

HB 743

2012

1 A bill to be entitled
 2 An act relating to energy efficiency; amending s.
 3 212.055, F.S.; providing for a portion of the proceeds
 4 of the local government infrastructure surtax to be
 5 used to provide loans, grants, and rebates to
 6 residential property owners who make energy efficiency
 7 improvements to their residential property, subject to
 8 referendum; defining the term "energy efficiency
 9 improvement"; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Paragraph (d) of subsection (2) of section
 14 212.055, Florida Statutes, is amended to read:

15 212.055 Discretionary sales surtaxes; legislative intent;
 16 authorization and use of proceeds.—It is the legislative intent
 17 that any authorization for imposition of a discretionary sales
 18 surtax shall be published in the Florida Statutes as a
 19 subsection of this section, irrespective of the duration of the
 20 levy. Each enactment shall specify the types of counties
 21 authorized to levy; the rate or rates which may be imposed; the
 22 maximum length of time the surtax may be imposed, if any; the
 23 procedure which must be followed to secure voter approval, if
 24 required; the purpose for which the proceeds may be expended;
 25 and such other requirements as the Legislature may provide.
 26 Taxable transactions and administrative procedures shall be as
 27 provided in s. 212.054.

28 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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29 (d) The proceeds of the surtax authorized by this
30 subsection and any accrued interest shall be expended by the
31 school district, within the county and municipalities within the
32 county, or, in the case of a negotiated joint county agreement,
33 within another county, to finance, plan, and construct
34 infrastructure; to acquire land for public recreation,
35 conservation, or protection of natural resources; to provide
36 loans, grants, or rebates to residential property owners, with
37 preference given to low-income elders, Florida veterans of the
38 Armed Forces of the United States, and disabled adults, who make
39 energy efficiency improvements to their residential property, if
40 a local government ordinance authorizing such use is approved by
41 referendum; or to finance the closure of county-owned or
42 municipally owned solid waste landfills that have been closed or
43 are required to be closed by order of the Department of
44 Environmental Protection. Any use of the proceeds or interest
45 for purposes of landfill closure before July 1, 1993, is
46 ratified. The proceeds and any interest may not be used for the
47 operational expenses of infrastructure, except that a county
48 that has a population of fewer than 75,000 and that is required
49 to close a landfill may use the proceeds or interest for long-
50 term maintenance costs associated with landfill closure.
51 Counties, as defined in s. 125.011, and charter counties may, in
52 addition, use the proceeds or interest to retire or service
53 indebtedness incurred for bonds issued before July 1, 1987, for
54 infrastructure purposes, and for bonds subsequently issued to
55 refund such bonds. Any use of the proceeds or interest for
56 purposes of retiring or servicing indebtedness incurred for

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57 | refunding bonds before July 1, 1999, is ratified.

58 | 1. For the purposes of this paragraph, the term
59 | "infrastructure" means:

60 | a. Any fixed capital expenditure or fixed capital outlay
61 | associated with the construction, reconstruction, or improvement
62 | of public facilities that have a life expectancy of 5 or more
63 | years and any related land acquisition, land improvement,
64 | design, and engineering costs.

65 | b. A fire department vehicle, an emergency medical service
66 | vehicle, a sheriff's office vehicle, a police department
67 | vehicle, or any other vehicle, and the equipment necessary to
68 | outfit the vehicle for its official use or equipment that has a
69 | life expectancy of at least 5 years.

70 | c. Any expenditure for the construction, lease, or
71 | maintenance of, or provision of utilities or security for,
72 | facilities, as defined in s. 29.008.

73 | d. Any fixed capital expenditure or fixed capital outlay
74 | associated with the improvement of private facilities that have
75 | a life expectancy of 5 or more years and that the owner agrees
76 | to make available for use on a temporary basis as needed by a
77 | local government as a public emergency shelter or a staging area
78 | for emergency response equipment during an emergency officially
79 | declared by the state or by the local government under s.

80 | 252.38. Such improvements are limited to those necessary to
81 | comply with current standards for public emergency evacuation
82 | shelters. The owner must enter into a written contract with the
83 | local government providing the improvement funding to make the
84 | private facility available to the public for purposes of

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85 emergency shelter at no cost to the local government for a
86 minimum of 10 years after completion of the improvement, with
87 the provision that the obligation will transfer to any
88 subsequent owner until the end of the minimum period.

89 e. Any land acquisition expenditure for a residential
90 housing project in which at least 30 percent of the units are
91 affordable to individuals or families whose total annual
92 household income does not exceed 120 percent of the area median
93 income adjusted for household size, if the land is owned by a
94 local government or by a special district that enters into a
95 written agreement with the local government to provide such
96 housing. The local government or special district may enter into
97 a ground lease with a public or private person or entity for
98 nominal or other consideration for the construction of the
99 residential housing project on land acquired pursuant to this
100 sub-subparagraph.

101 2. For the purposes of this paragraph, the term "energy
102 efficiency improvement" means any energy conservation and
103 efficiency measure that reduces consumption through conservation
104 or a more efficient use of electricity, natural gas, propane, or
105 other forms of energy on the property, including, but not
106 limited to, air sealing; installation of insulation;
107 installation of energy-efficient heating, cooling, or
108 ventilation systems; installation of solar panels; building
109 modifications to increase the use of daylight or shade;
110 replacement of windows; installation of energy controls or
111 energy recovery systems; installation of electric vehicle
112 charging equipment; and installation of efficient lighting

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113 | equipment.

114 | ~~3.2.~~ Notwithstanding any other provision of this
115 | subsection, a local government infrastructure surtax imposed or
116 | extended after July 1, 1998, may allocate up to 15 percent of
117 | the surtax proceeds for deposit in a trust fund within the
118 | county's accounts created for the purpose of funding economic
119 | development projects having a general public purpose of
120 | improving local economies, including the funding of operational
121 | costs and incentives related to economic development. The ballot
122 | statement must indicate the intention to make an allocation
123 | under the authority of this subparagraph.

124 | Section 2. This act shall take effect July 1, 2012.