Committee on Communications, Energy, And Public Utilities

CS/SB 90 — Renewable Energy Source Devices

by Community Affairs Committee and Senators Brandes, Stewart, and Gibson

The bill implements the renewable energy tax exemption constitutional amendment. It limits the exemption from real property taxes for nonresidential real property to 80 percent of the just value of the property attributable to a renewable energy source device. It applies the real property tax exemption prospectively only.

The bill also exempts 80 percent of the assessed value of a renewable energy source device from tangible personal property tax for all applicants, residential and nonresidential. The exemption is prospective only, with two exceptions:

- A device installed to supply a municipal electric utility located entirely within a consolidated government; or
- A device installed after August 30, 2016, on municipal land as part of a project incorporating other renewable energy source devices under common ownership on municipal land for the sole purpose of supplying a municipal electric utility with at least 2 megawatts and no more than 5 megawatts of alternating current power when the renewable energy source devices in the project are used together.

The bill creates an exception from both tax exemptions for a device installed as part of a project planned for a location in a fiscally constrained county for which an application for a comprehensive plan amendment or planned unit development zoning has been filed with the county on or before December 31, 2017.

Notwithstanding these provisions, 80 percent of the assessed value of a renewable energy source device which is affixed to property owned or leased by the U.S. Department of Defense for the military is exempt from ad valorem taxation, including, but not limited to, the tangible personal property tax.

All of these provisions expire on December 31, 2037.

The bill also creates distributed energy generation system sales provisions for systems that are leased or sold pursuant to a retail installment contract, including the following:

- A seller who installs a distributed energy generation system must comply with applicable safety standards established by the Department of Business and Professional Regulation pursuant to ch. 489 and part IV of ch. 553, F.S.
- Each agreement governing the sale or lease of a distributed energy system must include specified disclosures, including disclosures.
- The Department of Business and Professional Regulation is required to adopt rules to implement and enforce these provisions, including creation of standard disclosure forms.
- Any seller who willfully and intentionally violates any of these provisions commits a noncriminal violation, punishable by a fine not to exceed the cost of the system.
- These provisions do not apply to:

- A person or company that markets, sells, or enters into an agreement for the sale or financing of a distributed energy generation system as part of a transaction involving the sale or transfer of the real property on which the system is or will be affixed.
- A transaction involving the sale or transfer of the real property on which a distributed energy generation system is located.
- A third party, including a local government, that enters into an agreement for the financing of a distributed energy generation system.
- The sale or lease of a distributed energy generation system that will be installed on nonresidential real property.
- The sale of a distributed energy generation system pursuant to an agreement that requires full payment of the system from the buyer to the seller no later than the date the system is installed by the seller or is delivered from the seller to the buyer or a third party for installation.
- A person, other than the seller or lessor, who installs a distributed energy generation system on residential property.

If approved by the Governor, these provisions take effect July 1, 2017.
Vote: Senate 33-0; House 118-0

Committee on Communications, Energy, And Public Utilities

CS/CS/HB 687 — Utilities

by Commerce Committee; Energy and Utilities Subcommittee; and Rep. La Rosa and others (CS/CS/CS/SB 596 by Rules Committee; Governmental Oversight and Accountability Committee; Communications, Energy, and Public Utilities Committee; and Senators Hutson, Young, and Broxson)

The bill creates the Advanced Wireless Infrastructure Deployment Act (Act), which provides for the collocation of small wireless facilities on an authority utility pole. An authority is a county or municipality having jurisdiction and control of the rights-of-way of any public road. A utility pole is not a utility pole in the sense of a municipal electric utility pole, but rather is a pole or similar structure that is used to provide lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights, but does not include any horizontal structures upon which traffic control devices are attached. It does not include any pole or similar structure 15 feet in height or less.

An authority may adopt by ordinance reasonable and nondiscriminatory provisions for registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. The collocation process begins with a wireless service provider filing an application for a permit with an authority. An authority must issue permits subject to the following restrictions or requirements:

- An authority may not require placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.
- An authority may not limit the placement of small wireless facilities by minimum separation distances, but may request that the proposed location of a small wireless facility be moved to another location in the right-of-way, placed upon an alternative authority utility pole or support structure, or placed upon a new utility pole.
- A small wireless facility can be no higher than 10 feet above the utility pole or structure upon which the facility is to be collocated. A new utility pole can be no higher than the tallest existing utility pole located in the right-of-way within 500 feet of the proposed location, or, if there is no utility pole within 500 feet, no higher than 50 feet.
- An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may file a consolidated application and receive a single permit for the collocation of no more than 30 small wireless facilities.
- An authority has 14 days after receiving an application to determine whether the application is complete and notify the applicant by electronic mail. If an authority deems an application incomplete, the authority must specifically identify the missing information. If the authority fails to provide notification to the applicant within the 14 days, the application is deemed complete.
- If the authority fails to approve or deny a complete application within 60 days after receipt of the application, the application is deemed approved.
- The authority must approve a complete application unless it does not meet the authority's applicable codes.

An applicant may request a waiver of these design standards upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense, and the waiver must be granted or denied within 45 days after the date of the waiver request. If an authority denies an application, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and the applicant has 30 days after notice of the denial to cure the identified deficiencies and resubmit the application. The authority must approve or deny the revised application within 30 days after receipt or the application will be deemed approved.

The collocation fee cannot exceed $150 per year.

The Act does not authorize a person to collocate small wireless facilities, to attach micro wireless facilities, or to put up a wireless support structure in the right-of-way located within a retirement community, a municipality located on a coastal barrier island, or a homeowners' association; with criteria specified for each type of location.

If approved by the Governor, these provisions take effect July 1, 2017.
Vote: Senate 33-1; House 110-3

Committee on Communications, Energy, And Public Utilities

CS/CS/HB 1021 — Construction

by Commerce Committee; Appropriations Committee; and Rep. Avila (CS/CS/SB 1312 by Appropriations Committee; Community Affairs Committee; and Senators Perry and Campbell)

The bill authorizes the manufacture or sale of solar energy systems in Florida if they either meet the standards established by the Florida Solar Energy Center and display accepted results of approved performance tests as prescribed by the Center, or are certified by an engineer licensed pursuant to ch. 471, F.S., using the standards contained in the most recent version of the Florida Building Code. It exempts employees of municipal gas utilities performing construction, maintenance, or development work from the contractor licensing requirements of part I of ch. 489, F.S.

The bill prohibits a political subdivision of the state from adopting or enforcing any ordinance or imposing any building permit or other development order requirement under certain circumstances. The prohibition applies retroactively, and all such ordinances and requirements are preempted and superseded by general law. The prohibition does not affect any requirement for design and construction in the Florida Building Code, and does not apply to property located in a designated historic district.

The bill creates an internship path for certification as a building code inspector or plans examiner. It requires the Florida Building Code Administrators and Inspectors Board to issue a provisional certificate to any building code inspector or plans examiner who meets certain eligibility requirements. Furthermore, a person may perform the duties of a plan examiner or building code inspector for 120 days if he or she submits a provisional certificate application and is under the direct supervision of a certified building code administrator. The bill prohibits independent districts and special districts from requiring at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated specified activities.

The bill requires the Florida Building Commission (commission) to use the International Code Council, the National Electric Code (NFPA), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission must adopt an updated Florida Building Code every three years through reviews of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code. At a minimum, the commission must adopt any updates to such codes as are necessary to maintain eligibility for federal funding from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission is also required to review and adopt updates based substantially on the International Energy Conservation Code; however, the commission must maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction pursuant to s. 553.901, F.S. The commission must adopt the Florida Building Code, and amendments thereto, by at least a two-thirds vote of the members present at a meeting. The commission is required to amend the Florida Building Code-Energy Conservation

to either eliminate duplicative commissioning reporting requirements or authorize commissioning reports to be provided by specified professionals and to prohibit the adoption of American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

The bill prohibits a county, municipality, special taxing district, public utility, or private utility from requiring an impact fee or payment for a separate water connection for a one-family or two-family dwelling fire sprinkler system if the capacity required is hydraulically available at the property line. The bill imposes certain requirements on accountholders and utilities with respect to separate water connections for family dwelling fire sprinkling systems.
The bill prohibits a local government from requiring an owner of a residence to obtain a permit to paint such residence, regardless of whether the residence is owned by a limited liability company.

The Department of Education, in conjunction with the Department of Economic Opportunity, is required to develop a plan to implement the recommendations of the Construction Industry Workforce Task Force Report dated January 20, 2017. The Department of Education shall provide the plan to the Construction Industry Workforce Task Force on or before July 1, 2018.

CareerSource Florida, Inc., is required to develop and submit a plan to the Construction Industry Workforce Taskforce of the potential opportunities for training programs to implement the recommendations of the Construction Industry Workforce Taskforce Report dated January 20, 2017, using existing federal funds awarded to the corporation and using the previous statewide Florida ReBuilds program as an implementation model for such programs. CareerSource Florida, Inc., must provide the plan to the Construction Industry Workforce Taskforce on or before July 1, 2018.

The Florida Building Commission is required to adopt an amendment to the Florida Building Code-Residential, relating to Door Components, to provide that, relating to substitution of door components, such components must either:

- Comply with ANSI/WMA 100; or
- Be evaluated by an approved product evaluation entity, certification agency, testing laboratory, or engineer and may be interchangeable in exterior door assemblies if the components provide equal or greater structural performance as demonstrated by accepted engineering practices.

The bill allows a certified electrical or alarm system contractor to act as a prime contractor when the majority of the work to be performed under the contract is within the scope of his or her license and to subcontract to other licensed contractors any remaining work that is part of the project contracted.

If approved by the Governor, these provisions take effect July 1, 2017.
Vote: Senate 34-2; House 116-0