

HB 7215

2010

1 A bill to be entitled
2 An act relating to property taxation; amending s.
3 193.1554, F.S.; specifying an additional type of transfer
4 under which no change of ownership of nonhomestead
5 residential property occurs; amending s. 193.1555, F.S.;
6 specifying an additional type of transfer under which no
7 change of ownership of nonresidential property occurs;
8 amending s. 193.1556, F.S.; providing that a recorded deed
9 or other instrument serves as notice of a change of
10 ownership; requiring the Department of Revenue to provide
11 a form by which a property owner may notify a property
12 appraiser of a change of ownership; specifying a form
13 requirement; amending s. 193.461, F.S.; specifying
14 application of a methodology for assessing certain
15 agricultural improvements, structures, or equipment
16 located on agricultural land and used for specified
17 purposes; amending s. 196.061, F.S.; revising criteria for
18 rental of a homestead as constituting abandonment of the
19 homestead; providing a definition; amending s. 196.1995,
20 F.S.; expanding the authority of the governing body of a
21 county or municipality to renew economic development ad
22 valorem tax exemptions for multiple 10-year periods upon
23 approval by referendum for each renewal; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

HB 7215

2010

28 Section 1. Subsection (5) of section 193.1554, Florida
 29 Statutes, to read:

30 193.1554 Assessment of nonhomestead residential property.—

31 (5) Except as provided in this subsection, property
 32 assessed under this section shall be assessed at just value as
 33 of January 1 of the year following a change of ownership or
 34 control. Thereafter, the annual changes in the assessed value of
 35 the property are subject to the limitations in subsections (3)
 36 and (4). For purpose of this section, a change of ownership or
 37 control means any sale, foreclosure, transfer of legal title or
 38 beneficial title in equity to any person, or the cumulative
 39 transfer of control or of more than 50 percent of the ownership
 40 of the legal entity that owned the property when it was most
 41 recently assessed at just value, except as provided in this
 42 subsection. There is no change of ownership if:

- 43 (a) The transfer of title is to correct an error;
- 44 (b) The transfer is between legal and equitable title; ~~or~~
- 45 (c) The transfer is between husband and wife, including a
 46 transfer to a surviving spouse or a transfer due to a
 47 dissolution of marriage; or

48 (d) For a publicly traded company, the cumulative transfer
 49 of more than 50 percent of the ownership of the entity occurs
 50 through the buying and selling of shares of the company on a
 51 public exchange. This exception does not include a transfer made
 52 through a merger with or an acquisition by another company,
 53 including, but not limited to, acquisition by acquiring
 54 outstanding shares of the company.

55 Section 2. Subsection (5) of section 193.1555, Florida

56 Statutes, is amended to read:

57 193.1555 Assessment of certain residential and
58 nonresidential real property.—

59 (5) Except as provided in this subsection, property
60 assessed under this section shall be assessed at just value as
61 of January 1 of the year following a qualifying improvement or
62 change of ownership or control. Thereafter, the annual changes
63 in the assessed value of the property are subject to the
64 limitations in subsections (3) and (4). For purpose of this
65 section:

66 (a) A qualifying improvement means any substantially
67 completed improvement that increases the just value of the
68 property by at least 25 percent.

69 (b) A change of ownership or control means any sale,
70 foreclosure, transfer of legal title or beneficial title in
71 equity to any person, or the cumulative transfer of control or
72 of more than 50 percent of the ownership of the legal entity
73 that owned the property when it was most recently assessed at
74 just value, except as provided in this subsection. There is no
75 change of ownership if:

- 76 1. The transfer of title is to correct an error; ~~or~~
- 77 2. The transfer is between legal and equitable title; or
- 78 3. For a publicly traded company, the cumulative transfer
79 of more than 50 percent of the ownership of the entity occurs
80 through the buying and selling of shares of the company on a
81 public exchange. This exception does not include a transfer made
82 through a merger with or an acquisition by another company,
83 including, but not limited to, acquisition by acquiring

HB 7215

2010

84 outstanding shares of the company.

85 Section 3. Section 193.1556, Florida Statutes, is amended
86 to read:

87 193.1556 Notice of change of ownership or control
88 required.—

89 (1) Any person or entity that owns property assessed under
90 s. 193.1554 or s. 193.1555 must notify the property appraiser
91 promptly of any change of ownership or control as defined in ss.
92 193.1554(5) and 193.1555(5). If the change of ownership is
93 recorded by a deed or other instrument in the public records of
94 the county where the property is located, the recorded deed or
95 other instrument shall serve as notice to the property
96 appraiser. If any property owner fails to so notify the property
97 appraiser and the property appraiser determines that for any
98 year within the prior 10 years the owner's property was not
99 entitled to assessment under s. 193.1554 or s. 193.1555, the
100 owner of the property is subject to the taxes avoided as a
101 result of such failure plus 15 percent interest per annum and a
102 penalty of 50 percent of the taxes avoided. It is the duty of
103 the property appraiser making such determination to record in
104 the public records of the county a notice of tax lien against
105 any property owned by that person or entity in the county, and
106 such property must be identified in the notice of tax lien. Such
107 property is subject to the payment of all taxes and penalties.
108 Such lien when filed shall attach to any property, identified in
109 the notice of tax lien, owned by the person or entity that
110 illegally or improperly was assessed under s. 193.1554 or s.
111 193.1555. If such person or entity no longer owns property in

HB 7215

2010

112 that county, but owns property in some other county or counties
 113 in the state, it shall be the duty of the property appraiser to
 114 record a notice of tax lien in such other county or counties,
 115 identifying the property owned by such person or entity in such
 116 county or counties, and it becomes a lien against such property
 117 in such county or counties.

118 (2) The Department of Revenue shall provide a form by
 119 which a property owner may provide notice to all property
 120 appraisers of a change in ownership or control. The form must
 121 allow the property owner to list all property that he or she
 122 owns or controls in this state for which a change of ownership
 123 or control as defined in s. 193.1554(5) or s. 193.1555(5) has
 124 occurred but has not been noticed previously to property
 125 appraisers. Providing notice on such form constitutes compliance
 126 with the notification requirements of this section.

127 Section 4. Paragraph (c) of subsection (6) of section
 128 193.461, Florida Statutes, is amended to read:

129 193.461 Agricultural lands; classification and assessment;
 130 mandated eradication or quarantine program.—

131 (6)

132 (c)1. For purposes of the income methodology approach to
 133 assessment of property used for agricultural purposes,
 134 irrigation systems, including pumps and motors, physically
 135 attached to the land shall be considered a part of the average
 136 yields per acre and shall have no separately assessable
 137 contributory value.

138 2. Litter containment structures located on producing
 139 poultry farms and animal waste nutrient containment structures

HB 7215

2010

140 | located on producing dairy farms shall be assessed by the
 141 | methodology described in subparagraph 1.

142 | 3. Structures or improvements used for horticulture
 143 | production that improve water quality or water conservation, as
 144 | designated in the Department of Agriculture and Consumer
 145 | Service's interim measures or best management practices adopted
 146 | pursuant to s. 570.085 or s. 403.067(7)(c), shall be assessed by
 147 | the methodology described in subparagraph 1.

148 | Section 5. Section 196.061, Florida Statutes, is amended
 149 | to read:

150 | 196.061 Rental of homestead to constitute abandonment.—The
 151 | rental of all or substantially all of a ~~an entire~~ dwelling
 152 | previously claimed to be a homestead for tax purposes shall
 153 | constitute the abandonment of the ~~said~~ dwelling as a homestead,
 154 | and such ~~said~~ abandonment shall continue until such dwelling is
 155 | physically occupied by the owner thereof. However, such
 156 | abandonment of such homestead after January 1 of any year shall
 157 | not affect the homestead exemption for tax purposes for that
 158 | particular year so long as this provision is not used for 2
 159 | consecutive years. The provisions of this section shall not
 160 | apply to a member of the Armed Forces of the United States whose
 161 | service in such forces is the result of a mandatory obligation
 162 | imposed by the federal Selective Service Act or who volunteers
 163 | for service as a member of the Armed Forces of the United
 164 | States. As used in this section, the term "rental" means any
 165 | rental, lease, license, or other similar agreement by which the
 166 | owner is compensated for use of the dwelling by tenants or
 167 | guests.

HB 7215

2010

168 Section 6. Subsection (7) of section 196.1995, Florida
169 Statutes, is amended to read:

170 196.1995 Economic development ad valorem tax exemption.—

171 (7) The authority to grant exemptions under this section
172 expires ~~will expire~~ 10 years after the date such authority was
173 approved in an election, but such authority may be renewed for
174 subsequent another 10-year periods if each 10-year renewal is
175 approved ~~period~~ in a referendum called and held pursuant to this
176 section.

177 Section 7. This act shall take effect July 1, 2010.