

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Natural Resources & Disasters Subcommittee

Representative Barnaby offered the following:

Amendment (with title amendment)

Remove lines 64-259 and insert:

Business and Professional Regulation on a form prescribed by the Department of Business and Professional Regulation no later than March 1 of the year immediately following the year of the building's LEED certification. The Department of Business and Professional Regulation may allow applications to be filed electronically. The building owner must verify the application under oath, under the penalty of perjury, and the application must contain all of the following:

Amendment No.

15 1. Documentation evidencing the type of LEED certification
16 that was granted for the building that is the subject of the
17 application.

18 2. The date on which LEED certification was granted.

19 3. A statement by the building owner that, for the purpose
20 of research, the resilient building's energy use information
21 will be reported in every year of the 5-year credit period to
22 the Department of Business and Professional Regulation using the
23 ENERGY STAR Portfolio Manager.

24 4. Other information the Department of Business and
25 Professional Regulation deems necessary to make a proper review
26 and determine eligibility.

27 (b) No later than 30 days after a building owner submits a
28 completed application for the tax credit, the Department of
29 Business and Professional Regulation shall do one of the
30 following:

31 1. If the building owner is not eligible for a tax credit,
32 notify the building owner in writing of the reasons the building
33 owner is not entitled to a tax credit.

34 2. If the building owner is eligible for a tax credit,
35 issue a letter to the building owner which includes the name of
36 the taxpayer, the address of the resilient building, the amount
37 of the tax credit as specified in subsection (3), and the tax
38 years for which the building owner is eligible for the tax
39 credit. The building owner must attach the letter from the

Amendment No.

40 Department of Business and Professional Regulation to the tax
41 return on which the credit is claimed.

42 (c) A building owner may file only one application with
43 the Department of Business and Professional Regulation for each
44 resilient building, except that a building owner may file a
45 subsequent application if the building owner's first application
46 was denied or withdrawn because of errors or omissions in the
47 application and the building owner corrected such errors or
48 omissions in the subsequent application.

49 (3) If the resilient building that is the subject of an
50 application filed under subsection (2) has:

51 (a) A gold or silver BD+C LEED certification that fulfills
52 the LEED resilience pathway, the building owner must receive a
53 tax credit equal to \$0.50 per square foot of the building every
54 year for 5 years.

55 (b) A platinum BD+C LEED certification that fulfills the
56 LEED resilience pathway, the building owner must receive a tax
57 credit equal to \$1 per square foot of the building every year
58 for 5 years.

59 (c) A gold or silver O+M LEED certification that fulfills
60 the LEED resilience pathway, the building owner must receive a
61 tax credit equal to \$1 per square foot of the building every
62 year for 5 years.

63 (d) A platinum O+M LEED certification that fulfills the
64 LEED resilience pathway, the building owner must receive a tax

Amendment No.

65 credit equal to \$2 per square foot of the building every year
66 for 5 years.

67 (4) (a) If the credit granted under this section is not
68 fully used in any one taxable year because of insufficient tax
69 liability on the part of the building owner, or because the
70 building owner is not subject to tax under this chapter, the
71 unused amount may be carried forward for a period not to exceed
72 5 taxable years or may be transferred in accordance with
73 paragraph (b). The carryover or transferred credit may be used
74 in the year approved or any of the 5 subsequent taxable years
75 when the tax imposed by this chapter for that taxable year
76 exceeds the credit for which the building owner or transferee
77 under paragraph (b) is eligible in that taxable year under this
78 subsection and after applying the other credits and unused
79 carryovers in the order provided by s. 220.02(8).

80 (b)1. The credit under this section may be transferred, in
81 whole or in part:

82 a. By written agreement to a taxpayer subject to the tax
83 under this chapter; and

84 b. At any time after receipt of the letter of eligibility
85 specified in subparagraph (2) (b)2., or during the 5 taxable
86 years following the taxable year the credit was originally
87 earned by the building owner.

88 2. The written agreement required for transfer under this
89 paragraph must:

Amendment No.

90 a. Be filed jointly by the building owner and the
91 transferee with the department within 30 days after the
92 transfer, in accordance with rules adopted by the department;
93 and

94 b. Contain all of the following information: the name,
95 address, and taxpayer identification number for the building
96 owner and the transferee; the amount of the credit being
97 transferred; the taxable year in which the credit was originally
98 earned by the building owner; and the remaining taxable years
99 for which the credit may be claimed.

100 (5) If the recipient of the credit granted under this
101 section in any year fails to provide the energy use information
102 required under subparagraph (2)(a)3., the Department of Business
103 and Professional Regulation must rescind the authorization for
104 the credit. Within 10 days after the date on which the building
105 owner was required to report the information, the Department of
106 Business and Professional Regulation shall send a notice
107 informing the recipient of the credit of the Department of
108 Business and Professional Regulation's intent to rescind the
109 credit. If the recipient does not provide the information within
110 20 days after the date the notice was sent, the Department of
111 Business and Professional Regulation must notify the department
112 of the rescindment of the recipient's tax credit, and the
113 department may not allow the credit to be taken.

Amendment No.

114 (6) The department and the Department of Business and
115 Professional Regulation shall adopt rules to implement this
116 section.

117 **Section 2. Section 553.972, Florida Statutes, is created**
118 **to read:**

119 553.972 Florida Resilient Building Advisory Council.—

120 (1) The Florida Resilient Building Advisory Council, an
121 advisory council as defined in s. 20.03(7), is created adjunct
122 to the Department of Business and Professional Regulation. The
123 purpose of the advisory council is to provide the department and
124 the Legislature with recommendations on policies to foster and
125 enhance resilient buildings and hurricane resiliency in this
126 state.

127 (2) The Department of Business and Professional Regulation
128 shall post on its website any proposed policies from the
129 advisory council.

130 (3) The advisory council shall be composed of the
131 following members, who shall serve at the pleasure of their
132 appointing authorities:

133 (a) A representative of the Florida State University, who
134 shall serve as co-chair and be appointed by the Governor.

135 (b) A representative of the Florida Gulf Coast University
136 U.A. Whitaker School of Engineering, who shall serve as co-chair
137 and be appointed by the President of the Senate.

Amendment No.

138 (c) A representative of the University of Florida College
139 of Design, Construction, and Planning's Sustainability and the
140 Built Environment program, who shall serve as co-chair and be
141 appointed by the Speaker of the House of Representatives.

142 (d) A representative of the University of Miami, who shall
143 be appointed by the President of the Senate.

144 (e) A representative of the University of South Florida,
145 who shall be appointed by the Speaker of the House of
146 Representatives.

147 (f) A representative of the Florida International
148 University International Hurricane Research Center, who shall be
149 appointed by the President of the Senate.

150 (g) A representative of the University of Central Florida,
151 who shall be appointed by the Speaker of the House of
152 Representatives.

153 (h) Five members appointed by the Governor.

154 (i) Five members appointed by the President of the Senate.

155 (j) Five members appointed by the Speaker of the House of
156 Representatives.

157
158 The members appointed must have specialized knowledge regarding
159 resilient building design and construction, resilient building
160 operations and maintenance, policy innovation and incentives,
161 and building and community challenges.

Amendment No.

162 (4) When appointing members under paragraphs (3)(h), (i),
163 and (j), the Governor, the President of the Senate, and the
164 Speaker of the House of Representatives, respectively, shall
165 make reasonable efforts to appoint persons to the advisory
166 council who include the following:

167 (a) Five members who are representatives of local
168 government.

169 (b) Two members who are representatives of building codes
170 and standards organizations.

171 (c) Two members who are representatives of sustainable or
172 resilient building certification organizations.

173 (d) One member who is an architect licensed in this state.

174 (e) One member who is an engineer licensed in this state.

175 (f) One member who is a representative of the commercial
176 and residential property insurance industry.

177 (g) Two members who have expertise in renewable energy and
178 energy storage systems.

179 (h) One member who has expertise in building-grid
180 integration.

181 (5) Advisory council members must be appointed no later
182 than August 1, 2025. Members shall serve 4-year terms, except
183 that the initial terms must be staggered. The Governor shall
184 initially appoint two members for a term of 4 years, two members
185 for a term of 3 years, and two members for a term of 2 years.
186 The President of the Senate shall initially appoint three

Amendment No.

187 members for a term of 4 years, three members for a term of 3
188 years, and two members for a term of 2 years. The Speaker of the
189 House of Representatives shall initially appoint three members
190 for a term of 4 years, two members for a term of 3 years, and
191 two members for a term of 2 years. Members of the advisory
192 council shall serve without compensation but are entitled to
193 reimbursement for per diem and travel expenses pursuant to s.
194 112.061.

195 (6) The advisory council shall meet at the call of the co-
196 chairs at a time and location in this state designated by the
197 co-chairs, provided that the first meeting must occur no later
198 than November 1, 2025, and that subsequent meetings must occur
199 no less than semiannually thereafter.

200 (7) The department shall provide staffing and
201 administrative assistance to the advisory council in performing
202 its duties.

203 (8) In accordance with s. 20.052(8), this section is
204 repealed October 2, 2028, unless reviewed and saved from repeal
205 through reenactment by the Legislature.

206 **Section 3. Paragraph (cc) is added to subsection (8) of**
207 **section 213.053, Florida Statutes, to read:**

208 213.053 Confidentiality and information sharing.—

209 (8) Notwithstanding any other provision of this section,
210 the department may provide:

Amendment No.

211 (cc) Information relative to s. 220.197 to the Department
212 of Business and Professional Regulation in the conduct of its
213 official business.

214
215 -----

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

217 Remove lines 9-37 and insert:
218 Business and Professional Regulation by a specified
219 date in order to claim such tax credit; authorizing
220 the department to accept such applications
221 electronically; specifying requirements for such
222 applications; requiring the department to take certain
223 actions; requiring a building owner to attach a
224 specified letter to certain tax returns; providing
225 that a building owner may file only one application
226 with the department; providing exceptions; specifying
227 the amounts of the tax credit; authorizing a building
228 owner to carry forward the unused amount of a tax
229 credit to a subsequent tax year; authorizing the
230 transfer of all or part of the tax credits under
231 certain conditions; requiring the department to
232 rescind eligibility for the tax credit under certain
233 circumstances; requiring the Department of Revenue and
234 the Department of Business and Professional Regulation
235 to adopt rules; creating s. 553.972, F.S.; creating

Amendment No.

236 | the Florida Resilient Building Advisory Council
237 | adjunct to the Department of Business and Professional
238 | Regulation; providing the purpose of the advisory
239 | council; requiring the department to post certain
240 | policies on its website; providing for the duties,
241 | membership, and meetings of the advisory council;
242 | requiring the department to provide the advisory
243 | council with staffing and administrative assistance;
244 | providing for expiration of the advisory council;
245 | amending ss. 213.053, 220.02, and 220.13,