



## Climate Change Statutes

### STATE OF FLORIDA

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [Climate Change Statutes](#).*

*Current through the 2009 Legislative Session of the Florida General Assembly.*

#### **§ 377.6015. Florida Energy and Climate Commission**

(1) The Florida Energy and Climate Commission is created within the Executive Office of the Governor. The commission shall be comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer.

(a) The Governor shall appoint one member from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, to each of seven seats on the commission. The Commissioner of Agriculture shall appoint one member from three persons nominated by the council to one seat on the commission. The Chief Financial Officer shall appoint one member from three persons nominated by the council to one seat on the commission.

1. The council shall submit the recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September 1 of those years in which the terms are to begin the following October or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.

2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.

3. Members shall be appointed to 3-year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3-year terms, two members to 2-year terms, and one member to a 1-year term, and the Commissioner of Agriculture and the Chief Financial Officer shall each appoint one member to a 3-year term and shall appoint a successor when that appointee's term expires in the same manner as the original appointment.

4. The Governor shall select from the membership of the commission one person to serve as chair.

5. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.

6. If the Governor, the Commissioner of Agriculture, or the Chief Financial Officer has not made an appointment within 30 consecutive calendar days after the receipt of the recommendations, the council shall initiate, in accordance with this section, the nominating process within 30 days.

7. Each appointment to the commission shall be subject to confirmation by the Senate during the next regular session after the vacancy occurs. If the Senate refuses to confirm or fails to consider the appointment of the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days.

8. The Governor or the Governor's successor may recall an appointee.

9. Notwithstanding subparagraph 7. and for the initial appointments to the commission only, each initial appointment to the commission is subject to confirmation by the Senate by the 2010 Regular Session. If the Senate refuses to confirm or fails to consider an appointment made by the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days after the Senate's refusal to confirm or failure to consider such appointment. This subparagraph expires July 1, 2010.

(b) Members must meet the following qualifications and restrictions:

1. A member must be an expert in one or more of the following fields: energy, natural resource conservation, economics, engineering, finance, law, transportation and land use, consumer protection, state energy policy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the fields specified in this subparagraph.

2. Each member shall, at the time of appointment and at each commission meeting during his or her term of office, disclose:

a. Whether he or she has any financial interest, other than ownership of shares in a mutual fund, in any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.

b. Whether he or she is employed by or is engaged in any business activity with any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.

(c) The chair may designate the following ex officio, nonvoting members to provide information and advice to the commission at the request of the chair:

1. The chair of the Florida Public Service Commission, or his or her designee.

2. The Public Counsel, or his or her designee.

3. A representative of the Department of Agriculture and Consumer Services.
4. A representative of the Department of Financial Services.
5. A representative of the Department of Environmental Protection.
6. A representative of the Department of Community Affairs.
7. A representative of the Board of Governors of the State University System.
8. A representative of the Department of Transportation.

(2) Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(3) Meetings of the commission may be held in various locations around the state and at the call of the chair; however, the commission must meet at least six times each year.

(4) The commission may:

- (a) Employ staff and counsel as needed in the performance of its duties.
- (b) Prosecute and defend legal actions in its own name.
- (c) Form advisory groups consisting of members of the public to provide information on specific issues.

(5) The commission shall:

- (a) Administer the Florida Renewable Energy and Energy-Efficient Technologies Grants Program pursuant to s. 377.804 to assure a robust grant portfolio.
- (b) Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.
- (c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.
- (d) Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.
- (e) Administer petroleum planning and emergency contingency planning pursuant to ss. 377.701, 377.703, and 377.704.
- (f) Represent Florida in the Southern States Energy Compact pursuant to ss. 377.71-377.712.
- (g) Complete the annual assessment of the efficacy of Florida's Energy and Climate Change Action Plan, upon completion by the Governor's Action Team on Energy and Climate Change

pursuant to the Governor's Executive Order 2007-128, and provide specific recommendations to the Governor and the Legislature each year to improve results.

(h) Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. 377.801-377.806.

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

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

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