A bill to be entitled

An act relating to sales tax refunds for building mitigation retrofit improvements; amending s. 212.08, F.S.; providing definitions; exempting materials used for building mitigation retrofit improvements from the sales and use tax; requiring the owner of a qualified building to electronically file certain documents within a certain timeframe with the Department of Revenue to receive a refund of previously paid taxes; prohibiting such an owner from applying for the refund more than one time annually; requiring the department to make a certain determination and issue the refund within certain timeframes; prohibiting an authorized mitigation inspector from committing misconduct in specified circumstances; specifying actions that constitute misconduct; authorizing the licensing board to take certain punitive actions against certain authorized mitigation inspectors; providing applicability; authorizing the department to adopt rules, including emergency rules; providing an effective date.

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

Section 1. Paragraph (v) is added to subsection (5) of
section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(v) Materials used for building mitigation retrofit improvements.—

1. As used in this paragraph, the term:

   a. "Authorized mitigation inspector" means one of the following:

      (I) A home inspector licensed under s. 468.8314 who has completed at least 3 hours of hurricane mitigation training approved by the Construction Industry Licensing Board, which must include hurricane mitigation techniques and compliance with the uniform mitigation verification inspection form, and completed a proficiency exam.

      (II) A building code inspector certified under s. 468.607.

      (III) A general, building, or residential contractor licensed under s. 489.111.

      (IV) A specialty contractor as defined in s. 489.105(3)(q) who is certified to perform a building mitigation retrofit improvement.
(V) A professional engineer licensed under s. 471.015.
(VI) A professional architect licensed under s. 481.213.
b. "Building materials" means tangible personal property
that becomes a component part of a qualified building as a
component of a building mitigation retrofit improvement.
c. "Building mitigation retrofit improvement" means one or
more of the following:
  (I) The installation of a roofing underlayment to the
  sheathing.
  (II) The replacement of a roof covering.
  (III) The application of foam adhesive to reinforce a roof
  structure.
  (IV) The strengthening of connections between a roof deck
  and roof framing.
  (V) The strengthening of roof-to-wall connections.
  (VI) The strengthening of soffits.
  (VII) The strengthening of attic ventilation openings.
  (VIII) The installation of impact-resistant windows.
  (IX) The installation of impact-resistant entry doors.
d. "Qualified building" means an existing, insured
residential or commercial building.
e. "Substantially completed" has the same meaning as in s.
192.042(1).
2. Building materials purchased and used for a building
mitigation retrofit improvement are exempt from the tax imposed
by this chapter upon an affirmative showing to the department that the requirements of this paragraph have been met. This exemption inures to the owner of the qualified building through a refund of previously paid taxes.

3. To receive a refund, the owner must file with the department through electronic transmission:

   a. Proof that the structure of the qualified building is insured by a property insurance policy.

   b. A building mitigation retrofit improvement form, prescribed by the Department of Financial Services, evidencing that the building mitigation retrofit improvement is substantially completed. The building mitigation retrofit improvement form must be completed by an authorized mitigation inspector.

   c. A sworn statement, submitted under penalty of perjury, from the individual who installed the building mitigation retrofit improvement listing the building materials used in the installation of the building mitigation retrofit improvement, the actual cost of the building materials, and the amount of sales tax paid on the building materials. Copies of invoices or receipts evidencing payment of sales tax must be attached to the sworn statement.

   d. Copies of any permits required by law or ordinance for the installation of the building mitigation retrofit improvement or, if a permit is not required, an attestation signed by an
authorized mitigation inspector verifying that the building mitigation retrofit improvement was installed in accordance with the Florida Building Code and any applicable local amendments.

4. The owner may not apply for a refund more than one time annually between July 1 and June 30. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the building mitigation retrofit improvement is substantially completed. Within 30 working days after receipt of the application, the department shall determine if the application meets the requirements of this paragraph. The department must issue a refund within 30 days after it formally approves the application.

5. An authorized mitigation inspector may not commit misconduct in performing building mitigation inspections or in completing a building mitigation retrofit improvement form if the misconduct causes financial harm to the owner or insurer or jeopardizes an owner's health, safety, or property. Misconduct occurs when an authorized mitigation inspector signs a building mitigation retrofit improvement form that:

   a. Falsely indicates that he or she personally inspected the qualified building referenced in the building mitigation retrofit improvement form;

   b. Falsely indicates the existence of a building mitigation retrofit improvement that he or she knows does not exist;
c. Contains erroneous information due to his or her gross negligence; or

d. Contains a pattern of demonstrably false information regarding the existence of building mitigation retrofit improvements that may give an insured a false evaluation of the ability of the qualified building to withstand major damage from a hurricane and which may endanger the health and safety of the insured or the insured's property.

6. The licensing board may initiate disciplinary proceedings and impose administrative fines and other sanctions authorized under the applicable licensing act of an authorized mitigation inspector who performs a building mitigation inspection or completes a building mitigation retrofit improvement form that violates subparagraph 5.

7. The exemption provided in subparagraph 2. applies to building materials purchased on or after July 1, 2022.

8. The department is authorized to adopt rules necessary to administer and enforce this paragraph and to publish the necessary forms and instructions. The department is authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce this paragraph.

Section 2. This act shall take effect July 1, 2022.