

By Senator Altman

24-00496A-12

20121074

1 A bill to be entitled
2 An act relating to energy conservation; amending s.
3 170.01, F.S.; authorizing a municipality to collect
4 special assessments to pay the additional costs to
5 purchase renewable energy for the municipality;
6 amending s. 212.055, F.S.; providing for a portion of
7 the proceeds of the local government infrastructure
8 surtax to be used for financial assistance to
9 homeowners who make energy efficiency improvements or
10 install renewable energy devices; defining the terms
11 "renewable energy devices" and "energy efficiency
12 improvement"; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (1) of section 170.01, Florida
17 Statutes, is amended to read:

18 170.01 Authority for providing improvements and levying and
19 collecting special assessments against property benefited.—

20 (1) Any municipality of this state may, by its governing
21 authority:

22 (a) Provide for the construction, reconstruction, repair,
23 paving, repaving, hard surfacing, rehard surfacing, widening,
24 guttering, and draining of streets, boulevards, and alleys; for
25 grading, regrading, leveling, laying, relaying, paving,
26 repaving, hard surfacing, and rehard surfacing of sidewalks; for
27 constructing or reconstructing permanent pedestrian canopies
28 over public sidewalks; and in connection with any of the
29 foregoing, provide related lighting, landscaping, street

24-00496A-12

20121074

30 furniture, signage, and other amenities as determined by the
31 governing authority of the municipality;

32 (b) Order the construction, reconstruction, repair,
33 renovation, excavation, grading, stabilization, and upgrading of
34 greenbelts, swales, culverts, sanitary sewers, storm sewers,
35 outfalls, canals, primary, secondary, and tertiary drains, water
36 bodies, marshlands, and natural areas, all or part of a
37 comprehensive stormwater management system, including the
38 necessary appurtenances and structures thereto and including,
39 but not limited to, dams, weirs, and pumps;

40 (c) Order the construction or reconstruction of water
41 mains, water laterals, alternative water supply systems,
42 including, but not limited to, reclaimed water, aquifer storage
43 and recovery, and desalination systems, and other water
44 distribution facilities, including the necessary appurtenances
45 thereto;

46 (d) Pay for the relocation of utilities, including the
47 placement underground of electrical, telephone, and cable
48 television services, pursuant to voluntary agreement with the
49 utility, but nothing contained in this paragraph shall affect a
50 utility's right to locate or relocate its facilities on its own
51 initiative at its own expense;

52 (e) Provide for the construction or reconstruction of parks
53 and other public recreational facilities and improvements,
54 including appurtenances thereto;

55 (f) Provide for the construction or reconstruction of
56 seawalls;

57 (g) Provide for the drainage and reclamation of wet, low,
58 or overflowed lands;

24-00496A-12

20121074

59 (h) Provide for offstreet parking facilities, parking
60 garages, or similar facilities;

61 (i) Provide for mass transportation systems;

62 (j) Provide for improvements to permit the passage and
63 navigation of watercraft; ~~and~~

64 (k) Pay the additional costs of renewable energy, as
65 defined in s. 366.91, which are in excess of a public utility's
66 full avoided costs, as defined in s. 366.051, pursuant to an
67 agreement with the public utility; and

68 (l)~~(k)~~ Provide for the payment of all or any part of the
69 costs of any such improvements by levying and collecting special
70 assessments on the abutting, adjoining, contiguous, or other
71 specially benefited property.

72
73 However, offstreet parking facilities, parking garages, or other
74 similar facilities and mass transportation systems must be
75 approved by vote of a majority of the affected property owners.
76 Any municipality that ~~which~~ is legally obligated for providing
77 capital improvements for water, alternative water supplies,
78 including, but not limited to, reclaimed water, water from
79 aquifer storage and recovery, and desalination systems, or sewer
80 facilities within an unincorporated area of the county may
81 recover the costs of the capital improvements by levying and
82 collecting special assessments for the purposes authorized in
83 this section on the specially benefited property; however,
84 collections of the special assessment may ~~shall~~ not take place
85 until the specially benefited property connects to the capital
86 improvement.

87 Section 2. Paragraph (d) of subsection (2) of section

24-00496A-12

20121074

88 212.055, Florida Statutes, is amended to read:

89 212.055 Discretionary sales surtaxes; legislative intent;
90 authorization and use of proceeds.—It is the legislative intent
91 that any authorization for imposition of a discretionary sales
92 surtax shall be published in the Florida Statutes as a
93 subsection of this section, irrespective of the duration of the
94 levy. Each enactment shall specify the types of counties
95 authorized to levy; the rate or rates which may be imposed; the
96 maximum length of time the surtax may be imposed, if any; the
97 procedure which must be followed to secure voter approval, if
98 required; the purpose for which the proceeds may be expended;
99 and such other requirements as the Legislature may provide.
100 Taxable transactions and administrative procedures shall be as
101 provided in s. 212.054.

102 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

103 (d) The proceeds of the surtax authorized by this
104 subsection and any accrued interest shall be expended by the
105 school district, within the county and municipalities within the
106 county, or, in the case of a negotiated joint county agreement,
107 within another county, to finance, plan, and construct
108 infrastructure; to acquire land for public recreation,
109 conservation, or protection of natural resources; to provide
110 financial assistance to owners of residential property who make
111 energy efficiency improvements to, or purchase and install
112 renewable energy devices in, the residential property; or to
113 finance the closure of county-owned or municipally owned solid
114 waste landfills that have been closed or are required to be
115 closed by order of the Department of Environmental Protection.
116 Any use of the proceeds or interest for purposes of landfill

24-00496A-12

20121074

117 closure before July 1, 1993, is ratified. The proceeds and any
118 interest may not be used for the operational expenses of
119 infrastructure, except that a county that has a population of
120 fewer than 75,000 and that is required to close a landfill may
121 use the proceeds or interest for long-term maintenance costs
122 associated with landfill closure. Counties, as defined in s.
123 125.011, and charter counties may, in addition, use the proceeds
124 or interest to retire or service indebtedness incurred for bonds
125 issued before July 1, 1987, for infrastructure purposes, and for
126 bonds subsequently issued to refund such bonds. Any use of the
127 proceeds or interest for purposes of retiring or servicing
128 indebtedness incurred for refunding bonds before July 1, 1999,
129 is ratified.

130 1. For the purposes of this paragraph, the term
131 "infrastructure" means:

132 a. Any fixed capital expenditure or fixed capital outlay
133 associated with the construction, reconstruction, or improvement
134 of public facilities that have a life expectancy of 5 or more
135 years and any related land acquisition, land improvement,
136 design, and engineering costs.

137 b. A fire department vehicle, an emergency medical service
138 vehicle, a sheriff's office vehicle, a police department
139 vehicle, or any other vehicle, and the equipment necessary to
140 outfit the vehicle for its official use or equipment that has a
141 life expectancy of at least 5 years.

142 c. Any expenditure for the construction, lease, or
143 maintenance of, or provision of utilities or security for,
144 facilities, as defined in s. 29.008.

145 d. Any fixed capital expenditure or fixed capital outlay

24-00496A-12

20121074

146 associated with the improvement of private facilities that have
147 a life expectancy of 5 or more years and that the owner agrees
148 to make available for use on a temporary basis as needed by a
149 local government as a public emergency shelter or a staging area
150 for emergency response equipment during an emergency officially
151 declared by the state or by the local government under s.

152 252.38. Such improvements are limited to those necessary to
153 comply with current standards for public emergency evacuation
154 shelters. The owner must enter into a written contract with the
155 local government providing the improvement funding to make the
156 private facility available to the public for purposes of
157 emergency shelter at no cost to the local government for a
158 minimum of 10 years after completion of the improvement, with
159 the provision that the obligation will transfer to any
160 subsequent owner until the end of the minimum period.

161 e. Any land acquisition expenditure for a residential
162 housing project in which at least 30 percent of the units are
163 affordable to individuals or families whose total annual
164 household income does not exceed 120 percent of the area median
165 income adjusted for household size, if the land is owned by a
166 local government or by a special district that enters into a
167 written agreement with the local government to provide such
168 housing. The local government or special district may enter into
169 a ground lease with a public or private person or entity for
170 nominal or other consideration for the construction of the
171 residential housing project on land acquired pursuant to this
172 sub-subparagraph.

173 2. For the purposes of this paragraph, the term "renewable
174 energy devices" means any of the following equipment that, when

24-00496A-12

20121074

175 installed in connection with a dwelling unit or other structure,
176 collects, transmits, stores, or uses solar energy, wind energy,
177 or energy derived from geothermal deposits:

178 a. Solar energy collectors.

179 b. Storage tanks and other storage systems, excluding
180 swimming pools used as storage tanks.

181 c. Rockbeds.

182 d. Thermostats and other control devices.

183 e. Heat exchange devices.

184 f. Pumps and fans.

185 g. Roof ponds.

186 h. Freestanding thermal containers.

187 i. Pipes, ducts, refrigerant handling systems, and other
188 equipment used to interconnect such systems, excluding
189 conventional backup systems of any type.

190 j. Windmills.

191 k. Wind-driven generators.

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

194 m. Pipes and other equipment used to transmit hot
195 geothermal water to a dwelling or structure from a geothermal
196 deposit.

197 3. For the purposes of this paragraph, the term "energy
198 efficiency improvement" means any energy conservation and
199 efficiency improvement that reduces consumption through
200 conservation or a more efficient use of electricity, natural
201 gas, propane, or other forms of energy on the property,
202 including, but not limited to, air sealing; installation of
203 insulation; installation of energy-efficient heating, cooling,

24-00496A-12

20121074

204 or ventilation systems; building modifications to increase the
205 use of daylight; replacement of windows; installation of energy
206 controls or energy recovery systems; installation of electric
207 vehicle charging equipment; and installation of efficient
208 lighting equipment.

209 ~~4.2.~~ Notwithstanding any other provision of this
210 subsection, a local government infrastructure surtax imposed or
211 extended after July 1, 1998, may allocate up to 15 percent of
212 the surtax proceeds for deposit in a trust fund within the
213 county's accounts created for the purpose of funding economic
214 development projects having a general public purpose of
215 improving local economies, including the funding of operational
216 costs and incentives related to economic development. The ballot
217 statement must indicate the intention to make an allocation
218 under the authority of this subparagraph.

219 Section 3. This act shall take effect July 1, 2012.