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A bill to be entitled

2 An act relating to ad valorem tax assessments; amending s. 3 194.011, F.S.; providing that participation in an informal 4 conference is not a prerequisite to administrative or 5 judicial review of property assessments; requiring that a 6 petition before the value adjustment board challenging an 7 ad valorem assessment contain certain information relating 8 to the property and the petitioner; prohibiting the value 9 adjustment board from extending certain deadlines under 10 certain circumstances; revising certain evidence exchange 11 criteria; amending s. 194.013, F.S.; revising certain parcel petition filing fees; amending s. 194.015, F.S.; 12 providing an exception to a prohibition against board 13 14 meetings without counsel being present; amending s. 15 194.032, F.S.; authorizing rescheduling of board hearings; 16 providing an exception; deleting certain procedural requirements relating to petitioners being heard by the 17 board; amending s. 194.034, F.S.; revising certain hearing 18 19 procedures; amending s. 194.035, F.S.; authorizing the Department of Revenue to provide certain special 20 21 magistrate training online; amending s. 194.037, F.S.; 22 revising requirements for disclosure of tax impact notice 23 forms; providing additional notice requirements for 24 clerks; requiring the department to compile a report on 25 the information received from the clerks and post it on 26 its website; amending s. 195.096, F.S.; requiring the 27 department to include proceedings of value adjustment 28 boards in certain in-depth reviews; amending s. 192.0105, Page 1 of 18

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29 F.S.; conforming references; providing an effective date. 30 Be It Enacted by the Legislature of the State of Florida: 31 32 33 Section 1. Subsections (2), (3), and (4) of section 34 194.011, Florida Statutes, are amended to read: 35 194.011 Assessment notice; objections to assessments.-36 Any taxpayer who objects to the assessment placed on (2) 37 any property taxable to him or her, including the assessment of 38 homestead property at less than just value under s. 193.155(8), 39 may request the property appraiser to informally confer with the 40 taxpayer. Upon receiving the request, the property appraiser, or a member of his or her staff, shall confer with the taxpayer 41 42 regarding the correctness of the assessment. At this informal 43 conference, the taxpayer shall present those facts considered by 44 the taxpayer to be supportive of the taxpayer's claim for a change in the assessment of the property appraiser. The property 45 appraiser or his or her representative at this conference shall 46 47 present those facts considered by the property appraiser to be supportive of the correctness of the assessment. However, 48 49 participation in an informal conference is not nothing herein 50 shall be construed to be a prerequisite to administrative or 51 judicial review of property assessments. 52 A petition to the value adjustment board must be in (3) 53 substantially the form prescribed by the department. Notwithstanding s. 195.022, a county officer may not refuse to 54

56 taxpayer chooses to use it. A petition to the value adjustment

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accept a form provided by the department for this purpose if the

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57	board shall describe the property by parcel number and shall be
58	filed as follows:
59	(a) The property appraiser shall have available and shall
60	distribute forms prescribed by the Department of Revenue on
61	which the petition shall be made. Such petition shall be sworn
62	to by the petitioner.
63	(b) The completed petition shall be filed with the clerk
64	of the value adjustment board of the county <u>. The clerk</u> , who
65	shall acknowledge receipt <u>of the petition</u> thereof and promptly
66	furnish a copy <u>of the petition</u> thereof to the property
67	appraiser.
68	(c) The <u>completed</u> petition shall:
69	1. Identify the property by parcel number.
70	2. Contain the taxpayer's estimate of the market value of
71	the property on January 1 of the current year.
72	3. State the approximate time anticipated by the taxpayer
73	to present and argue his or her petition before the board.
74	4. Disclose whether the petitioner is an agent of the
75	taxpayer. If the petitioner is an agent, the petition must
76	include a copy of the taxpayer's power of attorney granting the
77	petitioner the power to act as an agent.
78	5. State the initial mortgage amounts and outstanding
79	mortgage balances on January 1 of the current year.
80	6. State the amount of any insurance coverage.
81	7. Contain a written declaration that it is made under the
82	penalties of perjury.
83	(d) The petition may be filed, as to valuation issues, at
84	any time during the taxable year on or before the 25th day
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85 following the mailing of notice by the property appraiser as 86 provided in subsection (1). With respect to an issue involving 87 the denial of an exemption, an agricultural or high-water 88 recharge classification application, an application for 89 classification as historic property used for commercial or 90 certain nonprofit purposes, or a deferral, the petition must be 91 filed at any time during the taxable year on or before the 30th 92 day following the mailing of the notice by the property 93 appraiser under s. 193.461, s. 193.503, s. 193.625, or s. 94 196.193 or notice by the tax collector under s. 197.253. If the 95 value adjustment board accepts late-filed petitions, the board 96 may not extend the deadlines in s. 194.171(2).

97 A condominium association, cooperative association, or (e) 98 any homeowners' association as defined in s. 723.075, with 99 approval of its board of administration or directors, may file 100 with the value adjustment board a single joint petition on behalf of any association members who own parcels of property 101 102 which the property appraiser determines are substantially 103 similar with respect to location, proximity to amenities, number 104 of rooms, living area, and condition. The condominium 105 association, cooperative association, or homeowners' association 106 as defined in s. 723.075 shall provide the unit owners with 107 notice of its intent to petition the value adjustment board and shall provide at least 20 days for a unit owner to elect, in 108 writing, that his or her unit not be included in the petition. 109 (f) An owner of contiguous, undeveloped parcels may file 110 with the value adjustment board a single joint petition if the 111 property appraiser determines such parcels are substantially 112

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113 similar in nature.

(g) The individual, agent, or legal entity that signs the petition becomes an agent of the taxpayer for the purpose of serving process to obtain personal jurisdiction over the taxpayer for the entire value adjustment board proceedings, including any appeals of a board decision by the property appraiser pursuant to s. 194.036.

(4) (a) <u>If the petitioner wishes to participate in an</u> <u>evidence exchange</u>, at least 15 days before the hearing the petitioner shall provide to the property appraiser a list of evidence to be presented at the hearing, together with copies of all documentation to be considered by the value adjustment board and a summary of evidence to be presented by witnesses.

At least No later than 7 days before the hearing, if 126 (b) 127 the petitioner has provided the information required under 128 paragraph (a), and if requested in writing by the petitioner, 129 the property appraiser shall provide to the petitioner a list of 130 evidence to be presented at the hearing, together with copies of 131 all documentation to be considered by the value adjustment board and a summary of evidence to be presented by witnesses. The 132 133 evidence list must contain the property record card if provided 134 by the clerk. Failure of the property appraiser to timely comply 135 with the requirements of this paragraph shall result in a rescheduling of the hearing. 136

137 Section 2. Subsection (1) of section 194.013, Florida138 Statutes, is amended to read:

139 194.013 Filing fees for petitions; disposition; waiver.140 (1) If so required by resolution of the value adjustment
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board, a petition filed pursuant to s. 194.011 shall be 141 142 accompanied by a filing fee to be paid to the clerk of the value 143 adjustment board in an amount determined by the board not to 144 exceed \$15 for each separate parcel of property, real or 145 personal, covered by the petition and subject to appeal. 146 However, no such filing fee may be required with respect to an 147 appeal from the disapproval of homestead exemption under s. 196.151 or from the denial of tax deferral under s. 197.253. 148 149 Only a single filing fee shall be charged under this section as 150 to any particular parcel of property despite the existence of 151 multiple issues and hearings pertaining to such parcel. For 152 joint petitions filed pursuant to s. 194.011(3)(e) or (f), a 153 single filing fee shall be charged. Such fee shall be \$15 for 154 the first parcel and calculated as the cost of the special 155 magistrate for the time involved in hearing the joint petition 156 and shall not exceed \$5 for each additional per parcel. Said fee is to be proportionately paid by affected parcel owners. 157

Section 3. Section 194.015, Florida Statutes, is amended to read:

194.015 Value adjustment board.-There is hereby created a 160 161 value adjustment board for each county, which shall consist of 162 two members of the governing body of the county as elected from 163 the membership of the board of said governing body, one of whom shall be elected chairperson, and one member of the school board 164 as elected from the membership of the school board, and two 165 166 citizen members, one of whom shall be appointed by the governing 167 body of the county and must own homestead property within the county and one of whom must be appointed by the school board and 168 Page 6 of 18

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169 must own a business occupying commercial space located within 170 the school district. A citizen member may not be a member or an 171 employee of any taxing authority, and may not be a person who 172 represents property owners in any administrative or judicial 173 review of property taxes. The members of the board may be 174 temporarily replaced by other members of the respective boards 175 on appointment by their respective chairpersons. Any three 176 members shall constitute a quorum of the board, except that each 177 quorum must include at least one member of said governing board, at least one member of the school board, and at least one 178 179 citizen member and no meeting of the board shall take place 180 unless a quorum is present. Members of the board may receive 181 such per diem compensation as is allowed by law for state 182 employees if both bodies elect to allow such compensation. The 183 clerk of the governing body of the county shall be the clerk of 184 the value adjustment board. The board shall appoint private 185 counsel who has practiced law for over 5 years and who shall 186 receive such compensation as may be established by the board. 187 The private counsel may not represent the property appraiser, 188 the tax collector, any taxing authority, or any property owner 189 in any administrative or judicial review of property taxes. A No 190 meeting of the board may not shall take place unless counsel to 191 the board is present, except for a meeting to appoint or hire 192 counsel. Two-fifths of the expenses of the board shall be borne by the district school board and three-fifths by the district 193 194 county commission.

195 Section 4. Subsection (2) of section 194.032, Florida 196 Statutes, is amended to read:

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197

194.032 Hearing purposes; timetable.-

198 (2) The clerk of the governing body of the county shall 199 prepare a schedule of appearances before the board based on 200 petitions timely filed with him or her. The clerk shall notify 201 each petitioner of the scheduled time of his or her appearance 202 no less than 25 calendar days prior to the day of such scheduled 203 appearance. Upon receipt of this notification, the petitioner 204 shall have the right to reschedule the hearing a single time by 205 submitting to the clerk of the governing body of the county a written request to reschedule, no less than 5 calendar days 206 before the day of the originally scheduled hearing. Additional 207 208 hearing reschedulings may be made at the discretion of the clerk 209 but may not extend the scheduled end of proceedings of the value 210 adjustment board. A copy of the property record card containing 211 relevant information used in computing the taxpayer's current 212 assessment shall be included with such notice, if such said card 213 was requested by the taxpayer. Such request shall be made by 214 checking an appropriate box on the petition form. No petitioner 215 shall be required to wait for more than 4 hours from the scheduled time; and, if his or her petition is not heard in that 216 217 time, the petitioner may, at his or her option, report to the 218 chairperson of the meeting that he or she intends to leave; and, 219 if he or she is not heard immediately, the petitioner's 220 administrative remedies will be deemed to be exhausted, and he 221 or she may seek further relief as he or she deems appropriate. 222 Failure on three occasions with respect to any single tax year to convene at the scheduled time of meetings of the board shall 223 224 constitute grounds for removal from office by the Governor for Page 8 of 18

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225 neglect of duties.

226 Section 5. Subsection (2) of section 194.034, Florida 227 Statutes, is amended to read:

228

194.034 Hearing procedures; rules.-

229 In each case, except when a petition complaint is (2) 230 withdrawn by the petitioner or is acknowledged as correct by the 231 property appraiser or when the petitioner or agent fail to 232 appear, the value adjustment board shall render a written 233 decision. All such decisions shall be issued within 20 calendar days of the last day the board is in session under s. 194.032. 234 235 The decision of the board shall contain findings of fact and 236 conclusions of law and shall include reasons for upholding or 237 overturning the determination of the property appraiser. When a 238 special magistrate has been appointed, the recommendations of 239 the special magistrate shall be considered by the board. The 240 clerk, upon issuance of the decisions, shall, on a form provided 241 by the Department of Revenue, notify by first-class mail each 242 taxpayer, the property appraiser, and the department of the 243 decision of the board.

244 Section 6. Subsection (3) of section 194.035, Florida 245 Statutes, is amended to read:

246

194.035 Special magistrates; property evaluators.-

(3) The department shall provide and conduct training for
special magistrates at least once each state fiscal year in at
least five locations throughout the state or may provide such
training online. Such training shall emphasize the department's
standard measures of value, including the guidelines for real
and tangible personal property. Notwithstanding subsection (1),
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253 a person who has 3 years of relevant experience and who has 254 completed the training provided by the department under this 255 subsection may be appointed as a special magistrate. The 256 training shall be open to the public. The department shall 257 charge tuition fees to any person attending this training in an 258 amount sufficient to fund the department's costs to conduct all 259 aspects of the training. The department shall deposit the fees 260 collected into the Certification Program Trust Fund pursuant to 261 s. 195.002(2).

262 Section 7. Section 194.037, Florida Statutes, is amended 263 to read:

264

194.037 Disclosure of tax impact.-

265 After hearing all petitions, complaints, appeals, and (1)266 disputes, the clerk shall make public notice of the findings and 267 results of the board in at least a quarter-page size 268 advertisement of a standard size or tabloid size newspaper, and 269 the headline shall be in a type no smaller than 18 point. The 270 advertisement shall not be placed in that portion of the 271 newspaper where legal notices and classified advertisements 272 appear. The advertisement shall be published in a newspaper of 273 general paid circulation in the county. The newspaper selected 274 shall be one of general interest and readership in the 275 community, and not one of limited subject matter, pursuant to 276 chapter 50. The headline shall read: TAX IMPACT OF VALUE 277 ADJUSTMENT BOARD. The public notice shall list the members of 278 the value adjustment board and the taxing authorities to which they are elected. The form shall show, in columnar form, for 279 280 each of the property classes listed under subsection (2), the

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281 following information, with appropriate column totals:

(a) In the first column, the number of parcels for which
the board granted exemptions that had been denied or that had
not been acted upon by the property appraiser.

(b) In the second column, the number of parcels for whichpetitions were filed concerning a property tax exemption.

(c) In the third column, the number of parcels for which the board considered the petition and reduced the assessment from that made by the property appraiser on the initial assessment roll.

(d) In the fourth column, the number of parcels for which petitions were filed but not considered by the board because such petitions were withdrawn or settled prior to the board's consideration <u>or the petitioner or agent failed to appear</u>.

(e) In the fifth column, the number of parcels for which
petitions were filed requesting a change in assessed value,
including requested changes in assessment classification.

(f) In the sixth column, the net change in taxable value from the assessor's initial roll which results from board decisions.

301 In the seventh column, the net shift in taxes to (q) 302 parcels not granted relief by the board. The shift shall be 303 computed as the amount shown in column 6 multiplied by the 304 applicable millage rates adopted by the taxing authorities in 305 hearings held pursuant to s. 200.065(2)(d) or adopted by vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State 306 307 Constitution, but without adjustment as authorized pursuant to 308 s. 200.065(6). If for any taxing authority the hearing has not

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309 been completed at the time the notice required herein is 310 prepared, the millage rate used shall be that adopted in the 311 hearing held pursuant to s. 200.065(2)(c). 312 (2) There must be a line entry in each of the columns 313 described in subsection (1), for each of the following property 314 classes: 315 (a) Improved residential property, which must be 316 identified as "Residential." 317 (b) Improved commercial property, which must be identified as "Commercial." 318 319 (c) Improved industrial property, utility property, 320 leasehold interests, subsurface rights, and other property not 321 properly attributable to other classes listed in this section, 322 which must be identified as "Industrial and Misc." 323 (d) Agricultural property, which must be identified as "Agricultural." 324 325 (e) High-water recharge property, which must be identified 326 as "High-Water Recharge." 327 (f) Historic property used for commercial or certain nonprofit purposes, which shall be identified as "Historic 328 329 Commercial or Nonprofit." 330 (g) Tangible personal property, which must be identified 331 as "Business Machinery and Equipment." 332 (h) Vacant land and nonagricultural acreage, which must be 333 identified as "Vacant Lots and Acreage." (2) (3) The form of the notice, including appropriate 334 335 narrative and column descriptions, shall be prescribed by 336 department rule and shall be brief and nontechnical to minimize Page 12 of 18

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337 confusion for the average taxpayer.

338 (3) The clerk shall submit a copy of the notice to the 339 Department of Revenue. In addition, the clerk shall prepare and 340 submit to the department, on a form provided by the department, 341 the same information contained in the notice for the following 342 property classes: improved residential property, improved 343 commercial property, improved industrial or utility property and 344 other property not properly attributable to other classes listed in this subsection, agricultural property, high-water recharge 345 property, historic property used for commercial or certain 346 347 nonprofit purposes, tangible personal property, vacant land, and 348 nonagricultural acreage. The department shall prepare a report 349 containing the information provided by each clerk and a 350 statewide compilation of the information. The report shall be 351 posted on the department's website.

352 Section 8. Subsection (2) of section 195.096, Florida 353 Statutes, is amended to read:

354

195.096 Review of assessment rolls.-

355 (2)The department shall conduct, no less frequently than 356 once every 2 years, an in-depth review of the assessment rolls 357 of each county. The department need not individually study every 358 use-class of property set forth in s. 195.073, but shall at a 359 minimum study the level of assessment in relation to just value 360 of each classification specified in subsection (3). Such indepth review shall may include proceedings of the value 361 adjustment board and may include the audit or review of 362 363 procedures used by the counties to appraise property. 364 The department shall, at least 30 days prior to the (a)

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beginning of an in-depth review in any county, notify the property appraiser in the county of the pending review. At the request of the property appraiser, the department shall consult with the property appraiser regarding the classifications and strata to be studied, in order that the review will be useful to the property appraiser in evaluating his or her procedures.

(b) Every property appraiser whose upcoming roll is subject to an in-depth review shall, if requested by the department on or before January 1, deliver upon completion of the assessment roll a list of the parcel numbers of all parcels that did not appear on the assessment roll of the previous year, indicating the parcel number of the parent parcel from which each new parcel was created or "cut out."

378 In conducting assessment ratio studies, the department (C) must use all practicable steps, including stratified statistical 379 380 and analytical reviews and sale-qualification studies, to 381 maximize the representativeness or statistical reliability of 382 samples of properties in tests of each classification, stratum, 383 or roll made the subject of a ratio study published by it. The 384 department shall document and retain records of the measures of 385 representativeness of the properties studied in compliance with 386 this section. Such documentation must include a record of 387 findings used as the basis for the approval or disapproval of 388 the tax roll in each county pursuant to s. 193.1142. In 389 addition, to the greatest extent practicable, the department shall study assessment roll strata by subclassifications such as 390 value groups and market areas for each classification or stratum 391 392 to be studied, to maximize the representativeness of ratio study

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393 samples. For purposes of this section, the department shall rely 394 primarily on an assessment-to-sales-ratio study in conducting 395 assessment ratio studies in those classifications of property 396 specified in subsection (3) for which there are adequate market 397 sales. The department shall compute the median and the value-398 weighted mean for each classification or subclassification 399 studied and for the roll as a whole.

(d) In the conduct of these reviews, the department shall
adhere to all standards to which the property appraisers are
required to adhere.

403 The department and each property appraiser shall (e) 404 cooperate in the conduct of these reviews, and each shall make 405 available to the other all matters and records bearing on the 406 preparation and computation of the reviews. The property 407 appraisers shall provide any and all data requested by the 408 department in the conduct of the studies, including electronic 409 data processing tapes. Any and all data and samples developed or 410 obtained by the department in the conduct of the studies shall 411 be confidential and exempt from the provisions of s. 119.07(1) 412 until a presentation of the findings of the study is made to the 413 property appraiser. After the presentation of the findings, the 414 department shall provide any and all data requested by a 415 property appraiser developed or obtained in the conduct of the 416 studies, including tapes. Direct reimbursable costs of providing 417 the data shall be borne by the party who requested it. Copies of existing data or records, whether maintained or required 418 419 pursuant to law or rule, or data or records otherwise 420 maintained, shall be submitted within 30 days from the date

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421 requested, in the case of written or printed information, and 422 within 14 days from the date requested, in the case of 423 computerized information.

424 Within 120 days following the receipt of a county (f) 425 assessment roll by the executive director of the department 426 pursuant to s. 193.1142(1), or within 10 days after approval of 427 the assessment roll, whichever is later, the department shall 428 complete the review for that county and forward its findings, 429 including a statement of the confidence interval for the median 430 and such other measures as may be appropriate for each classification or subclassification studied and for the roll as 431 432 a whole, employing a 95-percent level of confidence, and related 433 statistical and analytical details to the Senate and the House 434 of Representatives committees with oversight responsibilities 435 for taxation, and the appropriate property appraiser. Upon 436 releasing its findings, the department shall notify the 437 chairperson of the appropriate county commission or the 438 corresponding official under a consolidated charter that the 439 department's findings are available upon request. The department 440 shall, within 90 days after receiving a written request from the 441 chairperson of the appropriate county commission or the 442 corresponding official under a consolidated charter, forward a 443 copy of its findings, including the confidence interval for the 444 median and such other measures of each classification or subclassification studied and for all the roll as a whole, and 445 446 related statistical and analytical details, to the requesting 447 party.

448

8 Section 9. Paragraphs (d) and (g) of subsection (2) of Page 16 of 18

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449 section 192.0105, Florida Statutes, are amended to read:

450 192.0105 Taxpayer rights.-There is created a Florida 451 Taxpayer's Bill of Rights for property taxes and assessments to 452 guarantee that the rights, privacy, and property of the 453 taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement 454 455 processes administered under the revenue laws of this state. The 456 Taxpayer's Bill of Rights compiles, in one document, brief but 457 comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks 458 459 of the court, local governing boards, the Department of Revenue, 460 and taxpayers. Additional rights afforded to payors of taxes and assessments imposed under the revenue laws of this state are 461 462 provided in s. 213.015. The rights afforded taxpayers to assure 463 that their privacy and property are safeguarded and protected 464 during tax levy, assessment, and collection are available only 465 insofar as they are implemented in other parts of the Florida 466 Statutes or rules of the Department of Revenue. The rights so 467 guaranteed to state taxpayers in the Florida Statutes and the 468 departmental rules include:

469

(2) THE RIGHT TO DUE PROCESS.-

(d) The right to prior notice of the value adjustment
board's hearing date and the right to the hearing within 4 hours
of scheduled time (see s. 194.032(2)).

(g) The right to be mailed a timely written decision by the value adjustment board containing findings of fact and conclusions of law and reasons for upholding or overturning the determination of the property appraiser, and the right to

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477 advertised notice of all board actions, including appropriate 478 narrative and column descriptions, in brief and nontechnical 479 language (see ss. 194.034(2) and 194.037(2)(3)).

480 Section 10. This act shall take effect July 1, 2010.

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