

1                                   A bill to be entitled  
 2           An act relating to energy and wind damage resistance  
 3           improvements to real property; providing an effective  
 4           date.

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

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 8           Section 1.   Section 163.08, Florida Statutes, is created to  
 9   read:

10           163.08 Supplemental authority regarding improvements to  
 11 real property.--

12           (1) Statement of legislative purpose and intent.--

13           (a) To make energy efficiency and renewable energy  
 14 improvements, and changes or improvements made for the purpose  
 15 of improving a property's resistance to wind damage more  
 16 affordable and assist property owners who wish to undertake  
 17 them, it is desirable to enable property owners, on a voluntary  
 18 basis, to finance such improvements with local government  
 19 assistance.

20           (b) The Legislature hereby determines that the actions  
 21 authorized under this act, including the financing therein of  
 22 qualifying improvements through the execution of financing  
 23 agreements and the related imposition of voluntary assessments  
 24 or charges, are reasonable and necessary to serve an important  
 25 public purpose, and are necessary for the prosperity and welfare  
 26 of the state and its property owners and inhabitants.

27           (2) For purposes of this section:

28 (a) "Local government" means a county, a municipality, or  
 29 a special district.

30 (b) "Renewable energy" means electrical, mechanical, or  
 31 thermal energy produced from a method that uses one or more of  
 32 the following fuels or energy sources: hydrogen, biomass, as  
 33 defined in s. 366.91, solar energy, geothermal energy, and wind  
 34 energy.

35 (3) A local government may levy a non-ad valorem  
 36 assessment to fund energy efficiency and renewable energy  
 37 improvements to residential and nonresidential real property,  
 38 and changes or improvements made for the purpose of improving a  
 39 residential or nonresidential real property's resistance to wind  
 40 damage.

41 (4) Costs incurred by the local government for such  
 42 purpose may be collected as a non-ad valorem assessment pursuant  
 43 to s. 197.3632, a municipal or county lien, or may be collected  
 44 pursuant to any other lawful method.

45 (5) Pursuant to this chapter or as otherwise provided by  
 46 law or pursuant to its home rule power, a local government may  
 47 partner with one or more local governments for the purpose of  
 48 providing such improvements.

49 (6) A local government may issue debt for the purpose of  
 50 providing such improvements, payable from revenues received from  
 51 the improved property, or any other available revenue source as  
 52 authorized by law.

53 (7) A local government may enter into a financing  
 54 agreement only with the record owner of the affected property.

55       (8) Prior to entering into a financing agreement, the  
 56 local government shall reasonably determine that all property  
 57 taxes and any other assessments levied on the same bill as  
 58 property taxes are paid and have not been delinquent for the  
 59 past three (3) years or the property owner's period of  
 60 ownership, whichever is less; that there are no involuntary  
 61 liens such as mechanic's liens on the property; that no notices  
 62 of default or other evidence of property-based debt delinquency  
 63 have been recorded during the past three (3) years or the  
 64 property owner's period of ownership, whichever is less; and  
 65 that the property owner is then current on all mortgage debt on  
 66 the property.

67       (9) Qualifying improvements shall be affixed to an  
 68 existing building or facility that is part of the property. An  
 69 agreement between a local government and a qualifying property  
 70 owner may not cover projects in buildings or facilities under  
 71 new construction, or construction for which a certificate of  
 72 occupancy or similar evidence of substantial completion of new  
 73 construction or improvement has not been issued.

74       (10) Improvements shall be made by a contractor properly  
 75 certified or registered pursuant to ch. 489, Part I and Part II,  
 76 to make the specific energy efficiency, renewable energy, or  
 77 wind damage resistance improvements, alterations, or  
 78 installations in the financing agreement. Any work requiring a  
 79 license under any applicable law shall be performed by an  
 80 individual holding such license.

81       (11) No provision in any agreement between a mortgagee or

82 other lienholder and a property owner or otherwise now or  
 83 hereafter binding upon a property owner, which allows for  
 84 acceleration of payment of the mortgage, note or lien or other  
 85 unilateral modification solely as a result of entering into a  
 86 financing agreement as provided for in this section, shall be or  
 87 construed as enforceable.

88 (12) This section shall be construed to be additional and  
 89 supplemental to county and municipal home rule authority and not  
 90 in derogation thereof or a limitation thereon.

91 Section 2. This act shall take effect July 1, 2010.

