

By the Committees on Finance and Tax; Community Affairs; and
Senators Atwater, Storms, Deutch, Haridopolos and Geller

593-2491-07

1 A bill to be entitled
2 An act relating to local governments; amending
3 s. 73.071, F.S.; requiring that the value of
4 the expected future tax benefits for homestead
5 property be compensated for in an eminent
6 domain taking; creating s. 73.0725, F.S.;
7 requiring the condemning authority in an
8 eminent domain taking to determine the present
9 value of the expected future tax benefit for
10 homestead property; amending s. 193.011, F.S.;
11 clarifying the standard for determining highest
12 and best use for purposes of deriving the just
13 value of property; amending s. 195.052, F.S.;
14 specifying data to be used for tabulating
15 property value and taxation including
16 information concerning ad valorem taxes and
17 millage rates; requiring that such data be
18 reported to the Department of Revenue for
19 publication on the department's website and all
20 property appraiser websites, if available;
21 amending s. 200.069, F.S.; requiring that the
22 notice of proposed property taxes mailed to
23 taxpayers include the county government's
24 official website address; requiring the
25 electronic reporting of local government
26 revenue and expenditure data; requiring the
27 reporting of local government budgets;
28 requiring the electronic reporting of local
29 government contracts; providing for a study by
30 legislative staff and a report; providing an
31 appropriation; providing an effective date.

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

2

3 Section 1. Subsection (3) of section 73.071, Florida
4 Statutes, is amended to read:

5 73.071 Jury trial; compensation; severance damages;
6 business damages.--

7 (3) The jury shall determine solely the amount of
8 compensation to be paid, which compensation shall include:

9 (a) The value of the property sought to be
10 appropriated;

11 (b) Where less than the entire property is sought to
12 be appropriated, any damages to the remainder caused by the
13 taking, including, when the action is by the Department of
14 Transportation, county, municipality, board, district or other
15 public body for the condemnation of a right-of-way, and the
16 effect of the taking of the property involved may damage or
17 destroy an established business of more than 4 years' standing
18 before January 1, 2005, or the effect of the taking of the
19 property involved may damage or destroy an established
20 business of more than 5 years' standing on or after January 1,
21 2005, owned by the party whose lands are being so taken,
22 located upon adjoining lands owned or held by such party, the
23 probable damages to such business which the denial of the use
24 of the property so taken may reasonably cause; and any person
25 claiming the right to recover such special damages shall set
26 forth in his or her written defenses the nature and extent of
27 such damages; ~~and~~

28 (c) Where the appropriation is of property upon which
29 a mobile home, other than a travel trailer as defined in s.
30 320.01, is located, whether or not the owner of the mobile
31 home is an owner or lessee of the property involved, and the

1 effect of the taking of the property involved requires the
2 relocation of such mobile home, the reasonable removal or
3 relocation expenses incurred by such mobile home owner, not to
4 exceed the replacement value of such mobile home. The
5 compensation paid to a mobile home owner under this paragraph
6 shall preclude an award to a mobile home park owner for such
7 expenses of removal or relocation. Any mobile home owner
8 claiming the right to such removal or relocation expenses
9 shall set forth in his or her written defenses the nature and
10 extent of such expenses. This paragraph ~~does shall~~ not apply
11 to any governmental authority exercising its power of eminent
12 domain when reasonable removal or relocation expenses ~~are must~~
13 ~~be~~ paid to mobile home owners under other provisions of law or
14 agency rule applicable to such exercise of power; ~~and-~~

15 (d) Where the appropriation is of homestead property,
16 the present value of the expected future tax benefits of the
17 property as provided under s. 4(c), Art. VII of the State
18 Constitution.

19 Section 2. Section 73.0725, Florida Statutes, is
20 created to read:

21 73.0725 When homestead property is appropriated under
22 this chapter, the condemning authority shall separately
23 determine the present value of the expected future tax
24 benefits provided under s. 4(c), Art. VII of the State
25 Constitution.

26 Section 3. Section 193.011, Florida Statutes, is
27 amended to read:

28 193.011 Factors to consider in deriving just
29 valuation.--In arriving at just valuation as required under s.
30 4, Art. VII of the State Constitution, the property appraiser
31 shall consider ~~take into consideration~~ the following factors:

1 (1) The present cash value of the property, which is
2 the amount a willing purchaser would pay a willing seller,
3 exclusive of reasonable fees and costs of purchase, in cash or
4 the immediate equivalent thereof in a transaction at arm's
5 length;

6 (2) The highest and best use to which the property can
7 be expected to be put in the immediate future which is
8 reasonably probable, physically possible, and legally
9 permissible as well as financially feasible and maximally
10 productive, and the present use of the property, taking into
11 consideration any applicable judicial limitation, local or
12 state land use regulation, current zoning limitation,
13 variance, or historic preservation ordinance, and considering
14 any moratorium imposed by executive order, law, ordinance,
15 regulation, resolution, or proclamation adopted by any
16 governmental body or agency or the Governor when the
17 moratorium or judicial limitation prohibits or restricts the
18 development or improvement of property as otherwise authorized
19 by applicable law. The applicable governmental body or agency
20 or the Governor shall notify the property appraiser in writing
21 of any executive order, ordinance, regulation, resolution, or
22 proclamation it adopts imposing any such limitation,
23 regulation, or moratorium;

24 (3) The location of said property;

25 (4) The quantity or size of said property;

26 (5) The cost of said property and the present
27 replacement value of any improvements thereon;

28 (6) The condition of said property;

29 (7) The income from said property; and

30 (8) The net proceeds of the sale of the property, as
31 received by the seller, after deduction of all of the usual

1 and reasonable fees and costs of the sale, including the costs
2 and expenses of financing, and allowance for unconventional or
3 atypical terms of financing arrangements. ~~If~~ ~~When~~ the net
4 proceeds of the sale of any property are used ~~utilized~~,
5 directly or indirectly, in determining the ~~the determination~~
6 ~~of~~ just valuation ~~of realty~~ of the sold parcel or any other
7 parcel ~~under the provisions of this section~~, the property
8 appraiser, for the purposes of such determination, shall
9 exclude any portion of such net proceeds attributable to
10 payments for household furnishings or other items of personal
11 property.

12 Section 4. Section 195.052, Florida Statutes, is
13 amended to read:

14 195.052 Research and tabulation of data.--The
15 Department of Revenue shall conduct constant research and
16 maintain accurate tabulations of data and conditions existing
17 as to ad valorem taxation, shall annually publish such data as
18 may be appropriate to facilitate fiscal policymaking, and
19 shall annually make such recommendations to the Legislature as
20 are necessary to ensure that property is valued according to
21 its just value and is equitably taxed throughout the state.
22 The data published must include the annual percentage increase
23 in total nonvoted ad valorem taxes levied by each municipality
24 and county and information concerning the distribution of ad
25 valorem taxes levied among the various classifications of
26 property, including homestead, nonhomestead residential, new
27 construction, commercial, and industrial properties. The
28 published data must also include the previous year's adopted
29 millage rate, the current year's millage rate, and the current
30 percentage increase in taxes levied above the rolled-back
31 rate. At a minimum, the data must be published on the

1 department's website and on the websites of all property
2 appraisers of this state, if available. Publication ~~must shall~~
3 occur within 90 ~~not later than 60~~ days after receipt of
4 extended rolls for all counties pursuant to s. 193.122(7).

5 Section 5. Section 200.069, Florida Statutes, is
6 amended to read:

7 200.069 Notice of proposed property taxes and non-ad
8 valorem assessments.--Pursuant to s. 200.065(2)(b), the
9 property appraiser, in the name of the taxing authorities and
10 local governing boards levying non-ad valorem assessments
11 within his or her jurisdiction and at the expense of the
12 county, shall prepare and deliver by first-class mail to each
13 taxpayer to be listed on the current year's assessment roll a
14 notice of proposed property taxes, which notice ~~must shall~~
15 contain the elements and use the format provided in the
16 following form, and include the address of the county
17 government's official Internet website. Notwithstanding the
18 provisions of s. 195.022, ~~a no~~ county officer ~~may not shall~~
19 use a form other than that provided herein. The Department of
20 Revenue may adjust the spacing and placement on the form of
21 the elements listed in this section as it considers necessary
22 based on changes in conditions necessitated by various taxing
23 authorities. If the elements are in the order listed, the
24 placement of the listed columns may be varied at the
25 discretion and expense of the property appraiser, and the
26 property appraiser may use printing technology and devices to
27 complete the form, the spacing, and the placement of the
28 information in the columns. A county officer may use a form
29 other than that provided by the department for purposes of
30 this part, but only if his or her office pays the related
31 expenses and he or she obtains prior written permission from

1 the executive director of the department; however, a county
2 officer may not use a form the substantive content of which is
3 at variance with the form prescribed by the department. The
4 county officer may continue to use such an approved form until
5 the law that specifies the form is amended or repealed or
6 until the officer receives written disapproval from the
7 executive director.

8 (1) The notice must ~~shall~~ read as follows:

9
10 NOTICE OF PROPOSED PROPERTY TAXES
11 DO NOT PAY--THIS IS NOT A BILL
12

13 The taxing authorities that ~~which~~ levy property taxes
14 against your property will soon hold PUBLIC HEARINGS to adopt
15 budgets and tax rates for the next year.

16 The purpose of these PUBLIC HEARINGS is to receive
17 opinions from the general public and to answer questions on
18 the proposed tax change and budget PRIOR TO TAKING FINAL
19 ACTION.

20 Each taxing authority may AMEND OR ALTER its proposals
21 at the hearing.
22

23 (2) The notice must also ~~shall further~~ contain
24 information applicable to the specific parcel in question. The
25 information must ~~shall~~ be in columnar form. There shall be
26 five column headings which ~~shall~~ read: "Taxing Authority,"
27 "Your Property Taxes Last Year," "Your Taxes This Year IF
28 PROPOSED Budget Change is Made," "A Public Hearing on the
29 Proposed Taxes and Budget Will be Held:", and "Your Taxes This
30 Year IF NO Budget Change is Made."
31

1 (3) ~~There shall be~~ Under each column heading there
2 must be an entry for the county; the school district levy
3 required pursuant to s. 1011.60(6); other operating school
4 levies; the municipality or municipal service taxing unit or
5 units in which the parcel lies, if any; the water management
6 district levying pursuant to s. 373.503; the independent
7 special districts in which the parcel lies, if any; and for
8 all voted levies for debt service applicable to the parcel, if
9 any.

10 (4) For each entry listed in subsection (3), ~~there~~
11 ~~shall appear on the notice~~ the following must appear on the
12 notice:

13 (a) In the first column, a brief, commonly used name
14 for the taxing authority or its governing body. The entry in
15 the first column for the levy required pursuant to s.
16 1011.60(6) shall be "By State Law." The entry for other
17 operating school district levies shall be "By Local Board."
18 Both school levy entries must ~~shall~~ be indented and preceded
19 by the notation "Public Schools:". For each voted levy for
20 debt service, the entry shall be "Voter Approved Debt
21 Payments."

22 (b) In the second column, the gross amount of ad
23 valorem taxes levied against the parcel in the previous year.
24 If the parcel did not exist in the previous year, the second
25 column must ~~shall~~ be blank.

26 (c) In the third column, the gross amount of ad
27 valorem taxes proposed to be levied in the current year, which
28 amount is ~~shall be~~ based on the proposed millage rates
29 provided to the property appraiser pursuant to s.
30 200.065(2)(b) or, in the case of voted levies for debt
31 service, the millage rate previously authorized by referendum,

1 and the taxable value of the parcel as shown on the current
2 year's assessment roll.

3 (d) In the fourth column, the date, the time, and a
4 brief description of the location of the public hearing
5 required pursuant to s. 200.065(2)(c).

6 (e) In the fifth column, the gross amount of ad
7 valorem taxes which would apply to the parcel in the current
8 year if each taxing authority were to levy the rolled-back
9 rate computed pursuant to s. 200.065(1) or, in the case of
10 voted levies for debt service, the amount previously
11 authorized by referendum.

12 (f) For special assessments collected utilizing the ad
13 valorem method pursuant to s. 197.363, the previous year's
14 assessment amount must ~~shall~~ be added to the ad valorem taxes
15 shown in the second and fifth columns, and the amount proposed
16 to be imposed for the current year must ~~shall~~ be added to the
17 ad valorem taxes shown in the third column.

18 (5) The amounts shown on each line preceding each
19 entry for voted levies for debt service must ~~shall~~ include the
20 sum of all ad valorem levies of the applicable unit of local
21 government for operating purposes, including those of
22 dependent special districts (except for municipal service
23 taxing units, which must ~~shall~~ be listed on the line for
24 municipalities), and all nonvoted or nondebt service special
25 assessments imposed by the applicable unit of local government
26 to be collected utilizing the ad valorem method.

27 (6) Following the entries for each taxing authority, a
28 final entry must ~~shall~~ show: in the first column, the words
29 "Total Property Taxes:" and in the second, third, and fifth
30 columns, the sum of the entries for each of the individual
31 taxing authorities. The second, third, and fifth columns

1 ~~shall~~, immediately below said entries, must be labeled Column
2 1, Column 2, and Column 3, respectively. Below these labels
3 ~~shall appear~~, in boldfaced type, the following statement must
4 appear: SEE REVERSE SIDE FOR EXPLANATION.

5 (7) The notice must also ~~shall further~~ show a brief
6 legal description of the property and the name and mailing
7 address of the owner of record.

8 (8) The notice must also ~~shall further~~ read:

9

	Market	Assessed	Exemp-	Taxable
	Value	Value	tions	Value
12 Your Property				
13 Value Last				
14 Year	\$.....	\$.....	\$.....	\$.....
15 Your Property				
16 Value This				
17 Year	\$.....	\$.....	\$.....	\$.....

18
19 If you feel that the market value of your property is
20 inaccurate or does not reflect fair market value, or if you
21 are entitled to an exemption that is not reflected above,
22 contact your county property appraiser at ...(phone number)...
23 or ...(location)....

24 If the property appraiser's office is unable to resolve
25 the matter as to market value or an exemption, you may file a
26 petition for adjustment with the Value Adjustment Board.
27 Petition forms are available from the county property
28 appraiser and must be filed ON OR BEFORE ...(date)....

29
30 (9) The reverse side of the form shall read:

31

EXPLANATION

*COLUMN 1--"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

*COLUMN 2--"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3--"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

For homestead property: value as limited by the State Constitution;

For agricultural and similarly assessed property: classified use value;

For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

1 (10) The bottom portion of the notice shall further
2 read in bold, conspicuous print:

3
4 "Your final tax bill may contain non-ad valorem
5 assessments which may not be reflected on this
6 notice such as assessments for roads, fire,
7 garbage, lighting, drainage, water, sewer, or
8 other governmental services and facilities
9 which may be levied by your county, city, or
10 any special district."

11
12 (11)(a) If requested by the local governing board
13 levying non-ad valorem assessments and agreed to by the
14 property appraiser, the notice specified in this section may
15 contain a notice of proposed or adopted non-ad valorem
16 assessments. If so agreed, the notice shall be titled:

17
18 NOTICE OF PROPOSED PROPERTY TAXES
19 AND PROPOSED OR ADOPTED
20 NON-AD VALOREM ASSESSMENTS
21 DO NOT PAY--THIS IS NOT A BILL
22

23 There must be a clear partition between the notice of proposed
24 property taxes and the notice of proposed or adopted non-ad
25 valorem assessments. The partition must be a bold, horizontal
26 line approximately 1/8 -inch thick. By rule, the department
27 shall provide a format for the form of the notice of proposed
28 or adopted non-ad valorem assessments which meets the
29 following minimum requirements:

30 1. There must be subheading for columns listing the
31 levying local governing board, with corresponding assessment

1 rates expressed in dollars and cents per unit of assessment,
2 and the associated assessment amount.

3 2. The purpose of each assessment must also be listed
4 in the column listing the levying local governing board if the
5 purpose is not clearly indicated by the name of the board.

6 3. Each non-ad valorem assessment for each levying
7 local governing board must be listed separately.

8 4. If a county has too many municipal service benefit
9 units or assessments to be listed separately, it shall combine
10 them by function.

11 5. A brief statement outlining the responsibility of
12 the tax collector and each levying local governing board as to
13 any non-ad valorem assessment must be provided on the form,
14 accompanied by directions as to which office to contact for
15 particular questions or problems.

16 (b) If the notice includes all adopted non-ad valorem
17 assessments, the provisions contained in subsection (10) may
18 ~~shall~~ not be placed on the notice.

19 Section 6. Truth in spending.--For the purpose of
20 providing truth in spending, local governments shall
21 electronically post all revenues received and all expenditures
22 made on the local government's official website if one is
23 available, or on the county government's official website in
24 all other cases. For the purpose of this section, the term
25 local government includes counties, municipalities, school
26 districts, water management districts, and any special
27 district that has authority to levy ad valorem taxes or non-ad
28 valorem assessments. By July 1, 2008, the Department of
29 Revenue shall develop a uniform format that permits local
30 governments to produce and report revenue and expenditure data
31 on a substantially similar basis and that is highly comparable

1 among the local governments. The uniform format must contain
2 the standard categories of revenues and expenditures used by
3 local governments in the annual financial report submitted to
4 the Department of Financial Services under s. 218.32, Florida
5 Statutes.

6 (1) The local governments shall begin electronically
7 posting all revenues received and expenditures made during the
8 previous fiscal year in a format that is accessible without
9 charge to any individual who has Internet access using
10 standard web-browsing software and in accordance with the
11 following schedule:

12 (a) By December 31, 2009, and annually thereafter, any
13 county, municipality, or school district that has a population
14 of 300,000 or more on April 1, 2007, as reported by the Office
15 of Economic and Demographic Research under s. 186.901, Florida
16 Statutes, and all water management districts.

17 (b) By December 31, 2010, and annually thereafter, any
18 county, municipality, or school district that has a population
19 of at least 50,000 but fewer than 300,000 on April 1, 2007, as
20 reported by the Office of Economic and Demographic Research
21 under s. 186.901, Florida Statutes.

22 (c) By December 31, 2011, and annually thereafter, any
23 county, municipality, or school district that has a population
24 of fewer than 50,000 on April 1, 2007, as reported by the
25 Office of Economic and Demographic Research under s. 186.901,
26 Florida Statutes, and all special taxing districts,
27 independent taxing districts, and any other taxing authority
28 created by state law, a political subdivision, or referendum.

29 (2) The local governments shall also prepare a summary
30 report of all revenues and expenditures electronically posted
31 which shall be made available to the residents within the

1 jurisdiction of the respective local government by mail,
2 newspaper advertisement, or in an electronic format posted on
3 the appropriate website in accordance with the following
4 schedule:

5 (a) By February 1, 2010, and annually thereafter, the
6 local governments subject to paragraph (1)(a).

7 (b) By February 1, 2011, and annually thereafter, the
8 local governments subject to paragraph (1)(b).

9 (c) By February 1, 2012, and annually thereafter, the
10 local governments subject to paragraph (1)(c).

11 Section 7. Transparency in local government
12 budgets.--For the purpose of providing transparency in local
13 government budgets, each local government shall provide
14 electronic access to its budget information. For the purposes
15 of this section, the term local government includes counties,
16 municipalities, school districts, water management districts,
17 and any special district that has authority to levy ad valorem
18 taxes or non-ad valorem assessments. Not later than the date
19 the notice of proposed property taxes and non-ad valorem
20 assessments required under s. 200.069, Florida Statutes, is
21 mailed, the local government shall electronically post its
22 anticipated revenues, proposed budget, and tentative millage
23 rate on the local government's official website, if one is
24 available, or on the county government's official website in
25 all other cases. Within 10 days after the adoption of the
26 budget, the local government shall electronically post its
27 adopted budget and millage rate. All county government
28 official websites shall have a link to the websites of local
29 governments within the county's jurisdiction.

30 Section 8. Transparency in local government
31 contracting.--For the purpose of providing transparency in

1 local government contracting, local governments shall
2 electronically post all contracts that are public records on
3 the local government's official website, if one is available,
4 or on the county government's official website in all other
5 cases. For the purposes of this section, the term local
6 government includes counties, municipalities, school
7 districts, water management districts, and any special
8 district that has authority to levy ad valorem taxes or non-ad
9 valorem assessments. School district employment contracts are
10 exempt from this section. The contracts shall be posted in
11 accordance with the following schedule:

12 (1) By November 1, 2007, any county, municipality, or
13 school district that has a population of 300,000 or more on
14 April 1, 2007, as reported by the Office of Economic and
15 Demographic Research under s. 186.901, Florida Statutes, and
16 all water management districts, shall electronically post
17 contracts of \$25,000 or more executed on or after October 1,
18 2007.

19 (2) By November 1, 2008, any county, municipality,
20 water management district, or school district that has a
21 population of at least 50,000 but fewer than 300,000 on April
22 1, 2007, as reported by the Office of Economic and Demographic
23 Research under s. 186.901, Florida Statutes, shall
24 electronically post contracts of \$15,000 or more executed on
25 or after October 1, 2008.

26 (3) By November 1, 2009, any county, municipality, or
27 school district that has a population of fewer than 50,000 on
28 April 1, 2007, as reported by the Office of Economic and
29 Demographic Research under s. 186.901, Florida Statutes, and
30 all special taxing districts, independent taxing districts,
31 and any other taxing authority created by state law, a

1 political subdivision, or referendum, shall electronically
2 post contracts of \$5,000 or more executed on or after October
3 1, 2009.

4 Section 9. By January 31, 2008, staff of the Senate
5 and the House of Representatives shall conduct a study and
6 submit a report to the President of the Senate and the Speaker
7 of the House of Representatives relating to the administrative
8 process for appealing property tax assessments provided in
9 part I of chapter 194, Florida Statutes. Staff shall conduct
10 the necessary research and shall develop detailed
11 recommendations for legislation to improve the accessibility,
12 fairness, efficiency, and disclosure of all levels of this
13 process, including recommendations relating to forms, manuals,
14 guidelines, training materials, checklists, other types of
15 documentation, training activities, and taxpayer outreach at
16 all levels of the appeal process.

17 Section 10. The sum of \$50,000 in nonrecurring funds
18 is appropriated from the General Revenue Fund to the
19 Department of Revenue for costs incurred in assisting
20 legislative staff in gathering, compiling, and analyzing data
21 needed to prepare the report reviewing the administrative
22 process for appealing property tax assessments.

23 Section 11. This act shall take effect July 1, 2007,
24 and the provisions of section 4 of this act apply to the
25 January 2008 tax roll and subsequent tax rolls.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 560

The committee substitute requires local governments to provide a single source for taxpayers to obtain information about local government revenues, expenditures, and contracts. In addition, it requires a condemning authority in an eminent domain proceeding to compensate a homeowner for the present value of the expected future tax benefit from Article II, section 4 (c), of the State Constitution (Save Our Homes). It clarifies the standard for determining highest and best use for purposes of deriving the just value of property. Finally, it provides and appropriates \$50,000 for a study of the assessment appeal process, including Value Adjustment Boards./