



295678

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

04/27/2017 09:46 AM

.

.

Senator Brandes moved the following:

1 **Senate Substitute for Amendment (572448) (with title**
2 **amendment)**

3
4 Delete lines 22 - 103

5 and insert:

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

8 24.118 Other prohibited acts; penalties.—

9 (1) UNLAWFUL EXTENSIONS OF CREDIT.—Any retailer who extends
10 credit or lends money to a person for the purchase of a lottery
11 ticket is guilty of a misdemeanor of the second degree,



295678

12 punishable as provided in s. 775.082 or s. 775.083. This
13 subsection shall not be construed to prohibit the purchase of a
14 lottery ticket through the use of a credit or charge card or
15 other instrument issued by a bank, savings association, credit
16 union, or charge card company or by a retailer pursuant to part
17 III ~~part II~~ of chapter 520, provided that any such purchase from
18 a retailer shall be in addition to the purchase of goods and
19 services other than lottery tickets having a cost of no less
20 than \$20.

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

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

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

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

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

33 (c) Rockbeds.

34 (d) Thermostats and other control devices.

35 (e) Heat exchange devices.

36 (f) Pumps and fans.

37 (g) Roof ponds.

38 (h) Freestanding thermal containers.

39 (i) Pipes, ducts, wiring, structural supports, refrigerant
40 handling systems, and other components ~~equipment~~ used as as



295678

41 integral parts of ~~to interconnect~~ such systems; however, such
42 equipment does not include conventional backup systems of any
43 type or any equipment or structure that would be required in the
44 absence of the renewable energy source device.

45 (j) Windmills and wind turbines.

46 (k) Wind-driven generators.

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

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

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

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

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

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

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



295678

70 January 1, 2018, to all other real property, except when
71 installed as part of a project planned for a location in a
72 fiscally constrained county, as defined in s. 218.67(1), and for
73 which an application for a comprehensive plan amendment or
74 planned unit development zoning has been filed with the county
75 on or before December 31, 2017.

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

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

85 196.182 Exemption of renewable energy source devices.-

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

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



295678

99 zoning has been filed with the county on or before December 31,
100 2017.

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

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

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

110 501.604 Exemptions.—The provisions of this part, except ss.
111 501.608 and 501.616(6) and (7), do not apply to:

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

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

123 PART II

124 RENEWABLE ENERGY SOURCE DEVICE SALES

125 520.20 Definitions.—As used in this part, the term:

126 (1) "Agreement" means a contract executed between a buyer
127 or lessee and a seller that leases or sells a renewable energy



295678

128 source device for installation on residential real property. As
129 used in this part, the term includes retail installment
130 contracts.

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

138 (3) "Renewable energy source device" means a device or
139 system that is used to generate or store electricity; that has
140 an electric delivery capacity, individually or in connection
141 with other similar devices or systems, of greater than 1
142 kilowatt or 1 kilowatt hour; that is used primarily for onsite
143 consumption; and that is to be installed on residential real
144 property. The term does not include an electric generator
145 intended for occasional use.

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

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

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



295678

157 520.21 Applicability.—This part applies to agreements to
158 sell or lease a renewable energy source device and is
159 supplemental to other provisions contained in part III related
160 to retail installment contracts. If any provision related to
161 retail installment contract requirements for a renewable energy
162 source device under this part conflicts with any other provision
163 related to retail installment contracts, this part controls.

164 520.22 Safety compliance.—A seller who installs a renewable
165 energy source device must comply with applicable safety
166 standards established by the Department of Business and
167 Professional Regulation pursuant to chapter 489 and part IV of
168 chapter 553.

169 520.23 Disclosures required.—Each agreement governing the
170 sale or lease of a renewable energy source device must, at a
171 minimum, include a written statement printed in at least 12-
172 point type which is separate from the agreement, is separately
173 acknowledged by the buyer or lessee, and includes the following
174 information and disclosures, if applicable:

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

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

180 (3) The name, address, telephone number, e-mail address,
181 and valid state contractor license number of the renewable
182 energy source device maintenance provider, if different from the
183 person responsible for installing the renewable energy source
184 device.

185 (4) A written statement indicating whether the buyer or



295678

186 lessee is purchasing or leasing the renewable energy source
187 device.

188 (a) If the lessee is leasing the renewable energy source
189 device, the written statement must include a disclosure in
190 substantially the following form: "YOU ARE ENTERING INTO AN
191 AGREEMENT TO LEASE A RENEWABLE ENERGY SOURCE DEVICE. YOU WILL
192 LEASE (NOT OWN) THE SYSTEM INSTALLED ON YOUR PROPERTY."

193 (b) If the buyer is purchasing the renewable energy source
194 device, the written statement must include a disclosure in
195 substantially the following form: "YOU ARE ENTERING INTO AN
196 AGREEMENT TO PURCHASE A RENEWABLE ENERGY SOURCE DEVICE. YOU WILL
197 OWN (NOT LEASE) THE SYSTEM INSTALLED ON YOUR PROPERTY."

198 (5) If financed or leased by the seller, the total cost to
199 be paid by the buyer or lessee, including any interest,
200 installation fees, document preparation fees, service fees, or
201 other fees.

202 (6) A payment schedule, including any amounts owed at
203 contract signing, at the commencement of installation, and at
204 the completion of installation, and any final payments, if
205 financed by the seller. If the renewable energy source device is
206 being leased, the written statement must include the frequency
207 and amount of each payment due under the lease and the total
208 estimated lease payments over the term of the lease.

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

212 (8) A description of the assumptions used to calculate any
213 savings estimates provided to the buyer or lessee and, if such
214 estimates are provided, a statement in substantially the



295678

215 following form: "It is important to understand that future
216 electric utility rates are estimates only. Your future electric
217 utility rates may vary."

218 (9) If leased, a description of any one-time or recurring
219 fees, including, but not limited to, estimated system removal
220 fees, maintenance fees, Internet connection fees, and automated
221 clearinghouse fees. If late fees may apply, the description must
222 describe the circumstances triggering such late fees.

223 (10) A statement notifying the buyer whether the renewable
224 energy source device is being financed and, if so, a statement
225 in substantially the following form: "If your system is
226 financed, carefully read any agreements and/or disclosure forms
227 provided by your lender. This statement does not contain the
228 terms of your financing agreement. If you have any questions
229 about your financing agreement, contact your finance provider
230 before signing a contract."

231 (11) A statement notifying the buyer whether the seller is
232 assisting in arranging financing of the renewable energy source
233 device and, if so, a statement in substantially the following
234 form: "If your system is financed, carefully read any agreements
235 and/or disclosure forms provided by your lender. This statement
236 does not contain the terms of your financing agreement. If you
237 have any questions about your financing agreement, contact your
238 finance provider before signing a contract."

239 (12) A provision notifying the buyer or lessee of the right
240 to rescind the agreement for a period of at least 3 business
241 days after the agreement is signed. This subsection does not
242 apply to a contract to sell or lease a renewable energy source
243 device in a solar community in which the entire community has



295678

244 been marketed as a solar community and all of the homes in the
245 community are intended to have a renewable energy source device,
246 or a solar community in which the developer has incorporated
247 solar technology for purposes of meeting the Florida Building
248 Code in s. 553.73.

249 (13) A description of the renewable energy source device
250 design assumptions, including the make and model of the major
251 components, system size, estimated first-year energy production,
252 and estimated annual energy production decreases, including the
253 overall percentage degradation over the estimated life of the
254 renewable energy source device, and the status of utility
255 compensation for excess energy generated by the system at the
256 time of contract signing. A seller who provides a warranty or
257 guarantee of the energy production output of the renewable
258 energy source device may provide a description of such warranty
259 or guarantee in lieu of a description of the system design and
260 components.

261 (14) If leased, a description of any performance or
262 production guarantees.

263 (15) A description of the ownership and transferability of
264 any tax credits, rebates, incentives, or renewable energy
265 certificates associated with the renewable energy source device,
266 including a disclosure as to whether the seller will assign or
267 sell any associated renewable energy certificates to a third
268 party.

269 (16) A statement in substantially the following form: "You
270 are responsible for property taxes on property you own. Consult
271 a tax professional to understand any tax liability or
272 eligibility for any tax credits that may result from the



295678

273 purchase of your renewable energy source device.”

274 (17) If leased, the approximate start and completion dates
275 for the installation of the renewable energy source device.

276 (18) A disclosure as to whether maintenance and repairs of
277 the renewable energy source device are included in the purchase
278 price.

279 (19) If purchased, a disclosure as to whether any warranty
280 or maintenance obligations related to the renewable energy
281 source device may be sold or transferred by the seller to a
282 third party and, if so, a statement in substantially the
283 following form: “Your contract may be assigned, sold, or
284 transferred without your consent to a third party who will be
285 bound to all the terms of the contract. If a transfer occurs,
286 you will be notified if this will change the address or phone
287 number to use for system maintenance or repair requests.”

288 (20) If the buyer is purchasing the renewable energy source
289 device, a disclosure notifying the buyer of the requirements for
290 interconnecting the system to the utility system.

291 (21) A disclosure notifying the buyer or lessee of the
292 party responsible for obtaining interconnection approval.

293 (22) A description of any roof warranties.

294 (23) A disclosure notifying the lessee whether the seller
295 will insure a leased renewable energy source device against
296 damage or loss and, if applicable, the circumstances under which
297 the seller will not insure the system against damage or loss.

298 (24) A statement, if applicable, in substantially the
299 following form: “You are responsible for obtaining insurance
300 policies or coverage for any loss of or damage to the system.
301 Consult an insurance professional to understand how to protect



295678

302 against the risk of loss or damage to the system.”

303 (25) A disclosure notifying the buyer or lessee whether the
304 seller or lessor will place a lien on the buyer’s or lessee’s
305 home or other property as a result of entering into a purchase
306 or lease agreement for the renewable energy source device.

307 (26) A disclosure notifying the buyer or lessee whether the
308 seller or lessor will file a fixture filing or a State of
309 Florida Uniform Commercial Code Financing Statement Form (UCC-1)
310 on the renewable energy source device.

311 (27) A disclosure identifying whether the agreement
312 contains any restrictions on the buyer’s or lessee’s ability to
313 modify or transfer ownership of a renewable energy source
314 device, including whether any modification or transfer is
315 subject to review or approval by a third party.

316 (28) A disclosure as to whether the lease agreement may be
317 transferred to a purchaser upon sale of the home or real
318 property to which the system is affixed, and any conditions for
319 such transfer.

320 (29) A blank section that allows the seller to provide
321 additional relevant disclosures or explain disclosures made
322 elsewhere in the disclosure form.

323 520.24 Rulemaking authority; standard disclosure form.—

324 (1) The Department of Business and Professional Regulation
325 shall adopt rules to implement and enforce this part.

326 (2) The Department of Business and Professional Regulation
327 shall, by January 1, 2018, publish standard disclosure forms
328 that may be used to comply with the disclosure requirements of
329 this part. Disclosures provided in substantially the form
330 published by the department shall be regarded as complying with



295678

331 the disclosure requirements of this part.

332 520.25 Penalties.—Any seller who willfully and
333 intentionally violates any provision of this part commits a
334 noncriminal violation, as defined in s. 775.08(3), punishable by
335 a fine not to exceed the lesser of either the cost of the
336 removal of the renewable energy source device by an independent
337 third party or the cost of the renewable energy source device.

338 520.26 Exemptions.—This part does not apply to the
339 following:

340 (1) A person or company, acting through its officers,
341 employees, brokers, or agents, that markets, sells, solicits,
342 negotiates, or enters into an agreement for the sale or
343 financing of a renewable energy source device as part of a
344 transaction involving the sale or transfer of the real property
345 on which the system is or will be affixed.

346 (2) A transaction involving the sale or transfer of the
347 real property on which a renewable energy source device is
348 located.

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

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

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

356 520.68 Persons not required to be licensed.—No home
357 improvement finance seller's or seller's license shall be
358 required under this act of any person when acting in any
359 capacity or type of transaction set forth in this section:



295678

360 (6) Retail establishments, including employees thereof,
361 which are licensed under part III ~~part II~~ of this chapter and
362 which engage in home improvements as an incidental part of their
363 business. However, such retail establishments and their
364 employees shall be governed by all other provisions contained in
365 this act.

366 Section 8. Paragraph (d) of subsection (2) of section
367 671.304, Florida Statutes, is amended to read:

368 671.304 Laws not repealed; precedence where code provisions
369 in conflict with other laws; certain statutory remedies
370 retained.—

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

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

377 Section 9. For the purpose of incorporating the amendment
378 made by this act to section 193.624, Florida Statutes, in a
379 reference thereto, paragraph (a) of subsection (4) of section
380 193.155, Florida Statutes, is reenacted to read:

381 193.155 Homestead assessments.—Homestead property shall be
382 assessed at just value as of January 1, 1994. Property receiving
383 the homestead exemption after January 1, 1994, shall be assessed
384 at just value as of January 1 of the year in which the property
385 receives the exemption unless the provisions of subsection (8)
386 apply.

387 (4) (a) Except as provided in paragraph (b) and s. 193.624,
388 changes, additions, or improvements to homestead property shall



295678

389 be assessed at just value as of the first January 1 after the
390 changes, additions, or improvements are substantially completed.

391 Section 10. For the purpose of incorporating the amendment
392 made by this act to section 193.624, Florida Statutes, in a
393 reference thereto, paragraph (a) of subsection (6) of section
394 193.1554, Florida Statutes, is reenacted to read:

395 193.1554 Assessment of nonhomestead residential property.-

396 (6) (a) Except as provided in paragraph (b) and s. 193.624,
397 changes, additions, or improvements to nonhomestead residential
398 property shall be assessed at just value as of the first January
399 1 after the changes, additions, or improvements are
400 substantially completed.

401
402 ===== T I T L E A M E N D M E N T =====

403 And the title is amended as follows:

404 Delete lines 3 - 17

405 and insert:

406 amending s. 24.118, F.S.; conforming a cross-
407 reference; amending s. 193.624, F.S.; revising the
408 definition of the term "renewable energy source
409 device"; prohibiting the consideration of just value
410 of property attributable to a renewable energy source
411 device in determining the assessed value of real
412 property used for residential purposes; prohibiting
413 the consideration of a specified percentage of the
414 just value of property attributable to a renewable
415 energy source device in determining the assessed value
416 of real property used for nonresidential purposes;
417 revising applicability; providing for expiration and



295678

418 reversion of specified amendments made by the act;
419 creating s. 196.182, F.S.; exempting a specified
420 percentage of the assessed value of certain renewable
421 energy source devices from ad valorem taxation;
422 providing applicability; exempting a specified
423 percentage of the assessed value of renewable energy
424 source devices affixed to property owned or leased by
425 the United States Department of Defense for the
426 military from ad valorem taxation; providing for
427 expiration; amending s. 501.604, F.S.; conforming
428 cross-references; reordering ch. 520, F.S., and
429 creating part II of ch. 520, F.S., to be entitled
430 "Renewable Energy Source Device Sales"; creating s.
431 520.20, F.S.; defining terms; creating s. 520.21,
432 F.S.; providing applicability and construction;
433 creating s. 520.22, F.S.; requiring sellers of
434 renewable energy source devices to comply with certain
435 safety standards established by the Department of
436 Business and Professional Regulation; creating s.
437 520.23, F.S.; specifying requirements for a written
438 statement in agreements governing the sale or lease of
439 renewable energy source devices; creating s. 520.24,
440 F.S.; requiring the department to adopt rules;
441 requiring the department, by a specified date, to
442 publish standard disclosure forms; providing
443 construction; creating s. 520.25, F.S.; providing a
444 penalty for willful and intentional violations;
445 creating s. 520.26, F.S.; providing exemptions from
446 applicability; amending ss. 520.68 and 671.304, F.S.;



295678

447 conforming cross-references; reenacting ss.
448 193.155(4)(a) and 193.1554(6)(a), F.S., relating to
449 homestead assessments and nonhomestead residential
450 property assessments, respectively, to incorporate the
451 amendment made to s. 193.624, F.S., in references
452 thereto;