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



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26 fuel"; authorizing the owner or operator of an
27 alternative fueling station or an electric vehicle
28 charging station to report certain information;
29 amending s. 553.74, F.S.; providing for the
30 appointment of a department representative to the
31 Florida Building Commission; deleting obsolete
32 provisions; repealing ss. 377.806 and 377.807, F.S.,
33 relating to the Solar Energy System Incentives Program
34 and the energy-efficient appliance rebate program,
35 respectively; providing definitions; directing the
36 Office of Energy within the Department of Agriculture
37 and Consumer Services to establish a program for
38 allocating or reallocating a federal qualified energy
39 conservation bond volume limitation; providing program
40 requirements; providing an effective date.

41

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

43

44 Section 1. Paragraph (e) of subsection (2) of section
45 377.6015, Florida Statutes, is amended to read:

46 377.6015 Department of Agriculture and Consumer Services;
47 powers and duties.—

48 (2) The department shall:

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



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

53 377.703 Additional functions of the Department of
54 Agriculture and Consumer Services.—

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

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

70 1. Formulation of specific recommendations for improvement
71 in the efficiency of energy utilization in governmental,
72 residential, commercial, industrial, and transportation sectors.

73 2. Collection and dissemination of information relating to
74 energy efficiency and conservation.

75 3. Development and conduct of educational and training



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76 programs relating to energy efficiency and conservation.

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

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

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

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

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

98 4. In cooperation with the Department of Environmental
99 Protection, the Department of Transportation, the Department of
100 Economic Opportunity, Enterprise Florida, Inc., the Florida



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101 | Energy Systems Consortium, the Florida Solar Energy Center, and
102 | the Florida Solar Energy Industries Association, investigating
103 | opportunities, pursuant to the national Energy Policy Act of
104 | 1992, the Housing and Community Development Act of 1992, and any
105 | subsequent federal legislation, for renewable energy resources,
106 | ~~solar~~ electric vehicles, and other renewable ~~solar~~ energy
107 | manufacturing, distribution, installation, and financing efforts
108 | that ~~which will~~ enhance this state's position as the leader in
109 | renewable ~~solar~~ energy research, development, and use.

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

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

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



126 agencies.

127 Section 3. Section 377.712, Florida Statutes, is amended
128 to read:

129 377.712 Florida participation.—

130 (1) (a) The Governor shall appoint one member of the
131 Southern States Energy Board. The member or the Governor may
132 designate another person as the deputy or assistant to such
133 member.

134 (b) The President of the Senate shall appoint one member
135 of the Southern States Energy Board. The member or the president
136 may designate another person as the assistant or deputy to such
137 member.

138 (c) The Speaker of the House of Representatives shall
139 appoint one member of the Southern States Energy Board. The
140 member or the speaker may designate another person as the
141 assistant or deputy to such member.

142 (d) The Commissioner of Agriculture may serve, or may
143 appoint a deputy or assistant from the department to serve, as a
144 member of the Southern States Energy Board.

145 (2) Any supplementary agreement entered into under s.
146 377.711(6) requiring the expenditure of funds may ~~shall~~ not
147 become effective as to Florida until the required funds are
148 appropriated by the Legislature.

149 (3) Departments, agencies, and officers of this state, and
150 its subdivisions are authorized to cooperate with the board in



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151 the furtherance of ~~any of~~ its activities pursuant to the
152 compact, provided such proposed activities have been made known
153 to, and have the approval of, ~~either~~ the Governor or the member
154 appointed by the Governor ~~Department of Health~~.

155 Section 4. Section 377.801, Florida Statutes, is amended
156 to read:

157 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~
158 ~~377.807~~ may be cited as the "Florida Energy and Climate
159 Protection Act."

160 Section 5. Section 377.802, Florida Statutes, is amended
161 to read:

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



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176 Section 6. Section 377.803, Florida Statutes, is amended
177 to read:

178 377.803 Definitions.—As used in ss. 377.801-377.804
179 ~~377.801-377.807~~, the term:

180 (1) "Act" means the Florida Energy and Climate Protection
181 Act.

182 (2) "Department" means the Department of Agriculture and
183 Consumer Services.

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

187 (4) "Renewable energy" means electrical, mechanical, or
188 thermal energy produced from a method that uses one or more of
189 the following fuels or energy sources: hydrogen, biomass, as
190 defined in s. 366.91, solar energy, geothermal energy, wind
191 energy, ocean energy, waste heat, or hydroelectric power.

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

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



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201 ~~collect and transfer solar energy shall be included in this~~
202 ~~definition.~~

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

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

207 Section 7. Section 377.815, Florida Statutes, is created
208 to read:

209 377.815 Alternative fueling stations and electric vehicle
210 charging stations.—The Department of Agriculture and Consumer
211 Services may post information on its website relating to
212 alternative fueling stations and electric vehicle charging
213 stations that are available for public use in this state.

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

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

225 (a) The type of alternative fuel available.



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- 226 (b) The station's name, address, or location.
- 227 (c) The fees or costs associated with the alternative fuel
228 that is available for purchase.
- 229 (3) The owner or operator of an electric vehicle charging
230 station that is available in this state may report the following
231 information to the department:
- 232 (a) The station's name, address, or location.
- 233 (b) The fees or costs, if any, associated with the
234 electric vehicle charging services provided by the station.
- 235 Section 8. Subsection (1) of section 553.74, Florida
236 Statutes, is amended to read:
- 237 553.74 Florida Building Commission.—
- 238 (1) The Florida Building Commission is created and located
239 within the Department of Business and Professional Regulation
240 for administrative purposes. Members are appointed by the
241 Governor subject to confirmation by the Senate. The commission
242 is composed of 27 ~~26~~ members, consisting of the following:
- 243 (a) One architect registered to practice in this state and
244 actively engaged in the profession. The American Institute of
245 Architects, Florida Section, is encouraged to recommend a list
246 of candidates for consideration.
- 247 (b) One structural engineer registered to practice in this
248 state and actively engaged in the profession. The Florida
249 Engineering Society is encouraged to recommend a list of
250 candidates for consideration.



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

258 (d) One electrical contractor certified to do business in
259 this state and actively engaged in the profession. The Florida
260 Association of Electrical Contractors ~~Association~~ and the
261 National Electrical Contractors Association, Florida Chapter,
262 are encouraged to recommend a list of candidates for
263 consideration.

264 (e) One member from fire protection engineering or
265 technology who is actively engaged in the profession. The
266 Florida Chapter of the Society of Fire Protection Engineers and
267 the Florida Fire Marshals and Inspectors Association are
268 encouraged to recommend a list of candidates for consideration.

269 (f) One general contractor certified to do business in
270 this state and actively engaged in the profession. The
271 Associated Builders and Contractors of Florida, the Florida
272 Associated General Contractors Council, and the Union
273 Contractors Association are encouraged to recommend a list of
274 candidates for consideration.

275 (g) One plumbing contractor licensed to do business in



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276 | this state and actively engaged in the profession. The Florida
277 | Association of Plumbing, Heating, and Cooling Contractors is
278 | encouraged to recommend a list of candidates for consideration.

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

285 | (i) One residential contractor licensed to do business in
286 | this state and actively engaged in the profession. The Florida
287 | Home Builders Association is encouraged to recommend a list of
288 | candidates for consideration.

289 | (j) Three members who are municipal or district codes
290 | enforcement officials, one of whom is also a fire official. The
291 | Building Officials Association of Florida and the Florida Fire
292 | Marshals and Inspectors Association are encouraged to recommend
293 | a list of candidates for consideration.

294 | (k) One member who represents the Department of Financial
295 | Services.

296 | (l) One member who is a county codes enforcement official.
297 | The Building Officials Association of Florida is encouraged to
298 | recommend a list of candidates for consideration.

299 | (m) One member of a Florida-based organization of persons
300 | with disabilities or a nationally chartered organization of



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301 persons with disabilities with chapters in this state.

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

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

310 (p) One member who is a representative of a municipality
311 or a charter county. The Florida League of Cities and the
312 Florida Association of Counties are encouraged to recommend a
313 list of candidates for consideration.

314 (q) One member of the building products manufacturing
315 industry who is authorized to do business in this state and is
316 actively engaged in the industry. The Florida Building Material
317 Association, the Florida Concrete and Products Association, and
318 the Fenestration Manufacturers Association are encouraged to
319 recommend a list of candidates for consideration.

320 (r) One member who is a representative of the building
321 owners and managers industry who is actively engaged in
322 commercial building ownership or management. The Building Owners
323 and Managers Association is encouraged to recommend a list of
324 candidates for consideration.

325 (s) One member who is a representative of the insurance



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326 industry. The Florida Insurance Council is encouraged to
327 recommend a list of candidates for consideration.

328 (t) One member who is a representative of public
329 education.

330 (u) One member who is a swimming pool contractor licensed
331 to do business in this state and actively engaged in the
332 profession. The Florida Swimming Pool Association and the United
333 Pool and Spa Association are encouraged to recommend a list of
334 candidates for consideration.

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

342 (w) One member who is a representative of a natural gas
343 distribution system and who is actively engaged in the
344 distribution of natural gas in this state. The Florida Natural
345 Gas Association is encouraged to recommend a list of candidates
346 for consideration.

347 (x) One member who is a representative of the Office of
348 Energy within the Department of Agriculture and Consumer
349 Services. The Commissioner of Agriculture is encouraged to
350 recommend a list of candidates for consideration.



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351 (y)~~(*)~~ One member who shall be the chair.

352

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

357 Section 9. Sections 377.806 and 377.807, Florida Statutes,
358 are repealed.

359 Section 10. Qualified energy conservation bond
360 allocation.-

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

362 (a) "Eligible issuer" means an entity that is created
363 under or pursuant to the constitution or laws of this state and
364 that is authorized by this state to issue bonds or enter into a
365 lease-purchase agreement, or any other entity in this state
366 authorized to issue qualified energy conservation bonds pursuant
367 to the Internal Revenue Code.

368 (b) "Office" means the Office of Energy within the
369 Department of Agriculture and Consumer Services.

370 (c) "Qualified energy conservation bond" means a bond
371 described in 26 U.S.C. s. 54D(a).

372 (d) "Qualified project" means a project permitted to be
373 financed pursuant to 26 U.S.C. s. 54D(f).

374 (2) ALLOCATION OF STATE VOLUME LIMITATION.-

375 (a) The office shall establish an allocation program for



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376 allocating or reallocating the qualified energy conservation
377 bond volume limitation provided by 26 U.S.C. s. 54D. The
378 allocation program must provide notification of all mandatory
379 allocations required or authorized pursuant to the Internal
380 Revenue Code.

381 1. All mandatory allocations pursuant to 26 U.S.C. s.
382 54D(e) (2) (A) shall be allocated to eligible issuers as provided
383 for therein.

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

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

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

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

400 (3) INFORMATION AVAILABILITY.—The office shall determine



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401 | the amount of qualified energy conservation bond allocations for
402 | each qualified issuer in this state under 26 U.S.C. s. 54D and
403 | shall make such information available upon request to any person
404 | or agency.

405 | Section 11. This act shall take effect July 1, 2014.