



CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to subdivision property; amending s. 197.502, F.S.; increasing a tax deed application fee; providing notification to legal titleholders of contiguous property which is included in a tax certificate for unpaid taxes; requiring a county to notify the legal titleholder of property contiguous to land available for taxes prior to sale under certain circumstances; amending s. 197.582, F.S.; excluding certain persons as beneficiaries of certain undistributed remainder funds; amending s. 197.522, F.S.; requiring notification to certain persons when an application for a tax deed is made; providing for a statement to accompany such notice; prohibiting the assessment of ad valorem taxes and non-ad valorem assessments by certain entities against property constituting the common elements of a subdivision; requiring that the property appraiser prorate the value of ad valorem taxes and non-ad valorem assessments against



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29 recreational facilities, easements, and other common
30 elements of a subdivision and include such prorated value
31 among the lots within the subdivision conveyed or intended
32 to be conveyed into private ownership; defining the term
33 "common element"; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Subsections (1) and (7) of section 197.502,
38 Florida Statutes, are amended and paragraph (h) is added to
39 subsection (4) of said section, to read:

40 197.502 Application for obtaining tax deed by holder of
41 tax sale certificate; fees.--

42 (1) The holder of any tax certificate, other than the
43 county, at any time after 2 years have elapsed since April 1 of
44 the year of issuance of the tax certificate and before the
45 expiration of 7 years from the date of issuance, may file the
46 certificate and an application for a tax deed with the tax
47 collector of the county where the lands described in the
48 certificate are located. The application may be made on the
49 entire parcel of property or any part thereof which is capable
50 of being readily separated from the whole. The tax collector
51 shall be allowed a tax deed application fee of \$75 ~~\$15~~.

52 (4) The tax collector shall deliver to the clerk of the
53 circuit court a statement that payment has been made for all
54 outstanding certificates or, if the certificate is held by the
55 county, that all appropriate fees have been deposited, and



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56 stating that the following persons are to be notified prior to
57 the sale of the property:

58 (h) Any legal titleholder of record of property that is
59 contiguous to the property described in the tax certificate,
60 when the property described is either submerged land or common
61 elements of a subdivision, if the address of the titleholder of
62 contiguous property appears on the record of conveyance of the
63 land to that legal titleholder. However, if the legal
64 titleholder of property contiguous to the property described in
65 the tax certificate is the same as the person to whom the
66 property described in the tax certificate was assessed on the
67 tax roll for the year in which the property was last assessed,
68 the notice may be mailed only to the address of the legal
69 titleholder as it appears on the latest assessment roll.

70 (7) On county-held certificates for which there are no
71 bidders at the public sale, the clerk shall enter the land on a
72 list entitled "lands available for taxes" and shall immediately
73 notify the county commission and all other persons holding
74 certificates against the land that the land is available. During
75 the first 90 days after the land is placed on the list of lands
76 available for taxes, the county may purchase the land for the
77 opening bid. Thereafter, any person, the county, or any other
78 governmental unit may purchase the land from the clerk, without
79 further notice or advertising, for the opening bid, except that
80 when the county or other governmental unit is the purchaser for
81 its own use, the board of county commissioners may cancel
82 omitted years' taxes, as provided under s. 197.447. If the
83 county does not elect to purchase the land, the county must



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84 | notify each legal titleholder of property contiguous to the land
85 | available for taxes, as provided in paragraph (4)(h), before
86 | expiration of the 90-day period. Interest on the opening bid
87 | continues to accrue through the month of sale as prescribed by
88 | s. 197.542.

89 | Section 2. Subsection (2) of section 197.582, Florida
90 | Statutes, is amended to read:

91 | 197.582 Disbursement of proceeds of sale.--

92 | (2) If the property is purchased for an amount in excess
93 | of the statutory bid of the certificateholder, the excess shall
94 | be paid over and disbursed by the clerk. If the property
95 | purchased is homestead property and the statutory bid includes
96 | an amount equal to at least one-half of the assessed value of
97 | the homestead, that amount shall be treated as excess and
98 | distributed in the same manner. The clerk shall distribute the
99 | excess to the governmental units for the payment of any lien of
100 | record held by a governmental unit against the property. In the
101 | event the excess is not sufficient to pay all of such liens in
102 | full, the excess shall then be paid to each governmental unit
103 | pro rata. If, after all liens of record of the governmental
104 | units upon the property are paid in full, there remains a
105 | balance of undistributed funds, the balance of the purchase
106 | price shall be retained by the clerk for the benefit of the
107 | persons described in s. 197.522(1)(a), except those persons
108 | described in s. 197.502(4)(h), as their interests may appear.
109 | The clerk shall mail notices to such persons notifying them of
110 | the funds held for their benefit. Any service charges, at the
111 | same rate as prescribed in s. 28.24(13), and costs of mailing



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112 notices shall be paid out of the excess balance held by the
113 clerk. Excess proceeds shall be held and disbursed in the same
114 manner as unclaimed redemption moneys in s. 197.473. In the
115 event excess proceeds are not sufficient to cover the service
116 charges and mailing costs, the clerk shall receive the total
117 amount of excess proceeds as a service charge.

118 Section 3. Subsection (2) of section 197.522, Florida
119 Statutes, is amended to read:

120 197.522 Notice to owner when application for tax deed is
121 made.--

122 (2)(a) In addition to the notice provided in subsection
123 (1), the sheriff of the county in which the legal titleholder
124 resides shall, at least 20 days prior to the date of sale,
125 notify the legal titleholder of record of the property on which
126 the tax certificate is outstanding. The original notice and
127 sufficient copies shall be prepared by the clerk and provided to
128 the sheriff. Such notice shall be served as specified in chapter
129 48; if the sheriff is unable to make service, he or she shall
130 post a copy of the notice in a conspicuous place at the legal
131 titleholder's last known address. The inability of the sheriff
132 to serve notice on the legal titleholder shall not affect the
133 validity of the tax deed issued pursuant to the notice. A legal
134 titleholder of record who resides outside the state may be
135 notified by the clerk as provided in subsection (1). The notice
136 shall be in substantially the following form:

137
138 WARNING
139



140 There are unpaid taxes on the property which you own. The
 141 property will be sold at public auction on ... (date) ...
 142 unless the back taxes are paid. To make arrangements for
 143 payment, or to receive further information, contact the clerk of
 144 court at ... (address) ..., ... (telephone number)

145
 146 In addition, if the legal titleholder does not reside in the
 147 county in which the property to be sold is located, a copy of
 148 such notice shall be posted in a conspicuous place on the
 149 property by the sheriff of the county in which the property is
 150 located. However, no posting of notice shall be required if the
 151 property to be sold is classified for assessment purposes,
 152 according to use classifications established by the department,
 153 as nonagricultural acreage or vacant land.

154 (b) In addition to the notice provided in subsection (1),
 155 the clerk shall notify by certified mail with return receipt
 156 requested, or by registered mail if the notice is to be sent
 157 outside the continental United States, the persons listed in the
 158 tax collector's statement pursuant to s. 197.502(4)(h) that
 159 application for a tax deed has been made. Such notice shall be
 160 mailed at least 20 days prior to the date of sale. If no address
 161 is listed in the tax collector's statement, then no notice shall
 162 be required. Enclosed with the copy of the notice shall be a
 163 statement in substantially the following form:

164
 165 WARNING
 166



167 There are unpaid taxes on property contiguous to your property.
 168 The property with the unpaid taxes will be sold at auction on
 169 ... (date) ... unless the back taxes are paid. To make
 170 payment, or to receive further information about the purchase of
 171 the property, contact the clerk of court immediately at ...
 172 (address) ..., ... (telephone number) Neither the
 173 failure of the tax collector to include the list of contiguous
 174 property owners pursuant to s. 197.502(4)(h), Florida Statutes,
 175 in his or her statement to the clerk nor the failure of the
 176 clerk to mail this notice to any or all of the persons listed in
 177 the tax collector's statement pursuant to s. 197.502(4)(h),
 178 Florida Statutes, shall be a basis to challenge the validity of
 179 the tax deed issued pursuant to any notice under s. 197.522,
 180 Florida Statutes.

181 Section 4. Ad valorem taxes and non-ad valorem assessments
 182 against subdivision property.--

183 (1) Ad valorem taxes and non-ad valorem assessments shall
 184 be assessed against the lots within a platted subdivision and
 185 not upon the subdivision property as a whole. An ad valorem tax
 186 or non-ad valorem assessment, including a tax or assessment
 187 imposed by a local special district or water management
 188 district, may not be assessed separately against recreational
 189 facilities or other common elements, regardless of ownership.
 190 The value of each parcel of land that is or has been part of a
 191 platted subdivision and that is designated on the plat or the
 192 approved site plan as a common element shall, regardless of
 193 ownership, be prorated by the property appraiser and included in
 194 the assessment of all the lots within the subdivision which



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195 constitute inventory for the developer and are intended to be
196 conveyed or have been conveyed into private ownership.

197 (2) As used in this section, the term "common element"
198 includes:

199 (a) Subdivision property not included within lots
200 constituting inventory for the developer which are intended to
201 be conveyed or have been conveyed into private ownership.

202 (b) An easement through the subdivision property, not
203 including the property described in paragraph (a), which has
204 been dedicated to the public or retained for the benefit of the
205 subdivision.

206 (c) Any other part of the subdivision which has been
207 designated on the plat or is required to be designated on the
208 site plan as a drainage pond, detention or retention pond, or
209 recreational feature and is for the benefit of the subdivision.

210 Section 5. This act shall take effect January 1, 2004.