

By Senator Fasano

11-01123A-10

20101164

1 A bill to be entitled
 2 An act relating to the assessment of residential real
 3 property; creating s. 193.624, F.S.; providing
 4 definitions; prohibiting adding the value of certain
 5 improvements to the assessed value of certain real
 6 property; providing a limitation on the assessed value
 7 of certain real property; providing application;
 8 providing procedural requirements and limitations;
 9 requiring a nonrefundable filing fee; amending ss.
 10 193.155 and 193.1554, F.S.; specifying additional
 11 exceptions to assessments of homestead and
 12 nonhomestead property at just value; amending s.
 13 196.012, F.S.; deleting a definition; conforming a
 14 cross-reference; amending ss. 196.121 and 196.1995,
 15 F.S.; conforming cross-references; repealing s.
 16 196.175, F.S., relating to the renewable energy source
 17 property tax exemption; providing application;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 193.624, Florida Statutes, is created to
 23 read:

24 193.624 Assessment of residential property.—

25 (1) For the purposes of this section:

26 (a) "Changes or improvements made for the purpose of
 27 improving a property's resistance to wind damage" means:

28 1. Improving the strength of the roof-deck attachment;

29 2. Creating a secondary water barrier to prevent water

11-01123A-10

20101164

30 intrusion;

31 3. Installing hurricane-resistant shingles;

32 4. Installing gable-end bracing;

33 5. Reinforcing roof-to-wall connections;

34 6. Installing storm shutters;

35 7. Installing impact-resistant glazing; or

36 8. Installing hurricane-resistant doors.

37 (b) "Renewable energy source device" means any of the
38 following equipment that collects, transmits, stores, or uses
39 solar energy, wind energy, or energy derived from geothermal
40 deposits:

41 1. Solar energy collectors, photovoltaic modules, and
42 inverters.

43 2. Storage tanks and other storage systems, excluding
44 swimming pools used as storage tanks.

45 3. Rockbeds.

46 4. Thermostats and other control devices.

47 5. Heat exchange devices.

48 6. Pumps and fans.

49 7. Roof ponds.

50 8. Freestanding thermal containers.

51 9. Pipes, ducts, refrigerant handling systems, and other
52 equipment used to interconnect such systems; however, such
53 equipment does not include conventional backup systems of any
54 type.

55 10. Windmills and wind turbines.

56 11. Wind-driven generators.

57 12. Power conditioning and storage devices that use wind
58 energy to generate electricity or mechanical forms of energy.

11-01123A-10

20101164

59 13. Pipes and other equipment used to transmit hot
60 geothermal water to a dwelling or structure from a geothermal
61 deposit.

62 (2) In determining the assessed value of real property used
63 for residential purposes, the just value of changes or
64 improvements made for the purpose of improving a property's
65 resistance to wind damage and the just value of renewable energy
66 source devices shall not be added to the assessed value as
67 limited by s. 193.155 or s. 193.1554.

68 (3) The assessed value of real property used for
69 residential purposes shall not exceed the total just value of
70 the property minus the combined just values of changes or
71 improvements made for the purpose of improving a property's
72 resistance to wind damage and renewable energy source devices.

73 (4) This section applies to new and existing construction
74 used for residential purposes.

75 (5) A parcel of residential property may not be assessed
76 pursuant to this section unless an application is filed on or
77 before March 1 of the first year the property owner claims the
78 assessment reduction for renewable energy source devices or
79 changes or improvements made for the purpose of improving the
80 property's resistance to wind damage. The property appraiser may
81 require the taxpayer or the taxpayer's representative to furnish
82 the property appraiser such information as may reasonably be
83 required to establish the just value of the renewable energy
84 source devices or changes or improvements made for the purpose
85 of improving the property's resistance to wind damage. Failure
86 to make timely application by March 1 shall constitute a waiver
87 of the property owner to have his or her assessment calculated

11-01123A-10

20101164

88 under this section. However, an applicant who fails to file an
89 application by March 1 may file a late application and may file,
90 pursuant to s. 194.011(3), a petition with the value adjustment
91 board requesting assessment under this section. The petition
92 must be filed on or before the 25th day after the mailing of the
93 notice by the property appraiser as provided in s. 194.011(1).
94 Notwithstanding s. 194.013, the applicant must pay a
95 nonrefundable fee of \$15 upon filing the petition. Upon
96 reviewing the petition, if the property is qualified to be
97 assessed under this section and the property owner demonstrates
98 particular extenuating circumstances judged by the property
99 appraiser or the value adjustment board to warrant granting
100 assessment under this section, the property appraiser shall
101 calculate the assessment in accordance with this section.

102 Section 2. Paragraph (a) of subsection (4) of section
103 193.155, Florida Statutes, is amended to read:

104 193.155 Homestead assessments.—Homestead property shall be
105 assessed at just value as of January 1, 1994. Property receiving
106 the homestead exemption after January 1, 1994, shall be assessed
107 at just value as of January 1 of the year in which the property
108 receives the exemption unless the provisions of subsection (8)
109 apply.

110 (4) (a) Except as provided in paragraph (b) and s. 193.624,
111 changes, additions, or improvements to homestead property shall
112 be assessed at just value as of the first January 1 after the
113 changes, additions, or improvements are substantially completed.

114 Section 3. Paragraph (a) of subsection (6) of section
115 193.1554, Florida Statutes, is amended to read:

116 193.1554 Assessment of nonhomestead residential property.—

11-01123A-10

20101164

117 (6) (a) Except as provided in paragraph (b) and s. 193.624,
118 changes, additions, or improvements to nonhomestead residential
119 property shall be assessed at just value as of the first January
120 1 after the changes, additions, or improvements are
121 substantially completed.

122 Section 4. Subsections (14) through (20) of section
123 196.012, Florida Statutes, are amended to read:

124 196.012 Definitions.—For the purpose of this chapter, the
125 following terms are defined as follows, except where the context
126 clearly indicates otherwise:

127 ~~(14) "Renewable energy source device" or "device" means any~~
128 ~~of the following equipment which, when installed in connection~~
129 ~~with a dwelling unit or other structure, collects, transmits,~~
130 ~~stores, or uses solar energy, wind energy, or energy derived~~
131 ~~from geothermal deposits:~~

132 ~~(a) Solar energy collectors.~~

133 ~~(b) Storage tanks and other storage systems, excluding~~
134 ~~swimming pools used as storage tanks.~~

135 ~~(c) Rockbeds.~~

136 ~~(d) Thermostats and other control devices.~~

137 ~~(e) Heat exchange devices.~~

138 ~~(f) Pumps and fans.~~

139 ~~(g) Roof ponds.~~

140 ~~(h) Freestanding thermal containers.~~

141 ~~(i) Pipes, ducts, refrigerant handling systems, and other~~
142 ~~equipment used to interconnect such systems; however,~~
143 ~~conventional backup systems of any type are not included in this~~
144 ~~definition.~~

145 ~~(j) Windmills.~~

11-01123A-10

20101164

- 146 ~~(k) Wind-driven generators.~~
- 147 ~~(l) Power conditioning and storage devices that use wind~~
148 ~~energy to generate electricity or mechanical forms of energy.~~
- 149 ~~(m) Pipes and other equipment used to transmit hot~~
150 ~~geothermal water to a dwelling or structure from a geothermal~~
151 ~~deposit.~~
- 152 (14)~~(15)~~ "New business" means:
- 153 (a)1. A business establishing 10 or more jobs to employ 10
154 or more full-time employees in this state, which manufactures,
155 processes, compounds, fabricates, or produces for sale items of
156 tangible personal property at a fixed location and which
157 comprises an industrial or manufacturing plant;
- 158 2. A business establishing 25 or more jobs to employ 25 or
159 more full-time employees in this state, the sales factor of
160 which, as defined by s. 220.15(5), for the facility with respect
161 to which it requests an economic development ad valorem tax
162 exemption is less than 0.50 for each year the exemption is
163 claimed; or
- 164 3. An office space in this state owned and used by a
165 corporation newly domiciled in this state; provided such office
166 space houses 50 or more full-time employees of such corporation;
167 provided that such business or office first begins operation on
168 a site clearly separate from any other commercial or industrial
169 operation owned by the same business.
- 170 (b) Any business located in an enterprise zone or
171 brownfield area that first begins operation on a site clearly
172 separate from any other commercial or industrial operation owned
173 by the same business.
- 174 (c) A business that is situated on property annexed into a

11-01123A-10

20101164

175 municipality and that, at the time of the annexation, is
176 receiving an economic development ad valorem tax exemption from
177 the county under s. 196.1995.

178 ~~(15)-(16)~~ "Expansion of an existing business" means:

179 (a)1. A business establishing 10 or more jobs to employ 10
180 or more full-time employees in this state, which manufactures,
181 processes, compounds, fabricates, or produces for sale items of
182 tangible personal property at a fixed location and which
183 comprises an industrial or manufacturing plant; or

184 2. A business establishing 25 or more jobs to employ 25 or
185 more full-time employees in this state, the sales factor of
186 which, as defined by s. 220.15(5), for the facility with respect
187 to which it requests an economic development ad valorem tax
188 exemption is less than 0.50 for each year the exemption is
189 claimed; provided that such business increases operations on a
190 site colocated with a commercial or industrial operation owned
191 by the same business, resulting in a net increase in employment
192 of not less than 10 percent or an increase in productive output
193 of not less than 10 percent.

194 (b) Any business located in an enterprise zone or
195 brownfield area that increases operations on a site colocated
196 with a commercial or industrial operation owned by the same
197 business.

198 ~~(16)-(17)~~ "Permanent resident" means a person who has
199 established a permanent residence as defined in subsection (17)
200 ~~(18)~~.

201 (17) ~~(18)~~ "Permanent residence" means that place where a
202 person has his or her true, fixed, and permanent home and
203 principal establishment to which, whenever absent, he or she has

11-01123A-10

20101164

204 the intention of returning. A person may have only one permanent
205 residence at a time; and, once a permanent residence is
206 established in a foreign state or country, it is presumed to
207 continue until the person shows that a change has occurred.

208 (18)~~(19)~~ "Enterprise zone" means an area designated as an
209 enterprise zone pursuant to s. 290.0065. This subsection expires
210 on the date specified in s. 290.016 for the expiration of the
211 Florida Enterprise Zone Act.

212 (19)~~(20)~~ "Ex-servicemember" means any person who has served
213 as a member of the United States Armed Forces on active duty or
214 state active duty, a member of the Florida National Guard, or a
215 member of the United States Reserve Forces.

216 Section 5. Subsection (2) of section 196.121, Florida
217 Statutes, is amended to read:

218 196.121 Homestead exemptions; forms.—

219 (2) The forms shall require the taxpayer to furnish certain
220 information to the property appraiser for the purpose of
221 determining that the taxpayer is a permanent resident as defined
222 in s. 196.012(16)~~(17)~~. Such information may include, but need
223 not be limited to, the factors enumerated in s. 196.015.

224 Section 6. Subsections (6), (8), (9), and (10) of section
225 196.1995, Florida Statutes, are amended to read:

226 196.1995 Economic development ad valorem tax exemption.—

227 (6) With respect to a new business as defined by s.
228 196.012(14)~~(15)~~(c), the municipality annexing the property on
229 which the business is situated may grant an economic development
230 ad valorem tax exemption under this section to that business for
231 a period that will expire upon the expiration of the exemption
232 granted by the county. If the county renews the exemption under

11-01123A-10

20101164

233 subsection (7), the municipality may also extend its exemption.
234 A municipal economic development ad valorem tax exemption
235 granted under this subsection may not extend beyond the duration
236 of the county exemption.

237 (8) Any person, firm, or corporation which desires an
238 economic development ad valorem tax exemption shall, in the year
239 the exemption is desired to take effect, file a written
240 application on a form prescribed by the department with the
241 board of county commissioners or the governing authority of the
242 municipality, or both. The application shall request the
243 adoption of an ordinance granting the applicant an exemption
244 pursuant to this section and shall include the following
245 information:

246 (a) The name and location of the new business or the
247 expansion of an existing business;

248 (b) A description of the improvements to real property for
249 which an exemption is requested and the date of commencement of
250 construction of such improvements;

251 (c) A description of the tangible personal property for
252 which an exemption is requested and the dates when such property
253 was or is to be purchased;

254 (d) Proof, to the satisfaction of the board of county
255 commissioners or the governing authority of the municipality,
256 that the applicant is a new business or an expansion of an
257 existing business, as defined in s. 196.012(15) ~~or (16)~~; and

258 (e) Other information deemed necessary by the department.

259 (9) Before it takes action on the application, the board of
260 county commissioners or the governing authority of the
261 municipality shall deliver a copy of the application to the

11-01123A-10

20101164

262 property appraiser of the county. After careful consideration,
263 the property appraiser shall report the following information to
264 the board of county commissioners or the governing authority of
265 the municipality:

266 (a) The total revenue available to the county or
267 municipality for the current fiscal year from ad valorem tax
268 sources, or an estimate of such revenue if the actual total
269 revenue available cannot be determined;

270 (b) Any revenue lost to the county or municipality for the
271 current fiscal year by virtue of exemptions previously granted
272 under this section, or an estimate of such revenue if the actual
273 revenue lost cannot be determined;

274 (c) An estimate of the revenue which would be lost to the
275 county or municipality during the current fiscal year if the
276 exemption applied for were granted had the property for which
277 the exemption is requested otherwise been subject to taxation;
278 and

279 (d) A determination as to whether the property for which an
280 exemption is requested is to be incorporated into a new business
281 or the expansion of an existing business, as defined in s.
282 ~~196.012(15) or (16)~~, or into neither, which determination the
283 property appraiser shall also affix to the face of the
284 application. Upon the request of the property appraiser, the
285 department shall provide to him or her such information as it
286 may have available to assist in making such determination.

287 (10) An ordinance granting an exemption under this section
288 shall be adopted in the same manner as any other ordinance of
289 the county or municipality and shall include the following:

290 (a) The name and address of the new business or expansion

11-01123A-10

20101164

291 of an existing business to which the exemption is granted;

292 (b) The total amount of revenue available to the county or
293 municipality from ad valorem tax sources for the current fiscal
294 year, the total amount of revenue lost to the county or
295 municipality for the current fiscal year by virtue of economic
296 development ad valorem tax exemptions currently in effect, and
297 the estimated revenue loss to the county or municipality for the
298 current fiscal year attributable to the exemption of the
299 business named in the ordinance;

300 (c) The period of time for which the exemption will remain
301 in effect and the expiration date of the exemption; and

302 (d) A finding that the business named in the ordinance
303 meets the requirements of s. 196.012 (14) ~~(15)~~ or (15) ~~(16)~~.

304 Section 7. Section 196.175, Florida Statutes, is repealed.

305 Section 8. This act shall take effect July 1, 2010, and
306 shall apply to assessments beginning January 1, 2011.