

By the Committee on Community Affairs; and Senators Latvala and Fasano

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A bill to be entitled

An act relating to the assessment of residential real property; creating s. 193.624, F.S.; providing definitions; prohibiting adding the value of certain improvements to the assessed value of certain real property; providing a limitation on the assessed value of certain real property; providing application; providing procedural requirements and limitations; requiring a nonrefundable filing fee; amending ss. 193.155 and 193.1554, F.S.; specifying additional exceptions to assessments of homestead and nonhomestead property at just value; amending s. 196.012, F.S.; deleting a definition; conforming a cross-reference; amending ss. 196.121 and 196.1995, F.S.; conforming cross-references; repealing s. 196.175, F.S., relating to the renewable energy source property tax exemption; providing for application; providing an effective date.

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

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

193.624 Assessment of residential property.—

(1) For the purposes of this section:

(a) "Changes or improvements made for the purpose of improving a property's resistance to wind damage" means:

1. Improving the strength of the roof-deck attachment;

2. Creating a secondary water barrier to prevent water

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30 intrusion;

31 3. Installing wind-resistant shingles;

32 4. Installing gable-end bracing;

33 5. Reinforcing roof-to-wall connections;

34 6. Installing storm shutters; or

35 7. Installing opening protections.

36 (b) "Renewable energy source device" means any of the  
37 following equipment that collects, transmits, stores, or uses  
38 solar energy, wind energy, or energy derived from geothermal  
39 deposits:

40 1. Solar energy collectors, photovoltaic modules, and  
41 inverters.

42 2. Storage tanks and other storage systems, excluding  
43 swimming pools used as storage tanks.

44 3. Rockbeds.

45 4. Thermostats and other control devices.

46 5. Heat exchange devices.

47 6. Pumps and fans.

48 7. Roof ponds.

49 8. Freestanding thermal containers.

50 9. Pipes, ducts, refrigerant handling systems, and other  
51 equipment used to interconnect such systems; however, such  
52 equipment does not include conventional backup systems of any  
53 type.

54 10. Windmills and wind turbines.

55 11. Wind-driven generators.

56 12. Power conditioning and storage devices that use wind  
57 energy to generate electricity or mechanical forms of energy.

58 13. Pipes and other equipment used to transmit hot

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59 geothermal water to a dwelling or structure from a geothermal  
60 deposit.

61 (2) In determining the assessed value of real property used  
62 for residential purposes, the just value of changes or  
63 improvements made for the purpose of improving a property's  
64 resistance to wind damage and the just value of renewable energy  
65 source devices shall not be added to the assessed value as  
66 limited by s. 193.155 or s. 193.1554.

67 (3) The assessed value of real property used for  
68 residential purposes shall not exceed the total just value of  
69 the property minus the combined just values of changes or  
70 improvements made for the purpose of improving a property's  
71 resistance to wind damage and renewal energy source devices.

72 (4) This section applies to new and existing construction  
73 used for residential purposes.

74 (5) A parcel of residential property may not be assessed  
75 pursuant to this section unless an application is filed on or  
76 before March 1 of the first year the property owner claims the  
77 assessment reduction for renewable energy source devices or  
78 changes or improvements made for the purpose of improving the  
79 property's resistance to wind damage. The property appraiser may  
80 require the taxpayer or the taxpayer's representative to furnish  
81 the property appraiser such information as may reasonably be  
82 required to establish the just value of the renewable energy  
83 source devices or changes or improvements made for the purpose  
84 of improving the property's resistance to wind damage. Failure  
85 to make timely application by March 1 shall constitute a waiver  
86 of the property owner to have his or her assessment calculated  
87 under this section. However, an applicant who fails to file an

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88 application by March 1 may file a late application and may file,  
89 pursuant to s. 194.011(3), a petition with the value adjustment  
90 board requesting assessment under this section. The petition  
91 must be filed on or before the 25th day after the mailing of the  
92 notice by the property appraiser as provided in s. 194.011(1).  
93 Notwithstanding s. 194.013, the applicant must pay a  
94 nonrefundable fee of \$15 upon filing the petition. Upon  
95 reviewing the petition, if the property is qualified to be  
96 assessed under this section and the property owner demonstrates  
97 particular extenuating circumstances judged by the property  
98 appraiser or the value adjustment board to warrant granting  
99 assessment under this section, the property appraiser shall  
100 calculate the assessment in accordance with this section.

101 Section 2. Paragraph (a) of subsection (4) of section  
102 193.155, Florida Statutes, is amended to read:

103 193.155 Homestead assessments.—Homestead property shall be  
104 assessed at just value as of January 1, 1994. Property receiving  
105 the homestead exemption after January 1, 1994, shall be assessed  
106 at just value as of January 1 of the year in which the property  
107 receives the exemption unless the provisions of subsection (8)  
108 apply.

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

113 Section 3. Paragraph (a) of subsection (6) of section  
114 193.1554, Florida Statutes, is amended to read:

115 193.1554 Assessment of nonhomestead residential property.—

116 (6) (a) Except as provided in paragraph (b) and s. 193.624,

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117 changes, additions, or improvements to nonhomestead residential  
118 property shall be assessed at just value as of the first January  
119 1 after the changes, additions, or improvements are  
120 substantially completed.

121 Section 4. Subsections (14) through (20) of section  
122 196.012, Florida Statutes, are amended to read:

123 196.012 Definitions.—For the purpose of this chapter, the  
124 following terms are defined as follows, except where the context  
125 clearly indicates otherwise:

126 ~~(14) "Renewable energy source device" or "device" means any~~  
127 ~~of the following equipment which, when installed in connection~~  
128 ~~with a dwelling unit or other structure, collects, transmits,~~  
129 ~~stores, or uses solar energy, wind energy, or energy derived~~  
130 ~~from geothermal deposits:~~

131 ~~(a) Solar energy collectors.~~

132 ~~(b) Storage tanks and other storage systems, excluding~~  
133 ~~swimming pools used as storage tanks.~~

134 ~~(c) Rockbeds.~~

135 ~~(d) Thermostats and other control devices.~~

136 ~~(e) Heat exchange devices.~~

137 ~~(f) Pumps and fans.~~

138 ~~(g) Roof ponds.~~

139 ~~(h) Freestanding thermal containers.~~

140 ~~(i) Pipes, ducts, refrigerant handling systems, and other~~  
141 ~~equipment used to interconnect such systems; however,~~  
142 ~~conventional backup systems of any type are not included in this~~  
143 ~~definition.~~

144 ~~(j) Windmills.~~

145 ~~(k) Wind driven generators.~~

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

148 ~~(m) Pipes and other equipment used to transmit hot~~  
149 ~~geothermal water to a dwelling or structure from a geothermal~~  
150 ~~deposit.~~

151 (14) ~~(15)~~ "New business" means:

152 (a)1. A business establishing 10 or more jobs to employ 10  
153 or more full-time employees in this state, which manufactures,  
154 processes, compounds, fabricates, or produces for sale items of  
155 tangible personal property at a fixed location and which  
156 comprises an industrial or manufacturing plant;

157 2. A business establishing 25 or more jobs to employ 25 or  
158 more full-time employees in this state, the sales factor of  
159 which, as defined by s. 220.15(5), for the facility with respect  
160 to which it requests an economic development ad valorem tax  
161 exemption is less than 0.50 for each year the exemption is  
162 claimed; or

163 3. An office space in this state owned and used by a  
164 corporation newly domiciled in this state; provided such office  
165 space houses 50 or more full-time employees of such corporation;  
166 provided that such business or office first begins operation on  
167 a site clearly separate from any other commercial or industrial  
168 operation owned by the same business.

169 (b) Any business located in an enterprise zone or  
170 brownfield area that first begins operation on a site clearly  
171 separate from any other commercial or industrial operation owned  
172 by the same business.

173 (c) A business that is situated on property annexed into a  
174 municipality and that, at the time of the annexation, is

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175 receiving an economic development ad valorem tax exemption from  
176 the county under s. 196.1995.

177 (15)~~(16)~~ "Expansion of an existing business" means:

178 (a)1. A business establishing 10 or more jobs to employ 10  
179 or more full-time employees in this state, which manufactures,  
180 processes, compounds, fabricates, or produces for sale items of  
181 tangible personal property at a fixed location and which  
182 comprises an industrial or manufacturing plant; or

183 2. A business establishing 25 or more jobs to employ 25 or  
184 more full-time employees in this state, the sales factor of  
185 which, as defined by s. 220.15(5), for the facility with respect  
186 to which it requests an economic development ad valorem tax  
187 exemption is less than 0.50 for each year the exemption is  
188 claimed; provided that such business increases operations on a  
189 site colocated with a commercial or industrial operation owned  
190 by the same business, resulting in a net increase in employment  
191 of not less than 10 percent or an increase in productive output  
192 of not less than 10 percent.

193 (b) Any business located in an enterprise zone or  
194 brownfield area that increases operations on a site colocated  
195 with a commercial or industrial operation owned by the same  
196 business.

197 (16)~~(17)~~ "Permanent resident" means a person who has  
198 established a permanent residence as defined in subsection (17)  
199 ~~(18)~~.

200 (17)~~(18)~~ "Permanent residence" means that place where a  
201 person has his or her true, fixed, and permanent home and  
202 principal establishment to which, whenever absent, he or she has  
203 the intention of returning. A person may have only one permanent

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204 residence at a time; and, once a permanent residence is  
205 established in a foreign state or country, it is presumed to  
206 continue until the person shows that a change has occurred.

207 (18)~~(19)~~ "Enterprise zone" means an area designated as an  
208 enterprise zone pursuant to s. 290.0065. This subsection expires  
209 on the date specified in s. 290.016 for the expiration of the  
210 Florida Enterprise Zone Act.

211 (19)~~(20)~~ "Ex-servicemember" means any person who has served  
212 as a member of the United States Armed Forces on active duty or  
213 state active duty, a member of the Florida National Guard, or a  
214 member of the United States Reserve Forces.

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

217 196.121 Homestead exemptions; forms.—

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

223 Section 6. Subsection (6), paragraph (d) of subsection (8),  
224 paragraph (d) of subsection (9), and paragraph (d) of subsection  
225 (10) of section 196.1995, Florida Statutes, are amended to read:

226 196.1995 Economic development ad valorem tax exemption.—

227 (6) With respect to a new business as defined by s.  
228 196.012(14)~~(15)~~(c), the municipality annexing the property on  
229 which the business is situated may grant an economic development  
230 ad valorem tax exemption under this section to that business for  
231 a period that will expire upon the expiration of the exemption  
232 granted by the county. If the county renews the exemption under

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233 subsection (7), the municipality may also extend its exemption.  
234 A municipal economic development ad valorem tax exemption  
235 granted under this subsection may not extend beyond the duration  
236 of the county exemption.

237 (8) Any person, firm, or corporation which desires an  
238 economic development ad valorem tax exemption shall, in the year  
239 the exemption is desired to take effect, file a written  
240 application on a form prescribed by the department with the  
241 board of county commissioners or the governing authority of the  
242 municipality, or both. The application shall request the  
243 adoption of an ordinance granting the applicant an exemption  
244 pursuant to this section and shall include the following  
245 information:

246 (d) Proof, to the satisfaction of the board of county  
247 commissioners or the governing authority of the municipality,  
248 that the applicant is a new business or an expansion of an  
249 existing business, as defined in s. 196.012~~(15)~~ or ~~(16)~~; and

250 (9) Before it takes action on the application, the board of  
251 county commissioners or the governing authority of the  
252 municipality shall deliver a copy of the application to the  
253 property appraiser of the county. After careful consideration,  
254 the property appraiser shall report the following information to  
255 the board of county commissioners or the governing authority of  
256 the municipality:

257 (d) A determination as to whether the property for which an  
258 exemption is requested is to be incorporated into a new business  
259 or the expansion of an existing business, as defined in s.  
260 196.012~~(15)~~ or ~~(16)~~, or into neither, which determination the  
261 property appraiser shall also affix to the face of the

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262 application. Upon the request of the property appraiser, the  
263 department shall provide to him or her such information as it  
264 may have available to assist in making such determination.

265 (10) An ordinance granting an exemption under this section  
266 shall be adopted in the same manner as any other ordinance of  
267 the county or municipality and shall include the following:

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

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

271 Section 8. This act shall take effect July 1, 2011, and  
272 applies to assessments beginning January 1, 2012.