MEMORANDUM

Agenda Item No. 11(A)(23)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	February 2, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging the Florida Legislature to pass legislation providing that, in determining the assessed value of residential real property, property appraisers may not consider (I) improvements made for the purpose of improving a property's resistance to wind damage and (II) solar and other renewable energy systems

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: February 2, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(23)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(23)
2-2-10

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION PROVIDING THAT, IN DETERMINING THE ASSESSED VALUE OF RESIDENTIAL REAL PROPERTY, PROPERTY APPRAISERS MAY NOT CONSIDER (I) IMPROVEMENTS MADE FOR THE PURPOSE OF IMPROVING A PROPERTY'S RESISTANCE TO WIND DAMAGE AND (II) SOLAR AND OTHER RENEWABLE ENERGY SYSTEMS

WHEREAS, homeowners who install hurricane shutters and other improvements to improve their homes' resistance to wind damage may have the unintended consequence of increasing the assessed value of their homes and correspondingly increasing their property taxes; and

WHEREAS, homeowners who choose to install solar and other renewable energy systems on their real property also may have the same unintended consequences; and

WHEREAS, excluding hurricane shutters and other improvements made for the purpose of improving a property's resistance to wind damage and renewable energy systems from the assessed value of property is a useful tool to encourage homeowners to install hurricane shutters and renewable energy systems; and

WHEREAS, during the 2007 and 2008 deliberations of the Taxation and Budget Reform Commission, the Commission voted to place on the statewide ballot a constitutional amendment that provided that, in determining the assessed value of residential real property, the property appraiser may not consider hurricane shutters, other improvements made for the purpose of improving a property's resistance to wind damage or solar and other renewable energy systems; and

WHEREAS, in the November, 2008 General Election, Florida voters approved a constitutional amendment, known as Amendment 3, that added the following language to Article VII, Section 4:

> (i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:
>
> (1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.
>
> (2) The installation of a renewable energy source device.

WHEREAS, this constitutional amendment is not effective until the Florida Legislature passes implementing legislation; and

WHEREAS, during the 2009 regular session, bills were filed that would have implemented Amendment 3, including SB 2454 and HB 7113, but these bills did not pass; and

WHEREAS, bills that would implement Amendment 3, have been filed for consideration during the 2010 regular session including SB 7020 and SB 7022, both proposed committee bills by the Senate Finance & Tax Committee, and HB 151 by Representative James C. "Jim" Frishe (R – Belleair Bluff); and

WHEREAS, these bills provide that in determining the assessed value of real property used for residential purposes, for both new and existing construction, the property appraiser may not consider the following:

> 1. Changes or improvements made for the purpose of improving a property's resistance to wind damage, which include any of the following:
>
> - Improving the strength of the roof deck attachment;
> - Creating a secondary water barrier to prevent water intrusion;
> - Installing hurricane-resistant shingles;

- Installing gable-end bracing;
- Reinforcing roof-to-wall connections;
- Installing storm shutters;
- Installing impact-resistant glazing; and
- Installing hurricane-resistant doors;

2. The installation and operation of a renewable energy source device, which means any of the following equipment which collects, transmits, stores, or uses solar energy, wind energy, or energy derived from geothermal deposits:

- Solar energy collectors, photovoltaic modules, and inverters;
- Storage tanks and other storage systems, excluding swimming pools used as storage tanks;
- Rockbeds;
- Thermostats and other control devices;
- Heat exchange devices;
- Pumps and fans;
- Roof ponds;
- Freestanding thermal containers;
- Pipes, ducts, refrigerant handling systems, and other equipment used to interconnect such systems; however, conventional backup systems of any type are not included in this definition;
- Windmills and wind turbines;
- Wind-driven generators;
- Power conditioning and storage devices that use wind energy to generate electricity or mechanical forms of energy; and
- Pipes and other equipment used to transmit hot geothermal water to a dwelling or structure from a geothermal deposit; and

WHEREAS, this Board supports legislation that would implement Amendment 3 and carry out the will of the people when they approved Amendment 3; and

WHEREAS, this Board also supports incentives for homeowners to install hurricane shutters and other improvements that improve a property's resistance and for homeowners to install solar energy systems and other renewable energy systems that make investments in a clean energy future; and

WHEREAS, legislation that would implement Amendment 3 would provide these incentives,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass SB 7020, SB 7022, HB 151 or similar legislation providing that, in determining the assessed value of residential real property, property appraisers may not consider improvements made for the purpose of improving a property's resistance to wind damage or renewable energy systems.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation and Representative James C. Frishe.

Section 3. Directs the County's state lobbyists to advocate for the issue identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty