

By the Committee on Community Affairs; and Senator Latvala

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1 A bill to be entitled
2 An act relating to the assessment of residential and
3 nonhomestead real property; creating s. 193.624, F.S.;
4 providing definitions; excluding the value of certain
5 improvements from the assessed value of residential
6 real property; specifying a limitation on the assessed
7 value of residential real property; providing for
8 application of the assessment limitations; providing
9 procedural requirements and limitations; requiring a
10 nonrefundable filing fee for a petition to the value
11 adjustment board; amending s. 193.155, F.S.;
12 specifying additional exceptions to the assessment of
13 homestead property at just value; amending ss.
14 193.1554 and 193.1555, F.S.; specifying additional
15 exceptions to assessment of nonhomestead property at
16 just value; defining the term "placed on the tax
17 roll"; providing for the continuity and apportionment
18 of assessment limitations on combined and divided
19 parcels; specifying when divided or combined parcels
20 shall appear as combined or divided on a tax roll;
21 amending s. 196.012, F.S.; deleting the definition of
22 the terms "renewable energy source device" and
23 "device"; conforming cross-references; amending ss.
24 196.121 and 196.1995, F.S.; conforming cross-
25 references; repealing s. 196.175, F.S., relating to
26 the property tax exemption for renewable energy source
27 devices; providing for application of the act;
28 providing an effective date.

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

31
32 Section 1. Section 193.624, Florida Statutes, is created to
33 read:

34 193.624 Assessment of residential property.-

35 (1) For the purposes of this section:

36 (a) "Changes or improvements made for the purpose of
37 improving a property's resistance to wind damage" means:

38 1. Improving the strength of the roof-deck attachment;

39 2. Creating a secondary water barrier to prevent water
40 intrusion;

41 3. Installing wind-resistant shingles;

42 4. Installing gable-end bracing;

43 5. Reinforcing roof-to-wall connections;

44 6. Installing storm shutters; or

45 7. Installing opening protections.

46 (b) "Renewable energy source device" means any of the
47 following equipment that collects, transmits, stores, or uses
48 solar energy, wind energy, or energy derived from geothermal
49 deposits:

50 1. Solar energy collectors, photovoltaic modules, and
51 inverters.

52 2. Storage tanks and other storage systems, excluding
53 swimming pools used as storage tanks.

54 3. Rockbeds.

55 4. Thermostats and other control devices.

56 5. Heat exchange devices.

57 6. Pumps and fans.

58 7. Roof ponds.

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59 8. Freestanding thermal containers.

60 9. Pipes, ducts, refrigerant handling systems, and other
61 equipment used to interconnect such systems; however, such
62 equipment does not include conventional backup systems of any
63 type.

64 10. Windmills and wind turbines.

65 11. Wind-driven generators.

66 12. Power conditioning and storage devices that use wind
67 energy to generate electricity or mechanical forms of energy.

68 13. Pipes and other equipment used to transmit hot
69 geothermal water to a dwelling or structure from a geothermal
70 deposit.

71 (2) In determining the assessed value of real property used
72 for residential purposes, the just value of changes or
73 improvements made for the purpose of improving a property's
74 resistance to wind damage and the just value of renewable energy
75 source devices may not be added to the assessed value as limited
76 by s. 193.155 or s. 193.1554.

77 (3) The assessed value of real property used for
78 residential purposes may not exceed the total just value of the
79 property minus the combined just values of changes or
80 improvements made for the purpose of improving a property's
81 resistance to wind damage and renewable energy source devices.

82 (4) This section applies to new and existing construction
83 used for residential purposes.

84 (5) A parcel of residential property may not be assessed
85 pursuant to this section unless an application is filed on or
86 before March 1 of the first year the property owner claims the
87 assessment reduction for renewable energy source devices or

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88 changes or improvements made for the purpose of improving the
89 property's resistance to wind damage. The property appraiser may
90 require the taxpayer or the taxpayer's representative to furnish
91 the property appraiser such information as may reasonably be
92 required to establish the just value of the renewable energy
93 source devices or changes or improvements made for the purpose
94 of improving the property's resistance to wind damage. Failure
95 to make timely application by March 1 constitutes a waiver of
96 the property owner to have his or her assessment calculated
97 under this section. However, an applicant who fails to file an
98 application by March 1 may file a late application and may file,
99 pursuant to s. 194.011(3), a petition with the value adjustment
100 board requesting assessment under this section. The petition
101 must be filed on or before the 25th day after the mailing of the
102 notice by the property appraiser as provided in s. 194.011(1).
103 Notwithstanding s. 194.013, the applicant must pay a
104 nonrefundable fee of \$15 upon filing the petition. Upon
105 reviewing the petition, if the property is qualified to be
106 assessed under this section and the property owner demonstrates
107 particular extenuating circumstances judged by the property
108 appraiser or the value adjustment board to warrant granting
109 assessment under this section, the property appraiser shall
110 calculate the assessment pursuant to this section.

111 Section 2. Paragraph (a) of subsection (4) of section
112 193.155, Florida Statutes, is amended to read:

113 193.155 Homestead assessments.—Homestead property shall be
114 assessed at just value as of January 1, 1994. Property receiving
115 the homestead exemption after January 1, 1994, shall be assessed
116 at just value as of January 1 of the year in which the property

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117 receives the exemption unless the provisions of subsection (8)
118 apply.

119 (4) (a) Except as provided in paragraph (b) and s. 193.624,
120 changes, additions, or improvements to homestead property shall
121 be assessed at just value as of the first January 1 after the
122 changes, additions, or improvements are substantially completed.

123 Section 3. Subsection (1), paragraph (a) of subsection (6),
124 and subsection (7) of section 193.1554, Florida Statutes, are
125 amended to read:

126 193.1554 Assessment of nonhomestead residential property.-

127 (1) As used in this section, the term:

128 (a) "Nonhomestead residential property" means residential
129 real property that contains nine or fewer dwelling units,
130 including vacant property zoned and platted for residential use,
131 and that does not receive the exemption under s. 196.031.

132 (b) "Placed on the tax roll" means the year any property,
133 as of January 1, becomes eligible for assessment under this
134 section and becomes a nonhomestead property or a property that
135 has been combined or divided.

136 (6) (a) Except as provided in paragraph (b) and s. 193.624,
137 changes, additions, or improvements to nonhomestead residential
138 property shall be assessed at just value as of the first January
139 1 after the changes, additions, or improvements are
140 substantially completed.

141 (7) Any property that is combined or divided after January
142 1 and included as a combined or divided parcel on the tax notice
143 shall receive any current assessment limitation on the newly
144 combined parcel or parcels or have any current assessment
145 limitation apportioned among the newly created parcel or

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146 parcels, and the property may not be considered combined or
147 divided for purposes of this section until the following January
148 1, when the parcel or parcels shall be considered placed on the
149 tax roll as a combined or divided parcel or parcels. Any
150 ~~increase in the value of property assessed under this section~~
151 ~~which is attributable to combining or dividing parcels shall be~~
152 ~~assessed at just value, and the just value shall be apportioned~~
153 ~~among the parcels created.~~

154 Section 4. Subsections (1) and (7) of section 193.1555,
155 Florida Statutes, are amended to read:

156 193.1555 Assessment of certain residential and
157 nonresidential real property.—

158 (1) As used in this section, the term:

159 (a) "Nonresidential real property" means real property that
160 is not subject to the assessment limitations set forth in s.
161 4(a), (c), (d), or (g), Art. VII of the State Constitution.

162 (b) "Improvement" means an addition or change to land or
163 buildings which increases their value and is more than a repair
164 or a replacement.

165 (c) "Placed on the tax roll" means the year any property,
166 as of January 1, becomes eligible for assessment under this
167 section and becomes a nonhomestead property or a property that
168 has been combined or divided.

169 (7) Any property that is combined or divided after January
170 1 and included as a combined or divided parcel on the tax notice
171 shall receive any current assessment limitation on the newly
172 combined parcel or parcels or have any current assessment
173 limitation apportioned among the newly created parcel or
174 parcels, and the property may not be considered combined or

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175 divided for purposes of this section until the following January
176 1, when the parcel or parcels shall be considered placed on the
177 tax roll as a combined or divided parcel or parcels. ~~Any~~
178 ~~increase in the value of property assessed under this section~~
179 ~~which is attributable to combining or dividing parcels shall be~~
180 ~~assessed at just value, and the just value shall be apportioned~~
181 ~~among the parcels created.~~

182 Section 5. Subsections (14) through (20) of section
183 196.012, Florida Statutes, are amended to read:

184 196.012 Definitions.—For the purpose of this chapter, the
185 following terms are defined as follows, except where the context
186 clearly indicates otherwise:

187 ~~(14) "Renewable energy source device" or "device" means any~~
188 ~~of the following equipment which, when installed in connection~~
189 ~~with a dwelling unit or other structure, collects, transmits,~~
190 ~~stores, or uses solar energy, wind energy, or energy derived~~
191 ~~from geothermal deposits:~~

192 ~~(a) Solar energy collectors.~~

193 ~~(b) Storage tanks and other storage systems, excluding~~
194 ~~swimming pools used as storage tanks.~~

195 ~~(c) Rockbeds.~~

196 ~~(d) Thermostats and other control devices.~~

197 ~~(e) Heat exchange devices.~~

198 ~~(f) Pumps and fans.~~

199 ~~(g) Roof ponds.~~

200 ~~(h) Freestanding thermal containers.~~

201 ~~(i) Pipes, ducts, refrigerant handling systems, and other~~
202 ~~equipment used to interconnect such systems; however,~~

203 ~~conventional backup systems of any type are not included in this~~

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204 definition.

205 ~~(j) Windmills.~~

206 ~~(k) Wind-driven generators.~~

207 ~~(l) Power conditioning and storage devices that use wind~~
208 ~~energy to generate electricity or mechanical forms of energy.~~

209 ~~(m) Pipes and other equipment used to transmit hot~~
210 ~~geothermal water to a dwelling or structure from a geothermal~~
211 ~~deposit.~~

212 (14) ~~(15)~~ "New business" means:

213 (a)1. A business or organization establishing 10 or more
214 new jobs to employ 10 or more full-time employees in this state,
215 paying an average wage for such new jobs that is above the
216 average wage in the area, which principally engages in any one
217 or more of the following operations:

218 a. Manufactures, processes, compounds, fabricates, or
219 produces for sale items of tangible personal property at a fixed
220 location and which comprises an industrial or manufacturing
221 plant; or

222 b. Is a target industry business as defined in s.
223 288.106(2)(t);

224 2. A business or organization establishing 25 or more new
225 jobs to employ 25 or more full-time employees in this state, the
226 sales factor of which, as defined by s. 220.15(5), for the
227 facility with respect to which it requests an economic
228 development ad valorem tax exemption is less than 0.50 for each
229 year the exemption is claimed; or

230 3. An office space in this state owned and used by a
231 business or organization newly domiciled in this state; provided
232 such office space houses 50 or more full-time employees of such

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233 business or organization; provided that such business or
234 organization office first begins operation on a site clearly
235 separate from any other commercial or industrial operation owned
236 by the same business or organization.

237 (b) Any business or organization located in an enterprise
238 zone or brownfield area that first begins operation on a site
239 clearly separate from any other commercial or industrial
240 operation owned by the same business or organization.

241 (c) A business or organization that is situated on property
242 annexed into a municipality and that, at the time of the
243 annexation, is receiving an economic development ad valorem tax
244 exemption from the county under s. 196.1995.

245 (15)~~(16)~~ "Expansion of an existing business" means:

246 (a)1. A business or organization establishing 10 or more
247 new jobs to employ 10 or more full-time employees in this state,
248 paying an average wage for such new jobs that is above the
249 average wage in the area, which principally engages in any of
250 the operations referred to in subparagraph (14) (a) 1. ~~(15) (a) 1.~~;
251 or

252 2. A business or organization establishing 25 or more new
253 jobs to employ 25 or more full-time employees in this state, the
254 sales factor of which, as defined by s. 220.15(5), for the
255 facility with respect to which it requests an economic
256 development ad valorem tax exemption is less than 0.50 for each
257 year the exemption is claimed; provided that such business
258 increases operations on a site located within the same county,
259 municipality, or both colocated with a commercial or industrial
260 operation owned by the same business or organization under
261 common control with the same business or organization, resulting

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262 in a net increase in employment of not less than 10 percent or
263 an increase in productive output or sales of not less than 10
264 percent.

265 (b) Any business or organization located in an enterprise
266 zone or brownfield area that increases operations on a site
267 located within the same zone or area colocated with a commercial
268 or industrial operation owned by the same business or
269 organization under common control with the same business or
270 organization.

271 (16)~~(17)~~ "Permanent resident" means a person who has
272 established a permanent residence as defined in subsection (17)
273 ~~(18)~~.

274 (17)~~(18)~~ "Permanent residence" means that place where a
275 person has his or her true, fixed, and permanent home and
276 principal establishment to which, whenever absent, he or she has
277 the intention of returning. A person may have only one permanent
278 residence at a time; and, once a permanent residence is
279 established in a foreign state or country, it is presumed to
280 continue until the person shows that a change has occurred.

281 (18)~~(19)~~ "Enterprise zone" means an area designated as an
282 enterprise zone pursuant to s. 290.0065. This subsection expires
283 on the date specified in s. 290.016 for the expiration of the
284 Florida Enterprise Zone Act.

285 (19)~~(20)~~ "Ex-servicemember" means any person who has served
286 as a member of the United States Armed Forces on active duty or
287 state active duty, a member of the Florida National Guard, or a
288 member of the United States Reserve Forces.

289 Section 6. Subsection (2) of section 196.121, Florida
290 Statutes, is amended to read:

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291 196.121 Homestead exemptions; forms.—

292 (2) The forms shall require the taxpayer to furnish certain
293 information to the property appraiser for the purpose of
294 determining that the taxpayer is a permanent resident as defined
295 in s. 196.012 (16) ~~(17)~~. Such information may include, but need
296 not be limited to, the factors enumerated in s. 196.015.

297 Section 7. Subsections (6) and (8), paragraph (d) of
298 subsection (9), and subsection (11) of section 196.1995, Florida
299 Statutes, are amended to read:

300 196.1995 Economic development ad valorem tax exemption.—

301 (6) With respect to a new business as defined by s.
302 196.012 (14) ~~(15)~~ (c), the municipality annexing the property on
303 which the business is situated may grant an economic development
304 ad valorem tax exemption under this section to that business for
305 a period that will expire upon the expiration of the exemption
306 granted by the county. If the county renews the exemption under
307 subsection (7), the municipality may also extend its exemption.
308 A municipal economic development ad valorem tax exemption
309 granted under this subsection may not extend beyond the duration
310 of the county exemption.

311 (8) Any person, firm, or corporation which desires an
312 economic development ad valorem tax exemption shall, in the year
313 the exemption is desired to take effect, file a written
314 application on a form prescribed by the department with the
315 board of county commissioners or the governing authority of the
316 municipality, or both. The application shall request the
317 adoption of an ordinance granting the applicant an exemption
318 pursuant to this section and shall include the following
319 information:

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- 320 (a) The name and location of the new business or the
321 expansion of an existing business;
- 322 (b) A description of the improvements to real property for
323 which an exemption is requested and the date of commencement of
324 construction of such improvements;
- 325 (c) A description of the tangible personal property for
326 which an exemption is requested and the dates when such property
327 was or is to be purchased;
- 328 (d) Proof, to the satisfaction of the board of county
329 commissioners or the governing authority of the municipality,
330 that the applicant is a new business or an expansion of an
331 existing business, as defined in s. 196.012~~(15)~~ or ~~(16)~~;
- 332 (e) The number of jobs the applicant expects to create
333 along with the average wage of the jobs and whether the jobs are
334 full-time or part-time;
- 335 (f) The expected time schedule for job creation; and
- 336 (g) Other information deemed necessary or appropriate by
337 the department, county, or municipality.
- 338 (9) Before it takes action on the application, the board of
339 county commissioners or the governing authority of the
340 municipality shall deliver a copy of the application to the
341 property appraiser of the county. After careful consideration,
342 the property appraiser shall report the following information to
343 the board of county commissioners or the governing authority of
344 the municipality:
- 345 (d) A determination as to whether the property for which an
346 exemption is requested is to be incorporated into a new business
347 or the expansion of an existing business, as defined in s.
348 196.012~~(15)~~ or ~~(16)~~, or into neither, which determination the

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349 property appraiser shall also affix to the face of the
350 application. Upon the request of the property appraiser, the
351 department shall provide to him or her such information as it
352 may have available to assist in making such determination.

353 (11) An ordinance granting an exemption under this section
354 shall be adopted in the same manner as any other ordinance of
355 the county or municipality and shall include the following:

356 (a) The name and address of the new business or expansion
357 of an existing business to which the exemption is granted;

358 (b) The total amount of revenue available to the county or
359 municipality from ad valorem tax sources for the current fiscal
360 year, the total amount of revenue lost to the county or
361 municipality for the current fiscal year by virtue of economic
362 development ad valorem tax exemptions currently in effect, and
363 the estimated revenue loss to the county or municipality for the
364 current fiscal year attributable to the exemption of the
365 business named in the ordinance;

366 (c) The period of time for which the exemption will remain
367 in effect and the expiration date of the exemption, which may be
368 any period of time up to 10 years; and

369 (d) A finding that the business named in the ordinance
370 meets the requirements of s. 196.012 (14) ~~(15)~~ or (15) ~~(16)~~.

371 Section 8. Section 196.175, Florida Statutes, is repealed.

372 Section 9. This act shall take effect July 1, 2012, and
373 applies to assessments beginning January 1, 2013.