A bill to be entitled
An act relating to the Department of Environmental Protection; transferring the powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Office of Energy within the Department of Agriculture and Consumer Services to the Department of Environmental Protection; repealing s. 570.67, F.S., relating to the Office of Energy; amending ss. 288.1089, 366.82, 377.6015, 377.602, 377.703, 377.711, 377.712, 377.803, 377.805, 377.808, 377.809, 377.810, 377.815, 377.816, 553.74, 570.841, and 1004.648, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. All powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Office of Energy within the Department of Agriculture and Consumer Services are transferred by a type two transfer, as
defined in s. 20.06(2), Florida Statutes, to the Department of Environmental Protection.

Section 2. Section 570.67, Florida Statutes, is repealed.

Section 3. Subsection (5) of section 288.1089, Florida Statutes, is amended to read:

288.1089 Innovation Incentive Program.—

(5) The department shall review proposals pursuant to s. 288.061 for all three categories of innovation incentive awards. Before making a recommendation to the executive director, the department shall solicit comments and recommendations from the Department of Environmental Protection Agriculture and Consumer Services. For each project, the evaluation and recommendation to the department must include, but need not be limited to:

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

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

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

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

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

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

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

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

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

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

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

(l) Additional evaluative criteria for a research and development facility project, including:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving
2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

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

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

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

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The Department of Environmental Protection Agriculture and Consumer Services shall give greater preference to projects that provide such matching funds or other in-kind contributions.

2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy.
3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

6. The degree to which a project demonstrates efficient use of energy and material resources.

7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be conducted in relation to other projects.

11. The degree of public visibility and interaction.

Section 4. Subsection (5) of section 366.82, Florida Statutes, is amended to read:

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

(5) The Department of Environmental Protection Agriculture
and Consumer Services shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals, including, but not limited to:

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

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

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

Section 5. Section 377.6015, Florida Statutes, is amended to read:

377.6015 Department of Environmental Protection Agriculture and Consumer Services; powers and duties.—

(1) The department may:

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

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

(c) Form advisory groups consisting of members of the public to provide information on specific issues.

(2) The department shall:
(a) Administer the Florida Renewable Energy and Energy-Efficient Technologies Grants Program pursuant to s. 377.804 to assure a robust grant portfolio.

(b) Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.

(c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.

(d) Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.

(e) Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. 377.801-377.804.

(f) Advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state's academic institutions.

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

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

Section 6. Subsection (1) of section 377.602, Florida Statutes, is amended to read:

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

(1) "Department" means the Department of Environmental Protection Agriculture and Consumer Services.
Section 7. Paragraphs (h), (k), and (n) of subsection (2) and subsection (3) of section 377.703, Florida Statutes, are amended to read:

377.703 Additional functions of the Department of Environmental Protection Agriculture and Consumer Services.—

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

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

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

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

3. Identifying barriers to greater use of renewable energy resources in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

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

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

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

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

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

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the department.

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

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

(n) On an annual basis, the department shall prepare an assessment of the utilization of the renewable energy...
The technologies investment tax credit authorized in s. 220.192 and the renewable energy production credit authorized in s. 220.193, which the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by February 1 of each year. The assessment shall include, at a minimum, the following information:

1. For the renewable energy technologies investment tax credit authorized in s. 220.192:
   a. The name of each taxpayer receiving an allocation under this section;
   b. The amount of the credits allocated for that fiscal year for each taxpayer; and
   e. The type of technology and a description of each investment for which each taxpayer receives an allocation.

2. For the renewable energy production credit authorized in s. 220.193:
   1. The name of each taxpayer receiving an allocation under this section;
   2. The amount of credits allocated for that fiscal year for each taxpayer;
   3. The type and amount of renewable energy produced and sold, whether the facility producing that energy is a new or expanded facility, and the approximate date on which production began; and
4.d. The aggregate amount of credits allocated for all taxpayers claiming credits under this section for the fiscal year.

(3) The department of Environmental Protection is responsible for the administration of the Coastal Energy Impact Program provided for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

Section 8. Paragraph (h) of subsection (5) of section 377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—The Southern States Energy Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made, in the case of Florida, through the Department of Environmental Protection Agriculture and Consumer Services.

Section 9. Paragraph (b) of subsection (1) of section 377.712, Florida Statutes, is amended to read:
301 377.712 Florida participation.—
302
303 (1)
304  (b) The Secretary of Environmental Protection Commissioner of Agriculture may appoint one member of the Southern States Energy Board. The member or the secretary commissioner may designate another person as the assistant or deputy to such member.
308  Section 10. Subsection (2) of section 377.803, Florida Statutes, is amended to read:
309 377.803 Definitions.—As used in ss. 377.801-377.804, the term:
312  (2) "Department" means the Department of Environmental Protection Agriculture and Consumer Services.
314  Section 11. Section 377.805, Florida Statutes, is amended to read:
316 377.805 Energy efficiency and conservation clearinghouse.—The Office of Energy within the Department of Environmental Protection Agriculture and Consumer Services, in consultation with the Public Service Commission, the Florida Building Commission, and the Florida Energy Systems Consortium, shall develop a clearinghouse of information regarding cost savings associated with various energy efficiency and conservation measures. The department of Agriculture and Consumer Services shall post the information on its website.
319  Section 12. Subsection (2) of section 377.808, Florida Statutes, is amended to read:
Statutes, is amended to read:

377.808  Florida Green Government Grants Act.—

(2) The Department of Environmental Protection shall use funds specifically appropriated to award grants under this section to assist local governments, including municipalities, counties, and school districts, in the development and implementation of programs that achieve green standards. Green standards shall be determined by the department and shall provide for cost-efficient solutions, reducing greenhouse gas emissions, improving quality of life, and strengthening the state's economy.

Section 13. Subsection (1) of section 377.809, Florida Statutes, is amended to read:

377.809  Energy Economic Zone Pilot Program.—

(1) The Department of Economic Opportunity, in consultation with the Department of Transportation, shall implement an Energy Economic Zone Pilot Program for the purpose of developing a model to help communities cultivate green economic development, encourage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and further implement chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies. The Department of Environmental Protection Agriculture and Consumer Services shall provide technical
assistance to the departments in developing and administering the program.

Section 14. Subsection (1), paragraph (b) of subsection (2), and subsections (8) and (9) of section 377.810, Florida Statutes, are amended to read:

377.810 Natural gas fuel fleet vehicle rebate program.—
(1) CREATION AND PURPOSE OF PROGRAM.—There is created within the Department of Environmental Protection Agriculture and Consumer Services a natural gas fuel fleet vehicle rebate program. The purpose of this program is to help reduce transportation costs in this state and encourage freight mobility investments that contribute to the economic growth of the state.

(2) DEFINITIONS.—For purposes of this section, the term:
(b) "Department" means the Department of Environmental Protection Agriculture and Consumer Services.

(8) REPORT. By January 31, 2016, the Office of Program Policy Analysis and Government Accountability shall release a report reviewing the rebate program to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The review shall include an analysis of the economic benefits resulting to the state from the program.

(9) EFFECTIVE DATE. This section shall take effect July 1, 2013.

Section 15. Section 377.815, Florida Statutes, is amended
to read:

376 377.815 Alternative fueling stations and electric vehicle charging stations.—The Department of Environmental Protection Agriculture and Consumer Services may post information on its website relating to alternative fueling stations or electric vehicle charging stations that are available for public use in this state.

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

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

(a) The type of alternative fuel available;
(b) The station's name, address, or location; or
(c) The fees or costs associated with the alternative fuel that is available for purchase.

(3) The owner or operator of an electric vehicle charging station that is available in this state may report the following information to the department:
(a) The station's name, address, or location; or
(b) The fees or costs, if any, associated with the
electric vehicle charging services provided by the station.

Section 16. Section 377.816, Florida Statutes, is amended
to read:

377.816 Qualified energy conservation bond allocation.—
(1) DEFINITIONS.—As used in this section, the term:
(a) "Department" means the Department of Environmental
Protection.
(b) "Eligible issuer" means an entity that is created
under or pursuant to the constitution or laws of this state and
that is authorized by this state to issue bonds or enter into a
lease-purchase agreement, or any other entity in this state
authorized to issue qualified energy conservation bonds pursuant
to the Internal Revenue Code.
(c) "Office" means the Office of Energy within the
Department of Agriculture and Consumer Services.
(d) "Qualified energy conservation bond" means a bond
described in 26 U.S.C. s. 54D(a).
(d) "Qualified project" means a project eligible to be
financed pursuant to 26 U.S.C. s. 54D(f).
(2) ALLOCATION OF STATE VOLUME LIMITATION.—
(a) The department office shall establish an allocation
program for allocating or reallocating the qualified energy
conservation bond volume limitation provided by 26 U.S.C. s.
54D. The allocation program must provide notification of all mandatory allocations required or authorized pursuant to the Internal Revenue Code.

1. All mandatory allocations pursuant to 26 U.S.C. s. 54D(e)(2)(A) shall be allocated to eligible issuers as provided therein.

2. An eligible issuer receiving a mandatory allocation pursuant to subparagraph 1. may elect to reallocate all or any portion of its allocation back to the state pursuant to 26 U.S.C. s. 54D(e)(2)(B).

(b) The department office may reallocate to eligible issuers in the state any allocation that was retained by the state from the original federal allocation or any allocation that is waived by an eligible issuer pursuant to subparagraph (a)2.

(c) Each eligible issuer receiving an allocation shall notify the department in writing of the amount of bonds issued and any other information relating to the bonds or the allocation at such time and in such manner as is required by the department office.

(d) A bond subject to the limitations provided in 26 U.S.C. s. 54D may not be issued in this state unless issued pursuant to this section.

(3) INFORMATION AVAILABILITY.—The department office shall determine the amount of qualified energy conservation bond
allocations for each qualified issuer in this state under 26
U.S.C. s. 54D and shall make such information available upon
request to any person or agency.

Section 17. Paragraph (x) of subsection (1) of section
553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and located
within the Department of Business and Professional Regulation
for administrative purposes. Members are appointed by the
Governor subject to confirmation by the Senate. The commission
is composed of 27 members, consisting of the following:

(x) One member who is a representative of the Department
of Environmental Protection Agriculture and Consumer Services’
Office of Energy. The Secretary of Environmental Protection
Commissioner of Agriculture is encouraged to recommend a list of
candidates for consideration.

Section 18. Section 570.841, Florida Statutes, is amended
to read:

570.841 Farm-to-fuel initiative.—

(1) The Department of Environmental Protection may develop
a farm-to-fuel initiative to enhance the market for and promote
the production and distribution of renewable energy from
Florida-grown crops, agricultural wastes and residues, and other
biomass and to enhance the value of agricultural products or
expand agribusiness in the state.
(2) The Department of Environmental Protection may conduct
a statewide comprehensive information and education program
aimed at educating the general public about the benefits of
renewable energy and the use of alternative fuels.

Section 19. Subsections (5), (11), (12), and (13) of
section 1004.648, Florida Statutes, are amended to read:

1004.648 Florida Energy Systems Consortium.—

(5) The director, whose office is located at the
University of Florida, shall report to the Department of
Environmental Protection Agriculture and Consumer Services.

(11) The oversight board, in consultation with the
Department of Environmental Protection Agriculture and Consumer
Services, shall ensure that the consortium:

(a) Maintains accurate records of any funds received by
the consortium.

(b) Meets financial and technical performance
expectations, which may include external technical reviews as
required.

(12) The steering committee shall consist of the
university representatives included in the Centers of Excellence
proposals for the Florida Energy Systems Consortium and the
Center of Excellence in Ocean Energy Technology–Phase II which
were reviewed during the 2007–2008 fiscal year by the Florida
Technology, Research, and Scholarship Board created in s.
1004.226(4), Florida Statutes 2006; a university representative
appointed by the President of Florida International University; and a representative of the Department of Environmental Protection Agriculture and Consumer Services. The steering committee is responsible for establishing and ensuring the success of the consortium's mission under subsection (9).

(13) By November 1 of each year, the consortium shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Environmental Protection Agriculture and Consumer Services regarding its activities, including, but not limited to, education and research related to, and the development and deployment of, alternative energy technologies.

Section 20. This act shall take effect July 1, 2020.