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

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

Section 1. Section 125.551, Florida Statutes, is created
to read:

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

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

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

Section 3. Section 475.046, Florida Statutes, is created to read:
475.046 Written disclosures before sale of residential real estate.—Before residential real estate that contains a photovoltaic solar installation may be sold, the broker, broker associate, or sales associate must exercise due diligence to determine whether the photovoltaic solar installation will operate during a utility power outage and must provide a written disclosure in substantially the following form to potential buyers, printed with a minimum 48 point font size, which checks the correct statement of the following options:

PHOTOVOLTAIC SOLAR INSTALLATION DISCLOSURE

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

[ ] The photovoltaic solar installation will provide limited power or power to a portion of the home during a utility power outage;

[ ] The photovoltaic solar installation will power the entire home during a utility power outage; or

[ ] 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 nonproprietary 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 4. Paragraph (a) of subsection (7) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

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

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

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

3. When installing, uninstalling, or replacing a photovoltaic solar installation or a component thereof solar panels on one-family, two-family, or three-family residences. The owner may apply for any required permits, including electrical and plumbing permits necessary to complete the project. The building department may not hold an owner who acts as his or her contractor to a standard higher than it would hold a licensed contractor for the same type of work, and the local permitting agency's county or municipal government is participating in a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant. However, an owner must utilize a licensed electrical contractor to effectuate the wiring of the solar panels, including any interconnection to the customer's residential electrical wiring. The limitations of
this exemption shall be expressly stated in the building permit approved and issued by the permitting agency for such project.

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

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

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

CODING: Words struck are deletions; words underlined are additions.
read:

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

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

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

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

(b) Remove the photovoltaic solar installation before closing in a manner that maintains the integrity of the roof, electrical system, walls, and ceilings of the residential real estate. The owner of the installation must pay for repairs as a result of roof damage or leaks caused by the removal of the
photovoltaic solar installation. The owner of the installation may leave any portion of the installation behind, such as roof mounts, to satisfy this requirement. The owner of the installation must pay the costs for removing the photovoltaic solar installation, and must obtain permits, if necessary. The homeowner shall cooperate with the removal in a noninterfering manner and grant all necessary access; or

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

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