

By the Committee on Appropriations

576-03147-13

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1                   A bill to be entitled  
2           An act relating to ad valorem taxation; amending s.  
3           192.047, F.S.; providing that the postmark date of  
4           commercial mail delivery service is considered the  
5           date of filing for certain ad valorem applications or  
6           returns; creating s. 192.048, F.S.; allowing certain  
7           ad valorem communications to be sent electronically in  
8           lieu of first-class mail; providing requirements;  
9           amending s. 193.122, F.S.; requiring a property  
10          appraiser to publish notices of date of tax roll  
11          certifications and extensions on the property  
12          appraiser's website; amending s. 193.155, F.S.;  
13          providing that a change of ownership for purposes of  
14          assessing property at just value does not apply to  
15          lessees entitled to the homestead; extending the time  
16          for appealing a value adjustment board's denial of a  
17          taxpayer's application to transfer prior homestead  
18          assessment limitations to a new homestead; amending s.  
19          193.703, F.S.; authorizing a county to waive the  
20          annual application requirement for a reduction in the  
21          assessed value of homestead property used to provide  
22          living quarters for the parents or grandparents of the  
23          owner or spouse of the owner; requiring the property  
24          owner to notify the property appraiser if the  
25          reduction no longer applies; providing for tax,  
26          penalty, and interest assessments if the property  
27          owner improperly received reductions; providing for  
28          liens; amending s. 196.031, F.S.; deleting the express  
29          requirement that titleholders of homesteads live on

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30 the homestead in order to qualify for homestead tax  
31 exemption; amending s. 196.075, F.S., as amended by s.  
32 1 of chapter 2012-57, Laws of Florida; clarifying that  
33 local governments that provide additional homestead  
34 exemptions to persons 65 and older may provide  
35 exemptions up to a certain amount; amending s.  
36 196.1978, F.S.; removing the ability of a general  
37 partner classified as a 501(c)(3) organization to  
38 qualify as a limited partnership for the affordable  
39 housing property tax exemption; providing for  
40 retroactive application; amending s. 196.198, F.S.;  
41 clarifying the ownership of property used for  
42 education purposes and exempt from ad valorem  
43 taxation; amending s. 4 of chapter 2012-45, Laws of  
44 Florida; providing that taxes imposed by school  
45 districts in certain areas are not included in  
46 determining the taxes that must be transmitted to St.  
47 Lucie County pursuant to the transfer of property from  
48 St. Lucie County to Martin County; providing an  
49 effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Subsection (1) of section 192.047, Florida  
54 Statutes, is amended to read:

55 192.047 Date of filing.—

56 (1) For the purposes of ad valorem tax administration, the  
57 date of an official United States Postal Service or commercial  
58 mail delivery service postmark on ~~of~~ an application for

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59 exemption, an application for special assessment classification,  
60 or a return filed by mail ~~is shall be~~ considered the date of  
61 filing the application or return.

62 Section 2. Section 192.048, Florida Statutes, is created to  
63 read:

64 192.048 Electronic transmission.-

65 (1) Subject to subsection (2), the following documents may  
66 be transmitted electronically rather than by regular mail:

67 (a) The notice of proposed property taxes required under s.  
68 200.069.

69 (b) The tax exemption renewal application required under s.  
70 196.011(6)(a).

71 (c) The tax exemption renewal application required under s.  
72 196.011(6)(b).

73 (d) A notification of an intent to deny a tax exemption  
74 required under s. 196.011(9)(e).

75 (e) The decision of the value adjustment board required  
76 under s. 194.034(2).

77 (2) Electronic transmission pursuant to this section is  
78 authorized only under the following conditions:

79 (a) The recipient consents in writing to receiving the  
80 document electronically;

81 (b) Before sending a document, the sender verifies the  
82 recipient's address by sending an electronic transmission to the  
83 recipient and receiving an affirmative response from the  
84 recipient verifying that the recipient's address is correct;

85 (c) If a document is returned as undeliverable, the sender  
86 must send the document by regular mail, as required by law;

87 (d) Documents sent pursuant to this section must comply

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88 with the same timing and form requirements as if the documents  
89 were sent by regular mail; and

90 (e) The sender renews the consent and verification  
91 requirements every 5 years.

92 Section 3. Subsection (2) of section 193.122, Florida  
93 Statutes, is amended to read:

94 193.122 Certificates of value adjustment board and property  
95 appraiser; extensions on the assessment rolls.—

96 (2) After the first certification of the tax rolls by the  
97 value adjustment board, the property appraiser shall make all  
98 required extensions on the rolls to show the tax attributable to  
99 all taxable property. Upon completion of these extensions, and  
100 upon satisfying himself or herself that all property is properly  
101 taxed, the property appraiser shall certify the tax rolls and  
102 shall within 1 week thereafter publish notice of the date and  
103 fact of extension and certification on the property appraiser's  
104 website and in a periodical meeting the requirements of s.  
105 50.011 and publicly display a notice of the date of  
106 certification in the office of the property appraiser. The  
107 property appraiser shall also supply notice of the date of the  
108 certification to any taxpayer who requests one in writing. These  
109 certificates and notices shall be made in the form required by  
110 the department and ~~shall be~~ attached to each roll as required by  
111 the department by rule ~~regulation~~.

112 Section 4. Paragraph (a) of subsection (3) and paragraph  
113 (1) of subsection (8) of section 193.155, Florida Statutes, are  
114 amended to read:

115 193.155 Homestead assessments.—Homestead property shall be  
116 assessed at just value as of January 1, 1994. Property receiving

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117 the homestead exemption after January 1, 1994, shall be assessed  
118 at just value as of January 1 of the year in which the property  
119 receives the exemption unless the provisions of subsection (8)  
120 apply.

121 (3) (a) Except as provided in this subsection or subsection  
122 (8), property assessed under this section shall be assessed at  
123 just value as of January 1 of the year following a change of  
124 ownership. Thereafter, the annual changes in the assessed value  
125 of the property are subject to the limitations in subsections  
126 (1) and (2). For the purpose of this section, a change of  
127 ownership means any sale, foreclosure, or transfer of legal  
128 title or beneficial title in equity to any person, except ~~as~~  
129 ~~provided in this subsection. There is no change of ownership if:~~

130 1. Subsequent to the change or transfer, the same person is  
131 entitled to the homestead exemption as was previously entitled  
132 and:

133 a. The transfer of title is to correct an error;

134 b. The transfer is between legal and equitable title or  
135 equitable and equitable title and no additional person applies  
136 for a homestead exemption on the property; ~~or~~

137 c. The change or transfer is by means of an instrument in  
138 which the owner is listed as both grantor and grantee of the  
139 real property and one or more other individuals are additionally  
140 named as grantee. However, if any individual who is additionally  
141 named as a grantee applies for a homestead exemption on the  
142 property, the application is ~~shall be~~ considered a change of  
143 ownership; or

144 d. The person is a lessee entitled to the homestead  
145 exemption under s. 196.041(1).

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146           2. Legal or equitable title is changed or transferred  
147 between husband and wife, including a change or transfer to a  
148 surviving spouse or a transfer due to a dissolution of marriage;

149           3. The transfer occurs by operation of law to the surviving  
150 spouse or minor child or children under s. 732.401; or

151           4. Upon the death of the owner, the transfer is between the  
152 owner and another who is a permanent resident and who is legally  
153 or naturally dependent upon the owner.

154           (8) Property assessed under this section shall be assessed  
155 at less than just value when the person who establishes a new  
156 homestead has received a homestead exemption as of January 1 of  
157 either of the 2 immediately preceding years. A person who  
158 establishes a new homestead as of January 1, 2008, is entitled  
159 to have the new homestead assessed at less than just value only  
160 if that person received a homestead exemption on January 1,  
161 2007, and only if this subsection applies retroactive to January  
162 1, 2008. For purposes of this subsection, a husband and wife who  
163 owned and both permanently resided on a previous homestead shall  
164 each be considered to have received the homestead exemption even  
165 though only the husband or the wife applied for the homestead  
166 exemption on the previous homestead. The assessed value of the  
167 newly established homestead shall be determined as provided in  
168 this subsection.

169           (1) The property appraisers of the state shall, as soon as  
170 practicable after March 1 of each year and on or before July 1  
171 of that year, carefully consider all applications for assessment  
172 under this subsection which have been filed in their respective  
173 offices on or before March 1 of that year. If, upon  
174 investigation, the property appraiser finds that the applicant

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175 is entitled to assessment under this subsection, the property  
176 appraiser shall make such entries upon the tax rolls of the  
177 county as are necessary to allow the assessment. If, after due  
178 consideration, the property appraiser finds that the applicant  
179 is not entitled ~~under the law~~ to the assessment under this  
180 subsection, the property appraiser shall immediately prepare  
181 ~~make out~~ a notice of such disapproval, giving his or her reasons  
182 therefor, and a copy of the notice must be served upon the  
183 applicant by the property appraiser ~~either~~ by personal delivery  
184 or by registered mail to the post office address given by the  
185 applicant. The applicant may appeal the decision of the property  
186 appraiser refusing to allow the assessment under this subsection  
187 to the value adjustment board, and the board shall review the  
188 application and evidence presented to the property appraiser  
189 upon which the applicant based the claim and ~~shall~~  
190 applicant in person or by agent on behalf of his or her right to  
191 such assessment. Such appeal shall be heard by an attorney  
192 special magistrate if the value adjustment board uses special  
193 magistrates. The value adjustment board shall reverse the  
194 decision of the property appraiser in the cause and grant  
195 assessment under this subsection to the applicant if, in its  
196 judgment, the applicant is entitled to ~~be granted~~ the assessment  
197 or shall affirm the decision of the property appraiser. The  
198 action of the board is final in the cause unless the applicant,  
199 within 60 ~~45~~ days following the date of refusal of the  
200 application by the board, files in the circuit court of the  
201 county in which the homestead is located a proceeding against  
202 the property appraiser for a declaratory judgment as is provided  
203 under ~~by~~ chapter 86 or other appropriate proceeding. The failure

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204 of the taxpayer to appear before the property appraiser or value  
205 adjustment board or to file any paper other than the application  
206 as provided in this subsection does not constitute a any bar to  
207 or defense in the proceedings.

208 Section 5. Subsections (5) and (6) of section 193.703,  
209 Florida Statutes, are amended, and subsection (7) is added to  
210 that section, to read:

211 193.703 Reduction in assessment for living quarters of  
212 parents or grandparents.—

213 (5) At the request of the property appraiser and by a  
214 majority vote of the county governing body, a county may waive  
215 the annual application requirement after the initial application  
216 is filed and the reduction is granted. Notwithstanding such  
217 waiver, an application is required if property granted a  
218 reduction is sold or otherwise disposed of, the ownership  
219 changes in any manner, the applicant for the reduction ceases to  
220 use the property as his or her homestead, or the status of the  
221 owner changes so as to change the use of the property qualifying  
222 for the reduction pursuant to this section ~~If the owner of~~  
223 ~~homestead property for which such a reduction in assessed value~~  
224 ~~has been granted is found to have made any willfully false~~  
225 ~~statement in the application for the reduction, the reduction~~  
226 ~~shall be revoked, the owner is subject to a civil penalty of not~~  
227 ~~more than \$1,000, and the owner shall be disqualified from~~  
228 ~~receiving any such reduction for a period of 5 years.~~

229 (6) The property owner shall notify the property appraiser  
230 when the property owner no longer qualifies for the reduction in  
231 assessed value for living quarters of parents or grandparents,  
232 and the previously excluded just value of such improvements as

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233 of the first January 1 after the improvements were substantially  
 234 completed shall be added back to the assessed value of the  
 235 property.

236 (7) If the property appraiser determines that for any year  
 237 within the previous 10 years a property owner who was not  
 238 entitled to a reduction in assessed value under this section was  
 239 granted such reduction, the property appraiser shall serve on  
 240 the owner a notice of intent to record in the public records of  
 241 the county a notice of tax lien against any property owned by  
 242 that person in the county, and that property must be identified  
 243 in the notice of tax lien. Any property that is owned by that  
 244 person and is situated in this state is subject to the taxes  
 245 exempted by the improper reduction, plus a penalty of 50 percent  
 246 of the unpaid taxes for each year and interest at a rate of 15  
 247 percent per annum. However, if a reduction is improperly granted  
 248 due to a clerical mistake or omission by the property appraiser,  
 249 the person who improperly received the reduction may not be  
 250 assessed a penalty or interest. Before such lien may be filed,  
 251 the owner must be given 30 days within which to pay the taxes,  
 252 penalties, and interest. Such lien is subject to s. 196.161(3).

253 Section 6. Subsection (1) of section 196.031, Florida  
 254 Statutes, is amended to read:

255 196.031 Exemption of homesteads.—

256 (1) (a) A ~~Every~~ person who, on January 1, has the legal  
 257 title or beneficial title in equity to real property in this  
 258 state ~~and who resides thereon~~ and who in good faith makes the  
 259 property ~~same~~ his or her permanent residence, or the permanent  
 260 residence of another or others legally or naturally dependent  
 261 upon him or her ~~such person~~, is entitled to an exemption from

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262 all taxation, except for assessments for special benefits, up to  
263 the assessed valuation of \$25,000 on the residence and  
264 contiguous real property, as defined in s. 6, Art. VII of the  
265 State Constitution. Such title may be held by the entirety,  
266 jointly, or in common with others, and the exemption may be  
267 apportioned among such of the owners as ~~shall~~ reside thereon, as  
268 their respective interests ~~shall~~ appear. If only one of the  
269 owners of an estate held by the entirety or held jointly with  
270 the right of survivorship resides on the property, that owner is  
271 allowed an exemption of up to the assessed valuation of \$25,000  
272 on the residence and contiguous real property. However, an ~~no~~  
273 ~~such~~ exemption of more than \$25,000 is not allowed to any one  
274 person or on any one dwelling house, except that an exemption up  
275 to the assessed valuation of \$25,000 may be allowed on each  
276 apartment or mobile home occupied by a tenant-stockholder or  
277 member of a cooperative corporation and on each condominium  
278 parcel occupied by its owner. Except for owners of an estate  
279 held by the entirety or held jointly with the right of  
280 survivorship, the amount of the exemption may not exceed the  
281 proportionate assessed valuation of all owners who reside on the  
282 property. Before such exemption may be granted, the deed or  
283 instrument shall be recorded in the official records of the  
284 county in which the property is located. The property appraiser  
285 may request the applicant to provide additional ownership  
286 documents to establish title.

287 (b) Every person who qualifies to receive the exemption  
288 provided in paragraph (a) is entitled to an additional exemption  
289 of up to \$25,000 on the assessed valuation greater than \$50,000  
290 for all levies other than school district levies.

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291 Section 7. Subsection (2) of section 196.075, as amended by  
292 section 1 of chapter 2012-57, Laws of Florida, is amended to  
293 read:

294 Section 1. Section 196.075, Florida Statutes, is amended to  
295 read:

296 196.075 Additional homestead exemption for persons 65 and  
297 older.—

298 (2) In accordance with s. 6(d), Art. VII of the State  
299 Constitution, the board of county commissioners of any county or  
300 the governing authority of any municipality may adopt an  
301 ordinance to allow either or both of the following an additional  
302 homestead exemptions:

303 (a) Up to \$50,000 ~~Fifty thousand dollars~~ for any person who  
304 has the legal or equitable title to real estate and maintains  
305 thereon the permanent residence of the owner, who has attained  
306 age 65, and whose household income does not exceed \$20,000; or

307 (b) The amount of the assessed value of the property for  
308 any person who has the legal or equitable title to real estate  
309 with a just value less than \$250,000 and has maintained thereon  
310 the permanent residence of the owner for at least 25 years, who  
311 has attained age 65, and whose household income does not exceed  
312 the income limitation prescribed in paragraph (a), as calculated  
313 in subsection (3).

314 Section 8. Applying retroactively to the 2013 tax roll,  
315 section 196.1978, Florida Statutes, is amended to read:

316 196.1978 Affordable housing property exemption.—Property  
317 used to provide affordable housing serving eligible persons as  
318 defined by s. 159.603~~(7)~~ and natural persons or families meeting  
319 the extremely-low-income, very-low-income, low-income, or

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320 moderate-income limits specified in s. 420.0004, which ~~property~~  
 321 is owned entirely by a nonprofit entity that is a corporation  
 322 not for profit, qualified as charitable under s. 501(c)(3) of  
 323 the Internal Revenue Code and in compliance with Rev. Proc. 96-  
 324 32, 1996-1 C.B. 717, ~~is or a Florida-based limited partnership,~~  
 325 ~~the sole general partner of which is a corporation not for~~  
 326 ~~profit which is qualified as charitable under s. 501(c)(3) of~~  
 327 ~~the Internal Revenue Code and which complies with Rev. Proc. 96-~~  
 328 ~~32, 1996-1 C.B. 717, shall be~~ considered property owned by an  
 329 exempt entity and used for a charitable purpose, and those  
 330 portions of the affordable housing property which provide  
 331 housing to natural persons or families classified as extremely  
 332 low income, very low income, low income, or moderate income  
 333 under s. 420.0004 are ~~shall be~~ exempt from ad valorem taxation  
 334 to the extent authorized in s. 196.196. All property identified  
 335 in this section must ~~shall~~ comply with the criteria provided  
 336 under s. 196.195 for determining ~~determination of~~ exempt status  
 337 and ~~to be~~ applied by property appraisers on an annual basis ~~as~~  
 338 ~~defined in s. 196.195~~. The Legislature intends that any property  
 339 owned by a limited liability company ~~or limited partnership~~  
 340 which is disregarded as an entity for federal income tax  
 341 purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii)  
 342 ~~shall~~ be treated as owned by its sole member ~~or sole general~~  
 343 ~~partner~~.

344 Section 9. Section 196.198, Florida Statutes, is amended to  
 345 read:

346 196.198 Educational property exemption.—Educational  
 347 institutions within this state and their property used by them  
 348 or by any other exempt entity or educational institution

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349 exclusively for educational purposes is ~~shall be~~ exempt from  
350 taxation. Sheltered workshops providing rehabilitation and  
351 retraining of ~~disabled~~ individuals who have disabilities and  
352 exempted by a certificate under s. (d) of the federal Fair Labor  
353 Standards Act of 1938, as amended, are declared wholly  
354 educational in purpose and are exempt ~~shall be exempted~~ from  
355 certification, accreditation, and membership requirements set  
356 forth in s. 196.012. Those portions of property of college  
357 fraternities and sororities certified by the president of the  
358 college or university to the appropriate property appraiser as  
359 being essential to the educational process are ~~shall be~~ exempt  
360 from ad valorem taxation. The use of property by public fairs  
361 and expositions chartered by chapter 616 is presumed to be an  
362 educational use of such property and is ~~shall be~~ exempt from ad  
363 valorem taxation to the extent of such use. Property used  
364 exclusively for educational purposes shall be deemed owned by an  
365 educational institution if the entity owning 100 percent of the  
366 educational institution is owned by the identical natural  
367 persons who own the property, or if the entity owning 100  
368 percent of the educational institution and the entity owning the  
369 property are owned by the identical natural persons. Land,  
370 buildings, and other improvements to real property used  
371 exclusively for educational purposes shall be deemed owned by an  
372 educational institution if the entity owning 100 percent of the  
373 land is a nonprofit entity and the land is used, under a ground  
374 lease or other contractual arrangement, by an educational  
375 institution that owns the buildings and other improvements to  
376 the real property, is a nonprofit entity under s. 501(c)(3) of  
377 the Internal Revenue Code, and provides education limited to

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378 students in prekindergarten through grade 8. If legal title to  
379 property is held by a governmental agency that leases the  
380 property to a lessee, the property shall be deemed to be owned  
381 by the governmental agency and used exclusively for educational  
382 purposes if the governmental agency continues to use such  
383 property exclusively for educational purposes pursuant to a  
384 sublease or other contractual agreement with that lessee. If the  
385 title to land is held by the trustee of an irrevocable inter  
386 vivos trust and if the trust grantor owns 100 percent of the  
387 entity that owns an educational institution that is using the  
388 land exclusively for educational purposes, the land is deemed to  
389 be property owned by the educational institution for purposes of  
390 this exemption. Property owned by an educational institution  
391 shall be deemed to be used for an educational purpose if the  
392 institution has taken affirmative steps to prepare the property  
393 for educational use. The term "affirmative steps" means  
394 environmental or land use permitting activities, creation of  
395 architectural plans or schematic drawings, land clearing or site  
396 preparation, construction or renovation activities, or other  
397 similar activities that demonstrate commitment of the property  
398 to an educational use.

399 Section 10. Section 4 of chapter 2012-45, Laws of Florida,  
400 is amended to read:

401 Section 4. The governing bodies of St. Lucie County and  
402 Martin County shall enter into an interlocal agreement by ~~no~~  
403 ~~later than~~ May 1, 2013, which must ~~shall~~ provide a financially  
404 feasible plan for transfer of services, personnel, and public  
405 infrastructure from St. Lucie County to Martin County. The  
406 agreement must ~~shall~~ include compensation for the value of

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407 infrastructure investments by St. Lucie County in the  
408 transferred property minus depreciation, if any. ~~Upon the~~  
409 Effective July 1, 2013 ~~date of this act,~~ the total tax and  
410 assessment revenue that would have been generated in fiscal year  
411 2013-2014 by all St. Lucie County taxing authorities levying  
412 taxes or assessments within the area transferred to Martin  
413 County, except for taxes levied by school districts, less 10  
414 percent shall be transmitted to St. Lucie County for  
415 distribution to the county and all other affected taxing  
416 authorities. Thereafter, through fiscal year 2022-2023, the tax  
417 and assessment revenue amount that would have been generated by  
418 all St. Lucie County taxing authorities levying taxes or  
419 assessments in the transferred area for fiscal year 2013-2014  
420 shall serve as the base amount of tax and assessment revenue for  
421 further annual reductions of 10 percent of the base amount  
422 before annual distributions to the St. Lucie County through  
423 fiscal year 2022-2023. However, for any fiscal year through  
424 fiscal year 2022-2023, if ~~when~~ the total taxes and assessments  
425 collected within the transferred area exceed the base amount by  
426 more than 3 percent, St. Lucie County shall receive the same  
427 percentage distribution from the tax and assessment revenue that  
428 exceeds the base amount by more than 3 percent as they will  
429 receive from the base amount. All distributions to St. Lucie  
430 County shall occur within 30 days after the beginning of each  
431 calendar year.

432 Section 11. This act shall take effect July 1, 2013.