

By the Committee on Ways and Means and Senators Ostalkiewicz, Lee, Myers, Cowin, Grant and Latvala

301-1730B-98

1 A bill to be entitled
2 An act relating to taxation of homes for the
3 aged; amending s. 196.1976, F.S.; providing
4 that the provisions of s. 196.1975, F.S.,
5 relating to the ad valorem tax exemption for
6 nonprofit homes for the aged, are severable,
7 rather than nonseverable; creating s. 196.1977,
8 F.S.; providing an exemption for each apartment
9 in certain continuing care facilities occupied
10 by a person who makes the apartment his or her
11 permanent home and who is not eligible for
12 homestead exemption; providing procedures and
13 requirements; providing legislative intent;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 196.1976, Florida Statutes, is
19 amended to read:
20 196.1976 Provisions of ss. 196.1975 and 196.197(1) or
21 (2); ~~severability; nonseverability.~~--If any provision of s.
22 196.197(1) or (2), created and amended by chapter 76-234, Laws
23 of Florida, or s. 196.1975, created by chapter 76-234, Laws of
24 Florida, and amended by chapter 87-332, Laws of Florida,is
25 held to be invalid or inoperative for any reason, it is the
26 legislative intent that the invalidity shall not affect other
27 provisions or applications of said subsections or section
28 which can be given effect without the invalid provision or
29 application, and to this end the provisions of said
30 subsection and section are declared to be severable. ~~However,~~
31 ~~if any provision of s. 196.1975, created by chapter 76-234,~~

1 ~~Laws of Florida, and amended by chapter 87-332, Laws of~~
2 ~~Florida, is held to be invalid or inoperative for any reason~~
3 ~~after January 1, 1988, the remaining provisions thereof shall~~
4 ~~be deemed to be void and of no effect.~~

5 Section 2. Section 196.1977, Florida Statutes, is
6 created to read:

7 196.1977 Exemption for property used by proprietary
8 continuing care facilities.--

9 (1) Each apartment in a continuing care facility
10 certified under chapter 651 which facility is not qualified
11 for exemption under s. 196.1975, or other similar exemption,
12 is exempt to the extent of \$25,000 of assessed valuation of
13 such property for each apartment which is occupied on January
14 1 of the year in which exemption from ad valorem property
15 taxation is requested by a person who holds a continuing care
16 contract as defined under chapter 651 and who resides therein
17 and in good faith makes the same his or her permanent home.
18 No apartment shall be eligible for the exemption provided
19 under this section if the resident of the apartment is
20 eligible for the homestead exemption under s. 196.031.

21 (2) Each facility applying for an exemption must file
22 with the annual application for exemption an affidavit from
23 each person who occupies an apartment for which an exemption
24 is claimed stating that the person resides therein and in good
25 faith makes that apartment his or her permanent residence.

26 (3) Any portion of such property used for nonexempt
27 purposes may be valued and placed upon the tax rolls
28 separately from any portion entitled to exemption.

29 (4) The owner shall disclose to a qualifying resident
30 the full amount of the benefit derived from the exemption and
31 the method for ensuring that the resident receives such

1 benefit. The resident shall receive the full benefit derived
2 from this exemption in either an annual or monthly credit to
3 his or her unit's monthly maintenance fee. For a nonqualifying
4 resident who subsequently qualifies for the exemption, the
5 same disclosure shall be made.

6 (5) It is the intent of the Legislature that this
7 section implements s. 6(e), Art. VII of the State
8 Constitution.

9 Section 3. This act shall take effect January 1, 1999,
10 and shall apply to the 1999 tax rolls and each year
11 thereafter.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 SB 636

16 The Committee Substitute for SB 636 makes it explicit that the
17 benefit of the ad valorem tax exemption for residential units
18 in continuing care facilities must inure to residents in the
19 form of a monthly or annual credit on their monthly
20 maintenance fees.