

Bill No. SB 4-D

Barcode 104732

CHAMBER ACTION

Senate

House

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Senator Crist moved the following amendment:

Senate Amendment (with title amendment)

On page 6, between lines 5 and 6,

insert:

Section 1. Section 193.011, Florida Statutes, is amended to read:

193.011 Factors to consider in deriving just valuation.--

(1) In arriving at the just valuation of property as required under s. 4, Art. VII of the State Constitution, the property appraiser shall take into consideration the following factors:

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

~~(b)(2) The highest and best use to which the property can be expected to be put in the immediate future and the~~

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1 present use of the property, taking into consideration any
 2 applicable judicial limitation, local or state land use
 3 regulation, or historic preservation ordinance, and
 4 considering any moratorium imposed by executive order, law,
 5 ordinance, regulation, resolution, or proclamation adopted by
 6 any governmental body or agency or the Governor when the
 7 moratorium or judicial limitation prohibits or restricts the
 8 development or improvement of property as otherwise authorized
 9 by applicable law. The applicable governmental body or agency
 10 or the Governor shall notify the property appraiser in writing
 11 of any executive order, ordinance, regulation, resolution, or
 12 proclamation it adopts imposing any such limitation,
 13 regulation, or moratorium;

14 ~~(c)(3)~~ The location of the ~~said~~ property;

15 ~~(d)(4)~~ The quantity or size of the ~~said~~ property;

16 ~~(e)(5)~~ The cost of the ~~said~~ property and the present
 17 replacement value of any improvements thereon;

18 ~~(f)(6)~~ The condition of the ~~said~~ property;

19 ~~(g)(7)~~ The income from the ~~said~~ property; and

20 ~~(h)(8)~~ The net proceeds of the sale of the property,
 21 as received by the seller, after deduction of all of the usual
 22 and reasonable fees and costs of the sale, including the costs
 23 and expenses of financing, and allowance for unconventional or
 24 atypical terms of financing arrangements. When the net
 25 proceeds of the sale of any property are utilized, directly or
 26 indirectly, in the determination of just valuation of realty
 27 of the sold parcel or any other parcel under the provisions of
 28 this section, the property appraiser, for the purposes of such
 29 determination, shall exclude any portion of such net proceeds
 30 attributable to payments for household furnishings or other
 31 items of personal property.

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1 (2) Notwithstanding paragraph (1)(b), the property
 2 appraiser shall consider the highest and best use to which the
 3 property can be expected to be put in the immediate future if
 4 approved by a super majority vote of the governing body of the
 5 county where the property is located.

6 Section 2. Section 192.011, Florida Statutes, is
 7 amended to read:

8 192.011 All property to be assessed.--The property
 9 appraiser shall assess all property located within the county,
 10 except inventory, whether such property is taxable, wholly or
 11 partially exempt, or subject to classification reflecting a
 12 value less than its just value ~~at its present highest and best~~
 13 ~~use~~. Extension on the tax rolls shall be made according to
 14 regulation promulgated by the department in order properly to
 15 reflect the general law. Streets, roads, and highways which
 16 have been dedicated to or otherwise acquired by a
 17 municipality, a county, or a state agency may be assessed, but
 18 need not be.

19 Section 3. Subsection (1) of section 193.015, Florida
 20 Statutes, is amended to read:

21 193.015 Additional specific factor; effect of issuance
 22 or denial of permit to dredge, fill, or construct in state
 23 waters to their landward extent.--

24 (1) If the Department of Environmental Protection
 25 issues or denies a permit to dredge, fill, or otherwise
 26 construct in or on waters of the state, as defined in chapter
 27 403, to their landward extent ~~as determined under s.~~
 28 ~~403.817(2)~~, the property appraiser is expressly directed to
 29 consider the effect of that issuance or denial on the value of
 30 the property and any limitation that the issuance or denial
 31 may impose on the ~~highest and best~~ use of the property to its

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1 landward extent.

2 Section 4. Subsection (4) of section 193.017, Florida
3 Statutes, is amended to read:

4 193.017 Low-income housing tax credit.--Property used
5 for affordable housing which has received a low-income housing
6 tax credit from the Florida Housing Finance Corporation, as
7 authorized by s. 420.5099, shall be assessed under s. 193.011
8 and, consistent with s. 420.5099(5) and (6), pursuant to this
9 section.

10 (4) If an extended low-income housing agreement is
11 filed in the official public records of the county in which
12 the property is located, the agreement, and any recorded
13 amendment or supplement thereto, shall be considered a
14 land-use regulation and a limitation on the ~~highest and best~~
15 use of the property during the term of the agreement,
16 amendment, or supplement.

17
18 (Redesignate subsequent sections.)

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20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 1, line 2, after the semicolon,
24
25 insert:

26 amending s. 193.011, F.S.; deleting the
27 requirement for property appraisers to consider
28 the highest and best use of property in
29 determining the just valuation of property
30 unless approved by a super majority of the
31 county governing body; amending ss. 192.011,

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1 193.015, and 193.017, F.S., to conform;
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