

By Senator Altman

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1 A bill to be entitled
2 An act relating to energy conservation; amending s.
3 212.055, F.S.; providing for a portion of the proceeds
4 of the local government infrastructure surtax to be
5 used for financial assistance to homeowners who make
6 energy efficiency improvements or install renewable
7 energy devices; defining the terms "renewable energy
8 devices" and "energy efficiency improvement";
9 providing an effective date.

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

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13 Section 1. Paragraph (d) of subsection (2) of section
14 212.055, Florida Statutes, is amended to read:

15 212.055 Discretionary sales surtaxes; legislative intent;
16 authorization and use of proceeds.—It is the legislative intent
17 that any authorization for imposition of a discretionary sales
18 surtax shall be published in the Florida Statutes as a
19 subsection of this section, irrespective of the duration of the
20 levy. Each enactment shall specify the types of counties
21 authorized to levy; the rate or rates which may be imposed; the
22 maximum length of time the surtax may be imposed, if any; the
23 procedure which must be followed to secure voter approval, if
24 required; the purpose for which the proceeds may be expended;
25 and such other requirements as the Legislature may provide.
26 Taxable transactions and administrative procedures shall be as
27 provided in s. 212.054.

28 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

29 (d) The proceeds of the surtax authorized by this

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30 subsection and any accrued interest shall be expended by the
31 school district, within the county and municipalities within the
32 county, or, in the case of a negotiated joint county agreement,
33 within another county, to finance, plan, and construct
34 infrastructure; to acquire land for public recreation,
35 conservation, or protection of natural resources; to provide
36 financial assistance to owners of residential property who make
37 energy efficiency improvements to, or purchase and install
38 renewable energy devices in, the residential property; or to
39 finance the closure of county-owned or municipally owned solid
40 waste landfills that have been closed or are required to be
41 closed by order of the Department of Environmental Protection.
42 Any use of the proceeds or interest for purposes of landfill
43 closure before July 1, 1993, is ratified. The proceeds and any
44 interest may not be used for the operational expenses of
45 infrastructure, except that a county that has a population of
46 fewer than 75,000 and that is required to close a landfill may
47 use the proceeds or interest for long-term maintenance costs
48 associated with landfill closure. Counties, as defined in s.
49 125.011, and charter counties may, in addition, use the proceeds
50 or interest to retire or service indebtedness incurred for bonds
51 issued before July 1, 1987, for infrastructure purposes, and for
52 bonds subsequently issued to refund such bonds. Any use of the
53 proceeds or interest for purposes of retiring or servicing
54 indebtedness incurred for refunding bonds before July 1, 1999,
55 is ratified.

56 1. For the purposes of this paragraph, the term
57 "infrastructure" means:

58 a. Any fixed capital expenditure or fixed capital outlay

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59 associated with the construction, reconstruction, or improvement
60 of public facilities that have a life expectancy of 5 or more
61 years and any related land acquisition, land improvement,
62 design, and engineering costs.

63 b. A fire department vehicle, an emergency medical service
64 vehicle, a sheriff's office vehicle, a police department
65 vehicle, or any other vehicle, and the equipment necessary to
66 outfit the vehicle for its official use or equipment that has a
67 life expectancy of at least 5 years.

68 c. Any expenditure for the construction, lease, or
69 maintenance of, or provision of utilities or security for,
70 facilities, as defined in s. 29.008.

71 d. Any fixed capital expenditure or fixed capital outlay
72 associated with the improvement of private facilities that have
73 a life expectancy of 5 or more years and that the owner agrees
74 to make available for use on a temporary basis as needed by a
75 local government as a public emergency shelter or a staging area
76 for emergency response equipment during an emergency officially
77 declared by the state or by the local government under s.
78 252.38. Such improvements are limited to those necessary to
79 comply with current standards for public emergency evacuation
80 shelters. The owner must enter into a written contract with the
81 local government providing the improvement funding to make the
82 private facility available to the public for purposes of
83 emergency shelter at no cost to the local government for a
84 minimum of 10 years after completion of the improvement, with
85 the provision that the obligation will transfer to any
86 subsequent owner until the end of the minimum period.

87 e. Any land acquisition expenditure for a residential

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88 housing project in which at least 30 percent of the units are
89 affordable to individuals or families whose total annual
90 household income does not exceed 120 percent of the area median
91 income adjusted for household size, if the land is owned by a
92 local government or by a special district that enters into a
93 written agreement with the local government to provide such
94 housing. The local government or special district may enter into
95 a ground lease with a public or private person or entity for
96 nominal or other consideration for the construction of the
97 residential housing project on land acquired pursuant to this
98 sub-subparagraph.

99 2. For the purposes of this paragraph, the term "renewable
100 energy devices" means any of the following equipment that, when
101 installed in connection with a dwelling unit or other structure,
102 collects, transmits, stores, or uses solar energy, wind energy,
103 or energy derived from geothermal deposits:

104 a. Solar energy collectors.

105 b. Storage tanks and other storage systems, excluding
106 swimming pools used as storage tanks.

107 c. Rockbeds.

108 d. Thermostats and other control devices.

109 e. Heat exchange devices.

110 f. Pumps and fans.

111 g. Roof ponds.

112 h. Freestanding thermal containers.

113 i. Pipes, ducts, refrigerant handling systems, and other
114 equipment used to interconnect such systems; however,
115 conventional backup systems of any type are not included in this
116 definition.

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117 j. Windmills.

118 k. Wind-driven generators.

119 l. Power conditioning and storage devices that use wind
120 energy to generate electricity or mechanical forms of energy.

121 m. Pipes and other equipment used to transmit hot
122 geothermal water to a dwelling or structure from a geothermal
123 deposit.

124 3. For the purposes of this paragraph, the term "energy
125 efficiency improvement" means any energy conservation and
126 efficiency improvement that reduces consumption through
127 conservation or a more efficient use of electricity, natural
128 gas, propane, or other forms of energy on the property,
129 including, but not limited to, air sealing; installation of
130 insulation; installation of energy-efficient heating, cooling,
131 or ventilation systems; building modifications to increase the
132 use of daylight; replacement of windows; installation of energy
133 controls or energy recovery systems; installation of electric
134 vehicle charging equipment; and installation of efficient
135 lighting equipment.

136 ~~4.2.~~ Notwithstanding any other provision of this
137 subsection, a local government infrastructure surtax imposed or
138 extended after July 1, 1998, may allocate up to 15 percent of
139 the surtax proceeds for deposit in a trust fund within the
140 county's accounts created for the purpose of funding economic
141 development projects having a general public purpose of
142 improving local economies, including the funding of operational
143 costs and incentives related to economic development. The ballot
144 statement must indicate the intention to make an allocation
145 under the authority of this subparagraph.

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Section 2. This act shall take effect July 1, 2011.