

By Senator Storms

10-00447-08

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1 A bill to be entitled

2 An act relating to the appraisal of property; amending s.
3 193.011, F.S.; deleting a requirement that the property
4 appraiser consider the property's highest and best use
5 when determining the just value of the property; amending
6 ss. 192.011, 193.015, and 193.017, F.S.; conforming
7 provisions; providing an effective date.
8

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

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11 Section 1. Section 192.011, Florida Statutes, is amended to
12 read:

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

24 Section 2. Section 193.011, Florida Statutes, is amended to
25 read:

26 193.011 Factors to consider in deriving just valuation.--In
27 arriving at just valuation as required under s. 4, Art. VII of
28 the State Constitution, the property appraiser shall take into
29 consideration the following factors:

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

34 (2) ~~The highest and best use to which the property can be~~
35 ~~expected to be put in the immediate future and the present use of~~
36 the property, taking into consideration any applicable judicial
37 limitation, local or state land use regulation, or historic
38 preservation ordinance, and considering any moratorium imposed by
39 executive order, law, ordinance, regulation, resolution, or
40 proclamation adopted by any governmental body or agency or the
41 Governor when the moratorium or judicial limitation prohibits or
42 restricts the development or improvement of property as otherwise
43 authorized by applicable law. The applicable governmental body or
44 agency or the Governor shall notify the property appraiser in
45 writing of any executive order, ordinance, regulation,
46 resolution, or proclamation it adopts imposing any such
47 limitation, regulation, or moratorium;

48 (3) The location of said property;

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

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

52 (6) The condition of said property;

53 (7) The income from said property; and

54 (8) The net proceeds of the sale of the property, as
55 received by the seller, after deduction of all of the usual and
56 reasonable fees and costs of the sale, including the costs and
57 expenses of financing, and allowance for unconventional or
58 atypical terms of financing arrangements. When the net proceeds

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59 | of the sale of any property are utilized, directly or indirectly,
60 | in the determination of just valuation of realty of the sold
61 | parcel or any other parcel under the provisions of this section,
62 | the property appraiser, for the purposes of such determination,
63 | shall exclude any portion of such net proceeds attributable to
64 | payments for household furnishings or other items of personal
65 | property.

66 | Section 3. Subsection (1) of section 193.015, Florida
67 | Statutes, is amended to read:

68 | 193.015 Additional specific factor; effect of issuance or
69 | denial of permit to dredge, fill, or construct in state waters to
70 | their landward extent.--

71 | (1) If the Department of Environmental Protection issues or
72 | denies a permit to dredge, fill, or otherwise construct in or on
73 | waters of the state, as defined in chapter 403, to their landward
74 | extent as determined under s. 373.4211 ~~s. 403.817(2)~~, the
75 | property appraiser is expressly directed to consider the effect
76 | of that issuance or denial on the value of the property ~~and any~~
77 | ~~limitation that the issuance or denial may impose on the highest~~
78 | ~~and best use of the property to its landward extent.~~

79 | Section 4. Subsection (4) of section 193.017, Florida
80 | Statutes, is amended to read:

81 | 193.017 Low-income housing tax credit.--Property used for
82 | affordable housing which has received a low-income housing tax
83 | credit from the Florida Housing Finance Corporation, as
84 | authorized by s. 420.5099, shall be assessed under s. 193.011
85 | and, consistent with s. 420.5099(5) and (6), pursuant to this
86 | section.

87 | (4) If an extended low-income housing agreement is filed in

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88 | the official public records of the county in which the property
89 | is located, the agreement, and any recorded amendment or
90 | supplement thereto, shall be considered a land-use regulation and
91 | a limitation on the ~~highest and best~~ use of the property during
92 | the term of the agreement, amendment, or supplement.

93 | Section 5. This act shall take effect January 1, 2009.