

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 266

INTRODUCER: Senator Ring

SUBJECT: Property Appraisers

DATE: February 3, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	<b>Favorable</b>
2.			FT	
3.			AP	

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**I. Summary:**

SB 266 clarifies that boards of county commissioners must fund the property appraiser according to the amount determined by the Department of Revenue in its final budget determination, and must fund the department-approved budget during the pendency of an ongoing appeal to the Administration Commission.

**II. Present Situation:**

**Process for Determining the Property Appraiser's Budget**

Section 195.087(1)(a), F.S., provides that property appraisers are to submit a proposed budget for the operation of the appraiser's office to the Department of Revenue (DOR) on or before June 1 of each year. The property appraiser is required to submit the proposed budget to the appropriate board of county commissioners (board) at the same time. The DOR reviews the budget request and may amend the budgeted amount "as it deems necessary, in order that the budget be neither inadequate nor excessive."

On or before July 15, the DOR notifies both the property appraiser and the board of its tentative budget determination. The property appraiser and board have until August 14 to submit additional information to the DOR if they choose to do so. The DOR issues its final budget determination on or before August 15.

The property appraiser or board may appeal the DOR's final budget to the Governor and Cabinet sitting as the Administration Commission. The appeal must be filed no later than 15 days after the conclusion of the public hearing held pursuant to s. 200.065(2)(d), F.S. (final adoption of the county millage rate and budget). The Administration Commission has discretion as to whether to accept the appeal or not. Upon completion of this process, the resulting budget request "as

approved by the department and as amended by the commission...become[s] the operating budget of the property appraiser for the ensuing fiscal year beginning October 1...”<sup>1</sup>

### **Board of County Commissioners of Broward County vs. Lori Parrish, Broward County Property Appraiser**

The Board of County Commissioners of Broward County (Board) disagreed with the Property Appraiser as to the appropriate level of funding that it should be required to provide for the operation of the Appraiser’s office for fiscal year 2014. While the Board proposed a budget of \$14,886,000, a 3.8% increase over the prior year, the Property Appraiser submitted a request for \$18,819,000.<sup>2</sup> After going through the process described above, the DOR set the Property Appraiser’s final budget at \$18,712,207.<sup>3</sup>

The Board appealed the DOR’s final budget determination to the Administration Commission. The case asked the court to determine which level the Board was required to fund the Appraiser’s office at while the appeal was pending: the higher amount approved by the DOR or the lower amount approved by the Board?

In the absence of clear statutory language directing an outcome, the court resorted to analysis of the statutory scheme governing the funding of the Property Appraiser’s office, the different roles played by the various involved entities (the Property Appraiser, the Board, and the DOR) and the policy rationales for those roles, and the statutory changes the Legislature had wrought over the years. While the trial court below had analogized its decision in the case to “flipping a coin,” the appellate court’s “close analysis of the applicable statutory framework” led it to the determination that the Board must fund the Property Appraiser at the amount determined by the DOR.

At the time of this analysis, the court’s decision is technically not final, as a timely motion for rehearing was filed and awaits disposition.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 195.087, F.S., to clearly state that the property appraiser’s budget is final and shall be funded by the board of county commissioners once the DOR has made its final budget determination. The obligation to fund the property appraiser’s office at the level set by the department is not affected by the filing of an appeal to the Administration Commission.

This statutory change would codify the result reached by the Fourth District Court of Appeal.

**Section 2** establishes an effective date of July 1, 2015.

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<sup>1</sup> *Board of County Commissioners of Broward County, Florida v. Parrish*, No. 4D14-101, 2 (Fla. 4th DCA 2014).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 195.087 of the Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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