

CHAPTER 62-16

RENEWABLE ENERGY TECHNOLOGIES AND ENERGY EFFICIENCY

62-16.100 General.

This part implements the Florida Renewable Energy Technologies and Energy Efficiency Act, providing for grants for renewable energy technologies and rebates for solar energy systems. This part also implements applications for sales tax incentives for renewable energy technologies provided for in Section 212.08 F.S., and applications for corporate tax credits for renewable energy technologies provided for in Section 220.192, F.S.

Specific Authority 377.804, 377.806, 212.08, 220.192 FS.

Law Implemented 377.801-377.806, 212.08, 220.192 FS.

History -- New X-XX-06

62-16.200 Definitions.

The words, terms and phrases used in this Chapter, unless otherwise indicated, shall have the meaning set forth in Sections 377.803 and 220.192, F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

(1) (3) “Bioenergy” means energy derived from biomass as defined in Section 366.91, F.S.

(2) “Department” means the Florida Department of Environmental Protection.

(3) "Solar thermal pool heater" means a device that traps the heat produced by incident sunlight in collector tubing through which swimming pool water is pumped in order to raise the water temperature of the swimming pool water.

Specific Authority 377.804, 377.806, 212.08, 220.192 FS.

Law Implemented 377.801-377.806, 212.08, 220.192 FS.

History -- New X-XX-06

62-16.300 Renewable Energy Technologies Grants Program

(1) APPLICATIONS. Applications for the Renewable Energy Technologies Grants Program shall be submitted to the Department of Environmental Protection, ATTN: Renewable Energy Technologies Grant Program, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application form 62-16.900(1), F.A.C.. One copy shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows Versions 5.0, 5.5, and 6.0; Wordperfect for Windows Version 5; and Rich Text Format.

(b) Applications must be received by the department no later than 5:00 p.m. (Eastern Standard Time) on August 31 of the state fiscal year the applicant seeks the award of the grant to be eligible for consideration for a grant award in that state fiscal year. If August 31 falls on a weekend or federal holiday (i.e., no mail service), then the deadline shall be the next business day.

(c) The department shall review each timely filed application within 15 days of receipt to determine if the application includes all required information. Applications that do not include all required information shall be ineligible for the award of the grant sought. The department shall notify the applicant of the ineligibility.

(2) CRITERIA

(a) The criteria listed in Section 377.804(4) shall apply to grants evaluated pursuant to Sections 377.804(1) through 377.804(5).

(b) In addition to the criteria in 2(a), grant applications shall be evaluated for the degree to which a project incorporates multiple renewable energy technologies.

(3) RANKING.

(a) The department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

Criteria	Maximum Raw Score Possible	Weight Factor	Max Points Possible
1.- Matching Funds ²	10	2	20
2.- Economic Development ¹	4	4	16
3.- Technical Feasibility ¹	4	4	16
4.- Innovative Technology ¹	4	3	12
5.- Production Potential ¹	4	3	12
6.- Energy Efficiency ¹	4	3	12
7.- Fostering Awareness ¹	4	2	8
8.- Project Management ¹	4	2	8
9.- Duration & Timeline ¹	4	1	4
10.- Location Served ³	2	2	4
11.- Public Integration ¹	4	1	4
12.- Multiple Technologies ⁴	2	2	4
Total Score			120

¹ **Evaluation Points** awarded for these components will be based on the following point structure:

- 0 points = Unsatisfactory or this element of the evaluation criteria was not addressed

- 1 points = Poor
- 2 points = Satisfactory
- 3 points = Good
- 4 points = Superior

² **Matching Funds:** Demonstrate local support for the proposed project in commitment of cash or in-kind matching funds. Must include letters of commitment from ALL contributors.

- 0 points = 0% up to and including 1% of total project cost.
- 1 points = Greater than 1% up to and including 10% of total project cost.
- 2 points = Greater than 10% up to and including 20% of total project cost.
- 3 points = Greater than 20% up to and including 30% of total project cost.
- 4 points = Greater than 30% up to and including 40% of total project cost.
- 5 points = Greater than 40% up to and including 50% of total project cost.
- 6 points = Greater than 50% up to and including 60% of total project cost.
- 7 points = Greater than 60% up to and including 70% of total project cost.
- 8 points = Greater than 70% up to and including 80% of total project cost.
- 9 points = Greater than 80% up to and including 90% of total project cost.
- 10 points = Greater than 90% of total project cost.

³ **Location Served:** The geographic area in which the project is to be conducted in relation to other projects.

- 0 points = More than 30% of proposed projects located in same region.
- 1 points = 15%-30% of proposed projects located in same region.
- 2 points = Less than 15% of proposed projects located in same region.

⁴ **Multiple Technologies:** The degree to which a project incorporates multiple renewable energy technologies in the project.

- 0 points = 1 renewable energy technology is used.
- 1 points = 2 renewable energy technologies are used.
- 2 points = 3 or more renewable technologies are used.

(b) The Department shall establish a review group of no less than 3 people, who shall each individually review grant applications, and score each application according to the criteria provided in section (a).

(c) If an application receives a score of less than 50 points from each reviewer, that application shall not be eligible for a grant award. The Department shall notify applicants of such ineligibility.

(d) Score points from all reviewers shall be ranked and averaged as follows:

1. Each reviewer shall rank each eligible application by assigning a ranking number to each eligible application based on the rank of the individual application to all other applications reviewed by that reviewer. For example, the top scored application shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

2. After all eligible applications are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual application shall be averaged.

(4) AWARD. The department shall award grants based upon highest averaged ranking and availability of funding. Grants shall be awarded to the top ranked application first, to the second highest ranked application second, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.

(a) The maximum amount for an individual award shall be limited to \$2.5 million.

(b) The minimum amount for an individual award shall be limited to \$50 thousand.

(c) The department shall award the total amount requested in individual grant applications to the top ranked grant applicants up to the maximum amount allowed under section (a). If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applications, the department may

award partial grants to applicants up to the amount of the fiscal appropriation in each state fiscal year.

(d) The Department shall announce all grant awards by October 31 of each state fiscal year in which grants are awarded.

(e) The Department shall award all grants by February 1 of each state fiscal year in which grants are awarded.

(5) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the department and the grant applicant. If the department and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Grant funds shall be distributed as reimbursements to recipients quarterly upon receipt of a formal invoice, supporting documentation, and upon department grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Expenses by a grantee, and their project partners, starting at the date of a notice of grant award, for the specific project for which a grant is to be awarded may be considered as match. The department shall determine, on a case by case basis, whether such expenses qualify for match. Approval of expenses as match are subject to negotiation of the grant agreement, and prior written approval by the department is required. Consideration as match is not guaranteed.

Specific Authority 377.804 FS.

Law Implemented 377.801 - 377.804 FS.

History -- New X-XX-06

62-16.400 Renewable Energy Technologies Grants Program for Bioenergy

(1) APPLICATIONS. Applications for the Renewable Energy Technologies Grants Program for Bioenergy shall be submitted to the Department of Environmental Protection, ATTN: Bioenergy Grant Program, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application form 62-16.900(2), F.A.C. Two copies shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows Versions 5.0, 5.5, and 6.0; Wordperfect for Windows Version 5; and Rich Text Format.

(b) Applications must be received by the department no later than 5:00 p.m. (Eastern Standard Time) on August 31 of the state fiscal year the applicant seeks the award of the grant to be eligible for consideration for a grant award in that state fiscal year. If August 31 falls on a weekend or federal holiday (i.e., no mail service), then the deadline shall be the next business day.

(c) The department shall review each timely filed application within 15 days of receipt to determine if the application includes all required information. Applications that do not include all required information shall be ineligible for the award of the grant sought. The department shall notify the applicant of the ineligibility.

(2) RANKING.

(a) The department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

Criteria	Maximum Raw Score Possible	Weight Factor	Max Points Possible
1.- Economic Development ¹	4	4	16
2.- Florida-grown biomass ¹	4	4	16
3.- Energy Efficiency ¹	4	3	12
4.- Fostering Awareness ¹	4	3	12
5.- Matching Funds ²	10	1	10
6.- Duration & Timeline ¹	4	2	8
7.- Expand agribusiness ¹	4	2	8
8.- Market Potential ¹	4	2	8
Total Score			90

¹ **Evaluation Points** awarded for these components will be based on the following point structure:

- 0 points = This element of the evaluation criteria was not addressed
- 1 points = Poor
- 2 points = Satisfactory
- 3 points = Good
- 4 points = Superior

² **Matching Funds:** Demonstrate local support for the proposed project in commitment of cash or in-kind matching funds. Must include letters of commitment from all contributors.

- 0 points = 0% up to and including 1% of total project cost.
- 1 points = Greater than 1% up to and including 10% of total project cost.
- 2 points = Greater than 10% up to and including 20% of total project cost.
- 3 points = Greater than 20% up to and including 30% of total project cost.
- 4 points = Greater than 30% up to and including 40% of total project cost.
- 5 points = Greater than 40% up to and including 50% of total project cost.
- 6 points = Greater than 50% up to and including 60% of total project cost.
- 7 points = Greater than 60% up to and including 70% of total project cost.
- 8 points = Greater than 70% up to and including 80% of total project cost.
- 9 points = Greater than 80% up to and including 90% of total project cost.
- 10 points = Greater than 90% of total project cost.

(b) The Department shall establish a review group of 4 people. Two members of the review group shall be appointed by the Department. Two members of the review group shall be appointed by the Department of Agriculture and Consumer Services, who

shall each individually review grant applications, and score each application according to the criteria provided in section (a).

(c) To be considered for an award, an applicant must achieve a score of no less than 40 points.

(d) Score points from all reviewers shall be ranked and averaged as follows:

1. Each reviewer shall rank each eligible application by assigning a ranking number to each eligible application based on the rank of the individual application to all other applications reviewed by that reviewer. For example, the top scored application shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

2. After all eligible applications are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual application shall be averaged.

(3) AWARD. The department shall award grants based upon highest averaged ranking and availability of funding. Grants shall be awarded to the top ranked application first, to the second highest ranked application second, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.

(a) The maximum amount for an individual award shall be limited to \$2.5 million.

(b) The minimum amount for an individual award shall be limited to \$50 thousand.

(c) The department shall award the total amount requested in individual grant applications to the top ranked grant applicants up to the maximum amount allowed under section (a). If funds are not available to award the total amount requested by an

applicant due to awards of grants to higher ranked applications, the department may award partial grants to applicants up to the amount of the fiscal appropriation in each state fiscal year.

(d) The Department shall announce all grant awards by October 31 of each state fiscal year in which grants are awarded.

(e) The Department shall award all grants by February 1 of each state fiscal year in which grants are awarded.

(5) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the department and the grant applicant. If the department and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Grant funds shall be distributed as reimbursements to recipients quarterly upon receipt of a formal invoice, supporting documentation, and upon department grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Expenses by a grantee, and their project partners, starting at the date of a notice of grant award, for the specific project for which a grant is to be awarded may be considered as match. The department shall determine, on a case by case basis, whether such expenses qualify for match. Approval of expenses as match are subject to negotiation of the grant agreement, and prior written approval by the department is required. Consideration as match is not guaranteed.

Specific Authority 377.804 FS.

Law Implemented 377.801 - 377.804 FS.

History -- New X-XX-06

62-16.500 Solar Energy Systems Incentives Program

(1) APPLICATION. Applications for the Solar Energy Systems Incentives Program shall be submitted to the Department of Environmental Protection, ATTN: Solar Energy System Incentives Program, Florida Energy Office, 2600 Blair Stone Road, MS-21, Tallahassee, FL 32399-2400 as follows:

(a) Applications shall be submitted in hard copy format, using application form 62-16.900(3), F.A.C.. All applications must be submitted by certified mail or hand delivered to the department, and must be received by the department no later than 5:00 p.m. (Eastern Standard Time) on the 90th day after the purchase of the solar energy equipment. If the 90th day after the purchase of the solar energy equipment falls on a weekend or federal holiday (i.e., no mail service), then the deadline shall be the next business day.

(b) Rebates are limited to one per resident.

(c) All applications must include the information required on the application form, a photocopy of the original purchase agreement for the equipment and installation of the solar energy system, a copy of the final receipt of payment if different from the original purchase agreement, and a photograph of the installed system. All information provided to the department must be legible.

(d) Pursuant to Section 377.705(4)(d), all solar energy systems manufactured or sold in the state must meet the standards established by the Florida Solar Energy

Center and shall display accepted results of approved performance tests in a manner prescribed by the Florida Solar Energy Center. Applications must include a description of the Florida Solar Energy Center system rating as indicated by the approved performance tests.

(d) The department shall review each timely filed application within 30 days of receipt to determine if the application includes all required information.

1. If the department determines that the application does not contain all of the required information, within 30 days of the receipt of the application the department shall return the application to the applicant with a notification of all missing items.

2. Applications which do not include all required information shall not be considered for rebates until all required information is provided to the department.

3. Rebates shall be allocated on a first-come, first-served basis based upon the date and time complete applications are received by the department.

4. Applications which do not include all required information shall not receive a position in the first-come, first-serve order for allocation of rebates.

(2) ISSUANCE. The Department shall issue each rebate within 60 days after the department determines that all required information has been provided for each application.

Specific Authority 377.705, 377.806, FS.

Law Implemented 377.705, 377.801, 377.802, 377.803, 377.806, FS.

History -- New X-XX-06

62-16.600 Renewable Energy Technologies Tax Credit

(1) GENERAL-This section applies to any taxpayer seeking a tax credit toward corporate income tax pursuant to Section 220.192, F.S., in the amount of the eligible costs as defined in Section 220.192.

(a) This chapter does not apply to the tax return filing process regulated by the Florida Department of Revenue (DOR). An applicant seeking a tax credit pursuant to Section 220.192, F.S., shall apply to the department using the application process and Department Form 62-16.900(4). If deemed eligible for a tax credit, the department will issue a tax credit certificate to the applicant.

(b) The applicant may use these tax credits by attaching the certificate to its annual tax return filed with the DOR pursuant to rules promulgated by that agency.

(c) The department will not disburse any funds in connection with this tax credit program. Credits will not result in the payment of refunds by the DOR if total credits exceed the amount of tax owed.

(d) Pursuant to Section 220.192, F.S., tax credits are limited to \$3 million per state fiscal year for all taxpayers in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state; \$1.5 million per state fiscal year for all taxpayers in connection with an investment in commercial stationary hydrogen fuel cells in the state; and \$6.5 million per state fiscal year for all taxpayers in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100) and ethanol (E10-E100) in the state.

(e) The department shall be responsible for allocating the tax credits and tracking granted tax credits in a fiscal year to ensure that tax credits granted do not to exceed

the limits provided in Section 212.192, F.S.. If an eligible applicant does not receive a tax credit allocation due to an exhaustion of the annual tax credit appropriation, its application will remain in the first-come, first-served order in the next year's annual tax credit allocation, if any, based on the date and time of filing the original application.

(f) Tax credits pursuant to Section 220.192 are available only for eligible costs incurred during the tax year for which the tax credit application is submitted.

(2) APPLICATION. Applications shall be submitted to the Department of Environmental Protection, ATTN: Renewable Energy Technologies Tax Credit Program, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Applications shall be submitted in hard copy format, using application form 62-16.900(4), F.A.C.

(b) All applications must be submitted by certified mail or hand delivered to the department, and must be received by the department no later than 5:00 p.m. (Eastern Standard Time) on the 15th day following the end of the applicant's tax year. If the 15th day after the end of the applicant's tax year falls on a weekend or federal holiday (i.e., no mail service), then the deadline shall be the next business day.

(c) All applications must include the information required on the application form, and must include all supporting documentation necessary. Supporting documentation shall include all invoices and proof of payment for expenses for which the applicant seeks the tax credit.

(d) Applications must include a completed and signed affidavit (included as part of the application form) from each applicant certifying that all information contained in

the application, including all records of costs incurred and paid and claimed in the tax credit application, are true and correct.

(3) ELIGIBILITY. The department shall review each timely filed application for completeness and determine eligibility as follows:

(a) The department shall review each timely filed application within 15 days of receipt to determine if the application includes all required information. An application package will be deemed "complete" if Form 62-16.900(4), F.A.C., contains all required information and appropriate signatures and the package includes all necessary supporting documentation.

(b) If the department determines that the application does not contain all of the required information, the department shall notify the applicant in writing within 15 days of the receipt of the application of the deficiencies indicated by Certified Mail, unless the applicant requests, and is willing to pay for, alternative express mailing. Applications will not be returned to applicants.

(c) An applicant who is notified of a failure shall not be issued a credit until all required information is provided to the department.

(d) Credits shall be allocated on a first-come, first-served basis based upon the date and time complete applications are received by the department.

(e) Applications which do not include all required information shall not receive a position in the first-come, first-serve order for allocation of rebates.

(f) The DEP will review the tax credit application package submitted by each applicant to verify that the applicant has met the qualifying statutory and rule criteria and has submitted all required documentation. Upon verification that the applicant has met

all requirements, the DEP shall issue a determination of eligibility for applied for tax credits within 45 days of the receipt of complete information, subject to the fiscal limitations in Section 220.192, F.S., for the tax year in which the tax credit application is submitted.

Specific Authority 220.192 FS.

Law Implemented 220.192 FS.

History -- New X-XX-06

62-16.900 Forms.

The following forms are adopted and incorporated by reference in this Rule Chapter. The form is listed by rule number, which is also the form number, and by the subject title and effective date. Copies of the form may be obtained by writing to the Department of Environmental Protection, Florida Energy Office, 2600 Blair Stone Road, MS-19 Tallahassee, FL 32399-2400.

(1) Renewable Energy Technologies Grant Program Application, DEP Form 62-16.900(1), (effective x-xx-06).

(2) Renewable Energy Technologies Grant Program Application for Bioenergy, DEP Form 62-16.900(2), (effective x-xx-06).

(3) Solar Energy System Incentives Program Application, DEP Form 62-16.900(3), (effective x-xx-06).

(4) Renewable Energy Technologies Investment Tax Credit Program Application, DEP Form 62-16.900(4), (effective x-xx-06).

(5) Renewable Energy Technologies Sales Tax Program Application, DEP Form 62-16.900(5), (effective x-xx-06).

Specific Authority 212.08, 213.06, 220.192, 377.705, 377.804, 377.806, FS.

Law Implemented 377.801-377.806, 212.08, 220.192 FS.

History -- New X-XX-06

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