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LEGISLATIVE ACTION

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| Senate     | . | House |
| Comm: RCS  | . |       |
| 02/07/2012 | . |       |
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The Committee on Communications, Energy, and Public Utilities  
(Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 77 - 120  
and insert:

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

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

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

(a) Provide for the construction, reconstruction, repair,  
paving, repaving, hard surfacing, rehard surfacing, widening,



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13 guttering, and draining of streets, boulevards, and alleys; for  
14 grading, regrading, leveling, laying, relaying, paving,  
15 repaving, hard surfacing, and rehard surfacing of sidewalks; for  
16 constructing or reconstructing permanent pedestrian canopies  
17 over public sidewalks; and in connection with any of the  
18 foregoing, provide related lighting, landscaping, street  
19 furniture, signage, and other amenities as determined by the  
20 governing authority of the municipality;

21 (b) Order the construction, reconstruction, repair,  
22 renovation, excavation, grading, stabilization, and upgrading of  
23 greenbelts, swales, culverts, sanitary sewers, storm sewers,  
24 outfalls, canals, primary, secondary, and tertiary drains, water  
25 bodies, marshlands, and natural areas, all or part of a  
26 comprehensive stormwater management system, including the  
27 necessary appurtenances and structures thereto and including,  
28 but not limited to, dams, weirs, and pumps;

29 (c) Order the construction or reconstruction of water  
30 mains, water laterals, alternative water supply systems,  
31 including, but not limited to, reclaimed water, aquifer storage  
32 and recovery, and desalination systems, and other water  
33 distribution facilities, including the necessary appurtenances  
34 thereto;

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

41 (e) Provide for the construction or reconstruction of parks



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42 and other public recreational facilities and improvements,  
43 including appurtenances thereto;  
44 (f) Provide for the construction or reconstruction of  
45 seawalls;  
46 (g) Provide for the drainage and reclamation of wet, low,  
47 or overflowed lands;  
48 (h) Provide for offstreet parking facilities, parking  
49 garages, or similar facilities;  
50 (i) Provide for mass transportation systems;  
51 (j) Provide for improvements to permit the passage and  
52 navigation of watercraft; ~~and~~  
53 (k) Pay the additional costs of renewable energy, as  
54 defined in s. 366.91, which are in excess of a public utility's  
55 full avoided costs, as defined in s. 366.051, pursuant to an  
56 agreement with the public utility; and  
57 (l) ~~(k)~~ Provide for the payment of all or any part of the  
58 costs of any such improvements by levying and collecting special  
59 assessments on the abutting, adjoining, contiguous, or other  
60 specially benefited property.  
61  
62 However, offstreet parking facilities, parking garages, or other  
63 similar facilities and mass transportation systems must be  
64 approved by vote of a majority of the affected property owners.  
65 Any municipality that ~~which~~ is legally obligated for providing  
66 capital improvements for water, alternative water supplies,  
67 including, but not limited to, reclaimed water, water from  
68 aquifer storage and recovery, and desalination systems, or sewer  
69 facilities within an unincorporated area of the county may  
70 recover the costs of the capital improvements by levying and



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71 collecting special assessments for the purposes authorized in  
72 this section on the specially benefited property; however,  
73 collections of the special assessment may ~~shall~~ not take place  
74 until the specially benefited property connects to the capital  
75 improvement.

76 Section 2. Subsection (2) of section 186.801, Florida  
77 Statutes, is amended to read:

78 186.801 Ten-year site plans.—

79 (2) Within 9 months after the receipt of the proposed plan,  
80 the commission shall make a preliminary study of such plan and  
81 classify it as "suitable" or "unsuitable." The commission may  
82 suggest alternatives to the plan. All findings of the commission  
83 shall be made available to the Department of Environmental  
84 Protection for its consideration at any subsequent electrical  
85 power plant site certification proceedings. It is recognized  
86 that 10-year site plans submitted by an electric utility are  
87 tentative information for planning purposes only and may be  
88 amended at any time at the discretion of the utility upon  
89 written notification to the commission. A complete application  
90 for certification of an electrical power plant site under  
91 chapter 403, when such site is not designated in the current 10-  
92 year site plan of the applicant, shall constitute an amendment  
93 to the 10-year site plan. In its preliminary study of each 10-  
94 year site plan, the commission shall consider such plan as a  
95 planning document and shall review:

96 (a) The need, including the need as determined by the  
97 commission, for electrical power in the area to be served.

98 (b) The effect on fuel diversity within the state.

99 (c) The anticipated environmental impact of each proposed



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100 electrical power plant site.

101 (d) Possible alternatives to the proposed plan.

102 (e) The views of appropriate local, state, and federal  
103 agencies, including the views of the appropriate water  
104 management district as to the availability of water and its  
105 recommendation as to the use by the proposed plant of salt water  
106 or fresh water for cooling purposes.

107 (f) The extent to which the plan is consistent with the  
108 state comprehensive plan.

109 (g) The plan with respect to the information of the state  
110 on energy availability and consumption.

111 (h) The amount of renewable energy resources the provider  
112 produces or purchases.

113 (i) The amount of renewable energy resources the provider  
114 plans to produce or purchase over the 10-year planning horizon  
115 and the means by which the production or purchases will be  
116 achieved.

117 (j) A statement describing how the production and purchase  
118 of renewable energy resources impact the provider's present and  
119 future capacity and energy needs.

120 Section 3. Paragraph (d) of subsection (2) of section  
121 212.055, Florida Statutes, is amended to read:

122 212.055 Discretionary sales surtaxes; legislative intent;  
123 authorization and use of proceeds.—It is the legislative intent  
124 that any authorization for imposition of a discretionary sales  
125 surtax shall be published in the Florida Statutes as a  
126 subsection of this section, irrespective of the duration of the  
127 levy. Each enactment shall specify the types of counties  
128 authorized to levy; the rate or rates which may be imposed; the



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129 maximum length of time the surtax may be imposed, if any; the  
130 procedure which must be followed to secure voter approval, if  
131 required; the purpose for which the proceeds may be expended;  
132 and such other requirements as the Legislature may provide.  
133 Taxable transactions and administrative procedures shall be as  
134 provided in s. 212.054.

135 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

136 (d) The proceeds of the surtax authorized by this  
137 subsection and any accrued interest shall be expended by the  
138 school district, within the county and municipalities within the  
139 county, or, in the case of a negotiated joint county agreement,  
140 within another county, to finance, plan, and construct  
141 infrastructure; to acquire land for public recreation,  
142 conservation, or protection of natural resources; to provide  
143 financial assistance to owners of residential property who make  
144 energy efficiency improvements to, or purchase and install  
145 renewable energy devices in, the residential property; or to  
146 finance the closure of county-owned or municipally owned solid  
147 waste landfills that have been closed or are required to be  
148 closed by order of the Department of Environmental Protection.  
149 Any use of the proceeds or interest for purposes of landfill  
150 closure before July 1, 1993, is ratified. The proceeds and any  
151 interest may not be used for the operational expenses of  
152 infrastructure, except that a county that has a population of  
153 fewer than 75,000 and that is required to close a landfill may  
154 use the proceeds or interest for long-term maintenance costs  
155 associated with landfill closure. Counties, as defined in s.  
156 125.011, and charter counties may, in addition, use the proceeds  
157 or interest to retire or service indebtedness incurred for bonds



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158 issued before July 1, 1987, for infrastructure purposes, and for  
159 bonds subsequently issued to refund such bonds. Any use of the  
160 proceeds or interest for purposes of retiring or servicing  
161 indebtedness incurred for refunding bonds before July 1, 1999,  
162 is ratified.

163 1. For the purposes of this paragraph, the term  
164 "infrastructure" means:

165 a. Any fixed capital expenditure or fixed capital outlay  
166 associated with the construction, reconstruction, or improvement  
167 of public facilities that have a life expectancy of 5 or more  
168 years and any related land acquisition, land improvement,  
169 design, and engineering costs.

170 b. A fire department vehicle, an emergency medical service  
171 vehicle, a sheriff's office vehicle, a police department  
172 vehicle, or any other vehicle, and the equipment necessary to  
173 outfit the vehicle for its official use or equipment that has a  
174 life expectancy of at least 5 years.

175 c. Any expenditure for the construction, lease, or  
176 maintenance of, or provision of utilities or security for,  
177 facilities, as defined in s. 29.008.

178 d. Any fixed capital expenditure or fixed capital outlay  
179 associated with the improvement of private facilities that have  
180 a life expectancy of 5 or more years and that the owner agrees  
181 to make available for use on a temporary basis as needed by a  
182 local government as a public emergency shelter or a staging area  
183 for emergency response equipment during an emergency officially  
184 declared by the state or by the local government under s.  
185 252.38. Such improvements are limited to those necessary to  
186 comply with current standards for public emergency evacuation



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187 shelters. The owner must enter into a written contract with the  
188 local government providing the improvement funding to make the  
189 private facility available to the public for purposes of  
190 emergency shelter at no cost to the local government for a  
191 minimum of 10 years after completion of the improvement, with  
192 the provision that the obligation will transfer to any  
193 subsequent owner until the end of the minimum period.

194 e. Any land acquisition expenditure for a residential  
195 housing project in which at least 30 percent of the units are  
196 affordable to individuals or families whose total annual  
197 household income does not exceed 120 percent of the area median  
198 income adjusted for household size, if the land is owned by a  
199 local government or by a special district that enters into a  
200 written agreement with the local government to provide such  
201 housing. The local government or special district may enter into  
202 a ground lease with a public or private person or entity for  
203 nominal or other consideration for the construction of the  
204 residential housing project on land acquired pursuant to this  
205 sub-subparagraph.

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

211 a. Solar energy collectors.

212 b. Storage tanks and other storage systems, excluding  
213 swimming pools used as storage tanks.

214 c. Rockbeds.

215 d. Thermostats and other control devices.





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- 216       e. Heat exchange devices.
- 217       f. Pumps and fans.
- 218       g. Roof ponds.
- 219       h. Freestanding thermal containers.
- 220       i. Pipes, ducts, refrigerant handling systems, and other  
221 equipment used to interconnect such systems, excluding  
222 conventional backup systems of any type.
- 223       j. Windmills.
- 224       k. Wind-driven generators.
- 225       l. Power conditioning and storage devices that use wind  
226 energy to generate electricity or mechanical forms of energy.
- 227       m. Pipes and other equipment used to transmit hot  
228 geothermal water to a dwelling or structure from a geothermal  
229 deposit.
- 230       3. For the purposes of this paragraph, the term "energy  
231 efficiency improvement" means any energy conservation and  
232 efficiency improvement that reduces consumption through  
233 conservation or a more efficient use of electricity, natural  
234 gas, propane, or other forms of energy on the property,  
235 including, but not limited to, air sealing; installation of  
236 insulation; installation of energy-efficient heating, cooling,  
237 or ventilation systems; building modifications to increase the  
238 use of daylight; replacement of windows; installation of energy  
239 controls or energy recovery systems; installation of electric  
240 vehicle charging equipment; and installation of efficient  
241 lighting equipment.
- 242       ~~4.2~~ Notwithstanding any other provision of this  
243 subsection, a local government infrastructure surtax imposed or  
244 extended after July 1, 1998, may allocate up to 15 percent of



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245 the surtax proceeds for deposit in a trust fund within the  
246 county's accounts created for the purpose of funding economic  
247 development projects having a general public purpose of  
248 improving local economies, including the funding of operational  
249 costs and incentives related to economic development. The ballot  
250 statement must indicate the intention to make an allocation  
251 under the authority of this subparagraph.

252  
253 ===== T I T L E A M E N D M E N T =====

254 And the title is amended as follows:

255 Delete lines 2 - 5

256 and insert:

257 An act relating to energy; amending s. 170.01, F.S.;  
258 authorizing a municipality to collect special  
259 assessments to pay the additional costs to purchase  
260 renewable energy for the municipality; amending s.  
261 186.801, F.S.; adding factors for the Public Service  
262 Commission to consider in reviewing the 10-year site  
263 plans submitted to the commission by electric  
264 utilities; amending s. 212.055, F.S.; providing for a  
265 portion of the proceeds of the local government  
266 infrastructure surtax to be used for financial  
267 assistance to homeowners who make energy efficiency  
268 improvements or install renewable energy devices;  
269 defining the terms "renewable energy devices" and  
270 "energy efficiency improvement"; amending s.