscal year for all taxpayers, in  
 471 connection with an investment in the production, storage, and

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472 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in  
 473 the state, including the costs of constructing, installing, and  
 474 equipping such technologies in the state. Gasoline fueling  
 475 station pump retrofits for ethanol (E10-E100) distribution  
 476 qualify as an eligible cost under this subparagraph.

477 ~~(d)-(e)~~ "Ethanol" means ethanol as defined in s.  
 478 212.08(7)(ccc).

479 ~~(e)-(d)~~ "Hydrogen fuel cell" means hydrogen fuel cell as  
 480 defined in s. 212.08(7)(ccc).

481 (6) TRANSFERABILITY OF CREDIT.--

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

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

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499 amounts transferred, a copy of which shall be attached to each  
 500 tax return by an assignee in which such tax credits are used.

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

509 (7) ~~(6)~~ RULES.--The Department of Revenue shall have the  
 510 authority to adopt rules relating to:

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

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

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

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526           ~~(8)(7)~~ PUBLICATION.--The Department of Environmental  
 527 Protection shall determine and publish on a regular basis the  
 528 amount of available tax credits remaining in each fiscal year.

529           Section 5. Paragraph (f) is added to subsection (2) and  
 530 paragraph (j) is added to subsection (3) of section 220.193,  
 531 Florida Statutes, to read:

532           220.193 Florida renewable energy production credit.--

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

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

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

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

550           Section 6. Section 255.251, Florida Statutes, is amended  
 551 to read:

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552           255.251 Energy Conservation and Sustainable ~~in~~ Buildings  
 553 Act; short title.--This act shall be cited as the "Florida  
 554 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

555           Section 7. Section 255.252, Florida Statutes, is amended  
 556 to read:

557           255.252 Findings and intent.--

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

572           (2) Significant efforts are needed to build energy-  
 573 efficient state-owned buildings that meet environmental  
 574 standards underway by the General Services Administration, the  
 575 ~~National Institute of Standards and Technology, and others to~~  
 576 ~~detail the considerations and practices for energy conservation~~  
 577 ~~in buildings.~~ Most important is that energy-efficient designs  
 578 provide energy savings over the life of the building structure.  
 579 ~~Conversely, energy inefficient designs cause excess and wasteful~~

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580 ~~energy use and high costs over that life.~~ With buildings lasting  
581 many decades and with energy costs escalating rapidly, it is  
582 essential that the costs of operation and maintenance for  
583 energy-using equipment and sustainable materials be included in  
584 all design proposals for state-owned ~~state~~ buildings.

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

601 (4) In addition to designing and constructing new  
602 buildings to be energy efficient ~~energy efficient~~, it shall be  
603 the policy of the state to operate, maintain, and renovate  
604 existing state-owned ~~state~~ facilities, or provide for their  
605 renovation, in a manner that ~~which~~ will minimize energy  
606 consumption and maximize their sustainability as well as ensure  
607 that facilities leased by the state are operated so as to

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608 minimize energy use. Agencies are encouraged to consider shared  
609 savings financing of such energy projects, using contracts that  
610 ~~which~~ split the resulting savings for a specified period of time  
611 between the agency and the private firm or cogeneration  
612 contracts which otherwise permit the state to lower its energy  
613 costs. Such energy contracts may be funded from the operating  
614 budget.

615 (5) Each state agency must identify and compile a list of  
616 all state-owned buildings within its inventory that it  
617 determines are suitable for a guaranteed energy performance  
618 savings contract pursuant to s. 489.145. Such list shall be  
619 submitted to the Department of Management Services by December  
620 31, 2007, and shall include any criteria used to determine  
621 suitability. The list of suitable buildings shall be developed  
622 from the list of state-owned facilities over 5,000 square feet  
623 in area and for which the agency is responsible for paying the  
624 expenses of utilities and other operating expenses as they  
625 relate to energy use. In consultation with each department  
626 secretary or director, by March 1, 2008, the Department of  
627 Management Services shall evaluate each agency's facilities  
628 suitable for energy conservation projects and shall develop an  
629 energy efficiency project schedule based on factors such as  
630 project magnitude, efficiency and effectiveness of energy  
631 conservation measures to be implemented, and other factors that  
632 may prove to be advantageous to pursue. Such schedule shall  
633 provide the deadline for guaranteed energy performance savings  
634 contract improvements to be made to the state-owned buildings.

635 Section 8. Subsections (6) and (7) are added to section

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636 255.253, Florida Statutes, to read:

637 255.253 Definitions; ss. 255.251-255.258.--

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

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

650 Section 9. Section 255.254, Florida Statutes, is amended  
 651 to read:

652 255.254 No facility constructed ~~or leased~~ without life-  
 653 cycle costs.--

654 (1) No state agency shall ~~lease,~~ construct, or have  
 655 constructed, within limits prescribed herein, a facility without  
 656 having secured from the department an ~~a proper~~ evaluation of  
 657 life-cycle costs based on sustainable building ratings, ~~as~~  
 658 ~~computed by an architect or engineer.~~ Furthermore, construction  
 659 shall proceed only upon disclosing, for the facility chosen, the  
 660 life-cycle costs as determined in s. 255.255, its sustainable  
 661 building rating goal, and the capitalization of the initial  
 662 construction costs of the building. The life-cycle costs shall  
 663 be a primary consideration in the selection of a building design

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664 in addition to its sustainable building rating goal. ~~Such~~  
 665 ~~analysis shall be required only for construction of buildings~~  
 666 ~~with an area of 5,000 square feet or greater.~~ For leased  
 667 buildings 5,000 square feet or greater areas of 20,000 square  
 668 ~~feet or greater~~ within a given building boundary, an energy  
 669 performance analysis ~~a life-cycle analysis~~ shall be performed,  
 670 and a lease shall only be made where there is a showing that the  
 671 energy life-cycle costs incurred by the state are minimal  
 672 compared to available like facilities.

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

682 (3) After September 30, 1985, when any state agency must  
 683 replace or supplement major items of energy-consuming equipment  
 684 in existing state-owned ~~or leased~~ facilities or any self-  
 685 contained unit of any facility with other major items of energy-  
 686 consuming equipment, the selection of such items shall be made  
 687 on the basis of a life-cycle cost analysis of alternatives in  
 688 accordance with rules promulgated by the department under s.  
 689 255.255.

690 Section 10. Subsection (1) of section 255.255, Florida  
 691 Statutes, is amended to read:

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692 255.255 Life-cycle costs.--

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

702 Section 11. Paragraph (b) of subsection (2) and subsection  
703 (5) of section 287.063, Florida Statutes, are amended to read:

704 287.063 Deferred-payment commodity contracts; preaudit  
705 review.--

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

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

719 2. No deferred-payment purchase for less than \$30,000

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720 shall be approved, unless it can be satisfactorily demonstrated  
721 and documented to the Chief Financial Officer that failure to  
722 make such deferred-payment purchase would adversely affect an  
723 agency in the performance of its duties. However, the Chief  
724 Financial Officer may approve any deferred-payment purchase if  
725 the Chief Financial Officer determines that such purchase is  
726 economically beneficial to the state.

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

734 3.4. No contract shall be approved which extends payment  
735 beyond 5 years, unless it can be satisfactorily demonstrated and  
736 documented to the Chief Financial Officer that failure to make  
737 such deferred-payment purchase would adversely affect an agency  
738 in the performance of its duties. The payment term may not  
739 exceed the useful life of the equipment unless the contract  
740 provides for the replacement or the extension of the useful life  
741 of the equipment during the term of the loan.

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

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748 has designated for payment of the obligation incurred under this  
749 section.

750 Section 12. Subsections (10) and (11) of section 287.064,  
751 Florida Statutes, are amended to read:

752 287.064 Consolidated financing of deferred-payment  
753 purchases.--

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

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

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776 Section 13. Subsection (2) of section 377.803, Florida  
 777 Statutes, is amended, and subsections (3) through (10) of that  
 778 section are renumbered as subsections (2) through (9),  
 779 respectively, to read:

780 377.803 Definitions.--As used in ss. 377.801-377.806, the  
 781 term:

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

785 Section 14. Subsection (6) of section 377.804, Florida  
 786 Statutes, is amended to read:

787 377.804 Renewable Energy Technologies Grants Program.--

788 ~~(6) The department shall coordinate and actively consult~~  
 789 ~~with the Department of Agriculture and Consumer Services during~~  
 790 ~~the review and approval process of grants relating to bioenergy~~  
 791 ~~projects for renewable energy technology, and the departments~~  
 792 ~~shall jointly determine the grant awards to these bioenergy~~  
 793 ~~projects. No grant funding shall be awarded to any bioenergy~~  
 794 ~~project without such joint approval. Factors for consideration~~  
 795 ~~in awarding grants may include, but are not limited to, the~~  
 796 ~~degree to which:~~

797 ~~(a) The project stimulates in state capital investment and~~  
 798 ~~economic development in metropolitan and rural areas, including~~  
 799 ~~the creation of jobs and the future development of a commercial~~  
 800 ~~market for bioenergy.~~

801 ~~(b) The project produces bioenergy from Florida grown~~  
 802 ~~crops or biomass.~~

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803 ~~(c) The project demonstrates efficient use of energy and~~  
 804 ~~material resources.~~

805 ~~(d) The project fosters overall understanding and~~  
 806 ~~appreciation of bioenergy technologies.~~

807 ~~(e) Matching funds and in-kind contributions from an~~  
 808 ~~applicant are available.~~

809 ~~(f) The project duration and the timeline for expenditures~~  
 810 ~~are acceptable.~~

811 ~~(g) The project has a reasonable assurance of enhancing~~  
 812 ~~the value of agricultural products or will expand agribusiness~~  
 813 ~~in the state.~~

814 ~~(h) Preliminary market and feasibility research has been~~  
 815 ~~conducted by the applicant or others and shows there is a~~  
 816 ~~reasonable assurance of a potential market.~~

817 **Section 15. Subsections (2) and (3) of section 377.806,**  
 818 **Florida Statutes, are amended, present subsection (6) is**  
 819 **renumbered as subsection (7), present subsection (7) is**  
 820 **renumbered as subsection (8) and amended, and a new subsection**  
 821 **(6) is added to that section, to read:**

822 **377.806 Solar Energy System Incentives Program.--**

823 **(2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--**

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

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

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

830 **3. The system complies with all applicable building codes**

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831 as defined by the local jurisdictional authority.

832 (b) Rebate amounts.--The rebate amount shall be set at \$4

833 per watt based on the total wattage rating of the system. The

834 maximum allowable rebate per solar photovoltaic system

835 installation shall be as follows:

836 1. Twenty thousand dollars for a residence.

837 2. One hundred thousand dollars for a place of business, a

838 publicly owned or operated facility, or a facility owned or

839 operated by a private, not-for-profit organization, including

840 condominiums or apartment buildings.

841 (c) Application.--To be eligible to receive a rebate,

842 applicants must file with the department a preapplication form

843 demonstrating that the planned system will meet applicable

844 requirements of this section. The department shall review the

845 preapplication to determine if it complies with the requirements

846 of this section, shall notify the applicant within 30 days after

847 receipt of the preapplication that the preapplication has been

848 received and meets such requirements, and shall reserve funding

849 for the preapplication for up to 90 days following the date of

850 issuance of notification to the applicant. Within 90 days after

851 the purchase of the solar photovoltaic system, the applicant

852 must submit to the department a separate application for a

853 rebate payment.

854 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

855 (a) Eligibility requirements.--A solar thermal system

856 qualifies for a rebate if:

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

858 plumbing contractor.

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

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

863           1. Five hundred dollars for a residence.

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

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

871           ~~(8)-(7)~~ RULES.--The department shall adopt rules pursuant  
872 to ss. 120.536(1) and 120.54 to develop ~~rebate~~ applications for  
873 ~~rebate reservations and rebate payments~~ and administer the  
874 issuance of rebates.

875           Section 16. Section 403.0874, Florida Statutes, is created  
876 to read:

877           403.0874 Greenhouse gas inventories.--

878           (1) "Greenhouse gases" means gases that trap heat in the  
879 atmosphere. The principal greenhouse gases are: carbon dioxide  
880 (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated gases  
881 (such as hydrofluorocarbons, perfluorocarbons, and sulfur  
882 hexafluoride).

883           (2) The department shall develop greenhouse gas  
884 inventories that account for annual greenhouse gases emitted to  
885 and removed from the atmosphere, and forecast gases emitted and  
886 removed, for all major greenhouse gases, for time periods

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887 determined sufficient by the department to provide for adequate  
 888 analysis and planning. The inventory shall also include  
 889 greenhouse gas emissions which are considered carbon neutral  
 890 through the use of renewable energy as defined in s.  
 891 366.91(2)(a).

892 (3) By rule, the department shall define which greenhouse  
 893 gases are to be included in each inventory, the criteria for  
 894 defining major emitters, which emitters must report emissions,  
 895 and what methodologies shall be used to estimate gases emitted  
 896 and removed from those not required to report.

897 (4) The department is authorized to require all major  
 898 emitters of defined greenhouse gases to report emissions  
 899 according to methodologies and reporting systems approved by the  
 900 department and established by rule, which may include the use of  
 901 quality-assured data from continuous emissions monitoring  
 902 systems.

903 Section 17. Subsection (3) of section 403.50663, Florida  
 904 Statutes, is amended to read:

905 403.50663 Informational public meetings.--

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

911 Section 18. Subsections (2), (3), and (4) of section  
 912 403.50665, Florida Statutes, are amended to read:

913 403.50665 Land use consistency.--

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914 (2) Within 45 days after the filing of the application,  
915 each local government shall file a determination with the  
916 department, the applicant, the administrative law judge, and all  
917 parties on the consistency of the site or any directly  
918 associated facilities with existing land use plans and zoning  
919 ordinances that were in effect on the date the application was  
920 filed, based on the information provided in the application. The  
921 local government may issue its determination up to 35 days later  
922 if the local government has requested additional information on  
923 land use and zoning consistency as part of the local  
924 government's statement on completeness of the application  
925 submitted pursuant to s. 403.5066(1)(a). Incompleteness of  
926 information necessary for a local government to evaluate an  
927 application may be claimed by the local government as cause for  
928 a statement of inconsistency with existing land use plans and  
929 zoning ordinances. Notice of the consistency determination shall  
930 be published in accordance with the requirements of s. 403.5115.

931 (3) If the local government issues a determination that  
932 the proposed electrical power plant is not consistent or in  
933 compliance with local land use plans and zoning ordinances, the  
934 applicant may apply to the local government for the necessary  
935 local approval to address the inconsistencies in the local  
936 government's determination. If the applicant makes such an  
937 application to the local government, the time schedules under  
938 this act shall be tolled until the local government issues its  
939 revised determination on land use and zoning or the applicant  
940 otherwise withdraws its application to the local government. If  
941 the applicant applies to the local government for necessary

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942 local land use or zoning approval, the local government shall  
 943 issue a revised determination within 30 days following the  
 944 conclusion of any that local proceeding held by the local  
 945 government to consider the application for land use or zoning  
 946 approval, and the time schedules and notice requirements under  
 947 this act shall apply to such revised determination.

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

954 Section 19. Paragraph (a) of subsection (1) and paragraph  
 955 (a) of subsection (2) of section 403.508, Florida Statutes, are  
 956 amended to read:

957 403.508 Land use and certification hearings, parties,  
 958 participants.--

959 (1)(a) Within 5 days after the filing of ~~If~~ a petition for  
 960 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,  
 961 the designated administrative law judge shall schedule ~~conduct~~ a  
 962 land use hearing to be conducted in the county of the proposed  
 963 site or directly associated facility, as applicable, as  
 964 expeditiously as possible, but not later than 30 days after the  
 965 department's receipt of the petition. The place of such hearing  
 966 shall be as close as possible to the proposed site or directly  
 967 associated facility. If a petition is filed, the hearing shall  
 968 be held regardless of the status of the completeness of the  
 969 application. ~~However, incompleteness of information necessary~~

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970 ~~for a local government to evaluate an application may be claimed~~  
 971 ~~by the local government as cause for a statement of~~  
 972 ~~inconsistency with existing land use plans and zoning ordinances~~  
 973 ~~under s. 403.50665.~~

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

983 Section 20. Subsection (5) of section 403.509, Florida  
 984 Statutes, is amended to read:

985 403.509 Final disposition of application.--

986 (5) For certifications issued by the board in regard to  
 987 the properties and works of any agency which is a party to the  
 988 certification hearing, the board shall have the authority to  
 989 decide issues relating to the use, the connection thereto, or  
 990 the crossing thereof, for the electrical power plant and  
 991 directly associated facilities and to direct any such agency to  
 992 execute, within 30 days after the entry of certification, the  
 993 necessary license or easement for such use, connection, or  
 994 crossing, subject only to the conditions set forth in such  
 995 certification. For certifications issued by the department in  
 996 regard to the properties and works of any agency which is a  
 997 party to the proceeding, any stipulation filed pursuant to s.

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998 403.508(6)(a) must include a stipulation regarding any issues  
 999 relating to the use, the connection thereto, or the crossing  
 1000 thereof, for the electrical power plant and directly associated  
 1001 facilities. Any agency stipulating to the use, connection to, or  
 1002 crossing of its property must agree to execute, within 30 days  
 1003 after the entry of certification, the necessary license or  
 1004 easement for such use, connection, or crossing, subject only to  
 1005 the conditions set forth in such certification.

1006 Section 21. Section 403.5113, Florida Statutes, is amended  
 1007 to read:

1008 403.5113 Postcertification amendments and review.--

1009 (1) POSTCERTIFICATION AMENDMENTS.--

1010 (a) If, subsequent to certification by the board, a  
 1011 licensee proposes any material change to the application and  
 1012 revisions or amendments thereto, as certified, the licensee  
 1013 shall submit a written request for amendment and a description  
 1014 of the proposed change to the application to the department.  
 1015 Within 30 days after the receipt of the request for the  
 1016 amendment, the department shall determine whether the proposed  
 1017 change to the application requires a modification of the  
 1018 conditions of certification.

1019 (b)~~(2)~~ If the department concludes that the change would  
 1020 not require a modification of the conditions of certification,  
 1021 the department shall provide written notification of the  
 1022 determination on approval~~of~~ of the proposed amendment to the  
 1023 licensee, all agencies, and all other parties.

1024 (c)~~(3)~~ If the department concludes that the change would  
 1025 require a modification of the conditions of certification, the

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1026 department shall provide written notification to the licensee  
 1027 that the proposed change to the application requires a request  
 1028 for modification pursuant to s. 403.516.

1029 (2)~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification  
 1030 submittals filed by the licensee with one or more agencies are  
 1031 for the purpose of monitoring for compliance with the issued  
 1032 certification and must be reviewed by the agencies on an  
 1033 expedited and priority basis because each facility certified  
 1034 under this act is a critical infrastructure facility. In no  
 1035 event shall a postcertification review be completed in more than  
 1036 90 days after complete information is submitted to the reviewing  
 1037 agencies.

1038 Section 22. Section 403.5115, Florida Statutes, is amended  
 1039 to read:

1040 403.5115 Public notice.--

1041 (1) The following notices are to be published by the  
 1042 applicant for all applications:

1043 (a) Notice of the filing of a notice of intent under s.  
 1044 403.5063, which shall be published within 21 days after the  
 1045 filing of the notice. The notice shall be published as specified  
 1046 by subsection (2), except that the newspaper notice shall be  
 1047 one-fourth page in size in a standard size newspaper or one-half  
 1048 page in size in a tabloid size newspaper.

1049 (b) Notice of filing of the application, which shall  
 1050 include a description of the proceedings required by this act,  
 1051 within 21 days after the date of the application filing. Such  
 1052 notice shall give notice of the provisions of s. 403.511(1) and  
 1053 (2).

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1054           (c) If applicable, notice of the land use determination  
 1055 made pursuant to s. 403.50665(1) within 21 days after the  
 1056 determination is filed.

1057           (d) If applicable, notice of the land use hearing, which  
 1058 shall be published as specified in subsection (2), no later than  
 1059 15 days before the hearing.

1060           (e) Notice of the certification hearing and notice of the  
 1061 deadline for filing notice of intent to be a party, which shall  
 1062 be published as specified in subsection (2), at least 65 days  
 1063 before the date set for the certification hearing.

1064           (f) Notice of the cancellation of the certification  
 1065 hearing, if applicable, no later than 3 days before the date of  
 1066 the originally scheduled certification hearing.

1067           (g) Notice of modification when required by the  
 1068 department, based on whether the requested modification of  
 1069 certification will significantly increase impacts to the  
 1070 environment or the public. Such notice shall be published as  
 1071 specified under subsection (2):

1072           1. Within 21 days after receipt of a request for  
 1073 modification. The newspaper notice shall be of a size as  
 1074 directed by the department commensurate with the scope of the  
 1075 modification.

1076           2. If a hearing is to be conducted in response to the  
 1077 request for modification, then notice shall be published no  
 1078 later than 30 days before the hearing.

1079           ~~(h) Notice of a supplemental application, which shall be~~  
 1080 ~~published as specified in paragraph (b) and subsection (2).~~

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1081 ~~(i) Notice of existing site certification pursuant to s.~~  
 1082 ~~403.5175. Notices shall be published as specified in paragraph~~  
 1083 ~~(b) and subsection (2).~~

1084 (2) Notices provided by the applicant shall be published  
 1085 in newspapers of general circulation within the county or  
 1086 counties in which the proposed electrical power plant will be  
 1087 located. The newspaper notices shall be at least one-half page  
 1088 in size in a standard size newspaper or a full page in a tabloid  
 1089 size newspaper. These notices shall include a map generally  
 1090 depicting the project and all associated facilities corridors. A  
 1091 newspaper of general circulation shall be the newspaper which  
 1092 has the largest daily circulation in that county and has its  
 1093 principal office in that county. If the newspaper with the  
 1094 largest daily circulation has its principal office outside the  
 1095 county, the notices shall appear in both the newspaper having  
 1096 the largest circulation in that county and in a newspaper  
 1097 authorized to publish legal notices in that county.

1098 (3) All notices published by the applicant shall be paid  
 1099 for by the applicant and shall be in addition to the application  
 1100 fee.

1101 (4) The department shall arrange for publication of the  
 1102 following notices in the manner specified by chapter 120 and  
 1103 provide copies of those notices to any persons who have  
 1104 requested to be placed on the departmental mailing list for this  
 1105 purpose for each case for which an application has been received  
 1106 by the department:

1107 (a) Notice of the filing of the notice of intent within 15  
 1108 days after receipt of the notice.

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1109 (b) Notice of the filing of the application, no later than  
 1110 21 days after the application filing.

1111 (c) Notice of the land use determination made pursuant to  
 1112 s. 403.50665(1) within 21 days after the determination is filed.

1113 (d) Notice of the land use hearing before the  
 1114 administrative law judge, if applicable, no later than 15 days  
 1115 before the hearing.

1116 (e) Notice of the land use hearing before the board, if  
 1117 applicable.

1118 (f) Notice of the certification hearing at least 45 days  
 1119 before the date set for the certification hearing.

1120 (g) Notice of the cancellation of the certification  
 1121 hearing, if applicable, no later than 3 days prior to the date  
 1122 of the originally scheduled certification hearing.

1123 (h) Notice of the hearing before the board, if applicable.

1124 (i) Notice of stipulations, proposed agency action, or  
 1125 petitions for modification.

1126 (5) A local government or regional planning council that  
 1127 proposes to conduct an informational public meeting pursuant to  
 1128 s. 403.50663 must publish notice of the meeting in a newspaper  
 1129 of general circulation within the county or counties in which  
 1130 the proposed electrical power plant will be located no later  
 1131 than 7 days prior to the meeting. A newspaper of general  
 1132 circulation shall be the newspaper which has the largest daily  
 1133 circulation in that county and has its principal office in that  
 1134 county. If the newspaper with the largest daily circulation has  
 1135 its principal office outside the county, the notices shall  
 1136 appear in both the newspaper having the largest circulation in

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1137 that county and in a newspaper authorized to publish legal  
 1138 notices in that county.

1139 Section 23. Subsection (1) of section 403.5252, Florida  
 1140 Statutes, is amended to read:

1141 403.5252 Determination of completeness.--

1142 (1) (a) Within 30 days after the filing ~~distribution~~ of an  
 1143 application, the affected agencies shall file a statement with  
 1144 the department containing the recommendations of each agency  
 1145 concerning the completeness of the application for  
 1146 certification.

1147 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the  
 1148 application ~~completeness statements of each agency~~, the  
 1149 department shall file a statement with the Division of  
 1150 Administrative Hearings, with the applicant, and with all  
 1151 parties declaring its position with regard to the completeness  
 1152 of the application. The statement of the department shall be  
 1153 based upon its consultation with the affected agencies.

1154 Section 24. Paragraph (a) of subsection (6) of section  
 1155 403.527, Florida Statutes, is amended to read:

1156 403.527 Certification hearing, parties, participants.--

1157 (6) (a) No later than 29 ~~25~~ days before the certification  
 1158 hearing, the department or the applicant may request that the  
 1159 administrative law judge cancel the certification hearing and  
 1160 relinquish jurisdiction to the department if all parties to the  
 1161 proceeding stipulate that there are no disputed issues of  
 1162 material fact or law to be raised at the certification hearing.

1163 Section 25. Paragraph (e) of subsection (1) of section  
 1164 403.5271, Florida Statutes, is amended to read:

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1165 403.5271 Alternate corridors.--

1166 (1) No later than 45 days before the originally scheduled  
 1167 certification hearing, any party may propose alternate  
 1168 transmission line corridor routes for consideration under the  
 1169 provisions of this act.

1170 (e)1. Reviewing agencies shall advise the department of  
 1171 any issues concerning completeness no later than 15 days after  
 1172 the submittal of the data required by paragraph (d). Within 22  
 1173 days after receipt of the data, the department shall issue a  
 1174 determination of completeness.

1175 2. If the department determines that the data required by  
 1176 paragraph (d) is not complete, the party proposing the alternate  
 1177 corridor must file such additional data to correct the  
 1178 incompleteness. This additional data must be submitted within 14  
 1179 days after the determination by the department.

1180 3. Reviewing agencies may advise the department of any  
 1181 issues concerning completeness of the additional data within 10  
 1182 days after the filing by the party proposing the alternate  
 1183 corridor. If the department, within 14 days after receiving the  
 1184 additional data, determines that the data remains incomplete,  
 1185 the incompleteness of the data is deemed a withdrawal of the  
 1186 proposed alternate corridor. The department may make its  
 1187 determination based on recommendations made by other affected  
 1188 agencies.

1189 Section 26. Subsection (3) of section 403.5272, Florida  
 1190 Statutes, is amended to read:

1191 403.5272 Informational public meetings.--

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1192 (3) A local government or regional planning council that  
 1193 intends to conduct an informational public meeting must provide  
 1194 notice of the meeting, with notice sent to all parties listed in  
 1195 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting, to  
 1196 the general public, in accordance with the provisions of s.  
 1197 403.5363(4).

1198 Section 27. Paragraph (b) of subsection (1) of section  
 1199 403.5317, Florida Statutes, is amended to read:

1200 403.5317 Postcertification activities.--

1201 (1)

1202 (b) If the department concludes that the change would not  
 1203 require a modification of the conditions of certification, the  
 1204 department shall notify, in writing, the licensee, all agencies,  
 1205 and all parties of the determination on ~~approval~~ of the  
 1206 amendment.

1207 Section 28. Paragraph (c) of subsection (3) of section  
 1208 403.5363, Florida Statutes, is amended, and subsection (4) is  
 1209 added to that section, to read:

1210 403.5363 Public notices; requirements.--

1211 (3) The department shall arrange for the publication of  
 1212 the following notices in the manner specified by chapter 120:

1213 (c) The notice of the cancellation of a certification  
 1214 hearing, if applicable. The notice must be published not later  
 1215 than 3 ~~7~~ days before the date of the originally scheduled  
 1216 certification hearing.

1217 (4) A local government or regional planning council that  
 1218 proposes to conduct an informational public meeting pursuant to  
 1219 s. 403.5272 must publish notice of the meeting in a newspaper of

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1220 general circulation within the county or counties in which the  
 1221 proposed electrical transmission line will be located no later  
 1222 than 7 days prior to the meeting. A newspaper of general  
 1223 circulation shall be the newspaper which has the largest daily  
 1224 circulation in that county and has its principal office in that  
 1225 county. If the newspaper with the largest daily circulation has  
 1226 its principal office outside the county, the notices shall  
 1227 appear in both the newspaper having the largest circulation in  
 1228 that county and in a newspaper authorized to publish legal  
 1229 notices in that county.

1230 Section 29. Section 489.145, Florida Statutes, is amended  
 1231 to read:

1232 489.145 Guaranteed energy performance savings  
 1233 contracting.--

1234 (1) SHORT TITLE.--This section may be cited as the  
 1235 "Guaranteed Energy Performance Savings Contracting Act."

1236 (2) LEGISLATIVE FINDINGS.--The Legislature finds that  
 1237 investment in energy conservation measures in agency facilities  
 1238 can reduce the amount of energy consumed and produce immediate  
 1239 and long-term savings. It is the policy of this state to  
 1240 encourage agencies to invest in energy conservation measures  
 1241 ~~that reduce energy consumption, produce a cost savings for the~~  
 1242 ~~agency, and improve the quality of indoor air in public~~  
 1243 ~~facilities and to operate, maintain, and, when economically~~  
 1244 ~~feasible, build or renovate existing agency facilities in such a~~  
 1245 ~~manner as~~ to minimize energy consumption and maximize energy  
 1246 savings. It is further the policy of this state to encourage

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1247 agencies to reinvest any energy savings resulting from energy  
 1248 conservation measures in additional energy conservation efforts.

1249 (3) DEFINITIONS.--As used in this section, the term:

1250 (a) "Agency" means the state, a municipality, or a  
 1251 political subdivision.

1252 (b) "Energy conservation measure" means a ~~training~~  
 1253 ~~program,~~ facility alteration, or an equipment purchase to be  
 1254 used in new construction, including an addition to an existing  
 1255 facility, which reduces energy or energy-related operating costs  
 1256 and includes, but is not limited to:

1257 1. Insulation of the facility structure and systems within  
 1258 the facility.

1259 2. Storm windows and doors, caulking or weatherstripping,  
 1260 multiglazed windows and doors, heat-absorbing, or heat-  
 1261 reflective, glazed and coated window and door systems,  
 1262 additional glazing, reductions in glass area, and other window  
 1263 and door system modifications that reduce energy consumption.

1264 3. Automatic energy control systems.

1265 4. Heating, ventilating, or air-conditioning system  
 1266 modifications or replacements.

1267 5. Replacement or modifications of lighting fixtures to  
 1268 increase the energy efficiency of the lighting system, which, at  
 1269 a minimum, must conform to the applicable state or local  
 1270 building code.

1271 6. Energy recovery systems.

1272 7. Cogeneration systems that produce steam or forms of  
 1273 energy such as heat, as well as electricity, for use primarily  
 1274 within a facility or complex of facilities.

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1275 8. Energy conservation measures that reduce Btu, kW, or  
 1276 kWh consumed or provide long-term operating cost reductions ~~or~~  
 1277 ~~significantly reduce Btu consumed.~~

1278 9. Renewable energy systems, such as solar, biomass, or  
 1279 wind systems.

1280 10. Devices that reduce water consumption or sewer  
 1281 charges.

1282 11. Storage systems, such as fuel cells and thermal  
 1283 storage.

1284 12. Generating technologies, such as microturbines.

1285 13. Any other repair, replacement, or upgrade of existing  
 1286 equipment.

1287 (c) "Energy cost savings" means a measured reduction in  
 1288 the cost of fuel, energy consumption, and stipulated operation  
 1289 and maintenance created from the implementation of one or more  
 1290 energy conservation measures when compared with an established  
 1291 baseline for the previous cost of fuel, energy consumption, and  
 1292 stipulated operation and maintenance.

1293 (d) "Guaranteed energy performance savings contract" means  
 1294 a contract for the evaluation, recommendation, and  
 1295 implementation of energy conservation measures or energy-related  
 1296 operational saving measures, which, at a minimum, shall include:

1297 1. The design and installation of equipment to implement  
 1298 one or more of such measures and, if applicable, operation and  
 1299 maintenance of such measures.

1300 2. The amount of any actual annual savings that meet or  
 1301 exceed total annual contract payments made by the agency for the  
 1302 contract and may include allowable cost avoidance. As used in

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1303 this section, allowable cost avoidance calculations include, but  
 1304 are not limited to, avoided provable budgeted costs contained in  
 1305 a capital replacement plan less the current undepreciated value  
 1306 of replaced equipment and the replacement cost of the new  
 1307 equipment.

1308 3. The finance charges incurred by the agency over the  
 1309 life of the contract.

1310 (e) "Guaranteed energy performance savings contractor"  
 1311 means a person or business that is licensed under chapter 471,  
 1312 chapter 481, or this chapter, and is experienced in the  
 1313 analysis, design, implementation, or installation of energy  
 1314 conservation measures through energy performance contracts.

1315 (4) PROCEDURES.--

1316 (a) An agency may enter into a guaranteed energy  
 1317 performance savings contract with a guaranteed energy  
 1318 performance savings contractor to ~~significantly~~ reduce energy  
 1319 consumption or energy-related operating costs of an agency  
 1320 facility through one or more energy conservation measures.

1321 (b) Before design and installation of energy conservation  
 1322 measures, the agency must obtain from a guaranteed energy  
 1323 performance savings contractor a report that summarizes the  
 1324 costs associated with the energy conservation measures or  
 1325 energy-related operational cost saving measures and provides an  
 1326 estimate of the amount of the ~~energy~~ cost savings. The agency  
 1327 and the guaranteed energy performance savings contractor may  
 1328 enter into a separate agreement to pay for costs associated with  
 1329 the preparation and delivery of the report; however, payment to  
 1330 the contractor shall be contingent upon the report's projection

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1331 of energy or operational cost savings being equal to or greater  
 1332 than the total projected costs of the design and installation of  
 1333 the report's energy conservation measures.

1334 (c) The agency may enter into a guaranteed energy  
 1335 performance savings contract with a guaranteed energy  
 1336 performance savings contractor if the agency finds that the  
 1337 amount the agency would spend on the energy conservation or  
 1338 energy-related cost saving measures will not likely exceed the  
 1339 amount of the energy or energy-related cost savings for up to 20  
 1340 years from the date of installation, based on the life cycle  
 1341 cost calculations provided in s. 255.255, if the recommendations  
 1342 in the report were followed and if the qualified provider or  
 1343 providers give a written guarantee that the energy or energy-  
 1344 related cost savings will meet or exceed the costs of the  
 1345 system. However, actual computed cost savings must meet or  
 1346 exceed the estimated cost savings provided in program approval.  
 1347 Baseline adjustments used in calculations must be specified in  
 1348 the contract. The contract may provide for installment payments  
 1349 for a period not to exceed 20 years.

1350 (d) A guaranteed energy performance savings contractor  
 1351 must be selected in compliance with s. 287.055; except that if  
 1352 fewer than three firms are qualified to perform the required  
 1353 services, the requirement for agency selection of three firms,  
 1354 as provided in s. 287.055(4)(b), and the bid requirements of s.  
 1355 287.057 do not apply.

1356 (e) Before entering into a guaranteed energy performance  
 1357 savings contract, an agency must provide published notice of the  
 1358 meeting in which it proposes to award the contract, the names of

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1359 the parties to the proposed contract, and the contract's  
 1360 purpose.

1361 (f) A guaranteed energy performance savings contract may  
 1362 provide for financing, including tax exempt financing, by a  
 1363 third party. The contract for third party financing may be  
 1364 separate from the energy performance contract. A separate  
 1365 contract for third party financing pursuant to this paragraph  
 1366 must include a provision that the third party financier must not  
 1367 be granted rights or privileges that exceed the rights and  
 1368 privileges available to the guaranteed energy performance  
 1369 savings contractor.

1370 (g) Financing for guaranteed energy performance savings  
 1371 contracts may be provided under the authority of s. 287.064.

1372 (h) The Office of the Chief Financial Officer shall review  
 1373 proposals to ensure that the most effective financing is being  
 1374 used.

1375 (i)~~(g)~~ In determining the amount the agency will finance  
 1376 to acquire the energy conservation measures, the agency may  
 1377 reduce such amount by the application of any grant moneys,  
 1378 rebates, or capital funding available to the agency for the  
 1379 purpose of buying down the cost of the guaranteed energy  
 1380 performance savings contract. However, in calculating the life  
 1381 cycle cost as required in paragraph (c), the agency shall not  
 1382 apply any grants, rebates, or capital funding.

1383 (5) CONTRACT PROVISIONS.--

1384 (a) A guaranteed energy performance savings contract must  
 1385 include a written guarantee that may include, but is not limited  
 1386 to the form of, a letter of credit, insurance policy, or

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1387 corporate guarantee by the guaranteed energy performance savings  
1388 contractor that annual energy cost savings will meet or exceed  
1389 the amortized cost of energy conservation measures.

1390 (b) The guaranteed energy performance savings contract  
1391 must provide that all payments, except obligations on  
1392 termination of the contract before its expiration, may be made  
1393 over time, but not to exceed 20 years from the date of complete  
1394 installation and acceptance by the agency, and that the annual  
1395 savings are guaranteed to the extent necessary to make annual  
1396 payments to satisfy the guaranteed energy performance savings  
1397 contract.

1398 (c) The guaranteed energy performance savings contract  
1399 must require that the guaranteed energy performance savings  
1400 contractor to whom the contract is awarded provide a 100-percent  
1401 public construction bond to the agency for its faithful  
1402 performance, as required by s. 255.05.

1403 (d) The guaranteed energy performance savings contract may  
1404 contain a provision allocating to the parties to the contract  
1405 any annual energy cost savings that exceed the amount of the  
1406 energy cost savings guaranteed in the contract.

1407 (e) The guaranteed energy performance savings contract  
1408 shall require the guaranteed energy performance savings  
1409 contractor to provide to the agency an annual reconciliation of  
1410 the guaranteed energy or energy-related cost savings. If the  
1411 reconciliation reveals a shortfall in annual energy or energy-  
1412 related cost savings, the guaranteed energy performance savings  
1413 contractor is liable for such shortfall. If the reconciliation  
1414 reveals an excess in annual ~~energy~~ cost savings, the excess

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1415 savings may be allocated under paragraph (d) but may not be used  
 1416 to cover potential energy cost savings shortages in subsequent  
 1417 contract years.

1418 (f) The guaranteed energy performance savings contract  
 1419 must provide for payments of not less than one-twentieth of the  
 1420 price to be paid within 2 years from the date of the complete  
 1421 installation and acceptance by the agency using straight-line  
 1422 amortization for the term of the loan, and the remaining costs  
 1423 to be paid at least quarterly, not to exceed a 20-year term,  
 1424 based on life cycle cost calculations.

1425 (g) The guaranteed energy performance savings contract may  
 1426 extend beyond the fiscal year in which it becomes effective;  
 1427 however, the term of any contract expires at the end of each  
 1428 fiscal year and may be automatically renewed annually for up to  
 1429 20 years, subject to the agency making sufficient annual  
 1430 appropriations based upon continued realized energy savings.

1431 (h) The guaranteed energy performance savings contract  
 1432 must stipulate that it does not constitute a debt, liability, or  
 1433 obligation of the state.

1434 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The  
 1435 Department of Management Services, with the assistance of the  
 1436 Office of the Chief Financial Officer, shall ~~may~~, within  
 1437 available resources, provide technical content assistance to  
 1438 state agencies contracting for energy conservation measures and  
 1439 engage in other activities considered appropriate by the  
 1440 department for promoting and facilitating guaranteed energy  
 1441 performance contracting by state agencies. The Office of the  
 1442 Chief Financial Officer, with the assistance of the Department

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1443 of Management Services, shall ~~may, within available resources,~~  
 1444 develop model contractual and related documents for use by state  
 1445 agencies. Prior to entering into a guaranteed energy performance  
 1446 savings contract, any contract or lease for third-party  
 1447 financing, or any combination of such contracts, a state agency  
 1448 shall submit such proposed contract or lease to the Office of  
 1449 the Chief Financial Officer for review and approval. A proposed  
 1450 contract or lease shall include:

1451 (a) Supporting information required by s. 216.023(4)(a)9.

1452 (b) Documentation supporting recurring funds requirements  
 1453 in ss. 287.063(5) and 287.064(11).

1454 (c) Approval by the agency head or his or her designee.

1455 (d) An agency measurement and verification plan to monitor  
 1456 costs savings.

1457 (7) FUNDING SUPPORT.--For purposes of consolidated  
 1458 financing of deferred payment commodity contracts under this  
 1459 section by a state agency, any such contract must be supported  
 1460 from available recurring funds appropriated to the agency in an  
 1461 appropriation category, as defined in chapter 216, that the  
 1462 Chief Financial Officer has determined is appropriate or that  
 1463 the Legislature has designated for payment of the obligation  
 1464 incurred under this section.

1465  
 1466 The Office of the Chief Financial Officer may not approve any  
 1467 contract submitted under this section that does not meet the  
 1468 requirements of this section.

1469 Section 30. Section 570.957, Florida Statutes, is created  
 1470 to read:

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1471           570.957 Farm-to-Fuel Grants Program.--  
 1472           (1) As used in this section, the term:  
 1473           (a) "Bioenergy" means energy produced from organic matter  
 1474 that is available on a renewable or recurring basis, including  
 1475 crops and trees, agricultural food and feed crop residues, wood  
 1476 and wood wastes and residues, aquatic plants, grasses, animal  
 1477 wastes and residues, and other organic waste materials.  
 1478           (b) "Department" means the Department of Agriculture and  
 1479 Consumer Services.  
 1480           (c) "Person" means an individual, partnership, joint  
 1481 venture, private or public corporation, association, firm,  
 1482 public service company, or any other public or private entity.  
 1483           (2) The Farm-to-Fuel Grants Program is established within  
 1484 the department to provide matching grants for bioenergy  
 1485 projects. Such grants may be made for research, demonstration,  
 1486 or commercialization projects relating to the production of  
 1487 bioenergy or feedstocks used in bioenergy production.  
 1488           (a) Matching grants for bioenergy demonstration,  
 1489 commercialization, research, and development projects may be  
 1490 made to any of the following:  
 1491           1. Municipalities and county governments.  
 1492           2. Established for-profit companies licensed to do  
 1493 business in the state.  
 1494           3. Universities and colleges in the state.  
 1495           4. Utilities located and operating within the state.  
 1496           5. Not-for-profit organizations.  
 1497           6. Other qualified persons, as determined by the  
 1498 Department of Agriculture and Consumer Services.

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1499           (b) The department may adopt rules to provide for  
 1500 allocation of grant funds by project type, application  
 1501 requirements, ranking of applications, and awarding of grants  
 1502 under this program.

1503           (c) Factors for consideration in awarding grants may  
 1504 include, but are not limited to, the degree to which:

1505                 1. The project produces bioenergy from Florida-grown crops  
 1506 or biomass.

1507                 2. The project demonstrates efficient use of energy and  
 1508 material resources.

1509                 3. Matching funds and in-kind contributions from an  
 1510 applicant are available.

1511                 4. The project has a reasonable assurance of enhancing the  
 1512 value of agricultural products or will expand agribusiness in  
 1513 the state.

1514                 5. Preliminary market and feasibility research has been  
 1515 conducted by the applicant or others and shows there is a  
 1516 reasonable assurance of a potential market.

1517                 6. The project stimulates in-state capital investment and  
 1518 economic development in metropolitan and rural areas, including  
 1519 the creation of jobs and the future development of a commercial  
 1520 market for bioenergy.

1521                 7. The project incorporates an innovative new technology  
 1522 or an innovative application of an existing technology.

1523           (d) In evaluating and awarding grants under this section,  
 1524 the department shall consult with and solicit input from the  
 1525 Department of Environmental Protection.

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1526           (e) In determining the technical feasibility of grant  
 1527 applications, the department shall coordinate and actively  
 1528 consult with persons having expertise in renewable energy  
 1529 technologies.

1530           (f) In determining the economic feasibility of bioenergy  
 1531 grant applications, the department shall consult with the Office  
 1532 of Tourism, Trade, and Economic Development.

1533           Section 31. Section 570.958, Florida Statutes, is created  
 1534 to read:

1535           570.958 Biofuel Retail Sales Incentive Program.--

1536           (1) The purpose of this section is to encourage the retail  
 1537 sale of biofuels in this state and replace petroleum consumption  
 1538 in the state by the following percentages over the specified  
 1539 periods:

1540           (a) Three percent from January 1, 2008, through December  
 1541 31, 2008.

1542           (b) Five percent from January 1, 2009, through December  
 1543 31, 2009.

1544           (c) Seven percent from January 1, 2010, through December  
 1545 31, 2010.

1546           (d) Ten percent from January 1, 2011, through December 31,  
 1547 2011.

1548           (2) As used in this section:

1549           (a) "Biodiesel" means the mono-alkyl esters of long-chain  
 1550 fatty acids derived from plant or animal matter for use as a  
 1551 source of energy and meeting the specifications for biodiesel  
 1552 and biodiesel blended with petroleum products as adopted by the  
 1553 department.

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1554 (b) "Biofuel" means E85 fuel ethanol, E10 motor fuel,  
 1555 biodiesel, and diesel blended fuel.

1556 (c) "Diesel blended fuel" means a fuel mixture containing  
 1557 10 percent or more biodiesel or renewable diesel fuel with the  
 1558 balance comprised of diesel fuel and meeting the specifications  
 1559 for diesel blends as adopted by the department.

1560 (d) "E85 fuel ethanol" means ethanol blended with gasoline  
 1561 and formulated with a nominal percentage of 85 percent ethanol  
 1562 by volume and meeting the applicable fuel quality specifications  
 1563 as adopted by the department.

1564 (e) "E10 motor fuel" means a motor fuel blend consisting  
 1565 of nominal percentages of 90 percent gasoline by volume and 10  
 1566 percent ethanol by volume and meeting the fuel quality  
 1567 specifications for gasoline as adopted by the department.

1568 (f) "Ethanol or fuel ethanol" means an anhydrous denatured  
 1569 alcohol produced by the conversion of carbohydrates and meeting  
 1570 the specifications for fuel ethanol as adopted by the  
 1571 department.

1572 (g) "Fuel dispenser" means a pump, meter, or similar  
 1573 device used to measure and deliver motor fuel or diesel fuel on  
 1574 a retail basis.

1575 (h) "Renewable diesel fuel" means a fuel that meets the  
 1576 registration requirements for fuels and fuel additives  
 1577 established by the Environmental Protection Agency in the Clean  
 1578 Air Act; is not a mono-alkyl ester; is intended for use in  
 1579 engines that are designed to run on conventional, petroleum  
 1580 derived diesel fuel; is derived from nonpetroleum renewable  
 1581 resources, including, but not limited to, vegetable oils, animal

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1582 wastes, including poultry fats and poultry wastes, and other  
 1583 waste materials, or municipal solid waste and sludges and oils  
 1584 derived from wastewater and the treatment of wastewater; and  
 1585 meets the specifications for diesel fuel as adopted by the  
 1586 department.

1587 (i) "Retail dealer" means any person who is engaged in the  
 1588 business of selling fuel at retail at posted retail prices.

1589 (j) "Retail motor fuel site" means a geographic location  
 1590 in this state where a retail dealer sells or offers for sale  
 1591 motor fuel, diesel fuel, or biofuel to the general public.

1592 (3) (a) Subject to specific appropriation, a retail dealer  
 1593 who sells biofuel through fuel dispensers at retail motor fuel  
 1594 sites is entitled to an incentive payment that shall be computed  
 1595 as follows:

1596 1. An incentive of 1 cent for each gallon of E10 motor  
 1597 fuel sold through a fuel dispenser.

1598 2. An incentive of 5 cents for each gallon of E85 fuel  
 1599 ethanol sold through a fuel dispenser.

1600 3. An incentive of 1 cent for each gallon of diesel  
 1601 blended fuel sold through a fuel dispenser.

1602 4. An incentive of 3 cents for each gallon of biodiesel  
 1603 sold through a fuel dispenser.

1604 (b) The incentive may be claimed for biofuel sold on or  
 1605 after January 1, 2008. Beginning in 2009, each applicant  
 1606 claiming an incentive under this section must first apply to the  
 1607 department by February 1 of each year for an allocation of the  
 1608 available incentive for the preceding calendar year. The  
 1609 department shall develop an application form. The application

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1610 form shall, at a minimum, require a sworn affidavit from each  
 1611 retail dealer certifying the following information:  
 1612 1. The name and principal address of the retail dealer.  
 1613 2. The address of the retail dealer's retail motor fuel  
 1614 sites from which it sold biofuels during the preceding calendar  
 1615 year.  
 1616 3. The total gallons of E10 ethanol sold through fuel  
 1617 dispensers.  
 1618 4. The total gallons of E85 ethanol sold through fuel  
 1619 dispensers.  
 1620 5. The total gallons of diesel blended fuel sold through  
 1621 fuel dispensers.  
 1622 6. The total gallons of biodiesel sold through fuel  
 1623 dispensers.  
 1624 7. Any other information deemed necessary by the  
 1625 department to adequately ensure that the incentive allowed under  
 1626 this section shall be made only to qualified Florida retail  
 1627 dealers.  
 1628 (c) The department shall determine the amount of the  
 1629 incentive allowed under this section.  
 1630 (4) If the amount of incentives applied for each year  
 1631 exceeds the amount appropriated, the department shall pay to  
 1632 each applicant a prorated amount based on each applicant's  
 1633 gallorage of qualified biofuel sold and dispensed that is  
 1634 eligible for the incentive under this section.  
 1635 (5) The department may adopt rules pursuant to ss.  
 1636 120.536(1) and 120.54 to implement and administer this section,  
 1637 including rules prescribing forms, the documentation needed to

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1638 substantiate a claim for the incentive, and the specific  
 1639 procedures and guidelines for claiming the incentive.

1640 Section 32. Section 570.959, Florida Statutes, is created  
 1641 to read:

1642 570.959 Florida Biofuel Production Incentive Program.--

1643 (1) The purpose of this section is to encourage the  
 1644 development and expansion of facilities that produce biofuels in  
 1645 this state from crops, agricultural waste and residues, and  
 1646 other biomass produced in Florida by providing economic  
 1647 incentives to do so.

1648 (2) As used in this section, the term:

1649 (a) "Biodiesel" means the mono-alkyl esters of long-chain  
 1650 fatty acids derived from plant or animal matter for use as a  
 1651 source of energy and meeting the specifications for biodiesel  
 1652 and biodiesel blended with petroleum products as adopted by the  
 1653 department.

1654 (b) "Biofuel" means ethanol or biodiesel.

1655 (c) "Ethanol" or "fuel ethanol" means an anhydrous  
 1656 denatured alcohol produced by the conversion of carbohydrates  
 1657 and meeting the specifications for fuel ethanol adopted by the  
 1658 department.

1659 (d) "Florida biofuel production" means production of  
 1660 biofuel in the state from crops, agricultural waste and  
 1661 residues, and other biomass produced in Florida.

1662 (3) In order to be eligible for the incentive provided in  
 1663 this section, a producer must have registered and have met the  
 1664 requirements contained in chapter 206.

1665 (4) An incentive, subject to appropriation, shall be paid

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1666 to a producer based on Florida biofuel production as follows:

1667 (a) The incentive shall be 5 cents for each gallon of  
 1668 unblended Florida biofuel produced, exclusive of denaturant,  
 1669 during a given calendar year and sold to an unrelated blender of  
 1670 biofuel.

1671 (b) The incentive may be earned for production on or after  
 1672 January 1, 2008. Beginning in 2009, each producer claiming an  
 1673 incentive under this section must first apply to the department  
 1674 by February 1 of each year for an allocation of available  
 1675 incentives. The department shall develop an application form  
 1676 that shall, at a minimum, require a sworn affidavit from each  
 1677 producer certifying the production that forms the basis of the  
 1678 application and certifying that all information contained in the  
 1679 application is true and correct.

1680 (c) The department shall determine whether or not such  
 1681 production is eligible for the incentive under this section.

1682 (d) If the amount of incentives applied for each year  
 1683 exceeds the amount appropriated, the department shall pay to  
 1684 each applicant a prorated amount based on the percentage of  
 1685 biofuel produced that is eligible for the incentive under this  
 1686 section.

1687 (5) The department may adopt rules pursuant to ss.  
 1688 120.536(1) and 120.54 to implement and administer this section,  
 1689 including rules prescribing forms, the documentation needed to  
 1690 substantiate a claim for the incentive, and the specific  
 1691 procedures and guidelines for claiming the incentive.

1692 Section 33. (1) The Florida Building Commission shall  
 1693 convene a workgroup comprised of representatives from the

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1694 Florida Energy Commission, the Department of Community Affairs,  
1695 the Building Officials Association of Florida, the Florida  
1696 Energy Office, the Florida Home Builders Association, the  
1697 Association of Counties, the League of Cities, and other  
1698 stakeholders to develop a model residential energy efficiency  
1699 ordinance that provides incentives to meet energy efficiency  
1700 standards. The commission must report back to the Legislature  
1701 with a developed ordinance by March 1, 2008.

1702 (2) The Florida Building Commission shall, in consultation  
1703 with the Florida Energy Commission, the Building Officials  
1704 Association of Florida, the Florida Energy Office, the Florida  
1705 Home Builders Association, the Association of Counties, the  
1706 League of Cities, and other stakeholders, review the Florida  
1707 Energy Code for Building Construction. Specifically, the  
1708 commission shall revisit the analysis of cost-effectiveness that  
1709 serves as the basis for energy efficiency levels for residential  
1710 buildings, identify cost-effective means to improve energy  
1711 efficiency in commercial buildings, and compare the code to the  
1712 International Energy Conservation Code and the American Society  
1713 of Heating Air-Conditioning and Refrigeration Engineers  
1714 Standards 90.1 and 90.2. The commission shall provide a report  
1715 with a standard to the Legislature by March 1, 2008, that may be  
1716 adopted for the construction of all new residential, commercial,  
1717 and government buildings.

1718 (3) The Florida Building Commission, in consultation with  
1719 the Florida Solar Energy Center, the Florida Energy Commission,  
1720 the Florida Energy Office, the United States Department of  
1721 Energy, and the Florida Home Builders Association, shall develop

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1722 and implement a public awareness campaign that promotes energy  
 1723 efficiency and the benefits of building green by January 1,  
 1724 2008. The campaign shall include enhancement of an existing web  
 1725 site from which all citizens can obtain information pertaining  
 1726 to green building practices, calculate anticipated savings from  
 1727 use of those options, as well as learn about energy efficiency  
 1728 strategies that may be used in their existing home or when  
 1729 building a home. The campaign shall focus on the benefits of  
 1730 promoting energy efficiency to the purchasers of new homes, the  
 1731 various green building ratings available, and the promotion of  
 1732 various energy-efficient products through existing trade shows.  
 1733 The campaign shall also include strategies for utilizing print  
 1734 advertising, press releases, and television advertising to  
 1735 promote voluntary utilization of green building practices.

1736       Section 34. (1) The Legislature declares that there is an  
 1737 important state interest in promoting the construction of  
 1738 energy-efficient and sustainable buildings. Government  
 1739 leadership in promoting these standards is vital to demonstrate  
 1740 the state's commitment to energy conservation, saving taxpayers  
 1741 money, and raising public awareness of energy-rating systems.

1742       (2) All county, municipal, and public community college  
 1743 buildings shall be constructed to meet the United States Green  
 1744 Building Council (USGBC) Leadership in Energy and Environmental  
 1745 Design (LEED) rating system, Green Building Initiative's Green  
 1746 Globes rating system, or a nationally recognized, high-  
 1747 performance green building rating system as approved by the  
 1748 Department of Management Services. This section shall apply to

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1749 all county, municipal, and public community college buildings  
 1750 whose architectural plans are started after July 1, 2008.

1751 Section 35. State fleet biodiesel usage.--

1752 (1) By July 1, 2008, a minimum of 5 percent, by January 1,  
 1753 2009, a minimum of 10 percent, and by January 1, 2010, a minimum  
 1754 of 20 percent of total diesel fuel purchases for use by state-  
 1755 owned diesel vehicles and equipment shall be biodiesel fuel  
 1756 (B20), subject to availability.

1757 (2) By July 1, 2008, a minimum of 5 percent, by January 1,  
 1758 2009, a minimum of 10 percent, and by January 1, 2010, a minimum  
 1759 of 20 percent of total fuel purchases for use by state-owned  
 1760 flex-fuel vehicles shall be ethanol, subject to availability.

1761 (3) The Department of Management Services shall provide  
 1762 for the proper administration, implementation, and enforcement  
 1763 of this section.

1764 (4) The Department of Management Services shall report to  
 1765 the Legislature on or before March 1, 2008, and annually  
 1766 thereafter, the extent of biodiesel and ethanol use in the state  
 1767 fleet. The report shall contain the number of gallons purchased  
 1768 since July 1, 2007, the average price of biodiesel and ethanol,  
 1769 and a description of fleet performance.

1770 Section 36. School district biodiesel usage.--

1771 (1) By January 1, 2008, a minimum of 20 percent of total  
 1772 diesel fuel purchases for use by school districts shall be  
 1773 biodiesel fuel (B20), subject to availability.

1774 (2) If a school district contracts with another government  
 1775 entity or private entity to provide transportation services for  
 1776 any of its pupils, the biodiesel blend fuel requirement

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1777 established pursuant to subsection (1) shall be part of that  
 1778 contract. However, this requirement shall apply only to  
 1779 contracts entered into on or after July 1, 2007.

1780 Section 37. (1) Subject to specific appropriation, there  
 1781 is created within the Executive Office of the Governor the  
 1782 Florida Energy, Aerospace, and Technology (F.E.A.T.) Fund to  
 1783 encourage a state partnership with the Federal Government, Space  
 1784 Florida, Enterprise Florida, Inc., and the private sector in  
 1785 order to identify business and investment opportunities and  
 1786 target performance goals for those investments in the areas of  
 1787 alternative energy development and production infrastructure and  
 1788 aerospace industry expansion or development opportunities.

1789 (2) Funds appropriated for the purposes of the F.E.A.T.  
 1790 Fund shall be deposited in the Grants and Donations Trust Fund  
 1791 in the Executive Office of the Governor.

1792 Section 38. Research and demonstration cellulosic ethanol  
 1793 plant.--

1794 (1) There shall be constructed a multifaceted research and  
 1795 demonstration cellulosic ethanol plant designed to conduct  
 1796 research and to demonstrate and advance the commercialization of  
 1797 cellulose-to-ethanol technology, including technology licensed  
 1798 from the University of Florida, and to facilitate further  
 1799 research and testing of multiple cellulosic feedstocks in the  
 1800 state.

1801 (2) The University of Florida shall act as the owner and  
 1802 proprietor of the facility, which shall include a permanent  
 1803 research and development laboratory operated as a satellite  
 1804 facility of the Institute of Food and Agricultural Sciences at

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1805 the University of Florida. This facility shall be used to  
 1806 convert the initially treated material to the final ethanol  
 1807 product.

1808 (3) The facility shall be located near an industrial site  
 1809 with infrastructure already developed to avoid or reduce  
 1810 significant capital costs for waste treatment and roads, shall  
 1811 be served by a range of suppliers and transportation companies,  
 1812 and shall be in good proximity to gasoline and ethanol blending  
 1813 facilities on either coast of the state. The industrial site  
 1814 shall have the capacity to provide steam and electric power,  
 1815 waste treatment, and a steady stream of feedstocks, including,  
 1816 but not limited to, bagasse, woody biomass, and cane field  
 1817 residues, to allow a commercial scale plant to operate year  
 1818 around.

1819 (4) The facility shall be located near preexisting onsite  
 1820 technical support staff and other resources for electrical,  
 1821 mechanical, and instrumentation services. In addition, the  
 1822 facility shall have access to preexisting onsite laboratory  
 1823 facilities and scientific personnel and shall include the  
 1824 critical aspects of connecting to existing facilities and  
 1825 meeting construction codes and permit requirements.

1826 (5) There shall be a scientific and technical advisory  
 1827 panel to advise on the technology to be applied.

1828 (6) Subject to the rights of any third parties arising  
 1829 under any licenses granted by the university or its affiliates  
 1830 prior to the effective date of this act, ownership of all  
 1831 patents, copyrights, trademarks, licenses, and rights or  
 1832 interests shall vest in the university on behalf of the state.

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1833 The university, pursuant to s. 1004.23, Florida Statutes, shall  
 1834 have the right to use and the right to retain derived revenues  
 1835 subject to the continuing approval of the Legislature.

1836 (7) The Senior Vice President for the Institute of Food  
 1837 and Agricultural Sciences at the University of Florida shall  
 1838 ensure that applicable, nonproprietary research results and  
 1839 technologies from the plant authorized under this initiative are  
 1840 adapted, made available, and disseminated through its respective  
 1841 services, as appropriate.

1842 (8) Within 2 years after enactment of this act, the Senior  
 1843 Vice President for the Institute of Food and Agricultural  
 1844 Sciences at the University of Florida shall submit to the  
 1845 President of the Senate and the Speaker of the House of  
 1846 Representatives a report on the activities conducted under this  
 1847 section.

1848 Section 39. (1) The Florida Public Service Commission  
 1849 shall conduct a study in conjunction with the Florida Energy  
 1850 Commission, the Department of Environmental Protection and the  
 1851 Department of Agriculture and Consumer Services to recommend an  
 1852 appropriate renewable portfolio standard for the state.

1853 (2) The study shall include current and future  
 1854 availability of renewable fuels, incentives to attract large  
 1855 scale renewable energy development, proposed changes to current  
 1856 regulatory and market practices to encourage renewable energy  
 1857 development, the impact on utility costs and rates,  
 1858 environmental benefits of a renewable portfolio standard, and  
 1859 economic development associated with renewable energy in the  
 1860 state.

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1861           (3) The Florida Public Service Commission shall hold  
 1862 public hearings on these and other related issues and submit a  
 1863 report containing specific recommendations to the President of  
 1864 the Senate and the Speaker of the House of Representatives by  
 1865 January 1, 2008.

1866           Section 40. (1) The Florida Public Service Commission  
 1867 shall conduct a study in conjunction with the Florida Energy  
 1868 Commission, the Department of Environmental Protection, and the  
 1869 Department of Agriculture and Consumer Services to recommend the  
 1870 establishment of an energy efficiency and solar energy  
 1871 initiative.

1872           (2) The study shall include recommendations for the  
 1873 administration, design, implementation, and ongoing measurement  
 1874 and evaluation of programs that promote energy efficiency and  
 1875 conservation activities and market transformation efforts for  
 1876 solar energy technologies through a public benefits fund. The  
 1877 study shall include incentives for investment in energy  
 1878 efficiency and customer-sited solar energy systems, suggest  
 1879 changes to current regulatory and market practice to encourage  
 1880 solar energy and energy efficiency investment in residential and  
 1881 commercial applications, including standards for net metering  
 1882 and interconnection.

1883           (3) The Florida Public Service Commission will hold public  
 1884 hearings on these issues and submit a report containing specific  
 1885 recommendations to the President of the Senate and the Speaker  
 1886 of the House of Representatives by February 1, 2008.

1887           Section 41. The Florida Public Service Commission shall  
 1888 submit to the President of the Senate and the Speaker of the

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1889 House of Representatives by February 28, 2008, a report that  
 1890 provides a detailed description of the methods used to evaluate  
 1891 the conservation goals, plans, and programs of utilities subject  
 1892 to the Florida Energy Efficiency and Conservation Act. The  
 1893 commission shall compare methods and policies employed in other  
 1894 states that could be implemented to ensure that utilities in  
 1895 this state acquire all energy efficiency resources that cost  
 1896 less than new electric power generation. As used in the section,  
 1897 the term "energy efficiency resources" means a reduction in  
 1898 kilowatt hours used by the existing and emerging fleet of  
 1899 buildings and equipment in this state that is achieved by  
 1900 providing incentives to producers, distributors, sellers, or  
 1901 consumers that promote the development of and investment in  
 1902 energy-efficient technologies.

1903       Section 42. (1) The Department of Agriculture and  
 1904 Consumer Services shall conduct a study in conjunction with the  
 1905 Department of Environmental Protection and Enterprise Florida,  
 1906 Inc., to recommend an appropriate Florida Loan Guarantee Program  
 1907 for cellulosic ethanol facilities developed in the state.

1908       (2) The Department of Agriculture and Consumer Services  
 1909 shall submit a report containing specific recommendations to the  
 1910 President of the Senate and the Speaker of the House of  
 1911 Representatives no later than January 1, 2008.

1912       Section 43. The Department of Community Affairs shall  
 1913 convene a workgroup comprised of representatives of the Florida  
 1914 Building Commission, the Florida Energy Commission, the Florida  
 1915 Energy Office, consumers, and affected industries to identify  
 1916 and review new or updated energy conservation standards for

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1917 products that consume electricity, including, but not limited  
 1918 to, residential pool pumps, pool heaters, spas, and commercial  
 1919 and residential appliances. The workgroup shall identify  
 1920 efficiency improvements that could be anticipated by  
 1921 implementation of new standards and the anticipated costs of  
 1922 implementing and enforcing the standards and shall further  
 1923 consider methods and processes for the regular review of new  
 1924 standards and implementation, if warranted. No later than March  
 1925 1, 2008, the department shall report to the President of the  
 1926 Senate and Speaker of the House of Representatives on findings  
 1927 of the workgroup together with any recommended statutory changes  
 1928 required to implement those findings.

1929 Section 44. Section 1013.441, Florida Statutes, is  
 1930 created to read:

1931 1013.441 Green Schools Pilot Project.--

1932 (1) The Legislature finds that it is cost-effective and  
 1933 healthy for the public and the environment to build schools that  
 1934 maximize low-water usage and incorporate energy efficiencies,  
 1935 renewable energy, and recycling technologies into the  
 1936 construction of schools. Therefore, the Green Schools Pilot  
 1937 Project is established for selected school districts for the  
 1938 purpose of incorporating the Leadership in Energy and  
 1939 Environmental Design (LEED) silver-level or the Green Globes  
 1940 two-globe rating or better building-certification standards into  
 1941 every new educational building construction project and, when  
 1942 feasible, every educational building renovation project.

1943 (2) LEED building certification standards are defined by  
 1944 the United States Green Building Council and the Green Globes

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1945 certification standards are defined by the Green Building  
 1946 Initiative. Both standards address the total effect that new  
 1947 buildings have on the environment so as to maximize energy  
 1948 efficiency and to minimize adverse effects on the environment.

1949 (3) For purposes of this section, the term "additional  
 1950 costs" means the expenditures that are necessary to build a  
 1951 complete school to LEED silver-level or Green Globes two-globe  
 1952 or better building-certification standards but that exceed the  
 1953 expenditures necessary to build a complete school in compliance  
 1954 with this chapter. Such additional costs may include, but are  
 1955 not limited to, registration and certification fees charged for  
 1956 certification of the school to LEED silver-level or Green Globes  
 1957 two-globe or better building-certification standards.

1958 (4) (a) The Department of Education, in consultation with  
 1959 the Florida Energy Office, shall develop by August 1, 2007, an  
 1960 application process for school districts to participate in the  
 1961 pilot project. Three school districts shall be selected by the  
 1962 State Board of Education by January 1, 2008, to participate in  
 1963 the pilot project. One school district shall be in a county  
 1964 having a population of 1 million or more residents; one school  
 1965 district shall be in a county having a population of 250,000 to  
 1966 999,999 residents; and one school district shall be in a county  
 1967 having a population of fewer than 250,000 residents. School  
 1968 districts selected to participate in the pilot project shall, to  
 1969 the greatest extent possible, represent geographically different  
 1970 regions of the state.

1971 (b) At a minimum, each school district selected by the  
 1972 State Board of Education to participate in the pilot project

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1973 must:

1974 1. Demonstrate that it implements sound financial

1975 management practices by producing documentation that indicates

1976 that the school district for the preceding 3 years has had no

1977 material weaknesses or instances of material noncompliance noted

1978 in its annual audits required under s. 218.39.

1979 2. Engage a design team that has demonstrated knowledge

1980 and experience in high-performance green building construction.

1981 3. Commit to building at least one complete school to LEED

1982 silver-level or Green Globes two-globe or better building-

1983 certification standards. A school built to such building-

1984 certification standards shall be designated as a "Green School."

1985 (c) When selecting school districts to participate in the

1986 pilot project, evaluation criteria implemented by the State

1987 Board of Education may include, but need not be limited to,

1988 school districts that demonstrate a high percentage of

1989 environmentally inefficient schools or school districts that

1990 propose innovative methods for improving water savings, energy

1991 efficiency, or indoor environmental quality.

1992 (5) (a) From funds appropriated for the Green Schools Pilot

1993 Program, the department shall distribute to each participating

1994 school district an amount sufficient to fund the additional

1995 costs required to build one complete school to LEED silver-level

1996 or Green Globes two-globe or better building-certification

1997 standards.

1998 1. If appropriated funds are insufficient to fund the

1999 total of additional costs required to build three complete

2000 schools to LEED silver-level or Green Globes two-globe or better

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2001 building-certification standards, the department shall prorate  
 2002 funds available and make distributions based on the ratio of  
 2003 each school's additional costs relative to the total of  
 2004 additional costs for the three schools.

2005 2. If appropriated funds remain after the distribution,  
 2006 such funds may be distributed by the department to one or more  
 2007 of the participating school districts to fund the additional  
 2008 costs required to build other new schools or to renovate  
 2009 existing schools to LEED silver-level or Green Globes two-globe  
 2010 or better building-certification standards.

2011 (b) Participating school districts must annually report to  
 2012 the department the expenditure of funds received under paragraph  
 2013 (a). The reports must be open to inspection and examination by  
 2014 the Auditor General. A participating school district must return  
 2015 to the department:

2016 1. Any funds found by the Auditor General to have been  
 2017 improperly expended.

2018 2. Funds received under paragraph (a) for the construction  
 2019 or renovation of a school if LEED silver-level or Green Globes  
 2020 two-globe certification or better is not obtained for the school  
 2021 within 1 year after its completion.

2022 (6) Each participating school district shall deliver to  
 2023 the Governor, the President of the Senate, the Speaker of the  
 2024 House of Representatives, and the Commissioner of Education a  
 2025 report on the effects Green Schools have had on student  
 2026 performance and health, operational costs, energy consumption,  
 2027 and the environment in the district. This report shall be  
 2028 submitted by July 1 of the year after a Green School has been in

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2029 | full operation for 3 years.

2030 | Section 45. This act shall take effect July 1, 2007.