

1 A bill to be entitled
 2 An act relating to property tax; amending s. 193.1554,
 3 F.S.; revising criteria under which no change of ownership
 4 of non-homestead residential property occurs; amending s.
 5 193.1555, F.S.; revising criteria under which no change of
 6 ownership of nonresidential property occurs; amending s.
 7 193.1556, F.S.; providing that a recorded deed or other
 8 instrument shall serve as notice of a change of ownership;
 9 requiring the Department of Revenue to provide a form by
 10 which a property owner may notify any property appraiser
 11 of a change of ownership; amending s. 193.461, F.S.;
 12 providing the methodology for assessing certain
 13 agricultural improvements, structures, or equipment
 14 located on agricultural land and used for specified
 15 purposes; amending s. 196.061, F.S.; providing that the
 16 rental of all or a portion of a homestead constitutes
 17 abandonment of the homestead; providing a definition;
 18 amending s. 196.1995, F.S.; providing that the authority
 19 of the governing body of a county or municipality to grant
 20 certain ad valorem tax exemptions may be renewed for
 21 multiple 10-year periods upon approval by referendum;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Paragraph (d) is added to subsection (5) of
 27 section 193.1554, Florida Statutes, to read:

28 193.1554 Assessment of nonhomestead residential property.—

29 (5) Except as provided in this subsection, property
 30 assessed under this section shall be assessed at just value as
 31 of January 1 of the year following a change of ownership or
 32 control. Thereafter, the annual changes in the assessed value of
 33 the property are subject to the limitations in subsections (3)
 34 and (4). For purpose of this section, a change of ownership or
 35 control means any sale, foreclosure, transfer of legal title or
 36 beneficial title in equity to any person, or the cumulative
 37 transfer of control or of more than 50 percent of the ownership
 38 of the legal entity that owned the property when it was most
 39 recently assessed at just value, except as provided in this
 40 subsection. There is no change of ownership if:

41 (d) For a publicly traded company, the cumulative transfer
 42 of more than 50 percent of the ownership of the entity occurs
 43 through the buying and selling of shares of the company on a
 44 public exchange. This exception does not include a transfer made
 45 through a merger with or acquisition by another company,
 46 including acquisition by acquiring outstanding shares of the
 47 company.

48 Section 2. Subsection (5) of section 193.1555, Florida
 49 Statutes, is amended to read:

50 193.1555 Assessment of certain residential and
 51 nonresidential real property.—

52 (5) Except as provided in this subsection, property
 53 assessed under this section shall be assessed at just value as
 54 of January 1 of the year following a qualifying improvement or
 55 change of ownership or control. Thereafter, the annual changes
 56 in the assessed value of the property are subject to the

57 limitations in subsections (3) and (4). For purpose of this
 58 section:

59 (a) A qualifying improvement means any substantially
 60 completed improvement that increases the just value of the
 61 property by at least 25 percent.

62 (b) A change of ownership or control means any sale,
 63 foreclosure, transfer of legal title or beneficial title in
 64 equity to any person, or the cumulative transfer of control or
 65 of more than 50 percent of the ownership of the legal entity
 66 that owned the property when it was most recently assessed at
 67 just value, except as provided in this subsection. There is no
 68 change of ownership if:

- 69 1. The transfer of title is to correct an error; ~~or~~
- 70 2. The transfer is between legal and equitable title; ~~or-~~
- 71 3. For a publicly traded company, the cumulative transfer
 72 of more than 50 percent of the ownership of the entity occurs
 73 through the buying and selling of shares of the company on a
 74 public exchange. This exception does not include a transfer made
 75 through a merger with or acquisition by another company,
 76 including acquisition by acquiring outstanding shares of the
 77 company.

78 Section 3. Section 193.1556, Florida Statutes, is amended
 79 to read:

80 193.1556 Notice of change of ownership or control
 81 required.—

82 (1) Any person or entity that owns property assessed under
 83 s. 193.1554 or s. 193.1555 must notify the property appraiser
 84 promptly of any change of ownership or control as defined in ss.

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85 | 193.1554(5) and 193.1555(5). If the change of ownership is
86 | recorded by a deed or other instrument in the public records of
87 | the county where the property is located, the recorded deed or
88 | other instrument shall serve as notice to the property
89 | appraiser. If any property owner fails to so notify the property
90 | appraiser and the property appraiser determines that for any
91 | year within the prior 10 years the owner's property was not
92 | entitled to assessment under s. 193.1554 or s. 193.1555, the
93 | owner of the property is subject to the taxes avoided as a
94 | result of such failure plus 15 percent interest per annum and a
95 | penalty of 50 percent of the taxes avoided. It is the duty of
96 | the property appraiser making such determination to record in
97 | the public records of the county a notice of tax lien against
98 | any property owned by that person or entity in the county, and
99 | such property must be identified in the notice of tax lien. Such
100 | property is subject to the payment of all taxes and penalties.
101 | Such lien when filed shall attach to any property, identified in
102 | the notice of tax lien, owned by the person or entity that
103 | illegally or improperly was assessed under s. 193.1554 or s.
104 | 193.1555. If such person or entity no longer owns property in
105 | that county, but owns property in some other county or counties
106 | in the state, it shall be the duty of the property appraiser to
107 | record a notice of tax lien in such other county or counties,
108 | identifying the property owned by such person or entity in such
109 | county or counties, and it becomes a lien against such property
110 | in such county or counties.

111 | (2) The Department of Revenue shall provide a form by which
112 | a property owner may provide notice to any property appraiser of

113 a change in ownership. This form must allow a property owner to
 114 list all property in this state which is owned by the the
 115 property owner for which transfer of ownership or control as
 116 defined in ss. 193.1554(5) or 193.1555(5) has occurred but has
 117 not been previously noticed.

118 Section 4. Paragraph (c) of subsection (6) of section
 119 193.461, Florida Statutes, is amended to read:

120 193.461 Agricultural lands; classification and assessment;
 121 mandated eradication or quarantine program.—

122 (6)

123 (c)1. For purposes of the income methodology approach to
 124 assessment of property used for agricultural purposes,
 125 irrigation systems, including pumps and motors, physically
 126 attached to the land shall be considered a part of the average
 127 yields per acre and shall have no separately assessable
 128 contributory value.

129 2. Litter containment structures located on producing
 130 poultry farms and animal waste nutrient containment structures
 131 located on producing dairy farms shall be assessed by the
 132 methodology described in subparagraph 1.

133 3. Structures or improvements used for horticulture
 134 production that improve water quality or water conservation, as
 135 designated by the Department of Agriculture's interim measures
 136 or best management practices adopted pursuant to s. 570.085 or
 137 s. 403.067(7) (c), shall be assessed by the methodology described
 138 in subparagraph 1.

139 Section 5. Section 196.061, Florida Statutes, is amended
 140 to read:

141 196.061 Rental of homestead to constitute abandonment.—The
 142 rental of all or substantially all of a ~~an entire~~ dwelling
 143 previously claimed to be a homestead for tax purposes shall
 144 constitute the abandonment of said dwelling as a homestead, and
 145 said abandonment shall continue until such dwelling is
 146 physically occupied by the owner thereof. However, such
 147 abandonment of such homestead after January 1 of any year shall
 148 not affect the homestead exemption for tax purposes for that
 149 particular year so long as this provision is not used for 2
 150 consecutive years. The provisions of this section shall not
 151 apply to a member of the Armed Forces of the United States whose
 152 service in such forces is the result of a mandatory obligation
 153 imposed by the federal Selective Service Act or who volunteers
 154 for service as a member of the Armed Forces of the United
 155 States. The term "rental," as used herein, shall mean any
 156 rental, lease, license, or other similar agreement by which the
 157 owner is compensated for use of the dwelling by tenants or
 158 guests.

159 Section 6. Subsection (7) of section 196.1995, Florida
 160 Statutes, is amended to read:

161 196.1995 Economic development ad valorem tax exemption.—

162 (7) The authority to grant exemptions under this section
 163 expires ~~will expire~~ 10 years after the date such authority was
 164 approved in an election, but such authority may be renewed for
 165 subsequent another 10-year periods if each 10-year renewal is
 166 approved ~~period~~ in a referendum called and held pursuant to this
 167 section.

168 Section 7. This act shall take effect July 1, 2010.