

1 A bill to be entitled
2 An act relating to homestead exemption fraud; creating
3 s. 196.1611, F.S.; authorizing a homestead exemption
4 fraud detection pilot program in Orange, Osceola, and
5 Seminole Counties; authorizing each property appraiser
6 to conduct an audit of homestead exemption claims;
7 setting criteria for audit of homestead exemption
8 claims; authorizing the board of county commissioners
9 to contract for the examination and audit of homestead
10 exemption claims; specifying payment for such
11 contracted services; specifying authorized and
12 prohibited practices for such contractors in
13 contacting certain people; amending s. 196.161, F.S.;
14 specifying property appraiser duties upon a
15 determination that a person improperly received a
16 homestead exemption from ad valorem taxation;
17 specifying the time period by which a tax lien must be
18 filed under certain circumstances; specifying the
19 calculation to be used in determining the amount of
20 the tax lien; requiring unpaid taxes, penalties, fees,
21 and interest to be included in the next tax notice;
22 providing methods of collection; amending s. 213.30,
23 F.S.; specifying the governmental entities that may
24 contract for certain services to collect money for the
25 failure by a person to comply with the tax laws;

26 providing an effective date.

27

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

29

30 Section 1. Section 196.1611, Florida Statutes, is created
31 to read:

32 196.1611 Central Florida Homestead Exemption Fraud
33 Detection Pilot Program.—

34 (1) By October 1, 2017, the property appraisers for
35 Orange, Osceola, and Seminole counties each may conduct an audit
36 of homestead tax exemptions claimed on exemption rolls. If an
37 audit is conducted, the property appraiser shall determine the
38 percentage of property owners who were not entitled to the
39 claimed homestead exemption. For the purposes of the audit, a
40 property owner is entitled to a homestead exemption if:

41 (a) The property owner claims homestead exemption on the
42 property; and

43 1. The address of the property is the legal residence
44 provided by the property owner to the Department of Highway
45 Safety and Motor Vehicles when applying for a driver license or
46 identification card under chapter 322; or

47 2. The property owner is registered to vote at the
48 address.

49 (b) The property owner lived in the homestead property for
50 the 12 months preceding admission to a long-term care facility

51 as defined in s. 400.0060(6).

52 (2) If a property appraiser conducts an audit under
53 subsection (1) and finds that more than 5 percent of property
54 owners claiming a homestead exemption were not entitled to the
55 claimed exemption, the property appraiser may request the county
56 commission to contract for homestead exemption examination
57 services to conduct a full examination and audit of homestead
58 tax exemptions claimed on assessment rolls.

59 (a) If the county commission contracts for homestead
60 exemption examination services, the county commission shall
61 procure the services using the same purchasing process and
62 requirements generally used by the county.

63 (b) An agreement for contracted services shall specify
64 that the contractor may only receive as compensation an amount
65 not to exceed 25 percent of the back taxes, penalties, and
66 interest imposed pursuant to this chapter that are collected on
67 each assessment made as a result of the contractor's examination
68 or audit. Any payments made under this section must be approved
69 by the county commission as part of county budget or an
70 amendment to the county budget.

71 (3) If a contractor finds that an owner was not entitled
72 to an exemption, the property appraiser may disallow the claimed
73 exemption and remove the homestead exemption from previous tax
74 rolls subject to the following conditions:

75 (a) A claimed exemption may be disallowed and removed from

76 | the tax rolls under this section for no more than the previous 5
 77 | years.

78 | (b) A claimed exemption may not be disallowed and removed
 79 | from the tax rolls under this section where the owner is
 80 | admitted to a long-term care facility as defined in s.
 81 | 400.0060(6).

82 | (4) A contractor retained under this section may only
 83 | contact persons claiming a homestead exemption in a manner
 84 | prescribed in the contract or by the property appraiser. At a
 85 | minimum, the contractor shall notify the person claiming the
 86 | homestead exemption that:

87 | (a) The contractor is a third party who has been
 88 | contracted by the county to examine or audit homestead tax
 89 | exemptions.

90 | (b) The person should contact the property appraiser if he
 91 | or she has any questions. The contractor shall provide the
 92 | property appraiser's contact information.

93 | (5) The contractor may not:

94 | (a) Simulate a governmental official in any manner.

95 | (b) Communicate with the person between the hours of 9
 96 | p.m. and 8 a.m. in the person's time zone without prior consent
 97 | of the person.

98 | (c) Suggest, communicate, or threaten that the person owes
 99 | any money.

100 | (d) Publish or post, threaten to publish or post, or cause

101 to be published or posted before the general public individual
 102 names or any list of names of people who have claimed a
 103 homestead exemption.

104 (6) The property owner may appeal to the value adjustment
 105 board a decision by the property appraiser refusing to allow the
 106 exemption for which application was made as provided in s.
 107 196.151. Notwithstanding s. 196.151, when reviewing the
 108 disallowance of claimed homestead exemptions under this section,
 109 the value adjustment board may consider the determination of the
 110 property appraiser as applied to previous tax years.

111 (7) This section shall expire September 30, 2019.

112 Section 2. Paragraph (b) of subsection (1) and subsection
 113 (2) of section 196.161, Florida Statutes, are amended to read:

114 196.161 Homestead exemptions; lien imposed on property of
 115 person claiming exemption although not a permanent resident.—

116 (1)

117 (b)1. In addition, upon determination by the property
 118 appraiser that for any year or years within the prior 10 years a
 119 person who was not entitled to a homestead exemption was granted
 120 a homestead exemption from ad valorem taxes, ~~it shall be the~~
 121 ~~duty of~~ the property appraiser making such determination shall
 122 immediately certify to the county tax collector the additional
 123 assessment for each year that the owner was not entitled to the
 124 exemption and shall provide the owner the same information. The
 125 tax collector may provide the notice to the owner by United

126 States Postal Service to the address of record and shall to
127 serve upon the owner a notice of intent to record in the public
128 records of the county a notice of tax lien against any property
129 owned by that person in the county.~~and~~ Such property shall be
130 identified in the notice of tax lien. Such property which is
131 situated in this state shall be subject to the taxes exempted
132 thereby, plus a penalty of 50 percent of the unpaid taxes for
133 each year and 15 percent interest per annum. The tax lien shall
134 be filed for the taxes, penalties, fees, and interest that
135 remain unpaid 30 or more days after the notice is sent and shall
136 remain on the property until the taxes, penalties, fees, and
137 interest are paid in full. ~~However, if a homestead exemption is~~
138 ~~improperly granted as a result of a clerical mistake or an~~
139 ~~omission by the property appraiser, the person improperly~~
140 ~~receiving the exemption shall not be assessed penalty and~~
141 ~~interest.~~ Before any such lien may be filed, the owner so
142 notified must be given 30 days to pay the taxes, penalties, and
143 interest.

144 2. If a homestead exemption is improperly granted as a
145 result of a clerical mistake or an omission by the property
146 appraiser, the person improperly receiving the exemption may not
147 be assessed a penalty, interest, or fees.

148 (2) Except when the property appraiser makes a clerical
149 error and improperly grants a homestead exemption, the taxes,
150 penalties, fees, and interest assessed pursuant to this section

151 that are not paid in full shall be included in the next tax
 152 notice and shall be collected in the same manner as, and in
 153 addition to, the current ad valorem taxes under chapter 197,
 154 including the annual tax certificate sale when appropriate ~~The~~
 155 ~~collection of the taxes provided in this section shall be in the~~
 156 ~~same manner as existing ad valorem taxes, and the above~~
 157 ~~procedure of recapturing such taxes shall be supplemental to any~~
 158 ~~existing provision under the laws of this state.~~

159 Section 3. Subsection (3) of section 213.30, Florida
 160 Statutes, is amended to read:

161 213.30 Compensation for information relating to a
 162 violation of the tax laws.—

163 (3) Notwithstanding any other provision of law, this
 164 section and s. 196.1611 are ~~is~~ the sole means by which any
 165 person may seek or obtain any moneys as the result of, in
 166 relation to, or founded upon the failure by another person to
 167 comply with the tax laws of this state. A person's use of any
 168 other law to seek or obtain moneys for such failure is in
 169 derogation of this section and s. 196.1611 and conflicts with
 170 the state's duty to administer the tax laws.

171 Section 4. This act shall take effect July 1, 2017.