

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Klein

316-1631-99

1 A bill to be entitled
2 An act relating to ad valorem taxation;
3 creating s. 192.205, F.S.; allowing local
4 governmental bodies to levy interim improvement
5 surcharges on improvements to real estate;
6 providing a formula for computing the
7 surcharge; providing a maximum allowable dollar
8 amount of such a surcharge; requiring notice;
9 requiring a surcharge assessment roll to be
10 prepared annually; providing for the
11 applicability of collection provisions;
12 providing for uses of the proceeds of such
13 surcharges; amending s. 236.25, F.S.;
14 prohibiting surcharge revenues from inclusion
15 in the calculation of the required local effort
16 in the Florida Education Finance Program
17 formula; providing an effective date.

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

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21 Section 1. Section 192.205, Florida Statutes, is
22 created to read:

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192.205 Interim improvement surcharge.--

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(1) The governing body of a county, the school board,

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and the governing body of a municipality, by ordinance, may

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levy an interim improvement surcharge. Both the county and the

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school board may levy a surcharge on improvements to real

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property in the county. The governing board of a municipality

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may also levy a surcharge on improvements to real property

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within the municipality.

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1 (2) The surcharge must be computed by multiplying the
2 taxable value of an improvement to real property by a
3 surcharge rate and by a time factor, subject to the
4 limitations provided in this section.

5 (a) The surcharge applies to the taxable value, as
6 determined under this chapter, of an improvement to real
7 property which was not substantially completed before January
8 1 of the preceding year but which was substantially completed
9 before January 1 of the current year. The term "substantially
10 completed" has the meaning ascribed to that term in s.
11 192.042.

12 (b) The surcharge rate must be the ad valorem millage
13 levied by the county, school district, or municipality, as
14 appropriate, in the preceding year.

15 (c) The time factor is a fraction of which the
16 numerator equals the number of days of the year during which
17 the improvement was substantially completed and the
18 denominator is the number of days in that year.

19 (d) The amount of the surcharge may be limited by
20 ordinance.

21 (2) The governing body that levies the surcharge shall
22 provide to the owner of the improvement by first-class mail
23 notice of the surcharge. The notice must include a general
24 description of the surcharge, the rate of the surcharge, the
25 taxable value upon which the surcharge is levied, the amount
26 of the surcharge, the date on which the improvement was
27 substantially completed, and the method of collection.

28 (3) The governing body annually shall prepare a
29 surcharge assessment roll in accordance with the procedures
30 set forth in s. 197.3632(5). The surcharge must be included in
31 the combined notice of ad valorem taxes and non-ad valorem

1 assessments in the year following the year in which the
2 improvement becomes substantially completed. The surcharge is
3 subject to all collection provisions of chapter 197,
4 including, but not limited to, provisions relating to discount
5 for early payment, prepayment by installment method, deferred
6 payment, penalty for delinquent payment, and issuance and sale
7 of tax certificates and tax deeds for nonpayment.

8 (4) The proceeds of the surcharge may be expended for
9 any public purpose and may be pledged for the purpose of
10 retiring bonded indebtedness.

11 Section 2. Subsection (6) of section 236.25, Florida
12 Statutes, 1998 Supplement, is created to read:

13 236.25 District school tax.--

14 (6) Revenues generated pursuant to s. 192.205 shall
15 not be included in the calculation of the required local
16 effort in the Florida Education Finance Program formula.

17 Section 3. This act shall take effect upon becoming a
18 law.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 320

23 The CS includes a correction to the provision establishing the
24 millage rate to be levied by the school boards or
25 municipalities; deletes the provision that would impose a
26 statutory cap on surcharges levied against improvements under
3000 square feet; and restricts surcharge revenues from being
included in the calculation of the required local effort in
the Florida Education Finance Program formula.