

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 production structures or improvements used  
16          for specified purposes; amending s. 196.061, F.S.;  
17          revising criteria for rental of a homestead as  
18          constituting abandonment of the homestead; providing a  
19          definition; amending s. 196.1995, F.S.; expanding the  
20          authority of the governing body of a county or  
21          municipality to renew economic development ad valorem tax  
22          exemptions for multiple 10-year periods upon approval by  
23          referendum for each renewal; authorizing persons to report  
24          to the property appraiser possible homestead exemption  
25          violations under certain circumstances; requiring the  
26          property appraiser to pay a specified reward to the  
27          reporting individual after recovering back taxes or  
28          penalties; providing a limitation; requiring funds for

29 | such reward to be taken from a specified source; limiting  
 30 | payment of a reward for each verified violation; requiring  
 31 | that the Department of Revenue create a form for reporting  
 32 | such violations and provide such form by specified means;  
 33 | requiring that each submitted form contain certain  
 34 | information; providing duties of the property appraiser;  
 35 | creating s. 193.1553, F.S.; providing a definition;  
 36 | requiring property appraisers to consider the existence of  
 37 | a cancer cluster in determining the assessed value of  
 38 | property; requiring the property appraiser to consider  
 39 | certain information in making such determinations;  
 40 | providing for future review and repeal; providing  
 41 | effective dates.

42 |  
 43 | Be It Enacted by the Legislature of the State of Florida:  
 44 |

45 | Section 1. Subsection (5) of section 193.1554, Florida  
 46 | Statutes, is amended to read:

47 | 193.1554 Assessment of nonhomestead residential property.—

48 | (5) Except as provided in this subsection, property  
 49 | assessed under this section shall be assessed at just value as  
 50 | of January 1 of the year following a change of ownership or  
 51 | control. Thereafter, the annual changes in the assessed value of  
 52 | the property are subject to the limitations in subsections (3)  
 53 | and (4). For purpose of this section, a change of ownership or  
 54 | control means any sale, foreclosure, transfer of legal title or  
 55 | beneficial title in equity to any person, or the cumulative  
 56 | transfer of control or of more than 50 percent of the ownership

57 of the legal entity that owned the property when it was most  
 58 recently assessed at just value, except as provided in this  
 59 subsection. There is no change of ownership if:

- 60 (a) The transfer of title is to correct an error;
- 61 (b) The transfer is between legal and equitable title; ~~or~~
- 62 (c) The transfer is between husband and wife, including a  
 63 transfer to a surviving spouse or a transfer due to a  
 64 dissolution of marriage; or
- 65 (d) For a publicly traded company, the cumulative transfer  
 66 of more than 50 percent of the ownership of the entity occurs  
 67 through the buying and selling of shares of the company on a  
 68 public exchange. This exception does not include a transfer made  
 69 through a merger with or an acquisition by another company,  
 70 including, but not limited to, acquisition by acquiring  
 71 outstanding shares of the company.

72 Section 2. Subsection (5) of section 193.1555, Florida  
 73 Statutes, is amended to read:

74 193.1555 Assessment of certain residential and  
 75 nonresidential real property.—

76 (5) Except as provided in this subsection, property  
 77 assessed under this section shall be assessed at just value as  
 78 of January 1 of the year following a qualifying improvement or  
 79 change of ownership or control. Thereafter, the annual changes  
 80 in the assessed value of the property are subject to the  
 81 limitations in subsections (3) and (4). For purpose of this  
 82 section:

- 83 (a) A qualifying improvement means any substantially  
 84 completed improvement that increases the just value of the

85 property by at least 25 percent.

86 (b) A change of ownership or control means any sale,  
 87 foreclosure, transfer of legal title or beneficial title in  
 88 equity to any person, or the cumulative transfer of control or  
 89 of more than 50 percent of the ownership of the legal entity  
 90 that owned the property when it was most recently assessed at  
 91 just value, except as provided in this subsection. There is no  
 92 change of ownership if:

- 93 1. The transfer of title is to correct an error; ~~or~~
- 94 2. The transfer is between legal and equitable title; or
- 95 3. For a publicly traded company, the cumulative transfer  
 96 of more than 50 percent of the ownership of the entity occurs  
 97 through the buying and selling of shares of the company on a  
 98 public exchange. This exception does not include a transfer made  
 99 through a merger with or an acquisition by another company,  
 100 including, but not limited to, acquisition by acquiring  
 101 outstanding shares of the company.

102 Section 3. Section 193.1556, Florida Statutes, is amended  
 103 to read:

104 193.1556 Notice of change of ownership or control  
 105 required.—

106 (1) Any person or entity that owns property assessed under  
 107 s. 193.1554 or s. 193.1555 must notify the property appraiser  
 108 promptly of any change of ownership or control as defined in ss.  
 109 193.1554(5) and 193.1555(5). If the change of ownership is  
 110 recorded by a deed or other instrument in the public records of  
 111 the county where the property is located, the recorded deed or  
 112 other instrument shall serve as notice to the property

113 appraiser. If any property owner fails to so notify the property  
114 appraiser and the property appraiser determines that for any  
115 year within the prior 10 years the owner's property was not  
116 entitled to assessment under s. 193.1554 or s. 193.1555, the  
117 owner of the property is subject to the taxes avoided as a  
118 result of such failure plus 15 percent interest per annum and a  
119 penalty of 50 percent of the taxes avoided. It is the duty of  
120 the property appraiser making such determination to record in  
121 the public records of the county a notice of tax lien against  
122 any property owned by that person or entity in the county, and  
123 such property must be identified in the notice of tax lien. Such  
124 property is subject to the payment of all taxes and penalties.  
125 Such lien when filed shall attach to any property, identified in  
126 the notice of tax lien, owned by the person or entity that  
127 illegally or improperly was assessed under s. 193.1554 or s.  
128 193.1555. If such person or entity no longer owns property in  
129 that county, but owns property in some other county or counties  
130 in the state, it shall be the duty of the property appraiser to  
131 record a notice of tax lien in such other county or counties,  
132 identifying the property owned by such person or entity in such  
133 county or counties, and it becomes a lien against such property  
134 in such county or counties.

135 (2) The Department of Revenue shall provide a form by  
136 which a property owner may provide notice to all property  
137 appraisers of a change in ownership or control. The form must  
138 allow the property owner to list all property that he or she  
139 owns or controls in this state for which a change of ownership  
140 or control as defined in s. 193.1554(5) or s. 193.1555(5) has

141 occurred but has not been noticed previously to property  
 142 appraisers. Providing notice on such form constitutes compliance  
 143 with the notification requirements of this section.

144 Section 4. Paragraph (c) of subsection (6) of section  
 145 193.461, Florida Statutes, is amended to read:

146 193.461 Agricultural lands; classification and assessment;  
 147 mandated eradication or quarantine program.—

148 (6)

149 (c)1. For purposes of the income methodology approach to  
 150 assessment of property used for agricultural purposes,  
 151 irrigation systems, including pumps and motors, physically  
 152 attached to the land shall be considered a part of the average  
 153 yields per acre and shall have no separately assessable  
 154 contributory value.

155 2. Litter containment structures located on producing  
 156 poultry farms and animal waste nutrient containment structures  
 157 located on producing dairy farms shall be assessed by the  
 158 methodology described in subparagraph 1.

159 3. Structures or improvements used for horticulture  
 160 production that are used for the purpose of frost and freeze  
 161 protection consistent with the Department of Agriculture and  
 162 Consumer Services' interim measures or best management practices  
 163 adopted pursuant to s. 570.085 or s. 403.067(7) (c), shall be  
 164 assessed by the methodology described in subparagraph 1.

165 Section 5. Section 196.061, Florida Statutes, is amended  
 166 to read:

167 196.061 Rental of homestead to constitute abandonment.—The  
 168 rental of all or substantially all of a ~~an entire~~ dwelling

169 | previously claimed to be a homestead for tax purposes shall  
 170 | constitute the abandonment of the ~~said~~ dwelling as a homestead,  
 171 | and such ~~said~~ abandonment shall continue until such dwelling is  
 172 | physically occupied by the owner thereof. However, such  
 173 | abandonment of such homestead after January 1 of any year shall  
 174 | not affect the homestead exemption for tax purposes for that  
 175 | particular year so long as this provision is not used for 2  
 176 | consecutive years. The provisions of this section shall not  
 177 | apply to a member of the Armed Forces of the United States whose  
 178 | service in such forces is the result of a mandatory obligation  
 179 | imposed by the federal Selective Service Act or who volunteers  
 180 | for service as a member of the Armed Forces of the United  
 181 | States. As used in this section, the term "rental" means any  
 182 | rental, lease, license, or other similar agreement by which the  
 183 | owner is compensated for use of the dwelling by tenants or  
 184 | guests.

185 |       Section 6. Subsection (7) of section 196.1995, Florida  
 186 | Statutes, is amended to read:

187 |       196.1995 Economic development ad valorem tax exemption.—

188 |       (7) The authority to grant exemptions under this section  
 189 | expires ~~will expire~~ 10 years after the date such authority was  
 190 | approved in an election, but such authority may be renewed for  
 191 | subsequent ~~another~~ 10-year periods if each 10-year renewal is  
 192 | approved ~~period~~ in a referendum called and held pursuant to this  
 193 | section.

194 |       Section 7. Whistleblower reward for reporting illegal or  
 195 | improper homestead exemptions.—

196 |       (1) A person may report to the property appraiser's office

197 a possible homestead exemption violation if he or she believes a  
 198 homestead exemption, as described in s. 196.031, Florida  
 199 Statutes, has been granted to a person who is not entitled to  
 200 such exemption. If the property appraiser verifies that a  
 201 homestead exemption was illegally or improperly obtained, the  
 202 tax collector, after collecting any back taxes and resulting  
 203 penalties, shall pay the person who reported the violation a  
 204 reward of 25 percent of the penalties collected, not to exceed  
 205 \$500. Such reward shall be paid from the penalties recovered by  
 206 the tax collector in connection with the reported violation.

207 (2) A tax collector may pay a reward to only one person  
 208 for reporting each verified homestead exemption violation. If  
 209 more than one person reports a violation pertaining to the same  
 210 property, the person who first reported the violation via the  
 211 appropriate reporting method shall receive the reward.

212 (3) The Department of Revenue shall create a form for  
 213 reporting suspected homestead exemption violations. The form  
 214 shall be available on the department's website, and each  
 215 property appraiser shall provide printed forms upon request.  
 216 Each submitted form must include the name and address of the  
 217 person reporting the suspected violation, the address of the  
 218 property the owner of which is suspected of illegally or  
 219 improperly receiving a homestead exemption, and the basis for  
 220 suspecting that a homestead exemption violation has occurred.  
 221 The property appraiser shall stamp each submitted form with the  
 222 date and time of the day of the submittal immediately upon  
 223 receipt.

224 Section 8. Effective upon this act becoming a law, section



225 193.1553, Florida Statutes, is created to read:

226 193.1553 Assessment of properties located in an area where  
 227 a cancer cluster is present.-

228 (1) As used in this section, the term "cancer cluster"  
 229 means a higher than expected number of cases of a particular  
 230 type of cancer occurring in a local community over a defined  
 231 period of time.

232 (2) When the existence of a cancer cluster has been  
 233 confirmed by the Department of Health or the Centers for Disease  
 234 Control and Prevention of the United States Department of Health  
 235 and Human Services, the property appraiser shall take into  
 236 consideration the presence of the cancer cluster when  
 237 determining the assessed value of property located within the  
 238 area where the cancer cluster exists. The property appraiser  
 239 shall consider the latest available information regarding the  
 240 effect of the cancer cluster on assessed values, including sales  
 241 occurring after January 1, prior to determining the assessed  
 242 value of the affected properties.

243 (3) This section expires July 1, 2017, unless reviewed and  
 244 reenacted by the Legislature on or before that date.

245 Section 9. Except as otherwise expressly provided in this  
 246 act and except for this section which shall take effect upon  
 247 this act becoming a law, this act shall take effect July 1,  
 248 2010.