

By Senator Bennett

21-00519-12

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1                                   A bill to be entitled  
2           An act relating to ad valorem taxation; amending s.  
3           193.011, F.S.; revising the factors that a property  
4           appraiser must use in deriving the just valuation of  
5           property for the purposes of ad valorem taxation;  
6           amending s. 194.011, F.S.; requiring the Department of  
7           Revenue to adopt policies and procedures by rule to be  
8           used by property appraisers in proceedings before a  
9           value adjustment board; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Section 193.011, Florida Statutes, is amended to  
14           read:

15           193.011 Factors to consider in deriving just valuation.—In  
16           arriving at just valuation as required under s. 4, Art. VII of  
17           the State Constitution, the property appraiser shall take into  
18           consideration and apply the following factors, if applicable:

19           (1) The present cash value of the property, which is the  
20           amount a willing purchaser would pay a willing seller, exclusive  
21           of reasonable fees and costs of purchase, in cash or the  
22           immediate equivalent thereof in a transaction at arm's length;

23           (2) The highest and best use to which the property can be  
24           expected to be put in the immediate future and the present use  
25           of the property. The present value of the property shall be the  
26           primary factor considered in deriving the just value for  
27           assessment purposes. This determination must take, ~~taking~~ into  
28           consideration the legally permissible use of the property,  
29           including any applicable judicial limitation, local or state

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30 land use regulation, or historic preservation ordinance, and any  
31 zoning changes, concurrency requirements, and permits necessary  
32 to achieve the highest and best use, and considering any  
33 moratorium imposed by executive order, law, ordinance,  
34 regulation, resolution, or proclamation adopted by any  
35 governmental body or agency or the Governor when the moratorium  
36 or judicial limitation prohibits or restricts the development or  
37 improvement of property as otherwise authorized by applicable  
38 law. The applicable governmental body or agency or the Governor  
39 shall notify the property appraiser in writing of any executive  
40 order, ordinance, regulation, resolution, or proclamation it  
41 adopts imposing any such limitation, regulation, or moratorium;

42 (3) The location of the ~~said~~ property;

43 (4) The quantity or size of the ~~said~~ property;

44 (5) The cost of the ~~said~~ property, including the value of  
45 the underlying land, and the present replacement value of any  
46 improvements on the land, taking into consideration any  
47 depreciation or obsolescence of the improvements thereon;

48 (6) The condition of the ~~said~~ property;

49 (7) The income from the ~~said~~ property; and

50 (8) The net proceeds of the sale of the property, as  
51 received by the seller, after deduction of all of the usual and  
52 reasonable fees and costs of the sale, including the costs and  
53 expenses of financing, and allowance for unconventional or  
54 atypical terms of financing arrangements. If ~~When~~ the net  
55 proceeds of the sale of any property are used ~~utilized~~, directly  
56 or indirectly, in the determination of just valuation of realty  
57 of the sold parcel or any other parcel under ~~the provisions of~~  
58 this section, the property appraiser, for the purposes of ~~such~~

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59 determination, shall exclude any portion of the ~~such~~ net  
60 proceeds attributable to payments for household furnishings or  
61 other items of personal property.

62 Section 2. Subsection (5) of section 194.011, Florida  
63 Statutes, is amended to read:

64 194.011 Assessment notice; objections to assessments.—

65 (5) (a) The department shall by rule prescribe uniform  
66 procedures for hearings before the value adjustment board which  
67 include requiring:

68 1. Procedures for the exchange of information and evidence  
69 by the property appraiser and the petitioner consistent with s.  
70 194.032.

71 2. That the value adjustment board hold an organizational  
72 meeting for the purpose of making these procedures available to  
73 petitioners.

74 (b) The department shall develop a uniform policies and  
75 procedures manual that shall be used by value adjustment boards,  
76 special magistrates, property appraisers, and taxpayers in  
77 proceedings before value adjustment boards. The manual shall be  
78 made available, at a minimum, on the department's website and on  
79 the existing websites of the clerks of circuit courts.

80 Section 3. This act shall take effect July 1, 2012.