

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rodrigues offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 24.118 Other prohibited acts; penalties.—

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

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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
21 to 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.

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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
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
60 value of the property attributable to ~~the installation of~~ a
61 renewable energy source device may not be considered.

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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
66 renewable energy source device installed on or after January 1,
67 2013, to new and existing residential real property. This
68 section applies to a renewable energy source device installed on
69 or after January 1, 2018, to all other real property, except
70 when 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. Section 196.182, Florida Statutes, is created
76 to read:

77 196.182 Exemption of renewable energy source devices.—

78 (1) Eighty percent of the assessed value of a renewable
79 energy source device, as defined in s. 193.624, that is
80 considered tangible personal property is exempt from ad valorem
81 taxation if the renewable energy source device:

82 (a) Is installed on real property on or after January 1,
83 2018;

84 (b) Was installed before January 1, 2018, to supply a
85 municipal electric utility located within a consolidated
86 government; or

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87 (c) Was installed after August 30, 2016, on municipal land
88 as part of a project incorporating other renewable energy source
89 devices under common ownership on municipal land for the sole
90 purpose of supplying a municipal electric utility with at least
91 2 megawatts and no more than 5 megawatts of alternating current
92 power when the renewable energy source devices in the project
93 are used together.

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
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, that 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 4. Subsection (13) of section 501.604, Florida
109 Statutes, is amended to read:

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

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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 5. Parts II, III, IV, and V of chapter 520,
119 Florida 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, is created
122 to read:

123 PART II

124 DISTRIBUTED ENERGY GENERATION SYSTEM 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 distributed energy
128 generation system. For purposes of this part, the term includes
129 retail installment contracts.

130 (2) "Buyer" means a person that enters into an agreement
131 to buy a distributed energy generation system from a seller.

132 (3) "Distributed energy generation system" means a device
133 or system that is used to generate or store electricity; that
134 has an electric delivery capacity, individually or in connection
135 with other similar devices or systems, of greater than one
136 kilowatt or one kilowatt-hour; and that is used primarily for

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137 on-site consumption. The term does not include an electric
138 generator intended for occasional use.

139 (4) "Lessee" means a person that enters into an agreement
140 to lease or rent a distributed energy generation system.

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

147 (6) "Seller" means a person regularly engaged in, and
148 whose business substantially consists of, selling or leasing
149 goods, including distributed energy generation systems, to
150 buyers or lessees. A seller that is also an installer must be
151 licensed under chapter 489.

152 520.21 Applicability.—This part applies to agreements to
153 sell or lease a distributed energy generation system and is
154 supplemental to other provisions contained in part III related
155 to retail installment contracts. If any provision related to
156 retail installment contract requirements for a distributed
157 energy generation system under this part conflicts with any
158 other provision related to retail installment contracts, this
159 part controls.

160 520.22 Safety compliance.—A seller who installs a
161 distributed energy generation system must comply with applicable

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162 safety standards established by the Department of Business and
163 Professional Regulation pursuant to chapter 489 and part IV of
164 chapter 553.

165 520.23 Disclosures required.—Each agreement governing the
166 sale or lease of a distributed energy generation system shall,
167 at a minimum, include a written statement printed in at least
168 12-point type that is separate from the agreement, is separately
169 acknowledged by the buyer or lessee, and includes the following
170 information and disclosures, if applicable:

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

173 (2) The name, address, telephone number, e-mail address,
174 and valid state contractor license number of the person
175 responsible for installing the distributed energy generation
176 system.

177 (3) The name, address, telephone number, e-mail address,
178 and valid state contractor license number of the distributed
179 energy generation system maintenance provider, if different from
180 the person responsible for installing the distributed energy
181 generation system.

182 (4) A written statement indicating whether the distributed
183 energy generation system is being purchased or leased.

184 (a) If the distributed energy generation system will be
185 leased, the written statement must include a disclosure in
186 substantially the following form: "You are entering into an

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187 agreement to lease a distributed energy generation system. You
188 will lease (not own) the system installed on your property."

189 (b) If the distributed energy generation system will be
190 purchased, the written statement must include a disclosure in
191 substantially the following form: "You are entering into an
192 agreement to purchase a distributed energy generation system.
193 You will own (not lease) the system installed on your property."

194 (5) The total cost to be paid by the buyer or lessee,
195 including any interest, installation fees, document preparation
196 fees, service fees, or other fees.

197 (6) A payment schedule, including any amounts owed at
198 contract signing, at the commencement of installation, at the
199 completion of installation, and any final payments. If the
200 distributed energy generation system is being leased, the
201 written statement must include the frequency and amount of each
202 payment due under the lease and the total estimated lease
203 payments over the term of the lease.

204 (7) Each state or federal tax incentive or rebate, if any,
205 relied upon by the seller in determining the price of the
206 distributed energy generation system.

207 (8) A description of the assumptions used to calculate any
208 savings estimates provided to the buyer or lessee, and if such
209 estimates are provided, a statement in substantially the
210 following form: "It is important to understand that future

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211 electric utility rates are estimates only. Your future electric
212 utility rates may vary."

213 (9) A description of any one-time or recurring fees,
214 including, but not limited to, estimated system removal fees,
215 maintenance fees, Internet connection fees, and automated
216 clearinghouse fees. If late fees may apply, the description must
217 describe the circumstances triggering such late fees.

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

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

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235 (12) A provision notifying the buyer or lessee of the
236 right to rescind the agreement for a period of at least 3
237 business days after the agreement is signed. This subsection
238 does not apply to a contract to sell or lease a distributed
239 energy generation system in a solar community in which the
240 entire community has been marketed as a solar community and all
241 of the homes in the community are intended to have a distributed
242 energy generation system, or a solar community in which the
243 developer has incorporated solar technology for purposes of
244 meeting the Florida Building Code in s. 553.73.

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

257 (14) A description of any performance or production
258 guarantees.

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259 (15) A description of the ownership and transferability of
260 any tax credits, rebates, incentives, or renewable energy
261 certificates associated with the distributed energy generation
262 system, including a disclosure as to whether the seller will
263 assign or sell any associated renewable energy certificates to a
264 third party.

265 (16) A statement in substantially the following form: "You
266 are responsible for property taxes on property you own. Consult
267 a tax professional to understand any tax liability or
268 eligibility for any tax credits that may result from the
269 purchase of your distributed energy generation system."

270 (17) The approximate start and completion dates for the
271 installation of the distributed energy generation system.

272 (18) A disclosure as to whether maintenance and repairs of
273 the distributed energy generation system are included in the
274 purchase price.

275 (19) A disclosure as to whether any warranty or
276 maintenance obligations related to the distributed energy
277 generation system may be sold or transferred by the seller to a
278 third party and, if so, a statement in substantially the
279 following form: "Your contract may be assigned, sold, or
280 transferred without your consent to a third party who will be
281 bound to all the terms of the contract. If a transfer occurs,
282 you will be notified if this will change the address or phone
283 number to use for system maintenance or repair requests."

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284 (20) If the distributed energy generation system will be
285 purchased, a disclosure notifying the buyer of the requirements
286 for interconnecting the system to the utility system.

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

289 (22) A description of any roof warranties.

290 (23) A disclosure notifying the lessee whether the seller
291 will insure a leased distributed energy generation system
292 against damage or loss and, if applicable, the circumstances
293 under which the seller will not insure the system against damage
294 or loss.

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

300 (25) A disclosure notifying the buyer or lessee whether
301 the seller or lessor will place a lien on the buyer's or
302 lessee's home or other property as a result of entering into a
303 purchase or lease agreement for the distributed energy
304 generation system.

305 (26) A disclosure notifying the buyer or lessee whether
306 the seller or lessor will file a fixture filing or a State of
307 Florida Uniform Commercial Code Financing Statement Form (UCC-1)
308 on the distributed energy generation system.

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309 (27) A disclosure identifying whether the agreement
310 contains any restrictions on the buyer's or lessee's ability to
311 modify or transfer ownership of a distributed energy generation
312 system, including whether any modification or transfer is
313 subject to review or approval by a third party.

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

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

321
322 The requirement to provide a written statement under this
323 section may be satisfied by the electronic delivery of a
324 document containing the required statement if the intended
325 recipient of the electronic document affirmatively acknowledges
326 its receipt. An electronic document satisfies the font and other
327 formatting standards required for the written statement if the
328 format and the relative size of characters of the electronic
329 document are reasonably similar to those required in the written
330 document or if the information is otherwise displayed in a
331 reasonably conspicuous manner.

332 520.24 Rulemaking authority; standard disclosure form.-

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333 (1) The Department of Business and Professional Regulation
334 shall adopt rules to implement and enforce the provisions of
335 this part.

336 (2) The Department of Business and Professional Regulation
337 shall, by January 1, 2018, publish standard disclosure forms
338 that may be used to comply with the disclosure requirements of
339 this part. Disclosures provided in substantially the form
340 published by the department shall be regarded as complying with
341 the disclosure requirements of this part.

342 520.25 Penalties.—

343 (1) Any seller who willfully and intentionally violates
344 any provision of this part commits a noncriminal violation, as
345 defined in s. 775.08(3), punishable by a fine not to exceed the
346 cost of the distributed energy generation system.

347 (2) In the case of a willful and intentional violation of
348 this part, the owner may recover from the person committing such
349 violation, or may set off or counterclaim in any action against
350 the owner by such person, an amount equal to any finance charges
351 and fees charged to the owner under the agreement, plus attorney
352 fees and costs incurred by the owner to assert his or her rights
353 under this part.

354 520.26 Exemptions.—The provisions of this part do not
355 apply to the following:

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

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358 negotiates, or enters into an agreement for the sale or
359 financing of a distributed energy generation system as part of a
360 transaction involving the sale or transfer of the real property
361 on which the system is or will be affixed.

362 (2) A transaction involving the sale or transfer of the
363 real property on which a distributed energy generation system is
364 located.

365 (3) A third party, including a local government, that
366 enters into an agreement for the financing of a distributed
367 energy generation system.

368 (4) The sale or lease of a distributed energy generation
369 system that will be installed on nonresidential real property.

370 (5) The sale of a distributed energy generation system
371 pursuant to an agreement that requires full payment of the
372 system from the buyer to the seller no later than the date the
373 system is installed by the seller or is delivered from the
374 seller to the buyer or a third party for installation.

375 (6) A person, other than the seller or lessor, who
376 installs a distributed energy generation system on residential
377 property.

378 Section 6. Paragraph (d) of subsection (2) of section
379 671.304, Florida Statutes, is amended to read:

380 671.304 Laws not repealed; precedence where code
381 provisions in conflict with other laws; certain statutory
382 remedies retained.-

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

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

389 Section 7. The amendments made by this act to s.
390 193.624(2) and (3), Florida Statutes, expire on December 31,
391 2037, and the text of those subsections shall revert to that in
392 existence on December 31, 2017, except that any amendments to
393 such text enacted other than by this act shall be preserved and
394 continue to operate to the extent that such amendments are not
395 dependent upon the portions of the text which expire pursuant to
396 this section.

397 Section 8. This act shall take effect July 1, 2017.

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399

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

401 Remove everything before the enacting clause and insert:

402 A bill to be entitled
403 An act relating to renewable energy source devices;
404 amending s. 24.118, F.S.; correcting a cross-
405 reference; amending s. 193.624, F.S.; revising and
406 defining terms related to renewable energy source
407 devices; prohibiting consideration of the just value

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408 of property attributable to a renewable energy source
409 device in determining the assessed value of
410 residential real property; prohibiting the
411 consideration of a specified percentage of the just
412 value of property attributable to a renewable energy
413 source device in determining the assessed value of
414 nonresidential real property; revising applicability;
415 creating s. 196.182, F.S.; exempting a specified
416 percentage of the assessed value of certain renewable
417 energy source devices from ad valorem taxation;
418 exempting a specified percentage of the assessed value
419 of renewable energy source devices affixed to property
420 owned or leased by the United States Department of
421 Defense for the military from ad valorem taxation;
422 providing for the future expiration of specified
423 statutory text; amending s. 501.604, F.S.; correcting
424 cross-references; creating part II of chapter 520,
425 F.S., entitled "Distributed Energy Generation System
426 Sales"; providing definitions; providing applicability
427 relating to, and specifying the disclosures required
428 of, certain agreements to sell or lease distributed
429 energy generation systems; requiring sellers that
430 install such systems to comply with specified safety
431 standards; requiring the Department of Business and
432 Professional Regulation to adopt rules and publish

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433 | standard disclosure forms; providing penalties;
434 | providing exemptions; amending s. 671.304, F.S.;
435 | correcting cross-references; providing for the future
436 | expiration and reversion of specified statutory text;
437 | providing an effective date.

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