

CS/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 an appropriation; providing
10 effective dates.

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

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

16 196.183 Exemption for tangible personal property.—

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

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

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

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

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

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

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

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

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

85 is subject to the penalty contained in s. 193.072(1)(a)
86 calculated without the benefit of the exemption pursuant to this
87 section. Any taxpayer claiming more exemptions than allowed
88 pursuant to subsection (1) is subject to the taxes exempted as a
89 result of wrongfully claiming the additional exemptions plus 15
90 percent interest per annum and a penalty of 50 percent of the
91 taxes exempted. By February 1 of each year, the property
92 appraiser shall notify by mail all taxpayers whose requirement
93 for filing an annual tangible personal property tax return was
94 waived in the previous year. The notification shall state that a
95 return must be filed if the value of the taxpayer's tangible
96 personal property exceeds the exemption and include the
97 penalties for failure to file such a return.

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

101 Section 2. The revisions to s. 196.183, Florida Statutes,
102 by this act operate prospectively to the 2013 tax roll and do
103 not provide a basis for relief from an assessment of taxes not
104 paid or create a right to a refund of taxes paid before January
105 1, 2013.

106 Section 3. Effective July 1, 2012, the sum of \$108,475 in
107 nonrecurring funds is appropriated from the General Revenue Fund
108 to the Department of State for purposes of publishing, as
109 required under s. 5(d), Art. XI of the State Constitution, the
110 proposed constitutional amendment contained in House Joint
111 Resolution 1003, or a similar joint resolution having
112 substantially the same specific intent and purpose.

CS/HB 1005

2012

113 Section 4. Except as otherwise expressly provided in this
114 act, this act shall take effect upon the approval of House Joint
115 Resolution 1003, or a similar joint resolution having
116 substantially the same specific intent and purpose, at the
117 general election to be held in November 2012 or at an earlier
118 special election specifically authorized by law for that
119 purpose.