

## House Bill No. 1857

An act relating to governmental organization; transferring the Office of Urban Opportunity from the Executive Office of the Governor to the Department of Community Affairs; transferring the State Energy Program and the Clean Fuel Florida Advisory Board from the Department of Community Affairs to the Department of Environmental Protection; excluding the transfer of certain associated trust funds; transferring the Affordable Housing Catalyst Program from the Department of Community Affairs to the Florida Housing Finance Corporation; excluding the transfer of certain associated trust funds; repealing s. 14.2015(9), F.S., relating to the establishment of the Office of Urban Opportunity within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending s. 20.18, F.S.; revising duties of the Department of Community Affairs to conform to changes made by the act; establishing the Office of Urban Opportunity within the Department of Community Affairs; amending s. 20.255, F.S.; providing duties of the Department of Environmental Protection with respect to the state's energy policy, to conform; amending s. 163.03, F.S., relating to the Coastal Energy Impact Program; conforming provisions to changes made by the act; amending ss. 212.08 and 220.183, F.S.; conforming cross references; amending s. 288.041, F.S., relating to the solar energy industry; conforming provisions to the transfer of duties to the Department of Environmental Protection; amending s. 288.95155, F.S., relating to the Florida Small Business Technology Growth Program; deleting obsolete provisions; amending ss. 377.602, 377.603, 377.701, and 377.703, F.S., relating to the state's energy programs and policies; conforming provisions to the transfer of duties to the Department of Environmental Protection; authorizing the Department of Environmental Protection to adopt rules to administer the Coastal Energy Impact Program; amending s. 381.7354, F.S.; conforming a cross reference; amending s. 403.42, F.S., relating to the Florida Clean Fuel Act; conforming provisions to the transfer of duties to the Department of Environmental Protection; amending s. 420.507, F.S., relating to the Florida Housing Finance Corporation; authorizing the corporation to provide resources to the Affordable Housing Study Commission and perform other duties; creating s. 420.531, F.S.; providing legislative findings with respect to supporting local communities in providing affordable housing; providing for the corporation to administer the Affordable Housing Catalyst Program; providing the purpose of the program and responsibilities of the corporation; amending ss. 420.6015, 420.606, and 420.9075, F.S.; conforming provisions to the transfer of the Affordable Housing Catalyst Program to the Florida Housing Finance Corporation; amending s. 420.609, F.S.; deleting duties of the Department of Community Affairs with respect to the Affordable Housing Study Commission; amending s. 420.631, F.S.; conforming provisions to the transfer of the Office of Urban Opportunity to the

Department of Community Affairs; amending s. 624.5105, F.S.; conforming a cross reference; providing an effective date.

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

Section 1. The Office of Urban Opportunity within the Executive Office of the Governor, as authorized and governed by section 14.2015(9), Florida Statutes, is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Community Affairs.

Section 2. The State Energy Program, as authorized and governed by sections 20.18, 288.041, 377.601-377.608, 377.701, and 377.703, Florida Statutes, and the Clean Fuel Florida Advisory Board, as authorized and governed by section 403.42, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Community Affairs to the Department of Environmental Protection. Notwithstanding section 20.06(2), Florida Statutes, trust funds associated with this program and board shall remain within the Department of Community Affairs.

Section 3. The Affordable Housing Catalyst Program, as authorized and governed by section 420.606, Florida Statutes, is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Community Affairs to the Florida Housing Finance Corporation. Notwithstanding section 20.06(2), Florida Statutes, trust funds associated with this program shall remain within the Department of Community Affairs.

Section 4. Subsection (9) of section 14.2015, Florida Statutes, is repealed.

Section 5. Subsection (6) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

~~(6) The Office of Urban Opportunity is created within the Department of Community Affairs. The purpose of the office is to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that enables urban core residents to craft solutions to the unique challenges of each designated community. The department is the agency of state government responsible for collection and analysis of information on energy resources in this state, for coordination of the energy conservation programs of state agencies, and for coordination of the development, review, and implementation of state energy policy. The energy program responsibilities of the department set forth in this subsection shall be carried out by the Office of the Secretary of Community Affairs until such time as the secretary determines that such responsibilities should be redistributed within the various divisions of the department and submits a report to the Legislature with respect thereto.~~

Section 6. Subsection (8) is added to section 20.255, Florida Statutes, to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(8) The department is the agency of state government responsible for collecting and analyzing information concerning energy resources in this state; for coordinating the energy conservation programs of state agencies; and for coordinating the development, review, and implementation of the state's energy policy.

Section 7. Paragraph (b) of subsection (3) of section 163.03, Florida Statutes, is amended to read:

163.03 Secretary of Community Affairs; powers and duties; function of Department of Community Affairs with respect to federal grant-in-aid programs.—

(3) The department is authorized to adopt rules implementing the following grant programs, which rules shall be consistent with the laws, regulations, or guidelines governing the grant to the department:

(b) Grants under the federal ~~programs known as the Coastal Energy Impact Program and the~~ Outer Continental Shelf Program administered by the Bureau of Land and Water Management.

Section 8. Paragraph (q) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(q) Community contribution tax credit for donations.—

1. Authorization.—Beginning July 1, 2001, persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution;

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year

period without regard to any time limitation that would otherwise apply under s. 215.26;

c. No person shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year;

d. All proposals for the granting of the tax credit shall require the prior approval of the Office of Tourism, Trade, and Economic Development;

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is \$10 million annually; and

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the Office of Tourism, Trade, and Economic Development.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and(28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone as referenced in s. 290.00675. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. The Office of Tourism, Trade, and Economic Development may reserve up to 50 percent of the available annual tax credits for housing for very-low-income households pursuant to s. 420.9071(28) for the first 6 months of the fiscal year. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a non-related third party.

c. The project must be undertaken by an “eligible sponsor,” which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s. 1009.983;

(X) An enterprise zone development agency created under s. 290.0056;

(XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that the Office of Tourism, Trade, and Economic Development designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6) ~~s. 14.2015(9)(b)~~, unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.0971(19) and (28) is exempt from the area requirement of this sub-subparagraph.

### 3. Application requirements.—

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the office for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the Office of Tourism, Trade, and Economic Development that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

### 4. Administration.—

a. The Office of Tourism, Trade, and Economic Development may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Office of Tourism, Trade, and Economic Development must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the office shall transmit a copy of the decision to the Department of Revenue.

c. The Office of Tourism, Trade, and Economic Development shall periodically monitor all projects in a manner consistent with available resources

to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Office of Tourism, Trade, and Economic Development shall, in consultation with the Department of Community Affairs, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Expiration.—This paragraph expires June 30, 2005; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

Section 9. Paragraph (d) of subsection (2) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Florida Community pursuant to ~~s. 20.18(6) s. 14.2015(9)(b)~~. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph. This section does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. Any project designed to provide increased access to high-speed broadband capabilities which includes coverage of a rural enterprise zone may locate the project's infrastructure in any area of a rural county.

Section 10. Subsections (3) and (5) of section 288.041, Florida Statutes, are amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(3) Enterprise Florida, Inc., and its boards shall assist in the expansion of the solar energy industry in this state. Such efforts shall be undertaken in cooperation with the Department of ~~Environmental Protection Community Affairs~~, the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, and shall include:

(a) Providing assistance and support to new and existing photovoltaic companies, with special emphasis on attracting one or more manufacturers of photovoltaic products to locate within this state.

(b) Sponsoring initiatives which aid and take full advantage of the export market potential of solar technologies.

(c) Informing the business sector of this state about opportunities for cost-effective commercial applications of solar technologies.

(d) Encouraging employment of residents of this state by solar energy companies.

(e) Retaining existing solar energy companies and supporting their expansion efforts in this state.

(f) Supporting the promotion of solar energy by sponsoring workshops, seminars, conferences, and educational programs on the benefits of solar energy.

(g) Recognizing outstanding developments and achievements in, and contributions to, the solar energy industry.

(h) Collecting and disseminating solar energy information relevant to the promotion of solar energy applications.

(i) Enlisting the support of persons, civic groups, the solar energy industry, and other organizations to promote and improve solar energy products and services.

(5) By January 15 of each year, the Department of Environmental Protection ~~Community Affairs~~ shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations on initiatives to further promote the solar energy industry as the department deems appropriate.

Section 11. Subsection (2) of section 288.95155, Florida Statutes, is amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(2) Enterprise Florida, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance, ~~and any moneys transferred to the account by the Department of Community Affairs from the Economic Opportunity Trust Fund for use in qualifying energy projects.~~

Section 12. Subsection (2) of section 377.602, Florida Statutes, is amended to read:

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

(2) “Department” means the Department of Environmental Protection ~~Community Affairs~~.

Section 13. Section 377.603, Florida Statutes, is amended to read:

377.603 Energy data collection; powers and duties of the Department of Environmental Protection ~~Community Affairs~~.—



(1) The department shall collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

(2) The department shall prepare periodic reports of energy data it collects.

(3) The department shall prescribe and furnish forms for the collection of information as required by ss. 377.601-377.608 and shall consult with other state entities to assure that such data collected will meet their data requirements.

(4) The department may adopt and promulgate such rules and regulations as are necessary to carry out the provisions of ss. 377.601-377.608. Such rules shall be pursuant to chapter 120.

(5) The department shall maintain internal validation procedures to assure the accuracy of information received.

Section 14. Subsection (1) of section 377.701, Florida Statutes, is amended to read:

377.701 Petroleum allocation.—

(1) The Department of Environmental Protection ~~Community Affairs~~ shall assume the state's role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The department shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

Section 15. Subsections (1), (2), and (3) of section 377.703, Florida Statutes, are amended to read:

377.703 Additional functions of the Department of Environmental Protection ~~Community Affairs~~; energy emergency contingency plan; federal and state conservation programs.—

(1) LEGISLATIVE INTENT.—Recognizing that energy supply and demand questions have become a major area of concern to the state which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implementation of s. 377.601(4), the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) DEFINITIONS.—

(a) “Coordinate,” “coordination,” or “coordinating” means the examination and evaluation of state plans and programs and the providing of recommendations to the Cabinet, Legislature, and appropriate state agency on any measures deemed necessary to ensure that such plans and programs are consistent with state energy policy.

(b) “Energy conservation” means increased efficiency in the utilization of energy.

(c) “Energy emergency” means an actual or impending shortage or curtailment of usable, necessary energy resources, such that the maintenance of necessary services, the protection of public health, safety, and welfare, or the maintenance of basic sound economy is imperiled in any geographical section of the state or throughout the entire state.

(d) “Energy source” means electricity, fossil fuels, solar power, wind power, hydroelectric power, nuclear power, or any other resource which has the capacity to do work.

(e) “Facilities” means any building or structure not otherwise exempted by the provisions of this act.

(f) “Fuel” means petroleum, crude oil, petroleum product, coal, natural gas, or any other substance used primarily for its energy content.

(g) “Local government” means any county, municipality, regional planning agency, or other special district or local governmental entity the policies or programs of which may affect the supply or demand, or both, for energy in the state.

(h) “Promotion” or “promote” means to encourage, aid, assist, provide technical and financial assistance, or otherwise seek to plan, develop, and expand.

(i) “Regional planning agency” means those agencies designated as regional planning agencies by the Department of Community Affairs.

(j) “Renewable energy resource” means any method, process, or substance the use of which does not diminish its availability or abundance, including, but not limited to, biomass conversion, geothermal energy, solar energy, wind energy, wood fuels derived from waste, ocean thermal gradient power, hydroelectric power, and fuels derived from agricultural products.

(3) DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMUNITY AFFAIRS; DUTIES.—The Department of Environmental Protection Community Affairs shall, in addition to assuming the duties and responsibilities provided by ss. ~~20.255~~ 20.18 and 377.701, perform the following functions consistent with the development of a state energy policy:

(a) The department shall assume the responsibility for development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event

which is reasonably expected within 30 days will make the fuel, in short supply. The department shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the provisions of s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

(b) The department shall constitute the responsible state agency for performing or coordinating the functions of any federal energy programs delegated to the state, including energy supply, demand, conservation, or allocation.

(c) The department shall analyze present and proposed federal energy programs and make recommendations regarding those programs to the Governor.

(d) The department shall coordinate efforts to seek federal support or other support for state energy activities, including energy conservation, research, or development, and shall be the state agency responsible for the coordination of multiagency energy conservation programs and plans.

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

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

2. Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and an analysis of the extent to which renewable energy sources are being utilized in the state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years, to identify strategies for long-range action, including identification of potential social, economic, and environmental effects.

4. An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated effects on the state's environment and social services resulting from energy resource development activities or from energy supply constraints, or both.

(f) The department shall make a report, as requested by the Governor or the Legislature, reflecting its activities and making recommendations of policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the people of Florida. The report shall include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and under way in the past year and shall include recommendations for energy conservation programs for the state, including, but not limited to, the following factors:

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

2. Collection and dissemination of information relating to energy conservation.

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

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

(g) The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(h) Promote the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

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

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

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

4. In cooperation with the Department of Transportation, ~~the Department of Community Affairs~~, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992 and the Housing and Community Development Act of 1992, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar 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 solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(i) The department shall promote energy conservation in all energy use sectors throughout the state and shall constitute the state agency primarily

responsible for this function. To this end, the department shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

(j) The department shall serve as the state clearinghouse for indexing and gathering all information related to energy programs in state universities, in private universities, in federal, state, and local government agencies, and in private industry and shall prepare and distribute such information in any manner necessary to inform and advise the citizens of the state of such programs and activities. This shall include developing and maintaining a current index and profile of all research activities, which shall be identified by energy area and may include a summary of the project, the amount and sources of funding, anticipated completion dates, or, in case of completed research, conclusions, recommendations, and applicability to state government and private sector functions. The department shall coordinate, promote, and respond to efforts by all sectors of the economy to seek financial support for energy activities. The department shall provide information to consumers regarding the anticipated energy-use and energy-saving characteristics of products and services in coordination with any federal, state, or local governmental agencies as may provide such information to consumers.

(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 in a format mutually agreed upon by the two departments.

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, 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.

(l) The department shall develop, coordinate, and promote a comprehensive research plan for state programs. Such plan shall be consistent with state energy policy and shall be updated on a biennial basis.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by Hurricane Andrew, and the potential for such impacts caused by other natural disasters, the department shall include in its energy emergency contingency plan and provide to the Department of Community Affairs for inclusion in the state model energy efficiency building code specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

Section 16. Subsection (3) of section 381.7354, Florida Statutes, is amended to read:

381.7354 Eligibility.—

(3) In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities, as designated pursuant to s. 20.18(6) ~~s. 14.2015(9)(b)~~.

Section 17. Section 403.42, Florida Statutes, is amended to read:

403.42 Florida Clean Fuel Act.—

(1) SHORT TITLE AND PURPOSE.—

(a) This section may be cited as the “Florida Clean Fuel Act.”

(b) The purposes of this act are to establish the Clean Fuel Florida Advisory Board under the Department of Environmental Protection Community Affairs to study the implementation of alternative fuel vehicles and to formulate and provide to the Secretary of Environmental Protection Community Affairs recommendations on expanding the use of alternative fuel vehicles in this state and make funding available for implementation.

(2) DEFINITIONS.—For purposes of this act:

(a) “Alternative fuels” include electricity, biodiesel, natural gas, propane, and any other fuel that may be deemed appropriate in the future by the Department of Environmental Protection Community Affairs with guidance from the Clean Fuel Florida Advisory Board.

(b) “Alternative fuel vehicles” include on-road and off-road transportation vehicles and light-duty, medium-duty, and heavy-duty vehicles that are powered by an alternative fuel or a combination of alternative fuels.

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(a) The Clean Fuel Florida Advisory Board is established within the Department of Environmental Protection Community Affairs.

(b)1. The advisory board shall consist of the Secretary of Community Affairs, or a designee from that department, the Secretary of Environmental Protection, or a designee from that department, the Commissioner of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from the Department of Agriculture and Consumer Services, the Secretary of Management Services, or a designee from that department, and a representative of each of the following, who shall be appointed by the Secretary of Environmental Protection ~~Community Affairs~~ ~~within 30 days after the effective date of this act:~~

- a. The Florida biodiesel industry.
  - b. The Florida electric utility industry.
  - c. The Florida natural gas industry.
  - d. The Florida propane gas industry.
  - e. An automobile manufacturers' association.
  - f. A Florida Clean Cities Coalition designated by the United States Department of Energy.
  - g. Enterprise Florida, Inc.
  - h. EV Ready Broward.
  - i. The Florida petroleum industry.
  - j. The Florida League of Cities.
  - k. The Florida Association of Counties.
  - l. Floridians for Better Transportation.
  - m. A motor vehicle manufacturer.
  - n. Florida Local Environment Resource Agencies.
  - o. Project for an Energy Efficient Florida.
  - p. Florida Transportation Builders Association.
2. The purpose of the advisory board is to serve as a resource for the department and to provide the Governor, the Legislature, and the Secretary of Environmental Protection ~~Community Affairs~~ with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.

3. Members shall be appointed to serve terms of 1 year each, with reappointment at the discretion of the Secretary of Environmental Protection ~~Community Affairs~~. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

4. The board shall annually select a chairperson.

5.a. The board shall meet at least once each quarter or more often at the call of the chairperson or the Secretary of Environmental Protection Community Affairs.

b. Meetings are exempt from the notice requirements of chapter 120, and sufficient notice shall be given to afford interested persons reasonable notice under the circumstances.

6. Members of the board are entitled to travel expenses while engaged in the performance of board duties.

7. The board shall terminate 5 years after the effective date of this act.

(c) The board shall review the performance of the state with reference to alternative fuel vehicle implementation in complying with federal laws and maximizing available federal funding and may:

1. Advise the Governor, Legislature, and the Secretary of Environmental Protection Community Affairs and make recommendations regarding implementation and use of alternative fuel vehicles in this state.

2. Identify potential improvements in this act and the state's alternative fuel policies.

3. Request from all state agencies any information the board determines relevant to board duties.

4. Regularly report to the Secretary of Environmental Protection Community Affairs, the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the board's findings and recommendations.

(d)1. The advisory board shall, ~~within 120 days after its first meeting,~~ make recommendations to the Department of Environmental Protection Community Affairs for establishing pilot programs in this state that provide experience and support the best use expansion of the alternative fuel vehicle industry in this state. No funds shall be released for a project unless there is at least a 50-percent private or local match.

2. In addition to the pilot programs, the advisory board shall assess federal, state, and local initiatives to identify incentives that encourage successful alternative fuel vehicle programs; obstacles to alternative fuel vehicle use including legislative, regulatory, and economic obstacles; and programs that educate and inform the public about alternative fuel vehicles.

3. The advisory board is charged with determining a reasonable, fair, and equitable way to address current motor fuel taxes as they apply to alternative fuels and at what threshold of market penetration.

4. Based on its findings, the advisory board shall develop recommendations to the Legislature on future alternative fuel vehicle programs and legislative changes that provide the best use of state and other resources to



enhance the alternative fuel vehicle market in this state and maximize the return on that investment in terms of job creation, economic development, and emissions reduction.

(e) The advisory board, working with the Department of Environmental Protection Community Affairs, shall develop a budget for the department's approval, and all expenditures shall be approved by the department. At the conclusion of the first year, the department shall conduct an audit of the board and board programs.

Section 18. Subsections (42) and (43) are added to section 420.507, Florida Statutes, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(42) To provide information, assistance, and facilities needed by the Affordable Housing Study Commission.

(43) To develop and administer the Affordable Housing Catalyst Program under s. 420.531.

Section 19. Section 420.531, Florida Statutes, is created to read:

420.531 Affordable Housing Catalyst Program.—The corporation shall operate the Affordable Housing Catalyst Program for the purpose of securing the expertise necessary to provide specialized technical support to local governments and community-based organizations to implement the HOME Investment Partnership Program, State Housing Initiatives Partnership Program, and other affordable housing programs. To the maximum extent feasible, the entity to provide the necessary expertise must be recognized by the Internal Revenue Service as a nonprofit tax-exempt organization. It must have as its primary mission the provision of affordable housing training and technical assistance, an ability to provide training and technical assistance statewide, and a proven track record of successfully providing training and technical assistance under the Affordable Housing Catalyst Program. The technical support shall, at a minimum, include training relating to the following key elements of the partnership programs:

(1) Formation of local and regional housing partnerships as a means of bringing together resources to provide affordable housing.

(2) Implementation of regulatory reforms to reduce the risk and cost of developing affordable housing.

(3) Implementation of affordable housing programs included in local government comprehensive plans.

(4) Compliance with requirements of federally funded housing programs.

Section 20. Subsection (8) of section 420.6015, Florida Statutes, is amended to read:

420.6015 Legislative findings.—In addition to the findings and declarations in ss. 420.0002, 420.502, 421.02, 422.02, and 423.01, which are hereby reaffirmed, the Legislature finds that:

~~(8) Through the Affordable Housing Catalyst Program and other program and staff resources,~~ The department shall facilitate the mobilization of public and private resources to provide affordable housing through its responsibilities in the areas of housing, comprehensive planning, and community assistance.

Section 21. Subsection (3) of section 420.606, Florida Statutes, is amended to read:

420.606 Training and technical assistance program.—

(3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The Department of Community Affairs shall be responsible for securing the necessary expertise to provide training and technical assistance to staff of local governments, to staff of state agencies, as appropriate, and to community-based organizations, and to persons forming such organizations, which are formed for the purpose of developing new housing and rehabilitating existing housing which is affordable for very-low-income persons, low-income persons, and moderate-income persons. ~~To the maximum extent feasible, the entity to provide the necessary expertise must be recognized by the Internal Revenue Service as a nonprofit tax-exempt organization. It must have as its primary mission the provision of affordable housing training and technical assistance; an ability to provide training and technical assistance statewide; and a proven track record of successfully providing training and technical assistance under the Affordable Housing Catalyst Program.~~

(a) The training component of the program shall be designed to build the housing development capacity of community-based organizations and local governments as a permanent resource for the benefit of communities in this state.

1. The scope of training shall include, but not be limited to, real estate development skills related to affordable housing, including the construction process and property management and disposition, the development of public-private partnerships to reduce housing costs, model housing projects, and management and board responsibilities of community-based organizations.

2. Training activities may include, but are not limited to, materials for self-instruction, workshops, seminars, internships, coursework, and special programs developed in conjunction with state universities and community colleges.

(b) The technical assistance component of the program shall be designed to assist applicants for state-administered programs in developing applications and in expediting project implementation. Technical assistance activities for the staffs of community-based organizations and local governments who are directly involved in the production of affordable housing may include, but are not limited to, workshops for program applicants, onsite visits,

guidance in achieving project completion, and a newsletter to community-based organizations and local governments.

~~(c) The department shall establish a program known as the Affordable Housing Catalyst Program to be responsible for securing the necessary expertise as provided in this section for providing specialized technical support to local governments to implement the HOME Investment Partnership Program, State Housing Initiatives Partnership Program, and other affordable housing programs. The technical support shall, at a minimum, provide training relating to the following key elements of the partnership programs:~~

~~1. The formation of local and regional housing partnerships as a means of bringing together resources to provide affordable housing.~~

~~2. The implementation of regulatory reforms to reduce the risk and cost of developing affordable housing.~~

~~3. The implementation of affordable housing programs included in local government comprehensive plans.~~

~~4. The compliance with requirements of federally funded housing programs.~~

Section 22. Subsection (3) of section 420.609, Florida Statutes, is amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(3) ~~The department and the~~ corporation shall supply such information, assistance, and facilities as are deemed necessary for the commission to carry out its duties under this section and shall provide such staff assistance as is necessary for the performance of required clerical and administrative functions of the commission.

Section 23. Subsection (7) of section 420.631, Florida Statutes, is amended to read:

420.631 Definitions relating to Urban Homesteading Act.—As used in ss. 420.630-420.635:

(7) “Office” means the Office of Urban Opportunity within the Department of Community Affairs ~~Office of Tourism, Trade, and Economic Development~~.

Section 24. Subsection (7) of section 420.9075, Florida Statutes, is amended to read:

420.9075 Local housing assistance plans; partnerships.—

(7) Pursuant to ~~s. 420.531~~ s. 420.606, the corporation shall provide technical assistance to local governments regarding the creation of partnerships, the design of local housing assistance strategies, the implementation of local housing incentive strategies, and the provision of support services.

Section 25. Paragraph (d) of subsection (2) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Community pursuant to s. 20.18(6) ~~s. 14.2015(9)(b)~~. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

Section 26. This act shall take effect July 1, 2004.

Approved by the Governor May 25, 2004.

Filed in Office Secretary of State May 25, 2004.