

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: February 26, 1998 Revised: 3/17/98 _____

Subject: Real Property with Delinquent Taxes

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/3 amendments</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill reduces from three times to once the number of times real property with delinquent taxes must be advertised before the tax certificate sale.

This bill amends the following sections of the Florida Statutes: 197.402 and 197.403.

II. Present Situation:

Chapter 197, F.S., governs ad valorem and non-ad valorem tax collections, sales and liens. Section 197.333, F.S., provides that all taxes are due and payable on November 1 of each year, or as soon thereafter as the certified tax roll is received by the tax collector. Taxes become delinquent on April 1 following the year in which they are assessed or immediately after 60 days have expired from the mailing of the original tax notice, whichever is later.

Section 197.343, F.S., requires a tax notice to be mailed to each taxpayer whose payment has not been received at least 30 days prior to the date of delinquency. The notice must include a description of the property and the following statement: "If the taxes for the (year) on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office in the courthouse at once."

Section 197.402(3), F.S., specifies that on or before June 1 or the 60th day after the date of delinquency, whichever is later, the tax collector is required to advertise once each week for three weeks and sell tax certificates on all real property with delinquent taxes. The tax collector makes a list of such properties in the same order in which the lands were assessed, specifying the amount due on each parcel, including interest at the rate of 18 percent per year from the date of delinquency to the date of sale; the cost of advertising; and the expense of sale.

Pursuant to s. 197.403, F.S., the newspaper publishing the notice of tax sale must send a copy of the paper containing each notice to the tax collector within 10 days after the last required publication.

III. Effect of Proposed Changes:

The bill amends s. 197.402(3), F.S., to specify that the tax collector is required to advertise the sale of tax certificate one time, as opposed to “once each week for three weeks,” in a newspaper as specified in ch. 50, F.S. This subsection is also amended to specify that the advertising required by this subsection must “occur at least 21 days prior to the tax certificate sale.”

Section 197.403, F.S., is amended to clarify that there is only one advertisement of the sale of tax certificates.

The bill is to take effect January 1 of the year following the year of enactment.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Tax collectors will save in tax certificate sale advertisement costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Community Affairs:

This amendment decreases from three times, as provided in current law, to two times the number of times real property with delinquent taxes must be advertised before the tax certificate sale.

#2 by Community Affairs:

This amendment requires that all advertising of delinquent taxes by the tax collector be by street name and, where applicable, by recorded subdivision.

#3 by Community Affairs:

Conforming amendment. This amendment deletes Section 2 of the bill, which included proposed changes to references to notices of tax sales. The bill as filed required one notice, necessitating the change. Amendment #1 requires two notices, thereby requiring the plural reference in current law.