

1                                   A bill to be entitled  
 2           An act relating to photovoltaic solar installations;  
 3           creating ss. 125.551, and 166.04467, F.S.; prohibiting  
 4           counties and cities from preventing the construction  
 5           or placement of photovoltaic solar installation on  
 6           existing permitted structures from being considered  
 7           accessory uses to those structures; creating s.  
 8           475.046, F.S.; requiring brokers, broker associates,  
 9           and sales associates to provide certain written  
 10          disclosures regarding photovoltaic solar installations  
 11          before selling residential real estate; amending s.  
 12          489.103, F.S.; revising provisions addressing  
 13          photovoltaic solar installations that are exempt from  
 14          construction industry laws; creating s. 520.231, F.S.;  
 15          providing additional disclosures that must be provided  
 16          in each sale or lease agreement concerning  
 17          photovoltaic solar installations; creating s. 520.27,  
 18          F.S.; prohibiting photovoltaic solar installations  
 19          that have been leased or financed from being sold  
 20          until specified actions related to such leases or  
 21          loans occur; providing an effective date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1.   Section 125.551, Florida Statutes, is created

26 | to read:

27 |       125.551 Photovoltaic solar installations as an accessory  
 28 | use.—A county may not adopt or maintain in effect any law,  
 29 | ordinance, policy, or rule that prevents the construction or  
 30 | placement of a photovoltaic solar installation onto an existing  
 31 | permitted structure from being considered an accessory use to  
 32 | that structure. However, if the photovoltaic solar installation  
 33 | is not located on the roof of a structure, the county may  
 34 | subject the photovoltaic solar installation to the same property  
 35 | line setbacks and height regulations that apply to the permitted  
 36 | structure.

37 |       Section 2. Section 166.04467, Florida Statutes, is created  
 38 | to read:

39 |       166.04467 Photovoltaic solar installations as an accessory  
 40 | use.—A municipality may not adopt or maintain in effect any  
 41 | resolution, ordinance, policy, or rule that prevents the  
 42 | construction or placement of a photovoltaic solar installation  
 43 | onto an existing permitted structure from being considered an  
 44 | accessory use to that structure. However, if the photovoltaic  
 45 | solar installation is not located on the roof of a structure,  
 46 | the municipality may subject the photovoltaic solar installation  
 47 | to the same property line setbacks and height regulations that  
 48 | apply to the permitted structure.

49 |       Section 3. Section 475.046, Florida Statutes, is created  
 50 | to read:

51           475.046 Written disclosures before sale of residential  
 52 real estate.—Before residential real estate that contains a  
 53 photovoltaic solar installation may be sold, the broker, broker  
 54 associate, or sales associate must exercise due diligence to  
 55 determine whether the photovoltaic solar installation will  
 56 operate during a utility power outage and must provide a written  
 57 disclosure in substantially the following form to potential  
 58 buyers, printed with a minimum 48 point font size, which checks  
 59 the correct statement of the following options:

60  
 61                           PHOTOVOLTAIC SOLAR INSTALLATION DISCLOSURE

- 62           [ ] The photovoltaic solar installation works as  
 63 intended but will not provide electrical power to your  
 64 home during a utility power outage;  
 65           [ ] The photovoltaic solar installation will provide  
 66 limited power or power to a portion of the home during a  
 67 utility power outage;  
 68           [ ] The photovoltaic solar installation will power the  
 69 entire home during a utility power outage; or  
 70           [ ] This photovoltaic solar installation does not  
 71 function or its operability during a utility power  
 72 outage is unknown.

73  
 74 The requirement to provide a written disclosure under this  
 75 section may be satisfied by the electronic delivery of a

76 | document containing the required disclosure if the intended  
 77 | recipient of the electronic document affirmatively acknowledges  
 78 | its receipt. An electronic document must be in a nonproprietary  
 79 | file format, such as a portable document format or plain text  
 80 | document and satisfies the font required for the written  
 81 | statement if the format and the relative size of characters of  
 82 | the electronic document are reasonably similar to those required  
 83 | in the written document or if the information is otherwise  
 84 | displayed in a reasonably conspicuous manner.

85 | Section 4. Paragraph (a) of subsection (7) of section  
 86 | 489.103, Florida Statutes, is amended to read:

87 | 489.103 Exemptions.—This part does not apply to:

88 | (7)(a) Owners of property when acting as their own  
 89 | contractor and providing direct, onsite supervision themselves  
 90 | of all work not performed by licensed contractors:

91 | 1. When building or improving farm outbuildings or one-  
 92 | family or two-family residences on such property for the  
 93 | occupancy or use of such owners and not offered for sale or  
 94 | lease, or building or improving commercial buildings, at a cost  
 95 | not to exceed \$75,000, on such property for the occupancy or use  
 96 | of such owners and not offered for sale or lease. In an action  
 97 | brought under this part, proof of the sale or lease, or offering  
 98 | for sale or lease, of any such structure by the owner-builder  
 99 | within 1 year after completion of same creates a presumption  
 100 | that the construction was undertaken for purposes of sale or

101 lease.

102       2. When repairing or replacing wood shakes or asphalt or  
 103 fiberglass shingles on one-family, two-family, or three-family  
 104 residences for the occupancy or use of such owner or tenant of  
 105 the owner and not offered for sale within 1 year after  
 106 completion of the work and when the property has been damaged by  
 107 natural causes from an event recognized as an emergency  
 108 situation designated by executive order issued by the Governor  
 109 declaring the existence of a state of emergency as a result and  
 110 consequence of a serious threat posed to the public health,  
 111 safety, and property in this state.

112       3. When installing, uninstalling, or replacing a  
 113 photovoltaic solar installation or a component thereof ~~solar~~  
 114 ~~panels~~ on one-family, two-family, or three-family residences.  
 115 The owner may apply for any required permits, including  
 116 electrical and plumbing permits necessary to complete the  
 117 project. The building department may not hold an owner who acts  
 118 as his or her contractor to a standard higher than it would hold  
 119 a licensed contractor for the same type of work, ~~and the local~~  
 120 ~~permitting agency's county or municipal government is~~  
 121 ~~participating in a "United States Department of Energy SunShot~~  
 122 ~~Initiative: Rooftop Solar Challenge" grant. However, an owner~~  
 123 ~~must utilize a licensed electrical contractor to effectuate the~~  
 124 ~~wiring of the solar panels, including any interconnection to the~~  
 125 ~~customer's residential electrical wiring. The limitations of~~

126 ~~this exemption shall be expressly stated in the building permit~~  
127 ~~approved and issued by the permitting agency for such project.~~

128 4. When completing the requirements of a building permit,  
129 where the contractor listed on the permit substantially  
130 completed the project as determined by the local permitting  
131 agency, for a one-family or two-family residence, townhome, or  
132 an accessory structure of a one-family or two-family residence  
133 or townhome or an individual residential condominium unit or  
134 cooperative unit. Prior to qualifying for the exemption, the  
135 owner must receive approval from the local permitting agency,  
136 and the local permitting agency must determine that the  
137 contractor listed on the permit substantially completed the  
138 project. An owner who qualifies for the exemption under this  
139 subparagraph is not required to occupy the dwelling or unit for  
140 at least 1 year after the completion of the project.

141 Section 5. Section 520.231, Florida Statutes, is created  
142 to read:

143 520.231 Additional disclosures for photovoltaic solar  
144 installations.—In addition to the disclosures required in s.  
145 520.23, each agreement governing the sale or lease of a  
146 photovoltaic solar installation must contain a written  
147 disclosure in substantially the following form, printed with a  
148 minimum 48 point font size, which checks the correct statement  
149 of the following options:

150

PHOTOVOLTAIC SOLAR INSTALLATION DISCLOSURE

[ ] This photovoltaic solar installation works as intended but will not provide electrical power to your home during a utility power outage.

[ ] This photovoltaic solar installation will provide limited power or power to a portion of your home during a utility power outage.

[ ] This photovoltaic solar installation will power your entire home during a utility power outage.

[ ] This photovoltaic solar installation does not function or its operability during a utility power outage is unknown.

The requirement to provide a written disclosure under this section may be satisfied by the electronic delivery of a document containing the required disclosure if the intended recipient of the electronic document affirmatively acknowledges its receipt. An electronic document must be in a non-proprietary file format, such as a portable document format or plain text document and satisfies the font required for the written statement if the format and the relative size of characters of the electronic document are reasonably similar to those required in the written document or if the information is otherwise displayed in a reasonably conspicuous manner.

Section 6. Section 520.27, Florida Statutes, is created to

176 read:

177 520.27 Sale of leased or financed photovoltaic solar  
178 installations.—Notwithstanding any provision of Part II to the  
179 contrary, upon the sale of residential home with a photovoltaic  
180 solar installation:

181 (1) If the photovoltaic solar installation was financed,  
182 the note must be paid off at closing according to the early  
183 payoff terms of the note or the remaining principal must be paid  
184 off at closing if the note does not specify or allow an early  
185 payoff. Within 30 calendar days after closing, the lender shall  
186 release any liens or fixture filings used to secure the loan.

187 (2) If the photovoltaic solar installation was leased, the  
188 owner of the installation must be notified at least 30 calendar  
189 days before the closing and must terminate the lease and remove  
190 any associated liens or fixture filings not later than 30  
191 calendar days after the closing date using one of the following  
192 methods:

193 (a) Accept a lease buyout, to be paid at closing and leave  
194 all components of the photovoltaic solar installation fully  
195 operational;

196 (b) Remove the photovoltaic solar installation before  
197 closing in a manner that maintains the integrity of the roof,  
198 electrical system, walls, and ceilings of the residential real  
199 estate. The owner of the installation must pay for repairs as a  
200 result of roof damage or leaks caused by the removal of the

201 photovoltaic solar installation. The owner of the installation  
202 may leave any portion of the installation behind, such as roof  
203 mounts, to satisfy this requirement. The owner of the  
204 installation must pay the costs for removing the photovoltaic  
205 solar installation, and must obtain permits, if necessary. The  
206 homeowner shall cooperate with the removal in a noninterfering  
207 manner and grant all necessary access; or

208 (c) Abandon the photovoltaic solar installation leaving  
209 all components of the installation behind. After closing, the  
210 system, or any portion left behind, shall belong to the new  
211 homeowner, the lease shall be void, and the owner of the  
212 installation shall remove any associated liens or fixture  
213 filings within 30 days after the closing date.

214 Section 7. This act shall take effect July 1, 2022.