

By Senator Margolis

35-1370B-04

1 A bill to be entitled
2 An act relating to property tax; amending s.
3 193.155, F.S.; providing an additional type of
4 transfer that does not create a change in
5 ownership for purposes of homestead
6 assessments; amending s. 194.011, F.S.;
7 revising requirements for petitioners and
8 property appraisers with respect to providing
9 evidence lists and documentation for
10 proceedings of the value adjustment board;
11 amending s. 194.032, F.S.; requiring that a
12 petitioner be notified earlier of a scheduled
13 appearance before the value adjustment board;
14 amending s. 195.062, F.S.; authorizing the
15 Department of Revenue to provide additional
16 information in its update of the manual of
17 instructions for property appraisers and other
18 officials; repealing s. 373.516, F.S., relating
19 to the assessment of rights-of-way of railroads
20 and other public service corporations; creating
21 s. 689.261, F.S.; requiring a seller to give
22 notice to the prospective purchaser of
23 homestead property concerning ad valorem taxes
24 on the property; specifying the form of notice;
25 providing for the right of the purchaser to
26 void the contract for sale under certain
27 circumstances; creating s. 193.017, F.S.;
28 providing for assessment of property used for
29 affordable housing and subject to a low-income
30 housing tax credit; providing an effective
31 date.

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

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3 Section 1. Subsection (3) of section 193.155, Florida
4 Statutes, is amended to read:

5 193.155 Homestead assessments.--Homestead property
6 shall be assessed at just value as of January 1, 1994.
7 Property receiving the homestead exemption after January 1,
8 1994, shall be assessed at just value as of January 1 of the
9 year in which the property receives the exemption.

10 (3) Except as provided in this subsection, property
11 assessed under this section shall be assessed at just value as
12 of January 1 of the year following a change of ownership.

13 Thereafter, the annual changes in the assessed value of the
14 property are subject to the limitations in subsections (1) and
15 (2). For the purpose of this section, a change in ownership
16 means any sale, foreclosure, or transfer of legal title or
17 beneficial title in equity to any person, except as provided
18 in this subsection. There is no change of ownership if:

19 (a) Subsequent to the change or transfer, the same
20 person is entitled to the homestead exemption as was
21 previously entitled and:

22 1. The transfer of title is to correct an error; ~~or~~
23 2. The transfer is between legal and equitable title;
24 or

25 3. The transfer adds additional owners other than a
26 spouse to the existing ownership and the additional owners do
27 not apply for or claim the homestead exemption;

28 (b) The transfer is between husband and wife,
29 including a transfer to a surviving spouse or a transfer due
30 to a dissolution of marriage;

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1 (c) The transfer occurs by operation of law under s.
2 732.4015; or

3 (d) Upon the death of the owner, the transfer is
4 between the owner and another who is a permanent resident and
5 is legally or naturally dependent upon the owner.

6 Section 2. Subsection (4) of section 194.011, Florida
7 Statutes, is amended to read:

8 194.011 Assessment notice; objections to
9 assessments.--

10 (4)(a) At least 15 ~~10~~ days before the hearing, the
11 petitioner shall provide to the property appraiser a list of
12 evidence to be presented at the hearing, together with copies
13 of all documentation to be considered by the value adjustment
14 board and a summary of evidence to be presented by witnesses.

15 (b) No later than 5 days before the hearing, if ~~after~~
16 the petitioner has provided ~~provides~~ the information required
17 under paragraph (a), and if requested in writing by the
18 petitioner, the property appraiser shall provide to the
19 petitioner a list of evidence to be presented at the hearing,
20 together with copies of all documentation to be considered by
21 the value adjustment board and a summary of evidence to be
22 presented by witnesses. The evidence list must contain the
23 property record card if provided by the clerk.

24 Section 3. Subsection (2) of section 194.032, Florida
25 Statutes, is amended to read:

26 194.032 Hearing purposes; timetable.--

27 (2) The clerk of the governing body of the county
28 shall prepare a schedule of appearances before the board based
29 on petitions timely filed with him or her. The clerk shall
30 notify each petitioner of the scheduled time of his or her
31 appearance no less than 25 ~~20~~ calendar days prior to the day

1 of such scheduled appearance. Upon receipt of this
2 notification, the petitioner shall have the right to
3 reschedule the hearing a single time by submitting to the
4 clerk of the governing body of the county a written request to
5 reschedule, no less than 5 calendar days before the day of the
6 originally scheduled hearing. A copy of the property record
7 card containing relevant information used in computing the
8 taxpayer's current assessment shall be included with such
9 notice, if said card was requested by the taxpayer. Such
10 request shall be made by checking an appropriate box on the
11 petition form. No petitioner shall be required to wait for
12 more than 4 hours from the scheduled time; and, if his or her
13 petition is not heard in that time, the petitioner may, at his
14 or her option, report to the chairperson of the meeting that
15 he or she intends to leave; and, if he or she is not heard
16 immediately, the petitioner's administrative remedies will be
17 deemed to be exhausted, and he or she may seek further relief
18 as he or she deems appropriate. Failure on three occasions
19 with respect to any single tax year to convene at the
20 scheduled time of meetings of the board shall constitute
21 grounds for removal from office by the Governor for neglect of
22 duties.

23 Section 4. Subsection (1) of section 195.062, Florida
24 Statutes, is amended to read:

25 195.062 Manual of instructions.--

26 (1) The department shall prepare and maintain a
27 current manual of instructions for property appraisers and
28 other officials connected with the administration of property
29 taxes. This manual shall contain all:

30 (a) Rules and regulations.

31 (b) Standard measures of value.

1 (c) Forms and instructions relating to the use of
2 forms and maps.

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4 Consistent with s. 195.032, the standard measures of value
5 shall be adopted in general conformity with the procedures set
6 forth in s. 120.54, but shall not have the force or effect of
7 such rules and shall be used only to assist tax officers in
8 the assessment of property as provided by s. 195.002.

9 Guidelines may be updated annually to incorporate new market
10 data, which may be in tabular form, technical changes, changes
11 indicated by established decisions of the Supreme Court, and,
12 if a summary of justification is set forth in the notice
13 required under s. 120.54, other changes relevant to
14 appropriate assessment practices or standard measurement of
15 value. Such new data may be incorporated into the guidelines
16 on the approval of the executive director if after notice in
17 substantial conformity with s. 120.54 there is no objection
18 filed with the department within 45 days, and the procedures
19 set forth in s. 120.54 do not apply.

20 Section 5. Section 373.516, Florida Statutes, is
21 repealed.

22 Section 6. Section 689.261, Florida Statutes, is
23 created to read:

24 689.261 Sale of homestead property; disclosure of ad
25 valorem taxes to prospective purchaser.--

26 (1) A prospective purchaser of homestead property must
27 be presented a disclosure summary before executing the
28 contract for sale. Unless a substantially similar disclosure
29 summary is included in the contract for sale, a separate
30 disclosure summary must be attached to the contract for sale.

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1 The disclosure summary must be in a form substantially similar
2 to the following:

3
4 AD VALOREM TAX
5 DISCLOSURE SUMMARY
6

7 1. THE AD VALOREM TAXES ON THE PROPERTY FOR THE YEAR
8 SUBSEQUENT TO THE PURCHASE MAY BE IN EXCESS OF THE AD VALOREM
9 TAXES ASSESSED AT THE TIME OF SALE.

10 2. THE AD VALOREM TAXES ARE REQUIRED TO BE ASSESSED AT
11 JUST VALUE ON THE PROPERTY IN THE YEAR FOLLOWING A SALE IF A
12 CHANGE OF OWNERSHIP AS DEFINED IN SECTION 193.155(3), FLORIDA
13 STATUTES, HAS OCCURRED.

14 3. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION AND
15 AD VALOREM TAXES, PLEASE CONTACT YOUR COUNTY PROPERTY
16 APPRAISER OR TAX COLLECTOR.

17
18 (2) Unless included in the contract, the disclosure
19 summary must be provided by the seller. If the disclosure
20 summary is not included in the contract for sale, the contract
21 for sale must refer to and incorporate the disclosure summary
22 and all contracts for sale must include, in prominent
23 language, a statement that the potential purchaser should not
24 execute the contract until he or she has read the disclosure
25 summary required by this section. If the disclosure summary
26 required by this section has not been provided to the
27 prospective purchaser before executing the contract for sale,
28 the contract is voidable by the purchaser by delivering to the
29 seller, or the seller's agent, written notice of the
30 purchaser's intention to cancel either within 3 days after
31 receipt of the disclosure summary or 3 days prior to closing,

1 whichever occurs first. The right of the purchaser to void the
2 contract for sale terminates at closing.

3 Section 7. Section 193.017, Florida Statutes, is
4 created to read:

5 193.017 Low-income housing tax credit.--Property used
6 for affordable housing which has received a low-income housing
7 tax credit from the Florida Housing Finance Corporation, as
8 authorized by s. 420.5099, shall be assessed under s. 193.011
9 and, consistent with s. 420.5099(5) and (6), pursuant to this
10 section.

11 (1) The tax credits granted and the financing
12 generated by the tax credits may not be considered as income
13 to the property.

14 (2) The actual rental income from rent-restricted
15 units in such a property shall be recognized by the property
16 appraiser.

17 (3) Any costs paid for by tax credits and costs paid
18 for by additional financing proceeds received under chapter
19 420 may not be included in the valuation of the property.

20 (4) If an extended low-income housing agreement is
21 filed in the official public records of the county in which
22 the property is located, the agreement, and any recorded
23 amendment or supplement thereto, shall be considered a
24 land-use regulation and a limitation on the highest and best
25 use of the property during the term of the agreement,
26 amendment, or supplement.

27 (5) Any other evidence of the value of the property
28 shall be considered only in connection with the actual use of
29 the property for affordable housing or as property subject to
30 a low-income housing tax credit.

31 Section 8. This act shall take effect January 1, 2005.

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SENATE SUMMARY

Revises the requirements for providing evidence lists and documentation for proceedings of the value adjustment board. Authorizes the Department of Revenue to provide additional information in updating the manual of instructions for property appraisers. Repeals provisions governing the assessment of rights-of-way of railroads and other public service corporations. Requires a seller of homestead property to give notice to the prospective purchaser concerning ad valorem taxes on the property. Prescribes the form of the notice. Provides requirements for assessing property that is subject to a low-income housing tax credit.