

By Representative Peaden

1 A bill to be entitled
2 An act relating to the Homestead Property Tax
3 Deferral Act; amending ss. 197.252 and 197.263,
4 F.S.; providing that a person who has attained
5 age 65 and who has been entitled to homestead
6 exemption on his or her homestead for 25 years
7 may defer the ad valorem taxes and non-ad
8 valorem assessments on the homestead under said
9 act in their entirety; providing that the
10 limitation on the amount of taxes and
11 assessments that may be deferred does not apply
12 to such persons; amending s. 197.254, F.S.;
13 revising the annual notice to taxpayers to
14 conform; reenacting s. 197.301, F.S., which
15 provides penalties for filing incorrect
16 information, to incorporate the amendment to s.
17 197.252, F.S., in a reference thereto;
18 providing an effective date.

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

21
22 Section 1. Section 197.252, Florida Statutes, is
23 amended to read:

24 197.252 Homestead tax deferral.--

25 (1) Any person who is entitled to claim homestead tax
26 exemption under the provisions of s. 196.031(1) may elect to
27 defer payment of a portion of the combined total of the ad
28 valorem taxes and any non-ad valorem assessments which would
29 be covered by a tax certificate sold under this chapter levied
30 on that person's homestead by filing an annual application for
31 tax deferral with the county tax collector on or before

1 January 31 following the year in which the taxes and non-ad
2 valorem assessments are assessed. Any applicant who is
3 entitled to receive the homestead tax exemption but has waived
4 it for any reason shall furnish, with the application for tax
5 deferral, a certificate of eligibility to receive the
6 exemption. Such certificate shall be prepared by the county
7 property appraiser upon request of the taxpayer. It shall be
8 the burden of each applicant to affirmatively demonstrate
9 compliance with the requirements of this section.

10 (2)(a) Approval of an application for tax deferral
11 shall defer that portion of the combined total of ad valorem
12 taxes and any non-ad valorem assessments which would be
13 covered by a tax certificate sold under this chapter otherwise
14 due and payable on the applicant's homestead pursuant to s.
15 197.333 which exceeds 5 percent of the applicant's household's
16 income for the prior calendar year. If any such applicant's
17 household income for the prior calendar year is less than
18 \$10,000, approval of such application shall defer such ad
19 valorem taxes plus non-ad valorem assessments in their
20 entirety.

21 (b)1. In the event the applicant is entitled to claim
22 the increased exemption by reason of age and residency as
23 provided in s. 196.031(3)(a), approval of such application
24 shall defer that portion of such ad valorem taxes plus non-ad
25 valorem assessments which exceeds 3 percent of the applicant's
26 household's income for the prior calendar year. If any such
27 applicant's household income for the prior calendar year is
28 less than \$10,000, or is less than \$12,000 if such applicant
29 is 70 years of age or older, approval of such application
30 shall defer such ad valorem taxes plus non-ad valorem
31 assessments in their entirety.

1 2. If the applicant is entitled to claim the increased
2 exemption by reason of age and residency as provided in s.
3 196.031(3)(a) and has been entitled to claim homestead
4 exemption under s. 196.031 on the same homestead for the
5 preceding 25 years, approval of such application shall defer
6 such ad valorem taxes plus non-ad valorem assessments in their
7 entirety.

8 (c) The household income of an applicant who applies
9 for a tax deferral before the end of the calendar year in
10 which the taxes and non-ad valorem assessments are assessed
11 shall be for the current year, adjusted to reflect estimated
12 income for the full calendar year period. The estimate of a
13 full year's household income shall be made by multiplying the
14 household income received to the date of application by a
15 fraction, the numerator being 365 and the denominator being
16 the number of days expired in the calendar year to the date of
17 application.

18 (3) No tax deferral shall be granted:

19 (a) If the total amount of deferred taxes, non-ad
20 valorem assessments, and interest plus the total amount of all
21 other unsatisfied liens on the homestead exceeds 85 percent of
22 the assessed value of the homestead; however, this paragraph
23 does not apply to applicants qualified under subparagraph

24 (2)(b)2., or

25 (b) If the primary mortgage financing on the homestead
26 is for an amount which exceeds 70 percent of the assessed
27 value of the homestead.

28 (4) The amount of taxes, non-ad valorem assessments,
29 and interest deferred pursuant to this act shall accrue
30 interest at a rate equal to the semiannually compounded rate
31 of one-half of 1 percent plus the average yield to maturity of

1 the long-term fixed-income portion of the Florida Retirement
2 System investments as of the end of the quarter preceding the
3 date of the sale of the deferred payment tax certificates;
4 however, the interest rate may not exceed 9.5 percent.

5 (5) The taxes, non-ad valorem assessments, and
6 interest deferred pursuant to this act shall constitute a
7 prior lien and shall attach as of the date and in the same
8 manner and be collected as other liens for taxes, as provided
9 for under this chapter, but such deferred taxes, non-ad
10 valorem assessments, and interest shall only be due, payable,
11 and delinquent as provided in this act.

12 Section 2. Subsection (1) of section 197.254, Florida
13 Statutes, is amended to read:

14 197.254 Annual notification to taxpayer.--

15 (1) The tax collector shall notify the taxpayer of
16 each parcel appearing on the real property assessment roll of
17 the right to defer payment of taxes and non-ad valorem
18 assessments pursuant to ss. 197.242-197.312. Such notice
19 shall be printed on the back of envelopes used for mailing the
20 notice of taxes provided for by s. 197.322(3). Such notice of
21 the right to defer payment of taxes and non-ad valorem
22 assessments shall read:

23
24 NOTICE TO TAXPAYERS ENTITLED
25 TO HOMESTEAD EXEMPTION
26

27 "If your income is low enough to meet certain conditions, or
28 if you are at least 65 years of age and have been entitled to
29 homestead exemption on your homestead for the last 25 years,
30 you may qualify for a deferred tax payment plan on homestead
31

1 property. An application to determine eligibility is
2 available in the county tax collector's office."

3 Section 3. Subsection (4) of section 197.263, Florida
4 Statutes, is amended to read:

5 197.263 Change in ownership or use of property.--

6 (4) During any year in which the total amount of
7 deferred taxes, interest, and all other unsatisfied liens on
8 the homestead exceeds 85 percent of the assessed value of the
9 homestead, the tax collector shall immediately notify the
10 owner of the property on which taxes and interest have been
11 deferred that the portion of taxes and interest which exceeds
12 85 percent of the assessed value of the homestead shall be due
13 and payable within 30 days of receipt of the notice. Failure
14 to pay the amount due shall cause the total amount of deferred
15 taxes and interest to become delinquent. This subsection does
16 not apply if the owner is entitled to tax deferral under s.
17 197.252(2)(b)2.

18 Section 4. For the purpose of incorporating the
19 amendment to section 197.252, Florida Statutes, in a reference
20 thereto, section 197.301, Florida Statutes, is reenacted to
21 read:

22 197.301 Penalties.--

23 (1) The following penalties shall be imposed on any
24 person who willfully files information required under s.
25 197.252 or s. 197.263 which is incorrect:

26 (a) Such person shall pay the total amount of taxes
27 and interest deferred, which amount shall immediately become
28 due;

29 (b) Such person shall be disqualified from filing a
30 homestead tax deferral application for the next 3 years; and
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