

HB 1005

2012

1 A bill to be entitled
2 An act relating to tangible personal property
3 taxation; amending s. 196.183, F.S.; waiving the
4 requirement to file an annual tangible personal
5 property tax return for certain taxpayers who own
6 taxable property the taxable value of which does not
7 exceed a specified amount; providing conditions and
8 requirements for qualifying for such waiver; providing
9 application; providing a contingent effective date.

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

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13 Section 1. Section 196.183, Florida Statutes, is amended
14 to read:

15 196.183 Exemption for tangible personal property.—

16 (1) Each tangible personal property tax return is eligible
17 for an exemption from ad valorem taxation of up to \$25,000 of
18 assessed value. A single return must be filed for each site in
19 the county where the owner of tangible personal property
20 transacts business. Owners of freestanding property placed at
21 multiple sites, other than sites where the owner transacts
22 business, must file a single return, including all such property
23 located in the county. Freestanding property placed at multiple
24 sites includes vending and amusement machines, LP/propane tanks,
25 utility and cable company property, billboards, leased
26 equipment, and similar property that is not customarily located
27 in the offices, stores, or plants of the owner, but is placed
28 throughout the county. Railroads, private carriers, and other

29 | companies assessed pursuant to s. 193.085 shall be allowed one
 30 | \$25,000 exemption for each county to which the value of their
 31 | property is allocated. The \$25,000 exemption for freestanding
 32 | property placed at multiple locations and for centrally assessed
 33 | property shall be allocated to each taxing authority based on
 34 | the proportion of just value of such property located in the
 35 | taxing authority; however, the amount of the exemption allocated
 36 | to each taxing authority may not change following the extension
 37 | of the tax roll pursuant to s. 193.122.

38 | (2) For purposes of this section, a "site where the owner
 39 | of tangible personal property transacts business" includes
 40 | facilities where the business ships or receives goods, employees
 41 | of the business are located, goods or equipment of the business
 42 | are stored, or goods or services of the business are produced,
 43 | manufactured, or developed, or similar facilities located in
 44 | offices, stores, warehouses, plants, or other locations of the
 45 | business. Sites where only the freestanding property of the
 46 | owner is located shall not be considered sites where the owner
 47 | of tangible personal property transacts business.

48 | (3) The requirement that an annual tangible personal
 49 | property tax return pursuant to s. 193.052 be filed is waived
 50 | for taxpayers who own ~~owning~~ taxable personal property:

51 | (a) The value of which, as listed on the return, does not
 52 | exceed the exemption provided in this section ~~is waived~~. In
 53 | order to qualify for the this waiver under this paragraph, a
 54 | taxpayer must file an initial return on which the exemption is
 55 | taken. If, in subsequent years, the taxpayer owns taxable
 56 | property the value of which, as listed on the return, exceeds

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57 | the exemption, the taxpayer is obligated to file a return. The
58 | taxpayer may again qualify for the waiver only after filing a
59 | return on which the value as listed on the return does not
60 | exceed the exemption. A return filed or required to be filed
61 | shall be considered an application filed or required to be filed
62 | for the exemption under this section; or

63 | (b) The taxable value of which does not exceed \$25,000. In
64 | order to qualify for the waiver under this paragraph, a taxpayer
65 | must file an initial return disclosing the taxable value of the
66 | property. The filing of an initial return does not result in the
67 | taxpayer incurring any tax liability. If, in subsequent years,
68 | the taxpayer owns taxable property the value of which, as listed
69 | on the return, exceeds \$25,000, the taxpayer is obligated to
70 | file a return. The taxpayer may again qualify for the waiver
71 | only after filing a return on which the value as listed on the
72 | return does not exceed \$25,000.

73 | (4) Owners of property previously assessed by the property
74 | appraiser without a return being filed may, at the option of the
75 | property appraiser, qualify for the exemption under this section
76 | without filing an initial return.

77 | (5) The exemption provided in this section does not apply
78 | in any year a taxpayer fails to timely file a return that is not
79 | waived pursuant to subsection (3) or subsection (4). Any
80 | taxpayer who received a waiver pursuant to subsection (3) or
81 | subsection (4) and who owns taxable property the value of which,
82 | as listed on the return, exceeds the exemption in a subsequent
83 | year and who fails to file a return with the property appraiser
84 | is subject to the penalty contained in s. 193.072(1)(a)

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85 | calculated without the benefit of the exemption pursuant to this
86 | section. Any taxpayer claiming more exemptions than allowed
87 | pursuant to subsection (1) is subject to the taxes exempted as a
88 | result of wrongfully claiming the additional exemptions plus 15
89 | percent interest per annum and a penalty of 50 percent of the
90 | taxes exempted. By February 1 of each year, the property
91 | appraiser shall notify by mail all taxpayers whose requirement
92 | for filing an annual tangible personal property tax return was
93 | waived in the previous year. The notification shall state that a
94 | return must be filed if the value of the taxpayer's tangible
95 | personal property exceeds the exemption and include the
96 | penalties for failure to file such a return.

97 | (6) The exemption provided in this section does not apply
98 | to a mobile home that is presumed to be tangible personal
99 | property pursuant to s. 193.075(2).

100 | Section 2. The revisions to s. 196.183, Florida Statutes,
101 | by this act operate prospectively to tax rolls submitted to the
102 | Department of Revenue by each county tax collector beginning
103 | January 2013 and each January thereafter and do not provide a
104 | basis for relief from or assessment of taxes not paid or for
105 | determining any denial of or a right to a refund of taxes paid
106 | before the effective date of this act.

107 | Section 3. This act shall take effect upon the approval of
108 | House Joint Resolution 1003, or a similar joint resolution
109 | having substantially the same specific intent and purpose, at
110 | the general election to be held in November 2012 or at an
111 | earlier special election specifically authorized by law for that
112 | purpose.