

By the Committee on Appropriations; and Senator Latvala

576-04971-13

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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 defining the term "renewable energy source device";
5 excluding the value of renewable energy source devices
6 from the assessed value of residential real property;
7 providing for applicability; amending s. 193.155,
8 F.S.; specifying additional exceptions to the
9 assessment of homestead property at just value;
10 amending s. 193.1554, F.S.; specifying additional
11 exceptions to assessment of nonhomestead residential
12 property at just value; amending s. 196.012, F.S.;
13 deleting the definition of the terms "renewable energy
14 source device" and "device"; conforming a cross-
15 reference; amending ss. 196.121 and 196.1995, F.S.;
16 conforming cross-references; repealing s. 196.175,
17 F.S., relating to the property tax exemption for
18 renewable energy source devices; providing for
19 applicability; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 193.624, Florida Statutes, is created to
24 read:

25 193.624 Assessment of residential property.-

26 (1) As used in this section, the term "renewable energy
27 source device" means any of the following equipment that
28 collects, transmits, stores, or uses solar energy, wind energy,
29 or energy derived from geothermal deposits:

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30 (a) Solar energy collectors, photovoltaic modules, and
31 inverters.

32 (b) Storage tanks and other storage systems, excluding
33 swimming pools used as storage tanks.

34 (c) Rockbeds.

35 (d) Thermostats and other control devices.

36 (e) Heat exchange devices.

37 (f) Pumps and fans.

38 (g) Roof ponds.

39 (h) Freestanding thermal containers.

40 (i) Pipes, ducts, refrigerant handling systems, and other
41 equipment used to interconnect such systems; however, such
42 equipment does not include conventional backup systems of any
43 type.

44 (j) Windmills and wind turbines.

45 (k) Wind-driven generators.

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

48 (m) Pipes and other equipment used to transmit hot
49 geothermal water to a dwelling or structure from a geothermal
50 deposit.

51 (2) In determining the assessed value of real property used
52 for residential purposes, an increase in the just value of the
53 property attributable to the installation of a renewable energy
54 source device may not be considered.

55 (3) This section applies to the installation of a renewable
56 energy source device installed on or after January 1, 2013, to
57 new and existing residential real property.

58 Section 2. Paragraph (a) of subsection (4) of section

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59 193.155, Florida Statutes, is amended to read:

60 193.155 Homestead assessments.—Homestead property shall be
61 assessed at just value as of January 1, 1994. Property receiving
62 the homestead exemption after January 1, 1994, shall be assessed
63 at just value as of January 1 of the year in which the property
64 receives the exemption unless the provisions of subsection (8)
65 apply.

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

70 Section 3. Paragraph (a) of subsection (6) of section
71 193.1554, Florida Statutes, is amended to read:

72 193.1554 Assessment of nonhomestead residential property.—

73 (6) (a) Except as provided in paragraph (b) and s. 193.624,
74 changes, additions, or improvements to nonhomestead residential
75 property shall be assessed at just value as of the first January
76 1 after the changes, additions, or improvements are
77 substantially completed.

78 Section 4. Subsections (14) through (20) of section
79 196.012, Florida Statutes, are amended to read:

80 196.012 Definitions.—For the purpose of this chapter, the
81 following terms are defined as follows, except where the context
82 clearly indicates otherwise:

83 ~~(14) "Renewable energy source device" or "device" means any~~
84 ~~of the following equipment which, when installed in connection~~
85 ~~with a dwelling unit or other structure, collects, transmits,~~
86 ~~stores, or uses solar energy, wind energy, or energy derived~~
87 ~~from geothermal deposits:~~

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- 88 ~~(a) Solar energy collectors.~~
- 89 ~~(b) Storage tanks and other storage systems, excluding~~
90 ~~swimming pools used as storage tanks.~~
- 91 ~~(c) Rockbeds.~~
- 92 ~~(d) Thermostats and other control devices.~~
- 93 ~~(e) Heat exchange devices.~~
- 94 ~~(f) Pumps and fans.~~
- 95 ~~(g) Roof ponds.~~
- 96 ~~(h) Freestanding thermal containers.~~
- 97 ~~(i) Pipes, ducts, refrigerant handling systems, and other~~
98 ~~equipment used to interconnect such systems; however,~~
99 ~~conventional backup systems of any type are not included in this~~
100 ~~definition.~~
- 101 ~~(j) Windmills.~~
- 102 ~~(k) Wind-driven generators.~~
- 103 ~~(l) Power conditioning and storage devices that use wind~~
104 ~~energy to generate electricity or mechanical forms of energy.~~
- 105 ~~(m) Pipes and other equipment used to transmit hot~~
106 ~~geothermal water to a dwelling or structure from a geothermal~~
107 ~~deposit.~~

108 (14)~~(15)~~ "New business" means:

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

114 a. Manufactures, processes, compounds, fabricates, or
115 produces for sale items of tangible personal property at a fixed
116 location and which comprises an industrial or manufacturing

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117 plant; or

118 b. Is a target industry business as defined in s.
119 288.106(2)(q);

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

126 3. An office space in this state owned and used by a
127 business or organization newly domiciled in this state; provided
128 such office space houses 50 or more full-time employees of such
129 business or organization; provided that such business or
130 organization office first begins operation on a site clearly
131 separate from any other commercial or industrial operation owned
132 by the same business or organization.

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

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

141 (15)~~(16)~~ "Expansion of an existing business" means:

142 (a)1. A business or organization establishing 10 or more
143 new jobs to employ 10 or more full-time employees in this state,
144 paying an average wage for such new jobs that is above the
145 average wage in the area, which principally engages in any of

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146 the operations referred to in subparagraph (15)(a)1.; or

147 2. A business or organization establishing 25 or more new
148 jobs to employ 25 or more full-time employees in this state, the
149 sales factor of which, as defined by s. 220.15(5), for the
150 facility with respect to which it requests an economic
151 development ad valorem tax exemption is less than 0.50 for each
152 year the exemption is claimed; provided that such business
153 increases operations on a site located within the same county,
154 municipality, or both colocated with a commercial or industrial
155 operation owned by the same business or organization under
156 common control with the same business or organization, resulting
157 in a net increase in employment of not less than 10 percent or
158 an increase in productive output or sales of not less than 10
159 percent.

160 (b) Any business or organization located in an enterprise
161 zone or brownfield area that increases operations on a site
162 located within the same zone or area colocated with a commercial
163 or industrial operation owned by the same business or
164 organization under common control with the same business or
165 organization.

166 (16)~~(17)~~ "Permanent resident" means a person who has
167 established a permanent residence as defined in subsection (17)
168 ~~(18)~~.

169 (17)~~(18)~~ "Permanent residence" means that place where a
170 person has his or her true, fixed, and permanent home and
171 principal establishment to which, whenever absent, he or she has
172 the intention of returning. A person may have only one permanent
173 residence at a time; and, once a permanent residence is
174 established in a foreign state or country, it is presumed to

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175 continue until the person shows that a change has occurred.

176 (18)~~(19)~~ "Enterprise zone" means an area designated as an
177 enterprise zone pursuant to s. 290.0065. This subsection expires
178 on the date specified in s. 290.016 for the expiration of the
179 Florida Enterprise Zone Act.

180 (19)~~(20)~~ "Ex-servicemember" means any person who has served
181 as a member of the United States Armed Forces on active duty or
182 state active duty, a member of the Florida National Guard, or a
183 member of the United States Reserve Forces.

184 Section 5. Subsection (2) of section 196.121, Florida
185 Statutes, is amended to read:

186 196.121 Homestead exemptions; forms.—

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

192 Section 6. Subsections (6), (8), (9), and (11) of section
193 196.1995, Florida Statutes, are amended to read:

194 196.1995 Economic development ad valorem tax exemption.—

195 (6) With respect to a new business as defined by s.
196 196.012(14)(c) ~~196.012(15)(e)~~, the municipality annexing the
197 property on which the business is situated may grant an economic
198 development ad valorem tax exemption under this section to that
199 business for a period that will expire upon the expiration of
200 the exemption granted by the county. If the county renews the
201 exemption under subsection (7), the municipality may also extend
202 its exemption. A municipal economic development ad valorem tax
203 exemption granted under this subsection may not extend beyond

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204 the duration of the county exemption.

205 (8) Any person, firm, or corporation which desires an
206 economic development ad valorem tax exemption shall, in the year
207 the exemption is desired to take effect, file a written
208 application on a form prescribed by the department with the
209 board of county commissioners or the governing authority of the
210 municipality, or both. The application shall request the
211 adoption of an ordinance granting the applicant an exemption
212 pursuant to this section and shall include the following
213 information:

214 (a) The name and location of the new business or the
215 expansion of an existing business;

216 (b) A description of the improvements to real property for
217 which an exemption is requested and the date of commencement of
218 construction of such improvements;

219 (c) A description of the tangible personal property for
220 which an exemption is requested and the dates when such property
221 was or is to be purchased;

222 (d) Proof, to the satisfaction of the board of county
223 commissioners or the governing authority of the municipality,
224 that the applicant is a new business or an expansion of an
225 existing business, as defined in s. 196.012-~~(15)~~ or ~~(16)~~;

226 (e) The number of jobs the applicant expects to create
227 along with the average wage of the jobs and whether the jobs are
228 full-time or part-time;

229 (f) The expected time schedule for job creation; and

230 (g) Other information deemed necessary or appropriate by
231 the department, county, or municipality.

232 (9) Before it takes action on the application, the board of

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233 county commissioners or the governing authority of the
234 municipality shall deliver a copy of the application to the
235 property appraiser of the county. After careful consideration,
236 the property appraiser shall report the following information to
237 the board of county commissioners or the governing authority of
238 the municipality:

239 (a) The total revenue available to the county or
240 municipality for the current fiscal year from ad valorem tax
241 sources, or an estimate of such revenue if the actual total
242 revenue available cannot be determined;

243 (b) Any revenue lost to the county or municipality for the
244 current fiscal year by virtue of exemptions previously granted
245 under this section, or an estimate of such revenue if the actual
246 revenue lost cannot be determined;

247 (c) An estimate of the revenue which would be lost to the
248 county or municipality during the current fiscal year if the
249 exemption applied for were granted had the property for which
250 the exemption is requested otherwise been subject to taxation;
251 and

252 (d) A determination as to whether the property for which an
253 exemption is requested is to be incorporated into a new business
254 or the expansion of an existing business, as defined in s.
255 ~~196.012(15) or (16)~~, or into neither, which determination the
256 property appraiser shall also affix to the face of the
257 application. Upon the request of the property appraiser, the
258 department shall provide to him or her such information as it
259 may have available to assist in making such determination.

260 (11) An ordinance granting an exemption under this section
261 shall be adopted in the same manner as any other ordinance of

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262 the county or municipality and shall include the following:

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

265 (b) The total amount of revenue available to the county or
266 municipality from ad valorem tax sources for the current fiscal
267 year, the total amount of revenue lost to the county or
268 municipality for the current fiscal year by virtue of economic
269 development ad valorem tax exemptions currently in effect, and
270 the estimated revenue loss to the county or municipality for the
271 current fiscal year attributable to the exemption of the
272 business named in the ordinance;

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

276 (d) A finding that the business named in the ordinance
277 meets the requirements of s. 196.012(14) or (15) ~~196.012 (15) or~~
278 ~~(16)~~.

279 Section 7. Section 196.175, Florida Statutes, is repealed.

280 Section 8. This act shall take effect July 1, 2013, and
281 applies to assessments beginning January 1, 2014.