



LEGISLATIVE ACTION

Senate . House

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Senator Bennett moved the following:

**Senate Amendment**

Delete lines 103 - 239

and insert:

a dependent special district as defined in s. 189.403.

(b) "Qualifying improvement" includes any:

1. Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of



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14 windows; installation of energy controls or energy recovery  
15 systems; installation of electric vehicle charging equipment;  
16 and installation of efficient lighting equipment.

17 2. Renewable energy improvement, which is the installation  
18 of any system in which the electrical, mechanical, or thermal  
19 energy is produced from a method that uses one or more of the  
20 following fuels or energy sources: hydrogen, solar energy,  
21 geothermal energy, bioenergy, and wind energy.

22 3. Wind-resistance improvement, which includes, but is not  
23 limited to:

24 a. Improving the strength of the roof-deck attachment;

25 b. Creating a secondary water barrier to prevent water  
26 intrusion;

27 c. Installing wind-resistant shingles;

28 d. Installing gable-end bracing;

29 e. Reinforcing roof-to-wall connections;

30 f. Installing storm shutters; or

31 g. Installing opening protections.

32 (3) A local government may levy non-ad valorem assessments  
33 to fund qualifying improvements.

34 (4) Subject to local government ordinance or resolution, a  
35 property owner may apply to the local government for funding to  
36 finance a qualifying improvement and enter into a financing  
37 agreement with the local government. Costs incurred by the local  
38 government for such purpose may be collected as a non-ad valorem  
39 assessment. A non-ad valorem assessment shall be collected  
40 pursuant to s. 197.3632, and notwithstanding s. 197.3632(8)(a),  
41 shall not be subject to discount for early payment. However, the  
42 notice and adoption requirements of s. 197.3632(4) do not apply



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43 if this section is used and complied with, and the initial  
44 resolution, publication of notice, and mailed notices to the  
45 property appraiser, tax collector, and Department of Revenue  
46 required by s. 197.3632(3) (a) may be provided on or before  
47 August 15 in conjunction with any non-ad valorem assessment  
48 authorized by this section, if the property appraiser, tax  
49 collector, and local government agree.

50 (5) Pursuant to this section or as otherwise provided by  
51 law or pursuant to a local government's home rule power, a local  
52 government may enter into a partnership with one or more local  
53 governments for the purpose of providing and financing  
54 qualifying improvements.

55 (6) A qualifying improvement program may be administered by  
56 a for-profit entity or a not-for-profit organization on behalf  
57 of and at the discretion of the local government.

58 (7) A local government may incur debt for the purpose of  
59 providing such improvements, payable from revenues received from  
60 the improved property or any other available revenue source  
61 authorized by law.

62 (8) A local government may enter into a financing agreement  
63 only with the record owner of the affected property. Any  
64 financing agreement entered into pursuant to this section or a  
65 summary memorandum of such agreement shall be recorded in the  
66 public records of the county within which the property is  
67 located by the sponsoring unit of local government within 5 days  
68 after execution of the agreement. The recorded agreement shall  
69 provide constructive notice that the assessment to be levied on  
70 the property constitutes a lien of equal dignity to county taxes  
71 and assessments from the date of recordation.



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72       (9) Before entering into a financing agreement, the local  
73 government shall reasonably determine that all property taxes  
74 and any other assessments levied on the same bill as property  
75 taxes are paid and have not been delinquent for the preceding 3  
76 years or the property owner's period of ownership, whichever is  
77 less; that there are no involuntary liens, including, but not  
78 limited to, construction liens on the property; that no notices  
79 of default or other evidence of property-based debt delinquency  
80 have been recorded during the preceding 3 years or the property  
81 owner's period of ownership, whichever is less; and that the  
82 property owner is current on all mortgage debt on the property.

83       (10) A qualifying improvement shall be affixed to a  
84 building or facility that is part of the property and shall  
85 constitute an improvement to the building or facility or a  
86 fixture attached to the building or facility. An agreement  
87 between a local government and a qualifying property owner may  
88 not cover wind-resistance improvements in buildings or  
89 facilities under new construction or construction for which a  
90 certificate of occupancy or similar evidence of substantial  
91 completion of new construction or improvement has not been  
92 issued.

93       (11) Any work requiring a license under any applicable law  
94 to make a qualifying improvement shall be performed by a  
95 contractor properly certified or registered pursuant to part I  
96 or part II of chapter 489.

97       (12) (a) Without the consent of the holders or loan  
98 servicers of any mortgage encumbering or otherwise secured by  
99 the property, the total amount of any non-ad valorem assessment  
100 for a property under this section may not exceed 20 percent of



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101 the just value of the property as determined by the county  
102 property appraiser.

103 (b) Notwithstanding paragraph (a), a non-ad valorem  
104 assessment for a qualifying improvement defined in subparagraph  
105 (2)(b)1. or subparagraph (2)(b)2. which is supported by an  
106 energy audit is not subject to the limits in this subsection if  
107 the audit demonstrates that the annual energy savings from the  
108 qualified improvement equals or exceeds the annual repayment  
109 amount of the non-ad valorem assessment.

110 (13) At least 30 days before entering into a financing  
111 agreement, the property owner shall provide to the holders or  
112 loan servicers of any existing mortgages encumbering or  
113 otherwise secured by the property a notice of the owner's intent  
114 to enter into a financing agreement together with the maximum  
115 principal amount to be financed and the maximum annual  
116 assessment necessary to repay that amount. A verified copy or  
117 other proof of such notice shall be provided to the local  
118 government. A provision in any agreement between a mortgagee or  
119 other lienholder and a property owner, or otherwise now or  
120 hereafter binding upon a property owner, which allows for  
121 acceleration of payment of the mortgage, note, or lien or other  
122 unilateral modification solely as a result of entering into a  
123 financing agreement as provided for in this section is not  
124 enforceable. This subsection does not limit the authority of the  
125 holder or loan servicer to increase the required monthly escrow  
126 by an amount necessary to annually pay the qualifying  
127 improvement assessment.

128 (14) At or before the time at which a purchaser executes a  
129 contract for the sale and purchase of any property for which a



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130 non-ad valorem assessment has been levied under this section and  
131 which has an unpaid balance due, the seller shall give the  
132 prospective purchaser a written disclosure statement in the  
133 following form, which shall be set forth in the contract or in a  
134 separate writing, in boldfaced and conspicuous type that is  
135 larger than the type in the remaining text of the contract or  
136 separate writing:

137  
138 QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY,  
139 RENEWABLE ENERGY, OR WIND RESISTANCE.-The property  
140 being purchased is located within the jurisdiction of  
141 a local government that has placed an assessment on  
142 the property pursuant to s. 163.08, Florida Statutes.  
143 The assessment is for a qualifying improvement to the  
144 property relating to energy efficiency, renewable  
145 energy, or wind resistance, and is not based on the  
146 value of property. You are encouraged to contact the  
147 county property appraiser's office to learn more about  
148 this and other assessments that may be provided by  
149 law.