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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RS/2R

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04/27/2017 11:33 AM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete lines 22 - 103

and insert:

Section 1. Subsection (1) of section 24.118, Florida Statutes, is amended to read:

24.118 Other prohibited acts; penalties.—

(1) UNLAWFUL EXTENSIONS OF CREDIT.—Any retailer who extends credit or lends money to a person for the purchase of a lottery ticket is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. This



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12 subsection shall not be construed to prohibit the purchase of a
13 lottery ticket through the use of a credit or charge card or
14 other instrument issued by a bank, savings association, credit
15 union, or charge card company or by a retailer pursuant to part
16 III ~~part II~~ of chapter 520, provided that any such purchase from
17 a retailer shall be in addition to the purchase of goods and
18 services other than lottery tickets having a cost of no less
19 than \$20.

20 Section 2. Section 193.624, Florida Statutes, is amended to
21 read:

22 193.624 Assessment of renewable energy source devices
23 ~~residential property.~~

24 (1) As used in this section, the term "renewable energy
25 source device" means any of the following equipment that
26 collects, transmits, stores, or uses solar energy, wind energy,
27 or energy derived from geothermal deposits:

28 (a) Solar energy collectors, photovoltaic modules, and
29 inverters.

30 (b) Storage tanks and other storage systems, excluding
31 swimming pools used as storage tanks.

32 (c) Rockbeds.

33 (d) Thermostats and other control devices.

34 (e) Heat exchange devices.

35 (f) Pumps and fans.

36 (g) Roof ponds.

37 (h) Freestanding thermal containers.

38 (i) Pipes, ducts, wiring, structural supports, refrigerant
39 handling systems, and other components ~~equipment~~ used as
40 integral parts of ~~to interconnect~~ such systems; however, such



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41 equipment does not include conventional backup systems of any
42 type or any equipment or structure that would be required in the
43 absence of the renewable energy source device.

44 (j) Windmills and wind turbines.

45 (k) Wind-driven generators.

46 (l) Power conditioning and storage devices that store or
47 use solar energy, wind energy, or energy derived from geothermal
48 deposits to generate electricity or mechanical forms of energy.

49 (m) Pipes and other equipment used to transmit hot
50 geothermal water to a dwelling or structure from a geothermal
51 deposit.

52
53 The term does not include equipment that is on the distribution
54 or transmission side of the point at which a renewable energy
55 source device is interconnected to an electric utility's
56 distribution grid or transmission lines.

57 (2) In determining the assessed value of real property
58 used:

59 (a) For residential purposes, ~~an increase in~~ the just value
60 of the property attributable to ~~the installation of~~ a renewable
61 energy source device may not be considered.

62 (b) For nonresidential purposes, 80 percent of the just
63 value of the property attributable to a renewable energy source
64 device may not be considered.

65 (3) This section applies to the installation of a renewable
66 energy source device installed on or after January 1, 2013, to
67 new and existing residential real property. This section applies
68 to a renewable energy source device installed on or after
69 January 1, 2018, to all other real property, except when



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70 installed as part of a project planned for a location in a
71 fiscally constrained county, as defined in s. 218.67(1), and for
72 which an application for a comprehensive plan amendment or
73 planned unit development zoning has been filed with the county
74 on or before December 31, 2017.

75 Section 3. The amendments made by this act to s. 193.624(2)
76 and (3), Florida Statutes 2016, expire December 31, 2037, and
77 the text of those subsections shall revert to that in existence
78 on December 31, 2017, except that any amendments to such text
79 enacted other than by this act shall be preserved and continue
80 to operate to the extent that such amendments are not dependent
81 upon the portions of text which expire pursuant to this section.

82 Section 4. Section 196.182, Florida Statutes, is created to
83 read:

84 196.182 Exemption of renewable energy source devices.—

85 (1) Eighty percent of the assessed value of a renewable
86 energy source device, as defined in s. 193.624, which is
87 considered tangible personal property and which is installed on
88 real property on or after January 1, 2018, or which was
89 installed before January 1, 2018, if the renewable energy source
90 device was installed to supply a municipal electric utility
91 located entirely within a consolidated government, is exempt
92 from ad valorem taxation.

93 (2) The exemption provided in this section does not apply
94 to a renewable energy source device that is installed as part of
95 a project planned for a location in a fiscally constrained
96 county, as defined in s. 218.67(1), and for which an application
97 for a comprehensive plan amendment or planned unit development
98 zoning has been filed with the county on or before December 31,



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99 2017.

100 (3) Notwithstanding this section, 80 percent of the
101 assessed value of a renewable energy source device, as defined
102 in s. 193.624, which is affixed to property owned or leased by
103 the United States Department of Defense for the military is
104 exempt from ad valorem taxation, including, but not limited to,
105 the tangible personal property tax.

106 (4) This section expires December 31, 2037.

107 Section 5. Subsection (13) of section 501.604, Florida
108 Statutes, is amended to read:

109 501.604 Exemptions.—The provisions of this part, except ss.
110 501.608 and 501.616(6) and (7), do not apply to:

111 (13) A commercial telephone seller licensed pursuant to
112 chapter 516 or part III ~~part II~~ of chapter 520. For purposes of
113 this exemption, the seller must solicit to sell a consumer good
114 or service within the scope of his or her license and the
115 completed transaction must be subject to the provisions of
116 chapter 516 or part III ~~part II~~ of chapter 520.

117 Section 6. Parts II, III, IV, and V of chapter 520, Florida
118 Statutes, are renumbered as Parts III, IV, V, and VI,
119 respectively, and a new Part II, consisting of sections 520.20,
120 520.21, 520.22, 520.23, 520.24, 520.25, and 520.26, Florida
121 Statutes, is created, to read:

122 PART II

123 RENEWABLE ENERGY SOURCE DEVICE SALES

124 520.20 Definitions.—As used in this part, the term:

125 (1) "Agreement" means a contract executed between a buyer
126 or lessee and a seller that leases or sells a renewable energy
127 source device for installation on residential real property. As



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128 used in this part, the term includes retail installment
129 contracts.

130 (2) "Buyer" means an individual that enters into an
131 agreement to buy or lease a renewable energy source device from
132 a seller for installation on residential real property. As used
133 in this subsection, the term "individual" means a single human
134 being and does not include a firm, association of individuals,
135 corporation, partnership, joint venture, sole proprietorship, or
136 other entity.

137 (3) "Renewable energy source device" has the same meaning
138 as in s. 193.624(1).

139 (4) "Lessee" means a person that enters into an agreement
140 to lease or rent a renewable energy source device for
141 installation on residential real property.

142 (5) "Retail installment contract" means an agreement
143 executed in this state between a buyer and a seller in which the
144 title to, or a lien upon, a renewable energy source device is
145 retained or taken by the seller from the buyer as security, in
146 whole or in part, for the buyer's obligations to make specified
147 payments over time.

148 (6) "Seller" means a person who is a solar contractor
149 licensed in this state under chapter 489.

150 520.21 Applicability.—This part applies to agreements to
151 sell or lease a renewable energy source device and is
152 supplemental to other provisions contained in part III related
153 to retail installment contracts. If any provision related to
154 retail installment contract requirements for a renewable energy
155 source device under this part conflicts with any other provision
156 related to retail installment contracts, this part controls.



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157 520.22 Safety compliance.—A seller who installs a renewable
158 energy source device must comply with applicable safety
159 standards established by the Department of Business and
160 Professional Regulation pursuant to chapter 489 and part IV of
161 chapter 553.

162 520.23 Disclosures required.—Each agreement governing the
163 sale or lease of a renewable energy source device, as defined in
164 s. 193.624, must include, at a minimum, the following
165 information and disclosures, if applicable, which must be
166 separately acknowledged by the buyer or lessee:

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

169 (2) The name, address, telephone number, e-mail address,
170 and valid state contractor license number of the person
171 responsible for installing the renewable energy source device,
172 and the name of the renewable energy source device maintenance
173 provider, if different from the person responsible for
174 installing the renewable energy source device.

175 (3) A written statement indicating whether the buyer or
176 lessee is purchasing or leasing the renewable energy source
177 device.

178 (a) If the renewable energy source device will be leased, a
179 disclosure must be included in substantially the following form:
180 YOU ARE ENTERING INTO AN AGREEMENT TO LEASE A RENEWABLE ENERGY
181 SOURCE DEVICE. YOU WILL LEASE (NOT OWN) THE SYSTEM INSTALLED ON
182 YOUR PROPERTY.

183 (b) If the renewable energy source device will be
184 purchased, a disclosure must be included in substantially the
185 following form: YOU ARE ENTERING INTO AN AGREEMENT TO PURCHASE A



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186 RENEWABLE ENERGY SOURCE DEVICE. YOU WILL OWN (NOT LEASE) THE
187 SYSTEM INSTALLED ON YOUR PROPERTY.

188 (4) If leased, the total cost to be paid by the lessee,
189 including any interest, installation fees, document preparation
190 fees, service fees, or other fees. If late fees may apply, the
191 description must describe the circumstances in which such late
192 fees apply.

193 (5) A payment schedule, including any amounts owed at the
194 sale, at the contract signing, at the commencement of
195 installation, and at the completion of installation, and any
196 final payments. If the renewable energy source device is being
197 leased, the disclosures must include the frequency and amount of
198 each payment due under the lease and the total estimated lease
199 payments over the term of the lease.

200 (6) A description of the assumptions used to calculate any
201 estimated savings of the renewable energy source device, and, if
202 such estimates are provided, a statement in substantially the
203 following form: It is important to understand that future
204 electric utility rates are estimates only. Your future electric
205 utility rates may vary.

206 (7) If leased, a description of any one-time or recurring
207 fees, including, but not limited to, estimated device removal
208 fees, maintenance fees, or interconnection fees. If late fees
209 may apply, the description must describe the circumstances under
210 which such late fees apply.

211 (8) If the renewable energy source device will be financed,
212 a statement from the financing company or lender which includes
213 a disclosure in substantially the following form: Your renewable
214 energy source device is financed. Carefully read any agreements



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215 and/or disclosure forms provided by your lender. This statement
216 does not contain the terms of your financing agreement. If you
217 have any questions about your financing agreement, contact your
218 finance provider before signing a contract.

219 (9) A provision notifying the buyer or lessee of the right
220 to rescind the agreement for a period of at least 3 business
221 days after the agreement is signed. This subsection does not
222 apply to a contract to sell or lease a renewable energy source
223 device in a solar community in which the entire community has
224 been marketed as a solar community and all of the homes in the
225 community are intended to have a renewable energy source device,
226 or a solar community in which the developer has incorporated
227 solar technology for purposes of meeting the Florida Building
228 Code in s. 553.73.

229 (10) A description of the renewable energy source device,
230 which must meet the standards established pursuant to s.
231 377.705, including the make and model of the major components,
232 the device size, the estimated first-year energy production, and
233 the estimated annual energy production decreases, and a
234 statement as to whether utility compensation for excess energy
235 generated by the device is available at the time of contract
236 signing.

237 (11) If leased, a description of any performance or
238 production guarantees of the renewable energy source device.

239 (12) If leased, a description of the ownership and
240 transferability of any tax credits, rebates, incentives, or
241 renewable energy certificates associated with the renewable
242 energy source device, including a disclosure as to whether the
243 lessor will assign or sell any associated renewable energy



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244 certificates to a third party.

245 (13) A statement in substantially the following form: You
246 are responsible for property taxes on property that you own.
247 Consult a tax professional to understand any tax liability or
248 eligibility for any tax credits which may result from the
249 purchase of your renewable energy source device.

250 (14) If leased, the approximate start and completion dates
251 for the installation of the renewable energy source device.

252 (15) If leased, a disclosure as to whether maintenance and
253 repairs of the renewable energy source device are included in
254 the payment price.

255 (16) If purchased, a disclosure as to whether any warranty
256 or maintenance obligations related to the renewable energy
257 source device may be sold or transferred by the seller to a
258 third party, and, if so, a statement in substantially the
259 following form: Your contract may be assigned, sold, or
260 transferred without your consent to a third party who will be
261 bound to all the terms of the contract. If a transfer occurs,
262 you will be notified if this will change the address or phone
263 number to use for system maintenance or repair requests.

264 (17) If purchased, a disclosure notifying the buyer of the
265 requirements for interconnecting the device to the utility
266 system and the party responsible for obtaining interconnection
267 approval.

268 (18) A description of any roof warranties.

269 (19) A disclosure notifying the lessee as to whether the
270 lessor will insure a leased renewable energy source device
271 against damage or loss, and, if applicable, the circumstances
272 under which the lessor will not insure the device against damage



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273 or loss.

274 (20) A statement, if applicable, in substantially the
275 following form: You are responsible for obtaining insurance
276 policies or coverage for any loss of or damage to the device.
277 Consult an insurance professional to understand how to protect
278 the device against the risk of loss or damage.

279 (21) A disclosure notifying the buyer or lessee as to
280 whether the seller or lessor will place a lien on the buyer's or
281 lessee's home or other property as a result of entering into a
282 purchase or lease agreement for the renewable energy source
283 device.

284 (22) If leased, a disclosure notifying the lessee as to
285 whether the lessor will file a fixture filing or a State of
286 Florida Uniform Commercial Code Financial Statement Form (UCC-1)
287 on the renewable energy source device.

288 (23) A disclosure identifying whether the agreement
289 contains any restrictions on the buyer's or lessee's ability to
290 modify or transfer ownership of a renewable energy source
291 device, including whether any modification or transfer is
292 subject to review or approval by a third party.

293 (24) A disclosure as to whether any lease agreement may be
294 transferred to a purchaser upon sale of the home or real
295 property to which the device is affixed, and any conditions for
296 such transfer.

297 (25) A blank section that allows the seller to provide
298 additional relevant disclosures or explain disclosures made
299 elsewhere in the disclosure form.

300 520.24 Rulemaking authority; standard disclosure form.—

301 (1) The Department of Business and Professional Regulation



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302 shall adopt rules to implement and enforce this part.

303 (2) The Department of Business and Professional Regulation
304 shall, by January 1, 2018, publish standard disclosure forms
305 that may be used to comply with the disclosure requirements of
306 this part. Disclosures provided in substantially the form
307 published by the department are deemed to comply with the
308 disclosure requirements of this part.

309 520.25 Penalties.—Any seller who willfully and
310 intentionally violates any provision of this part commits a
311 noncriminal violation, as defined in s. 775.08(3), punishable by
312 a fine not to exceed the lesser of either the cost of the
313 removal of the renewable energy source device by an independent
314 third party or the cost of the renewable energy source device.

315 520.26 Exemptions.—This part does not apply to the
316 following:

317 (1) A person or company, acting through its officers,
318 employees, brokers, or agents, which markets, sells, solicits,
319 negotiates, or enters into an agreement for the sale or
320 financing of a renewable energy source device as part of a
321 transaction involving the sale or transfer of the real property
322 on which the system is or will be affixed.

323 (2) A transaction involving the sale or transfer of the
324 real property on which a renewable energy source device is
325 located.

326 (3) A third party, including a local government, which
327 enters into an agreement for the financing of a renewable energy
328 source device.

329 (4) The sale or lease of a renewable energy source device
330 to be installed on nonresidential real property.



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331 Section 7. Subsection (6) of section 520.68, Florida
332 Statutes, is amended to read:

333 520.68 Persons not required to be licensed.—No home
334 improvement finance seller's or seller's license shall be
335 required under this act of any person when acting in any
336 capacity or type of transaction set forth in this section:

337 (6) Retail establishments, including employees thereof,
338 which are licensed under part III ~~part II~~ of this chapter and
339 which engage in home improvements as an incidental part of their
340 business. However, such retail establishments and their
341 employees shall be governed by all other provisions contained in
342 this act.

343 Section 8. Paragraph (d) of subsection (2) of section
344 671.304, Florida Statutes, is amended to read:

345 671.304 Laws not repealed; precedence where code provisions
346 in conflict with other laws; certain statutory remedies
347 retained.—

348 (2) The following laws and parts of laws are specifically
349 not repealed and shall take precedence over any provisions of
350 this code which may be inconsistent or in conflict therewith:

351 (d) Chapter 520—Retail installment sales (Part I, Motor
352 Vehicle Sales Finance Act; Part III ~~Part II~~, Retail Installment
353 Sales Act; Part IV ~~Part III~~, Installment Sales Finance Act).

354 Section 9. For the purpose of incorporating the amendment
355 made by this act to section 193.624, Florida Statutes, in a
356 reference thereto, paragraph (a) of subsection (4) of section
357 193.155, Florida Statutes, is reenacted to read:

358 193.155 Homestead assessments.—Homestead property shall be
359 assessed at just value as of January 1, 1994. Property receiving



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360 the homestead exemption after January 1, 1994, shall be assessed
361 at just value as of January 1 of the year in which the property
362 receives the exemption unless the provisions of subsection (8)
363 apply.

364 (4) (a) Except as provided in paragraph (b) and s. 193.624,
365 changes, additions, or improvements to homestead property shall
366 be assessed at just value as of the first January 1 after the
367 changes, additions, or improvements are substantially completed.

368 Section 10. For the purpose of incorporating the amendment
369 made by this act to section 193.624, Florida Statutes, in a
370 reference thereto, paragraph (a) of subsection (6) of section
371 193.1554, Florida Statutes, is reenacted to read:

372 193.1554 Assessment of nonhomestead residential property.-

373 (6) (a) Except as provided in paragraph (b) and s. 193.624,
374 changes, additions, or improvements to nonhomestead residential
375 property shall be assessed at just value as of the first January
376 1 after the changes, additions, or improvements are
377 substantially completed.

378
379 ===== T I T L E A M E N D M E N T =====

380 And the title is amended as follows:

381 Delete lines 3 - 17

382 and insert:

383 amending s. 24.118, F.S.; conforming a cross-
384 reference; amending s. 193.624, F.S.; revising the
385 definition of the term "renewable energy source
386 device"; prohibiting the consideration of just value
387 of property attributable to a renewable energy source
388 device in determining the assessed value of real



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389 property used for residential purposes; prohibiting
390 the consideration of a specified percentage of the
391 just value of property attributable to a renewable
392 energy source device in determining the assessed value
393 of real property used for nonresidential purposes;
394 revising applicability; providing for expiration and
395 reversion of specified amendments made by the act;
396 creating s. 196.182, F.S.; exempting a specified
397 percentage of the assessed value of certain renewable
398 energy source devices from ad valorem taxation;
399 providing applicability; exempting a specified
400 percentage of the assessed value of renewable energy
401 source devices affixed to property owned or leased by
402 the United States Department of Defense for the
403 military from ad valorem taxation; providing for
404 expiration; amending s. 501.604, F.S.; conforming
405 cross-references; reordering ch. 520, F.S., and
406 creating part II of ch. 520, F.S., to be entitled
407 "Renewable Energy Source Device Sales"; creating s.
408 520.20, F.S.; defining terms; creating s. 520.21,
409 F.S.; providing applicability and construction;
410 creating s. 520.22, F.S.; requiring sellers of
411 renewable energy source devices to comply with certain
412 safety standards established by the Department of
413 Business and Professional Regulation; creating s.
414 520.23, F.S.; specifying requirements for information
415 and disclosures in agreements governing the sale or
416 lease of renewable energy source devices; creating s.
417 520.24, F.S.; requiring the department to adopt rules;



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418 requiring the department to publish standard
419 disclosure forms by a specified date; providing
420 construction; creating s. 520.25, F.S.; providing a
421 penalty for willful and intentional violations;
422 creating s. 520.26, F.S.; providing exemptions from
423 applicability; amending ss. 520.68 and 671.304, F.S.;
424 conforming cross-references; reenacting ss.
425 193.155(4)(a) and 193.1554(6)(a), F.S., relating to
426 homestead assessments and nonhomestead residential
427 property assessments, respectively, to incorporate the
428 amendment made to s. 193.624, F.S., in references
429 thereto;