

By Senator Simpson

18-00303-15

2015404__

1 A bill to be entitled
2 An act relating to improvements to real property
3 damaged by sinkhole activity; amending s. 163.08,
4 F.S.; declaring that there is a compelling state
5 interest in enabling property owners to voluntarily
6 finance certain improvements to property damaged by
7 sinkhole activity with local government assistance;
8 expanding the definition of the term "qualifying
9 improvement" to include stabilization or other repairs
10 to property damaged by sinkhole activity; providing
11 that stabilization or other repairs to property
12 damaged by sinkhole activity are qualifying
13 improvements considered affixed to a building or
14 facility; revising the form of a specified written
15 disclosure statement to include an assessment for a
16 qualifying improvement relating to stabilization or
17 repair of property damaged by sinkhole activity;
18 amending s. 163.340, F.S.; expanding the definition of
19 "blighted area" to include a substantial number or
20 percentage of properties damaged by sinkhole activity
21 which are not adequately repaired or stabilized;
22 conforming a cross-reference; amending s. 163.524,
23 F.S.; conforming a cross-reference; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Present paragraph (c) of subsection (1) of
29 section 163.08, Florida Statutes, is redesignated as paragraph

18-00303-15

2015404__

30 (d), a new paragraph (c) is added to that subsection, and
31 paragraph (b) of subsection (2) and subsections (10) and (14) of
32 that section are amended, to read:

33 163.08 Supplemental authority for improvements to real
34 property.—

35 (1)

36 (c) The Legislature finds that properties damaged by
37 sinkhole activity which are not adequately repaired may
38 negatively affect the market valuation of surrounding
39 properties, resulting in the loss of property tax revenues to
40 local communities. The Legislature finds that there is a
41 compelling state interest in providing local government
42 assistance to enable property owners to voluntarily finance
43 qualified improvements to property damaged by sinkhole activity.

44 (2) As used in this section, the term:

45 (b) "Qualifying improvement" includes any:

46 1. Energy conservation and efficiency improvement, which is
47 a measure to reduce consumption through conservation or a more
48 efficient use of electricity, natural gas, propane, or other
49 forms of energy on the property, including, but not limited to,
50 air sealing; installation of insulation; installation of energy-
51 efficient heating, cooling, or ventilation systems; building
52 modifications to increase the use of daylight; replacement of
53 windows; installation of energy controls or energy recovery
54 systems; installation of electric vehicle charging equipment;
55 and installation of efficient lighting equipment.

56 2. Renewable energy improvement, which is the installation
57 of any system in which the electrical, mechanical, or thermal
58 energy is produced from a method that uses one or more of the

18-00303-15

2015404__

59 following fuels or energy sources: hydrogen, solar energy,
60 geothermal energy, bioenergy, and wind energy.

61 3. Wind resistance improvement, which includes, but is not
62 limited to:

63 a. Improving the strength of the roof deck attachment;

64 b. Creating a secondary water barrier to prevent water
65 intrusion;

66 c. Installing wind-resistant shingles;

67 d. Installing gable-end bracing;

68 e. Reinforcing roof-to-wall connections;

69 f. Installing storm shutters; or

70 g. Installing opening protections.

71 4. Stabilization or other repairs to property damaged by
72 sinkhole activity.

73 (10) A qualifying improvement shall be affixed to a
74 building or facility that is part of the property and shall
75 constitute an improvement to the building or facility or a
76 fixture attached to the building or facility. For the purposes
77 of stabilization or other repairs to property damaged by
78 sinkhole activity, a qualifying improvement is deemed affixed to
79 a building or facility. An agreement between a local government
80 and a qualifying property owner may not cover wind-resistance
81 improvements in buildings or facilities under new construction
82 or construction for which a certificate of occupancy or similar
83 evidence of substantial completion of new construction or
84 improvement has not been issued.

85 (14) At or before the time a purchaser executes a contract
86 for the sale and purchase of any property for which a non-ad
87 valorem assessment has been levied under this section and has an

18-00303-15

2015404__

88 unpaid balance due, the seller shall give the prospective
 89 purchaser a written disclosure statement in the following form,
 90 which shall be set forth in the contract or in a separate
 91 writing:

92
 93 QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY,
 94 RENEWABLE ENERGY, ~~OR~~ WIND RESISTANCE, OR SINKHOLE
 95 STABILIZATION OR REPAIR.—The property being purchased
 96 is located within the jurisdiction of a local
 97 government that has placed an assessment on the
 98 property pursuant to s. 163.08, Florida Statutes. The
 99 assessment is for a qualifying improvement to the
 100 property relating to energy efficiency, renewable
 101 energy, ~~or~~ wind resistance, or stabilization or repair
 102 of property damaged by sinkhole activity, and is not
 103 based on the value of property. You are encouraged to
 104 contact the county property appraiser's office to
 105 learn more about this and other assessments that may
 106 be provided by law.

107 Section 2. Subsection (8) of section 163.340, Florida
 108 Statutes, is amended to read:

109 163.340 Definitions.—The following terms, wherever used or
 110 referred to in this part, have the following meanings:

111 (8) "Blighted area" means an area in which there are a
 112 substantial number of deteriorated~~;~~ or deteriorating
 113 structures;; in which conditions, as indicated by government-
 114 maintained statistics or other studies, endanger life or
 115 property or are leading to economic distress; ~~or endanger life~~
 116 ~~or property~~, and in which two or more of the following factors

18-00303-15

2015404__

117 are present:

118 (a) Predominance of defective or inadequate street layout,
119 parking facilities, roadways, bridges, or public transportation
120 facilities.†

121 (b) Aggregate assessed values of real property in the area
122 for ad valorem tax purposes have failed to show any appreciable
123 increase over the 5 years prior to the finding of such
124 conditions.†

125 (c) Faulty lot layout in relation to size, adequacy,
126 accessibility, or usefulness.†

127 (d) Unsanitary or unsafe conditions.†

128 (e) Deterioration of site or other improvements.†

129 (f) Inadequate and outdated building density patterns.†

130 (g) Falling lease rates per square foot of office,
131 commercial, or industrial space compared to the remainder of the
132 county or municipality.†

133 (h) Tax or special assessment delinquency exceeding the
134 fair value of the land.†

135 (i) Residential and commercial vacancy rates higher in the
136 area than in the remainder of the county or municipality.†

137 (j) Incidence of crime in the area higher than in the
138 remainder of the county or municipality.†

139 (k) Fire and emergency medical service calls to the area
140 proportionately higher than in the remainder of the county or
141 municipality.†

142 (l) A greater number of violations of the Florida Building
143 Code in the area than the number of violations recorded in the
144 remainder of the county or municipality.†

145 (m) Diversity of ownership or defective or unusual

18-00303-15

2015404__

146 conditions of title which prevent the free alienability of land
147 within the deteriorated or hazardous area.~~7~~~~or~~

148 (n) Governmentally owned property with adverse
149 environmental conditions caused by a public or private entity.

150 (o) A substantial number or percentage of properties
151 damaged by sinkhole activity which have not been adequately
152 repaired or stabilized.

153

154 However, the term "blighted area" also means any area in which
155 at least one of the factors identified in paragraphs (a) through
156 (o) is ~~(n) are~~ present and all taxing authorities subject to s.

157 163.387(2) (a) agree, either by interlocal agreement ~~or~~
158 ~~agreements~~ with the agency or by resolution, that the area is
159 blighted. Such agreement or resolution must be limited to a
160 determination ~~shall only determine~~ that the area is blighted.

161 For purposes of qualifying for the tax credits authorized in
162 chapter 220, "blighted area" means an area as defined in this
163 subsection.

164 Section 3. Subsection (3) of section 163.524, Florida
165 Statutes, is amended to read:

166 163.524 Neighborhood Preservation and Enhancement Program;
167 participation; creation of Neighborhood Preservation and
168 Enhancement Districts; creation of Neighborhood Councils and
169 Neighborhood Enhancement Plans.—

170 (3) After the boundaries and size of the Neighborhood
171 Preservation and Enhancement District have been defined, the
172 local government shall pass an ordinance authorizing the
173 creation of the Neighborhood Preservation and Enhancement
174 District. The ordinance shall contain a finding that the

18-00303-15

2015404__

175 boundaries of the Neighborhood Preservation and Enhancement
176 District comply with ~~meet the provisions of~~ s. 163.340(7) or s.
177 (8)(a)-(o) ~~(8)(a)-(n)~~ or do not contain properties that are
178 protected by deed restrictions. Such ordinance may be amended or
179 repealed in the same manner as other local ordinances.

180 Section 4. This act shall take effect July 1, 2015.