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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/27/2017 09:41 AM

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete lines 22 - 103

and insert:

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

24.118 Other prohibited acts; penalties.—

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



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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  
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 to  
21 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.

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



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

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 renewable  
66 energy source device installed on or after January 1, 2013, to  
67 new and existing residential real property. This section applies  
68 to a renewable energy source device installed on or after  
69 January 1, 2018, to all other real property, except when



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70 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. The amendments made by this act to s. 193.624(2)  
76 and (3), Florida Statutes 2016, expire December 31, 2037, and  
77 the text of those subsections shall revert to that in existence  
78 on December 31, 2017, except that any amendments to such text  
79 enacted other than by this act shall be preserved and continue  
80 to operate to the extent that such amendments are not dependent  
81 upon the portions of text which expire pursuant to this section.

82 Section 4. Section 196.182, Florida Statutes, is created to  
83 read:

84 196.182 Exemption of renewable energy source devices.—

85 (1) Eighty percent of the assessed value of a renewable  
86 energy source device, as defined in s. 193.624, which is  
87 considered tangible personal property and which is installed on  
88 real property on or after January 1, 2018, is exempt from ad  
89 valorem taxation.

90 (2) The exemption provided in this section does not apply  
91 to a renewable energy source device that is installed as part of  
92 a project planned for a location in a fiscally constrained  
93 county, as defined in s. 218.67(1), and for which an application  
94 for a comprehensive plan amendment or planned unit development  
95 zoning has been filed with the county on or before December 31,  
96 2017.

97 (3) Notwithstanding this section, a renewable energy source  
98 device, as defined in s. 193.624, which is affixed to property



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99 owned or leased by the United States Department of Defense for  
100 the military is exempt from ad valorem taxation, including, but  
101 not limited to, the tangible personal property tax.

102 (4) This section expires December 31, 2037.

103 Section 5. Subsection (13) of section 501.604, Florida  
104 Statutes, is amended to read:

105 501.604 Exemptions.—The provisions of this part, except ss.  
106 501.608 and 501.616(6) and (7), do not apply to:

107 (13) A commercial telephone seller licensed pursuant to  
108 chapter 516 or part III ~~part II~~ of chapter 520. For purposes of  
109 this exemption, the seller must solicit to sell a consumer good  
110 or service within the scope of his or her license and the  
111 completed transaction must be subject to the provisions of  
112 chapter 516 or part III ~~part II~~ of chapter 520.

113 Section 6. Parts II, III, IV, and V of chapter 520, Florida  
114 Statutes, are renumbered as Parts III, IV, V, and VI,  
115 respectively, and a new Part II, consisting of sections 520.20,  
116 520.21, 520.22, 520.23, 520.24, 520.25, and 520.26, Florida  
117 Statutes, is created to read:

118 PART II

119 RENEWABLE ENERGY SOURCE DEVICE SALES

120 520.20 Definitions.—As used in this part, the term:

121 (1) "Agreement" means a contract executed between a buyer  
122 or lessee and a seller that leases or sells a renewable energy  
123 source device for installation on residential real property. As  
124 used in this part, the term includes retail installment  
125 contracts.

126 (2) "Buyer" means an individual that enters into an  
127 agreement to buy or lease a renewable energy source device from



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128 a seller for installation on residential real property. As used  
129 in this subsection, the term "individual" means a single human  
130 being and does not include a firm, association of individuals,  
131 corporation, partnership, joint venture, sole proprietorship, or  
132 other entity.

133 (3) "Renewable energy source device" means a device or  
134 system that is used to generate or store electricity; that has  
135 an electric delivery capacity, individually or in connection  
136 with other similar devices or systems, of greater than 1  
137 kilowatt or 1 kilowatt hour; that is used primarily for onsite  
138 consumption; and that is to be installed on residential real  
139 property. The term does not include an electric generator  
140 intended for occasional use.

141 (4) "Lessee" means a person that enters into an agreement  
142 to lease or rent a renewable energy source device for  
143 installation on residential real property.

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

150 (6) "Seller" means a person who is a solar contractor  
151 licensed in this state under chapter 489.

152 520.21 Applicability.—This part applies to agreements to  
153 sell or lease a renewable energy source device 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 renewable energy



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157 source device under this part conflicts with any other provision  
158 related to retail installment contracts, this part controls.

159 520.22 Safety compliance.—A seller who installs a renewable  
160 energy source device must comply with applicable safety  
161 standards established by the Department of Business and  
162 Professional Regulation pursuant to chapter 489 and part IV of  
163 chapter 553.

164 520.23 Disclosures required.—Each agreement governing the  
165 sale or lease of a renewable energy source device must, at a  
166 minimum, include a written statement printed in at least 12-  
167 point type which is separate from the agreement, is separately  
168 acknowledged by the buyer, and includes the following  
169 information and disclosures, if applicable:

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

172 (2) The name, address, telephone number, e-mail address,  
173 and valid state contractor license number of the person  
174 responsible for installing the renewable energy source device.

175 (3) The name, address, telephone number, e-mail address,  
176 and valid state contractor license number of the renewable  
177 energy source device maintenance provider, if different from the  
178 person responsible for installing the renewable energy source  
179 device.

180 (4) A written statement indicating whether the buyer is  
181 purchasing or leasing the renewable energy source device.

182 (a) If the lessee is leasing the renewable energy source  
183 device, the written statement must include a disclosure in  
184 substantially the following form: "YOU ARE ENTERING INTO AN  
185 AGREEMENT TO LEASE A RENEWABLE ENERGY SOURCE DEVICE. YOU WILL



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186 LEASE (NOT OWN) THE SYSTEM INSTALLED ON YOUR PROPERTY."  
187 (b) If the buyer is purchasing the renewable energy source  
188 device, the written statement must include a disclosure in  
189 substantially the following form: "YOU ARE ENTERING INTO AN  
190 AGREEMENT TO PURCHASE A RENEWABLE ENERGY SOURCE DEVICE. YOU WILL  
191 OWN (NOT LEASE) THE SYSTEM INSTALLED ON YOUR PROPERTY."  
192 (5) The total cost to be paid by the buyer or lessee,  
193 including any interest, installation fees, document preparation  
194 fees, service fees, or other fees, if financed by the seller.  
195 (6) A payment schedule, including any amounts owed at  
196 contract signing, at the commencement of installation, and at  
197 the completion of installation, and any final payments, if  
198 financed by the seller. If the renewable energy source device is  
199 being leased, the written statement must include the frequency  
200 and amount of each payment due under the lease and the total  
201 estimated lease payments over the term of the lease.  
202 (7) Each state or federal tax incentive or rebate, if any,  
203 relied upon by the seller in determining the price of the  
204 renewable energy source device.  
205 (8) A description of the assumptions used to calculate any  
206 savings estimates provided to the buyer and, if such estimates  
207 are provided, a statement in substantially the following form:  
208 "It is important to understand that future electric utility  
209 rates are estimates only. Your future electric utility rates may  
210 vary."  
211 (9) A description of any one-time or recurring fees,  
212 including, but not limited to, estimated system removal fees,  
213 maintenance fees, Internet connection fees, and automated  
214 clearinghouse fees. If late fees may apply, the description must





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215 describe the circumstances triggering such late fees.

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

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

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

242 (13) A description of the renewable energy source device  
243 design assumptions, including the make and model of the major



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244 components, system size, estimated first-year energy production,  
245 and estimated annual energy production decreases, including the  
246 overall percentage degradation over the estimated life of the  
247 renewable energy source device, and the status of utility  
248 compensation for excess energy generated by the system at the  
249 time of contract signing. A seller who provides a warranty or  
250 guarantee of the energy production output of the renewable  
251 energy source device may provide a description of such warranty  
252 or guarantee in lieu of a description of the system design and  
253 components.

254 (14) A description of any performance or production  
255 guarantees.

256 (15) A description of the ownership and transferability of  
257 any tax credits, rebates, incentives, or renewable energy  
258 certificates associated with the renewable energy source device,  
259 including a disclosure as to whether the seller will assign or  
260 sell any associated renewable energy certificates to a third  
261 party.

262 (16) A statement in substantially the following form: "You  
263 are responsible for property taxes on property you own. Consult  
264 a tax professional to understand any tax liability or  
265 eligibility for any tax credits that may result from the  
266 purchase of your renewable energy source device."

267 (17) The approximate start and completion dates for the  
268 installation of the renewable energy source device.

269 (18) A disclosure as to whether maintenance and repairs of  
270 the renewable energy source device are included in the purchase  
271 price.

272 (19) A disclosure as to whether any warranty or maintenance



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273 obligations related to the renewable energy source device may be  
274 sold or transferred by the seller to a third party and, if so, a  
275 statement in substantially the following form: "Your contract  
276 may be assigned, sold, or transferred without your consent to a  
277 third party who will be bound to all the terms of the contract.  
278 If a transfer occurs, you will be notified if this will change  
279 the address or phone number to use for system maintenance or  
280 repair requests."

281 (20) If the buyer is purchasing the renewable energy source  
282 device, a disclosure notifying the buyer of the requirements for  
283 interconnecting the system to the utility system.

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

286 (22) A description of any roof warranties.

287 (23) A disclosure notifying the lessee whether the seller  
288 will insure a leased renewable energy source device against  
289 damage or loss and, if applicable, the circumstances under which  
290 the seller will not insure the system against damage or loss.

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

296 (25) A disclosure notifying the buyer or lessee whether the  
297 seller or lessor will place a lien on the buyer's or lessee's  
298 home or other property as a result of entering into a purchase  
299 or lease agreement for the renewable energy source device.

300 (26) A disclosure notifying the buyer or lessee whether the  
301 seller or lessor will file a fixture filing or a State of



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302 Florida Uniform Commercial Code Financing Statement Form (UCC-1)  
303 on the renewable energy source device.

304 (27) A disclosure identifying whether the agreement  
305 contains any restrictions on the buyer's or lessee's ability to  
306 modify or transfer ownership of a renewable energy source  
307 device, including whether any modification or transfer is  
308 subject to review or approval by a third party.

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

313 (29) A blank section that allows the seller to provide  
314 additional relevant disclosures or explain disclosures made  
315 elsewhere in the disclosure form.

316 520.24 Rulemaking authority; standard disclosure form.—

317 (1) The Department of Business and Professional Regulation  
318 shall adopt rules to implement and enforce this part.

319 (2) The Department of Business and Professional Regulation  
320 shall, by January 1, 2018, publish standard disclosure forms  
321 that may be used to comply with the disclosure requirements of  
322 this part. Disclosures provided in substantially the form  
323 published by the department shall be regarded as complying with  
324 the disclosure requirements of this part.

325 520.25 Penalties.—Any seller who willfully and  
326 intentionally violates any provision of this part commits a  
327 noncriminal violation, as defined in s. 775.08(3), punishable by  
328 a fine not to exceed the lesser of either the cost of the  
329 removal of the renewable energy source device by an independent  
330 third party or the cost of the renewable energy source device.



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331       520.26 Exemptions.—This part does not apply to the  
332 following:

333       (1) A person or company, acting through its officers,  
334 employees, brokers, or agents, that markets, sells, solicits,  
335 negotiates, or enters into an agreement for the sale or  
336 financing of a renewable energy source device as part of a  
337 transaction involving the sale or transfer of the real property  
338 on which the system is or will be affixed.

339       (2) A transaction involving the sale or transfer of the  
340 real property on which a renewable energy source device is  
341 located.

342       (3) A third party, including a local government, that  
343 enters into an agreement for the financing of a renewable energy  
344 source device.

345       (4) The sale or lease of a renewable energy source device  
346 to be installed on nonresidential real property.

347       Section 7. Subsection (6) of section 520.68, Florida  
348 Statutes, is amended to read:

349       520.68 Persons not required to be licensed.—No home  
350 improvement finance seller's or seller's license shall be  
351 required under this act of any person when acting in any  
352 capacity or type of transaction set forth in this section:

353       (6) Retail establishments, including employees thereof,  
354 which are licensed under part III ~~part II~~ of this chapter and  
355 which engage in home improvements as an incidental part of their  
356 business. However, such retail establishments and their  
357 employees shall be governed by all other provisions contained in  
358 this act.

359       Section 8. Paragraph (d) of subsection (2) of section



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360 671.304, Florida Statutes, is amended to read:

361 671.304 Laws not repealed; precedence where code provisions  
362 in conflict with other laws; certain statutory remedies  
363 retained.—

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

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

370 Section 9. For the purpose of incorporating the amendment  
371 made by this act to section 193.624, Florida Statutes, in a  
372 reference thereto, paragraph (a) of subsection (4) of section  
373 193.155, Florida Statutes, is reenacted to read:

374 193.155 Homestead assessments.—Homestead property shall be  
375 assessed at just value as of January 1, 1994. Property receiving  
376 the homestead exemption after January 1, 1994, shall be assessed  
377 at just value as of January 1 of the year in which the property  
378 receives the exemption unless the provisions of subsection (8)  
379 apply.

380 (4) (a) Except as provided in paragraph (b) and s. 193.624,  
381 changes, additions, or improvements to homestead property shall  
382 be assessed at just value as of the first January 1 after the  
383 changes, additions, or improvements are substantially completed.

384 Section 10. For the purpose of incorporating the amendment  
385 made by this act to section 193.624, Florida Statutes, in a  
386 reference thereto, paragraph (a) of subsection (6) of section  
387 193.1554, Florida Statutes, is reenacted to read:

388 193.1554 Assessment of nonhomestead residential property.—



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389 (6) (a) Except as provided in paragraph (b) and s. 193.624,  
390 changes, additions, or improvements to nonhomestead residential  
391 property shall be assessed at just value as of the first January  
392 1 after the changes, additions, or improvements are  
393 substantially completed.

394  
395 ===== T I T L E A M E N D M E N T =====

396 And the title is amended as follows:

397 Delete lines 3 - 17

398 and insert:

399 amending s. 24.118, F.S.; conforming a cross-  
400 reference; amending s. 193.624, F.S.; revising the  
401 definition of the term "renewable energy source  
402 device"; prohibiting the consideration of just value  
403 of property attributable to a renewable energy source  
404 device in determining the assessed value of real  
405 property used for residential purposes; prohibiting  
406 the consideration of a specified percentage of the  
407 just value of property attributable to a renewable  
408 energy source device in determining the assessed value  
409 of real property used for nonresidential purposes;  
410 revising applicability; providing for expiration and  
411 reversion of specified amendments made by the act;  
412 creating s. 196.182, F.S.; exempting a specified  
413 percentage of the assessed value of certain renewable  
414 energy source devices from ad valorem taxation;  
415 providing applicability; exempting renewable energy  
416 source devices affixed to property owned or leased by  
417 the United States Department of Defense for the



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418 military from ad valorem taxation; providing for  
419 expiration; amending s. 501.604, F.S.; conforming  
420 cross-references; reordering ch. 520, F.S., and  
421 creating part II of ch. 520, F.S., to be entitled  
422 "Renewable Energy Source Device Sales"; creating s.  
423 520.20, F.S.; defining terms; creating s. 520.21,  
424 F.S.; providing applicability and construction;  
425 creating s. 520.22, F.S.; requiring sellers of  
426 renewable energy source devices to comply with certain  
427 safety standards established by the Department of  
428 Business and Professional Regulation; creating s.  
429 520.23, F.S.; specifying requirements for a written  
430 statement in agreements governing the sale or lease of  
431 renewable energy source devices; creating s. 520.24,  
432 F.S.; requiring the department to adopt rules;  
433 requiring the department, by a specified date, to  
434 publish standard disclosure forms; providing  
435 construction; creating s. 520.25, F.S.; providing a  
436 penalty for willful and intentional violations;  
437 creating s. 520.26, F.S.; providing exemptions from  
438 applicability; amending ss. 520.68 and 671.304, F.S.;  
439 conforming cross-references; reenacting ss.  
440 193.155(4)(a) and 193.1554(6)(a), F.S., relating to  
441 homestead assessments and nonhomestead residential  
442 property assessments, respectively, to incorporate the  
443 amendment made to s. 193.624, F.S., in references  
444 thereto;