

Amendment No.

CHAMBER ACTION

Senate

House

.

---

Representative Berman offered the following:

**Substitute Amendment for Amendment (060325) (with title amendment)**

Remove lines 126-362 and insert:

RENEWABLE ENERGY SOURCE DEVICE SALES

520.20 Definitions.—As used in this part, the term:

(1) "Agreement" means a contract executed between a buyer or lessee and a seller that leases or sells a renewable energy source device. For purposes of this part, the term includes retail installment contracts.

(2) "Buyer" means a person that enters into an agreement to buy or lease a renewable energy source device from a seller.

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

14       (3) "Lessee" means a person that enters into an agreement  
15 to lease or rent a renewable energy source device.

16       (4) "Retail installment contract" means an agreement  
17 executed in this state between a buyer and a seller in which the  
18 title to, or a lien upon, a renewable energy source device is  
19 retained or taken by the seller from the buyer as security, in  
20 whole or in part, for the buyer's obligations to make specified  
21 payments over time.

22       (5) "Seller" means a person regularly engaged in, and  
23 whose business substantially consists of, selling or leasing  
24 goods, including a renewable energy source device, to buyers or  
25 lessees. A seller that is also an installer must be licensed  
26 under chapter 489.

27       520.21 Applicability.—This part applies to agreements to  
28 sell or lease a renewable energy source device and is  
29 supplemental to other provisions contained in part III related  
30 to retail installment contracts. If any provision related to  
31 retail installment contract requirements for a renewable energy  
32 source device under this part conflicts with any other provision  
33 related to retail installment contracts, this part controls.

34       520.22 Safety compliance.—A seller who installs a  
35 renewable energy source device must comply with applicable  
36 safety standards established by the Department of Business and  
37 Professional Regulation pursuant to chapter 489 and part IV of  
38 chapter 553.

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

39        520.23 Disclosures required.—Each agreement governing the  
40 sale or lease of a renewable energy source device, as defined in  
41 s. 193.624, shall include, at a minimum, the following  
42 information and disclosures, if applicable, in a written  
43 statement printed in at least 12-point type that is separate  
44 from the agreement, and that is separately acknowledged by the  
45 buyer or lessee:

46        (1) The name, address, telephone number, and e-mail  
47 address of the buyer or lessee.

48        (2) The name, address, telephone number, e-mail address,  
49 and valid state contractor license number of the person  
50 responsible for installing the renewable energy source device.

51        (3) The name, address, telephone number, e-mail address,  
52 and valid state contractor license number of the renewable  
53 energy source device maintenance provider, if different from the  
54 person responsible for installing the renewable energy source  
55 device.

56        (4) A written statement indicating whether the buyer or  
57 lessee is purchasing or leasing the renewable energy source  
58 device.

59        (a) If the renewable energy source device will be leased,  
60 the written statement must include a disclosure in substantially  
61 the following form: "You are entering into an agreement to lease  
62 a renewable energy source device. You will lease (not own) the  
63 device installed on your property."

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

64 (b) If the renewable energy source device will be  
65 purchased, the written statement must include a disclosure in  
66 substantially the following form: "You are entering into an  
67 agreement to purchase a renewable energy source device. You will  
68 own (not lease) the device installed on your property."

69 (5) If the renewable energy source device will be leased,  
70 the total cost to be paid by the lessee, including any interest,  
71 installation fees, document preparation fees, service fees, or  
72 other fees. If late fees may apply, the description must  
73 describe the circumstances triggering such late fees.

74 (6) A payment schedule, including any amounts owed at the  
75 sale, at the contract signing, at the commencement of  
76 installation, at the completion of installation, and any final  
77 payments. If the renewable energy source device is being leased,  
78 the written statement must include the frequency and amount of  
79 each payment due under the lease and the total estimated lease  
80 payments over the term of the lease.

81 (7) Each state or federal tax incentive or rebate, if any,  
82 relied upon by the seller in determining the price of the  
83 renewable energy source device.

84 (8) A description of the assumptions used to calculate any  
85 estimated savings of the renewable energy source device, and, if  
86 such estimates are provided, a statement in substantially the  
87 following form: "It is important to understand that future

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

88 electric utility rates are estimates only. Your future electric  
89 utility rates may vary."

90 (9) If the renewable energy source device will be leased,  
91 a description of any one-time or recurring fees, including, but  
92 not limited to, estimated device removal fees, maintenance fees,  
93 or interconnection fees. If late fees may apply, the description  
94 must describe the circumstances triggering such late fees.

95 (10) If the renewable energy source device will be  
96 financed, a statement from the financing company or lender that  
97 includes a disclosure in substantially the following form: "Your  
98 renewable energy source device is financed, carefully read any  
99 agreements and/or disclosure forms provided by your lender. This  
100 statement does not contain the terms of your financing  
101 agreement. If you have any questions about your financing  
102 agreement, contact your finance provider before signing a  
103 contract."

104 (11) A provision notifying the buyer or lessee of the  
105 right to rescind the agreement for a period of at least 3  
106 business days after the agreement is signed.

107 (12) A description of the renewable energy source device,  
108 which must meet the standards established by the Solar Energy  
109 Center pursuant to s. 377.705, including the make and model of  
110 the major components, device size, estimated first-year energy  
111 production, estimated annual energy production decreases, and if  
112 utility compensation for excess energy generated by the device

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

113 is available at the time of contract signing. A seller who  
114 provides a warranty or guarantee of the energy production output  
115 of the renewable energy source device may provide a description  
116 of such warranty or guarantee in lieu of a description of the  
117 renewable energy source device and components.

118 (13) A description of any performance or production  
119 guarantees.

120 (14) If the renewable energy source device will be leased,  
121 a description of the ownership and transferability of any tax  
122 credits, rebates, incentives, or renewable energy certificates  
123 associated with the renewable energy source device, including a  
124 disclosure as to whether the lessor will assign or sell any  
125 associated renewable energy certificates to a third party.

126 (15) A statement in substantially the following form:  
127 "You are responsible for property taxes on property you own.  
128 Consult a tax professional to understand any tax liability or  
129 eligibility for any tax credits that may result from the  
130 purchase of your renewable energy source device."

131 (16) The approximate start and completion dates for the  
132 installation of the renewable energy source device.

133 (17) If the renewable energy source device will be leased,  
134 a disclosure as to whether maintenance and repairs of the  
135 renewable energy source device are included in the purchase  
136 price.

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

137       (18) A disclosure as to whether any warranty or  
138 maintenance obligations related to the renewable energy source  
139 device may be sold or transferred by the seller to a third party  
140 and, if so, a statement in substantially the following form:  
141 "Your contract may be assigned, sold, or transferred without  
142 your consent to a third party who will be bound to all the terms  
143 of the contract. If a transfer occurs, you will be notified if  
144 this will change the address or phone number to use for device  
145 maintenance or repair requests."

146       (19) If the renewable energy source device will be  
147 purchased, a disclosure notifying the buyer of the requirements  
148 for interconnecting the device to the utility system.

149       (20) A disclosure notifying the buyer or lessee of the  
150 party responsible for obtaining interconnection approval.

151       (21) A description of any roof warranties.

152       (22) If the renewable energy source device will be leased,  
153 a disclosure notifying the lessee whether the lessor will insure  
154 a leased renewable energy source device against damage or loss  
155 and, if applicable, the circumstances under which the seller  
156 will not insure the device against damage or loss.

157       (23) A statement, if applicable, in substantially the  
158 following form: "You are responsible for obtaining insurance  
159 policies or coverage for any loss of or damage to the device.  
160 Consult an insurance professional to understand how to protect  
161 the device against the risk of loss or damage."

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

162       (24) A disclosure notifying the buyer or lessee whether  
163 the seller or lessor will place a lien on the buyer's or  
164 lessee's home or other property as a result of entering into a  
165 purchase or lease agreement for the renewable energy source  
166 device.

167       (25) If the renewable energy source device will be leased,  
168 a disclosure notifying the lessee whether the seller or lessor  
169 will file a fixture filing or a State of Florida Uniform  
170 Commercial Code Financing Statement Form (UCC-1) on the  
171 renewable energy source device.

172       (26) A disclosure identifying whether the agreement  
173 contains any restrictions on the buyer's or lessee's ability to  
174 modify or transfer ownership of a renewable energy source  
175 device, including whether any modification or transfer is  
176 subject to review or approval by a third party.

177       (27) A disclosure as to whether any lease agreement may be  
178 transferred to a purchaser upon sale of the home or real  
179 property to which the device is affixed, and any conditions for  
180 such transfer.

181       (28) A blank section that allows the seller to provide  
182 additional relevant disclosures or explain disclosures made  
183 elsewhere in the disclosure form.

184       520.24 Rulemaking authority; standard disclosure form.-

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

185 (1) The Department of Business and Professional Regulation  
186 shall adopt rules to implement and enforce the provisions of  
187 this part.

188 (2) The Department of Business and Professional Regulation  
189 shall publish, by January 1, 2018, standard disclosure forms  
190 that may be used to comply with the disclosure requirements of  
191 this part. Disclosures provided in substantially the form  
192 published by the department shall be regarded as complying with  
193 the disclosure requirements of this part.

194 520.25 Penalties.—

195 (1) Any seller who willfully and intentionally violates  
196 any provision of this part commits a noncriminal violation, as  
197 defined in s. 775.08(3), punishable by a fine not to exceed the  
198 cost of the renewable energy source device.

199 (2) In the case of a willful and intentional violation of  
200 this part, the owner may recover from the person committing such  
201 violation, or may set off or counterclaim in any action against  
202 the owner by such person, an amount equal to any finance charges  
203 and fees charged to the owner under the agreement, plus attorney  
204 fees and costs incurred by the owner to assert his or her rights  
205 under this part.

206 520.26 Exemptions.—The provisions of this part do not  
207 apply to the following:

208 (1) A person or company, acting through its officers,  
209 employees, brokers, or agents, that markets, sells, solicits,

302081

Approved For Filing: 4/21/2017 6:46:23 PM

Amendment No.

210 negotiates, or enters into an agreement for the sale or  
211 financing of a renewable energy source device as part of a  
212 transaction involving the sale or transfer of the real property  
213 on which the device is or will be affixed.

214 (2) A transaction involving the sale or transfer of the  
215 real property on which a renewable energy source device is  
216 located.

217 (3) A third party, including a local government, that  
218 enters into an agreement for the financing of a renewable energy  
219 source device.

220

221 -----

222 **T I T L E A M E N D M E N T**

223 Remove lines 13-18 and insert:

224 F.S., entitled "Renewable Energy Source Device Sales";  
225 providing definitions; providing applicability  
226 relating to, and specifying the disclosures required  
227 of, certain agreements to sell or lease renewable  
228 energy source devices; requiring sellers that install  
229 such devices to comply with specified safety

230

302081

Approved For Filing: 4/21/2017 6:46:23 PM