

By Senators Sebesta and Crist

16-5-03

1                                   A bill to be entitled  
2           An act relating to real property; amending ss.  
3           197.502, 197.582, F.S.; requiring that each  
4           owner of property contiguous to property  
5           subject to sale under an outstanding tax  
6           certificate be notified before the sale of the  
7           property; requiring that a county holding any  
8           such certificate notify each owner of  
9           contiguous property within a specified period  
10          if the county does not purchase the property;  
11          prohibiting the assessment of taxes and special  
12          assessments against property constituting the  
13          common elements of a subdivision; requiring  
14          that the property appraiser prorate the value  
15          of taxes and special assessments against  
16          recreational facilities, easements, and other  
17          common elements of a subdivision and include  
18          such prorated value among the lots within the  
19          subdivision conveyed or intended to be conveyed  
20          into private ownership; defining the term  
21          "common element" for purposes of the act;  
22          providing an effective date.

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

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26           Section 1. Paragraph (h) is added to subsection (4) of  
27           section 197.502, Florida Statutes, and subsection (7) of that  
28           section is amended, to read:

29           197.502 Application for obtaining tax deed by holder  
30           of tax sale certificate; fees.--

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1           (4) The tax collector shall deliver to the clerk of  
2 the circuit court a statement that payment has been made for  
3 all outstanding certificates or, if the certificate is held by  
4 the county, that all appropriate fees have been deposited, and  
5 stating that the following persons are to be notified prior to  
6 the sale of the property:

7           (h) Any legal titleholder of record of property that  
8 is contiguous to the property described in the tax certificate  
9 if the address of the titleholder of contiguous property  
10 appears on the record of conveyance of the land to that legal  
11 titleholder. However, if the legal titleholder of property  
12 contiguous to the property described in the tax certificate is  
13 the same as the person to whom the property described in the  
14 tax certificate was assessed on the tax roll for the year in  
15 which the property was last assessed, the notice may only be  
16 mailed to the address of the legal titleholder as it appears  
17 on the latest assessment roll.

18           (7) On county-held certificates for which there are no  
19 bidders at the public sale, the clerk shall enter the land on  
20 a list entitled "lands available for taxes" and shall  
21 immediately notify the county commission and all other persons  
22 holding certificates against the land that the land is  
23 available. During the first 90 days after the land is placed  
24 on the list of lands available for taxes, the county may  
25 purchase the land for the opening bid. Thereafter, any  
26 person, the county, or any other governmental unit may  
27 purchase the land from the clerk, without further notice or  
28 advertising, for the opening bid, except that when the county  
29 or other governmental unit is the purchaser for its own use,  
30 the board of county commissioners may cancel omitted years'  
31 taxes, as provided under s. 197.447. If the county does not

1 elect to purchase the land, before expiration of the 90-day  
2 period the county must notify each legal titleholder of  
3 property contiguous to the land available for taxes, as  
4 provided in paragraph (4)(h). Interest on the opening bid  
5 continues to accrue through the month of sale as prescribed by  
6 s. 197.542.

7 Section 2. Subsection (2) of section 197.582, Florida  
8 Statutes, is amended to read:

9 197.582 Disbursement of proceeds of sale.--

10 (2) If the property is purchased for an amount in  
11 excess of the statutory bid of the certificateholder, the  
12 excess shall be paid over and disbursed by the clerk. If the  
13 property purchased is homestead property and the statutory bid  
14 includes an amount equal to at least one-half of the assessed  
15 value of the homestead, that amount shall be treated as excess  
16 and distributed in the same manner. The clerk shall  
17 distribute the excess to the governmental units for the  
18 payment of any lien of record held by a governmental unit  
19 against the property. In the event the excess is not  
20 sufficient to pay all of such liens in full, the excess shall  
21 then be paid to each governmental unit pro rata. If, after  
22 all liens of record of the governmental units upon the  
23 property are paid in full, there remains a balance of  
24 undistributed funds, the balance of the purchase price shall  
25 be retained by the clerk for the benefit of the persons  
26 described in s. 197.522(1)(a), except those persons described  
27 in s. 197.502(4)(h), as their interests may appear. The clerk  
28 shall mail notices to such persons notifying them of the funds  
29 held for their benefit. Any service charges, at the same rate  
30 as prescribed in s. 28.24(13), and costs of mailing notices  
31 shall be paid out of the excess balance held by the clerk.

1 Excess proceeds shall be held and disbursed in the same manner  
2 as unclaimed redemption moneys in s. 197.473. In the event  
3 excess proceeds are not sufficient to cover the service  
4 charges and mailing costs, the clerk shall receive the total  
5 amount of excess proceeds as a service charge.

6 Section 3. Taxes and special assessments against  
7 subdivision property.--

8 (1) Ad valorem taxes, benefit taxes, and special  
9 assessments by taxing authorities shall be assessed against  
10 the lots within a platted subdivision and not upon the  
11 subdivision property as a whole. An ad valorem tax, benefit  
12 tax, or special assessment, including a tax or assessment  
13 imposed by a special district, drainage district, or water  
14 management district, may not be assessed separately against  
15 recreational facilities or other common elements, regardless  
16 of ownership. The value of each parcel of land that is or has  
17 been part of a platted subdivision and that is designated on  
18 the plat or the approved site plan as a common element shall,  
19 regardless of ownership, be prorated by the property appraiser  
20 and included in the assessment of all the lots within the  
21 subdivision which constitute inventory for the developer and  
22 which are intended to be conveyed or which have been conveyed  
23 into private ownership.

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

26 (a) Subdivision property not included within lots  
27 constituting inventory for the developer which are intended to  
28 be conveyed or which have been conveyed into private  
29 ownership.

30 (b) An easement through the subdivision property, not  
31 including the property described in paragraph (a), which has

1 been dedicated to the public or retained for the benefit of  
2 the subdivision.

3 (c) Any other part of the subdivision which has been  
4 designated on the plat, or which is required to be designated  
5 on the site plan, as a drainage pond, detention or retention  
6 pond, or recreational feature and which is for the benefit of  
7 the subdivision.

8 Section 4. This act shall take effect January 1, 2004.

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SENATE SUMMARY

Before property is sold under an outstanding tax certificate, requires that the tax collector notify each owner of property contiguous to the property subject to sale. Requires that a county notify each owner of contiguous property within 90 days after property is placed on the list of lands available for taxes if the county holds the tax certificate and does not purchase the property. Requires that the value of taxes and special assessments against recreational facilities, easements, and other common elements of a subdivision be prorated by the property appraiser and included within the value of the lots within the subdivision conveyed or intended to be conveyed into private ownership.