

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/CS/SB 172

INTRODUCER: Appropriations Committee; Finance and Tax Committee; Community Affairs Committee; and Senators Brandes and Hutson

SUBJECT: Renewable Energy Source Devices

DATE: March 3, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	Favorable
2.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
3.	<u>Fournier</u>	<u>Diez-Arguelles</u>	<u>FT</u>	Fav/CS
4.	<u>Fournier</u>	<u>Kynoch</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 172 provides that, pursuant to Section 5 of Article XI of the State Constitution, a special election will be held on August 30, 2016, concurrently with other statewide elections held on that date. At the special election, the electors of this state will vote on an amendment to the State Constitution, proposed by CS/CS/SJR 170 or a similar joint resolution. The subject matter of the joint resolution relates to legislative authority to provide property tax exemptions for solar and renewable energy source devices.

The bill provides for publication of notice in accordance with Section 5 of Article XI of the State Constitution.

Passage of the bill requires a three-fourths vote of the membership of each house of the Legislature, and it shall take effect upon becoming a law if Senate Joint Resolution 170, 2016 Regular Session, or a similar joint resolution, is adopted by both houses of the Legislature.

II. Present Situation:

Section 5(a) of Article XI of the State Constitution provides:

*“A proposed amendment to or revision of this [State] Constitution... shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, **unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.**” (emphasis added)*

Section 5(d) of Article XI of the State Constitution requires that the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, be published in one newspaper of general circulation in each county in which a newspaper is published once in the tenth week and once in the sixth week immediately preceding the week in which the election is held.

III. Effect of Proposed Changes:

Section 1 provides that, pursuant to Section 5 of Article XI of the State Constitution, there shall be a special election on August 30, 2016, to be held concurrently with other statewide elections held on that date, at which there shall be submitted to the electors of this state for approval or rejection the amendments to the State Constitution proposed in Senate Joint Resolution 170, 2016 Regular Session, or a similar joint resolution having substantially the same specific intent and purpose. The subject matter of the joint resolution relates to legislative authority to provide property tax exemptions for solar and renewable energy source devices.

Section 2 requires that publication of notice shall be in accordance with Section 5 of Article XI of the State Constitution and that the special election shall be held as other special elections are held.

Section 3 provides that the bill takes effect upon becoming a law if passed by a vote of at least three-fourths of the membership of each house of the Legislature and if Senate Joint Resolution 170 or a similar joint resolution is adopted by both houses of the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State has indicated that the expected cost of meeting the notification requirements of Section 5 of Article XI of the State Constitution for SJR 170 is approximately \$356,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered sections of Florida law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Appropriations on March 3, 2016:

The committee substitute deletes the language that implements CS/CS/SJR 170 and substitutes language providing for a special election for SJR 170 on August 30, 2016.

CS/CS by Finance and Tax on January 11, 2016:

The CS/CS adds “wiring, structural supports, and other components used as integral parts of (renewable energy source device) systems” to the statutory definition of “renewable energy source device” and removes all other references to components of renewable energy source devices from the bill. It also removes a requirement that a renewable energy source device be installed on real property on or after January 1, 2017, in order to qualify for a property tax exemption.

CS by Community Affairs on December 1, 2015:

Inserts the linked bill, SJR 170, into the effective date of the bill.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
