

1 A bill to be entitled
 2 An act relating to ad valorem assessments; amending s.
 3 192.001, F.S.; revising terms; defining the terms
 4 "fair market value," "just value," and "market value";
 5 amending s. 192.0105, F.S.; providing in the
 6 Taxpayer's Bill of Rights the right to value
 7 definitions based on actual accepted assessment
 8 practices and applicable law applied consistently in
 9 assessment development and assessment review; amending
 10 s. 193.023, F.S.; requiring the property appraiser to
 11 assess property at its just value when assessing
 12 certain leasehold interests; amending ss. 193.503 and
 13 193.505, F.S.; requiring the property appraiser to
 14 assess certain historic properties based on the just
 15 value; amending s. 200.069, F.S.; revising the
 16 required statement provided in the notice of proposed
 17 property taxes to allow a taxpayer to file certain
 18 petitions based on the assessed value of property;
 19 providing an effective date.

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

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 23 Section 1. Subsection (2) of section 192.001, Florida
 24 Statutes, is amended, and subsections (20) through (22) are
 25 added to that section, to read:

26 192.001 Definitions.—All definitions set out in chapters 1

27 | and 200 that are applicable to this chapter are included herein.
 28 | In addition, the following definitions shall apply in the
 29 | imposition of ad valorem taxes:

30 | (2) "Assessed value of property" means an annual
 31 | determination of:

32 | (a) The just or ~~fair~~ market value of an item or property;

33 | (b) The value of property as limited by Art. VII of the
 34 | State Constitution; or

35 | (c) The value of property in a classified use or at a
 36 | fractional value if the property is assessed solely on the basis
 37 | of character or use or at a specified percentage of its value
 38 | under Art. VII of the State Constitution.

39 | (20) "Fair market value" means the amount a buyer willing
 40 | but not forced to buy would pay a seller willing but not forced
 41 | to sell in an arm's length transaction.

42 | (21) "Just value" means the amount a buyer willing but not
 43 | forced to buy would pay a seller willing but not forced to sell
 44 | in an arm's length transaction with proper consideration given
 45 | to each statutory factor, including any adjustments made to
 46 | recorded selling prices or fair market value in determining the
 47 | just value of property under s. 193.011. Just value is not
 48 | synonymous with fair market value and all case law stating
 49 | otherwise was expressly rejected by the Legislature when chapter
 50 | 67-167, Laws of Florida, was enacted. It is further the intent
 51 | of the Legislature that the cases published since 1967 stating
 52 | that just value is synonymous with fair market value are

53 expressly rejected to the extent they attempt to interpret
 54 legislative intent. This subsection is intended to clarify
 55 existing law and applies retroactively to 1967.

56 (22) "Market value" as applied in chapter 200 means "just
 57 value" as defined in this section.

58 Section 2. Paragraph (j) is added to subsection (2) of
 59 section 192.0105, Florida Statutes, to read:

60 192.0105 Taxpayer rights.—There is created a Florida
 61 Taxpayer's Bill of Rights for property taxes and assessments to
 62 guarantee that the rights, privacy, and property of the
 63 taxpayers of this state are adequately safeguarded and protected
 64 during tax levy, assessment, collection, and enforcement
 65 processes administered under the revenue laws of this state. The
 66 Taxpayer's Bill of Rights compiles, in one document, brief but
 67 comprehensive statements that summarize the rights and
 68 obligations of the property appraisers, tax collectors, clerks
 69 of the court, local governing boards, the Department of Revenue,
 70 and taxpayers. Additional rights afforded to payors of taxes and
 71 assessments imposed under the revenue laws of this state are
 72 provided in s. 213.015. The rights afforded taxpayers to assure
 73 that their privacy and property are safeguarded and protected
 74 during tax levy, assessment, and collection are available only
 75 insofar as they are implemented in other parts of the Florida
 76 Statutes or rules of the Department of Revenue. The rights so
 77 guaranteed to state taxpayers in the Florida Statutes and the
 78 departmental rules include:

79 (2) THE RIGHT TO DUE PROCESS.—

80 (j) The right to value definitions based on actual
 81 accepted assessment practices, applicable provisions of the
 82 State Constitution, and the laws of this state, applied
 83 consistently in both assessment development by the property
 84 appraiser and assessment review by the value adjustment board
 85 and the courts of this state (see ss. 192.001, 193.011, 194.301,
 86 and 194.3015).

87 Section 3. Subsection (4) of section 193.023, Florida
 88 Statutes, is amended to read:

89 193.023 Duties of the property appraiser in making
 90 assessments.—

91 (4) In making his or her assessment of leasehold interests
 92 in property serving the unit owners of a condominium or
 93 cooperative subject to a lease, including property subject to a
 94 recreational lease, the property appraiser shall assess the
 95 property at its just ~~fair market~~ value without regard to the
 96 income derived from the lease.

97 Section 4. Subsection (8) of section 193.503, Florida
 98 Statutes, is amended to read:

99 193.503 Classification and assessment of historic property
 100 used for commercial or certain nonprofit purposes.—

101 (8) For the purposes of assessment roll preparation and
 102 recordkeeping, the property appraiser shall report the assessed
 103 value of property qualified for the assessment pursuant to this
 104 section as its "classified use value" and shall annually

105 determine and report the just as ~~"just value"~~ ~~the fair market~~
 106 value of such property, irrespective of any negative impact that
 107 restrictions imposed or conveyances made pursuant to this
 108 section may have had on such value.

109 Section 5. Subsections (3) and (8) and paragraph (a) of
 110 subsection (9) of section 193.505, Florida Statutes, are amended
 111 to read:

112 193.505 Assessment of historically significant property
 113 when development rights have been conveyed or historic
 114 preservation restrictions have been covenanted.-

115 (3) When, pursuant to this section, the development right
 116 in historically significant property has been conveyed to the
 117 governing body of the county or a covenant for historic
 118 preservation has been executed and accepted by such body, the
 119 real property subject to such conveyance or covenant shall be
 120 assessed at just ~~fair market~~ value; however, the appraiser shall
 121 recognize the nature and length of the restriction placed on the
 122 use of the property under the provisions of the conveyance or
 123 covenant.

124 (8) For the purposes of this section, the term "deferred
 125 tax liability" means an amount equal to the difference between
 126 the total amount of taxes which would have been due in March in
 127 each of the previous years in which a covenant executed and
 128 accepted pursuant to this section was in effect if the property
 129 had been assessed under the provisions of s. 193.011
 130 irrespective of any negative impact on just ~~fair market~~ value

131 that restrictions imposed pursuant to this section may have
 132 caused and the total amount of taxes actually paid in those
 133 years, plus interest on that difference computed as provided in
 134 s. 212.12(3).

135 (9) (a) For the purposes of assessment roll preparation and
 136 recordkeeping, the property appraiser shall report the assessed
 137 value of property subject to a conveyance or covenant pursuant
 138 to this section as its "classified use value" and shall annually
 139 determine and report the just as ~~"just value"~~ ~~the fair market~~
 140 value of such property irrespective of any negative impact that
 141 restrictions imposed or conveyances made pursuant to this
 142 section may have had on such value.

143 Section 6. Subsection (7) of section 200.069, Florida
 144 Statutes, is amended to read:

145 200.069 Notice of proposed property taxes and non-ad
 146 valorem assessments.—Pursuant to s. 200.065(2)(b), the property
 147 appraiser, in the name of the taxing authorities and local
 148 governing boards levying non-ad valorem assessments within his
 149 or her jurisdiction and at the expense of the county, shall
 150 prepare and deliver by first-class mail to each taxpayer to be
 151 listed on the current year's assessment roll a notice of
 152 proposed property taxes, which notice shall contain the elements
 153 and use the format provided in the following form.

154 Notwithstanding the provisions of s. 195.022, no county officer
 155 shall use a form other than that provided herein. The Department
 156 of Revenue may adjust the spacing and placement on the form of

157 the elements listed in this section as it considers necessary
 158 based on changes in conditions necessitated by various taxing
 159 authorities. If the elements are in the order listed, the
 160 placement of the listed columns may be varied at the discretion
 161 and expense of the property appraiser, and the property
 162 appraiser may use printing technology and devices to complete
 163 the form, the spacing, and the placement of the information in
 164 the columns. A county officer may use a form other than that
 165 provided by the department for purposes of this part, but only
 166 if his or her office pays the related expenses and he or she
 167 obtains prior written permission from the executive director of
 168 the department; however, a county officer may not use a form the
 169 substantive content of which is at variance with the form
 170 prescribed by the department. The county officer may continue to
 171 use such an approved form until the law that specifies the form
 172 is amended or repealed or until the officer receives written
 173 disapproval from the executive director.

174 (7) The following statement shall appear after the values
 175 listed on the front of the second page:

176 If you feel that the assessed ~~market~~ value of your property
 177 is inaccurate or ~~does not reflect fair market value,~~ or if you
 178 are entitled to an exemption or classification that is not
 179 reflected above, contact your county property appraiser at
 180 ...(phone number)... or ...(location)....

181 If the property appraiser's office is unable to resolve the
 182 matter as to assessed ~~market~~ value, classification, or an

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183 | exemption, you may file a petition for adjustment with the Value
184 | Adjustment Board. Petition forms are available from the county
185 | property appraiser and must be filed ON OR BEFORE ...(date)....

186 | Section 7. This act shall take effect July 1, 2016.

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