

By Senator Latvala

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1 A bill to be entitled
2 An act relating to the assessment of residential and
3 nonhomestead real property; amending s. 193.114, F.S.;
4 limiting a review of changes to the assessed or
5 taxable value of real property resulting from certain
6 informal conferences to a review by the Department of
7 Revenue; creating s. 193.624, F.S.; providing
8 definitions; excluding the value of certain
9 improvements from the assessed value of residential
10 real property; specifying a limitation on the assessed
11 value of residential real property; providing for
12 application of the assessment limitations; providing
13 procedural requirements and limitations; requiring a
14 nonrefundable filing fee for a petition to the value
15 adjustment board; amending s. 193.155, F.S.;
16 specifying additional exceptions to the assessment of
17 homestead property at just value; amending ss.
18 193.1554 and 193.1555, F.S.; specifying additional
19 exceptions to assessment of nonhomestead property at
20 just value; defining the term "placed on the tax
21 roll"; providing for the continuity and apportionment
22 of assessment limitations on combined and divided
23 parcels; specifying when divided or combined parcels
24 shall appear as combined or divided on a tax roll;
25 amending s. 196.012, F.S.; deleting the definition of
26 the terms "renewable energy source device" and
27 "device"; conforming a cross-reference; amending ss.
28 196.121 and 196.1995, F.S.; conforming cross-
29 references; repealing s. 196.175, F.S., relating to

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30 the property tax exemption for renewable energy source
31 devices; providing for application of the act;
32 providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
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36 Section 1. Subsection (4) of section 193.114, Florida
37 Statutes, is amended to read:

38 193.114 Preparation of assessment rolls.—

39 (4) (a) For every change made to the assessed or taxable
40 value of a parcel on an assessment roll subsequent to the
41 mailing of the notice provided for in s. 200.069, the property
42 appraiser shall document the reason for such change in the
43 public records of the office of the property appraiser in a
44 manner acceptable to the executive director or the executive
45 director's designee. For every change made to the assessed or
46 taxable value of a parcel on the assessment roll as the result
47 of an informal conference under s. 194.011(2), only the
48 department may review whether such changes are consistent with
49 the law.

50 (b) For every change that decreases the assessed or taxable
51 value of a parcel on an assessment roll between the time of
52 complete submission of the tax roll pursuant to s. 193.1142(3)
53 and mailing of the notice provided for in s. 200.069, the
54 property appraiser shall document the reason for such change in
55 the public records of the office of the property appraiser in a
56 manner acceptable to the executive director or the executive
57 director's designee. Changes made by the value adjustment board
58 are not subject to the requirements of this subsection.

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59 Section 2. Section 193.624, Florida Statutes, is created to
60 read:

61 193.624 Assessment of residential property.-

62 (1) For the purposes of this section:

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

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

66 2. Creating a secondary water barrier to prevent water
67 intrusion;

68 3. Installing wind-resistant shingles;

69 4. Installing gable-end bracing;

70 5. Reinforcing roof-to-wall connections;

71 6. Installing storm shutters; or

72 7. Installing opening protections.

73 (b) "Renewable energy source device" means any of the
74 following equipment that collects, transmits, stores, or uses
75 solar energy, wind energy, or energy derived from geothermal
76 deposits:

77 1. Solar energy collectors, photovoltaic modules, and
78 inverters.

79 2. Storage tanks and other storage systems, excluding
80 swimming pools used as storage tanks.

81 3. Rockbeds.

82 4. Thermostats and other control devices.

83 5. Heat exchange devices.

84 6. Pumps and fans.

85 7. Roof ponds.

86 8. Freestanding thermal containers.

87 9. Pipes, ducts, refrigerant handling systems, and other

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88 equipment used to interconnect such systems; however, such
89 equipment does not include conventional backup systems of any
90 type.

91 10. Windmills and wind turbines.

92 11. Wind-driven generators.

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

95 13. Pipes and other equipment used to transmit hot
96 geothermal water to a dwelling or structure from a geothermal
97 deposit.

98 (2) In determining the assessed value of real property used
99 for residential purposes, the just value of changes or
100 improvements made for the purpose of improving a property's
101 resistance to wind damage and the just value of renewable energy
102 source devices may not be added to the assessed value as limited
103 by s. 193.155 or s. 193.1554.

104 (3) The assessed value of real property used for
105 residential purposes may not exceed the total just value of the
106 property minus the combined just values of changes or
107 improvements made for the purpose of improving a property's
108 resistance to wind damage and renewable energy source devices.

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

111 (5) A parcel of residential property may not be assessed
112 pursuant to this section unless an application is filed on or
113 before March 1 of the first year the property owner claims the
114 assessment reduction for renewable energy source devices or
115 changes or improvements made for the purpose of improving the
116 property's resistance to wind damage. The property appraiser may

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117 require the taxpayer or the taxpayer's representative to furnish
118 the property appraiser such information as may reasonably be
119 required to establish the just value of the renewable energy
120 source devices or changes or improvements made for the purpose
121 of improving the property's resistance to wind damage. Failure
122 to make timely application by March 1 constitutes a waiver of
123 the property owner to have his or her assessment calculated
124 under this section. However, an applicant who fails to file an
125 application by March 1 may file a late application and may file,
126 pursuant to s. 194.011(3), a petition with the value adjustment
127 board requesting assessment under this section. The petition
128 must be filed on or before the 25th day after the mailing of the
129 notice by the property appraiser as provided in s. 194.011(1).
130 Notwithstanding s. 194.013, the applicant must pay a
131 nonrefundable fee of \$15 upon filing the petition. Upon
132 reviewing the petition, if the property is qualified to be
133 assessed under this section and the property owner demonstrates
134 particular extenuating circumstances judged by the property
135 appraiser or the value adjustment board to warrant granting
136 assessment under this section, the property appraiser shall
137 calculate the assessment pursuant to this section.

138 Section 3. Paragraph (a) of subsection (4) of section
139 193.155, Florida Statutes, is amended to read:

140 193.155 Homestead assessments.—Homestead property shall be
141 assessed at just value as of January 1, 1994. Property receiving
142 the homestead exemption after January 1, 1994, shall be assessed
143 at just value as of January 1 of the year in which the property
144 receives the exemption unless the provisions of subsection (8)
145 apply.

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

150 Section 4. Subsection (1), paragraph (a) of subsection (6),
151 and subsection (7) of section 193.1554, Florida Statutes, are
152 amended to read:

153 193.1554 Assessment of nonhomestead residential property.-

154 (1) As used in this section, the term:

155 (a) "Nonhomestead residential property" means residential
156 real property that contains nine or fewer dwelling units,
157 including vacant property zoned and platted for residential use,
158 and that does not receive the exemption under s. 196.031.

159 (b) "Placed on the tax roll" means the year any property,
160 as of January 1, becomes eligible for assessment under this
161 section and becomes a nonhomestead property or a property that
162 has been combined or divided.

163 (6) (a) Except as provided in paragraph (b) and s. 193.624,
164 changes, additions, or improvements to nonhomestead residential
165 property shall be assessed at just value as of the first January
166 1 after the changes, additions, or improvements are
167 substantially completed.

168 (7) Any property that is combined or divided after January
169 1 and included as a combined or divided parcel on the tax notice
170 shall receive any current assessment limitation on the newly
171 combined parcel or parcels or have any current assessment
172 limitation apportioned among the newly created parcel or
173 parcels, and the property may not be considered combined or
174 divided for purposes of this section until the following January

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175 1, when the parcel or parcels shall be considered placed on the
176 tax roll as a combined or divided parcel or parcels. Any
177 ~~increase in the value of property assessed under this section~~
178 ~~which is attributable to combining or dividing parcels shall be~~
179 ~~assessed at just value, and the just value shall be apportioned~~
180 ~~among the parcels created.~~

181 Section 5. Subsections (1) and (7) of section 193.1555,
182 Florida Statutes, are amended to read:

183 193.1555 Assessment of certain residential and
184 nonresidential real property.—

185 (1) As used in this section, the term:

186 (a) "Nonresidential real property" means real property that
187 is not subject to the assessment limitations set forth in s.
188 4(a), (c), (d), or (g), Art. VII of the State Constitution.

189 (b) "Improvement" means an addition or change to land or
190 buildings which increases their value and is more than a repair
191 or a replacement.

192 (c) "Placed on the tax roll" means the year any property,
193 as of January 1, becomes eligible for assessment under this
194 section and becomes a nonhomestead property or a property that
195 has been combined or divided.

196 (7) Any property that is combined or divided after January
197 1 and included as a combined or divided parcel on the tax notice
198 shall receive any current assessment limitation on the newly
199 combined parcel or parcels or have any current assessment
200 limitation apportioned among the newly created parcel or
201 parcels, and the property may not be considered combined or
202 divided for purposes of this section until the following January
203 1, when the parcel or parcels shall be considered placed on the

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204 tax roll as a combined or divided parcel or parcels. Any
205 ~~increase in the value of property assessed under this section~~
206 ~~which is attributable to combining or dividing parcels shall be~~
207 ~~assessed at just value, and the just value shall be apportioned~~
208 ~~among the parcels created.~~

209 Section 6. Subsections (14) through (20) of section
210 196.012, Florida Statutes, are amended to read:

211 196.012 Definitions.—For the purpose of this chapter, the
212 following terms are defined as follows, except where the context
213 clearly indicates otherwise:

214 ~~(14) "Renewable energy source device" or "device" means any~~
215 ~~of the following equipment which, when installed in connection~~
216 ~~with a dwelling unit or other structure, collects, transmits,~~
217 ~~stores, or uses solar energy, wind energy, or energy derived~~
218 ~~from geothermal deposits:~~

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

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

222 ~~(c) Rockbeds.~~

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

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

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

226 ~~(g) Roof ponds.~~

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

228 ~~(i) Pipes, ducts, refrigerant handling systems, and other~~
229 ~~equipment used to interconnect such systems; however,~~
230 ~~conventional backup systems of any type are not included in this~~
231 ~~definition.~~

232 ~~(j) Windmills.~~

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- 233 ~~(k) Wind-driven generators.~~
- 234 ~~(l) Power conditioning and storage devices that use wind~~
235 ~~energy to generate electricity or mechanical forms of energy.~~
- 236 ~~(m) Pipes and other equipment used to transmit hot~~
237 ~~geothermal water to a dwelling or structure from a geothermal~~
238 ~~deposit.~~
- 239 (14)~~(15)~~ "New business" means:
- 240 (a)1. A business or organization establishing 10 or more
241 new jobs to employ 10 or more full-time employees in this state,
242 paying an average wage for such new jobs that is above the
243 average wage in the area, which principally engages in any one
244 or more of the following operations:
- 245 a. Manufactures, processes, compounds, fabricates, or
246 produces for sale items of tangible personal property at a fixed
247 location and which comprises an industrial or manufacturing
248 plant; or
- 249 b. Is a target industry business as defined in s.
250 288.106(2) (t);
- 251 2. A business or organization establishing 25 or more new
252 jobs to employ 25 or more full-time employees in this state, the
253 sales factor of which, as defined by s. 220.15(5), for the
254 facility with respect to which it requests an economic
255 development ad valorem tax exemption is less than 0.50 for each
256 year the exemption is claimed; or
- 257 3. An office space in this state owned and used by a
258 business or organization newly domiciled in this state; provided
259 such office space houses 50 or more full-time employees of such
260 business or organization; provided that such business or
261 organization office first begins operation on a site clearly

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262 separate from any other commercial or industrial operation owned
263 by the same business or organization.

264 (b) Any business or organization located in an enterprise
265 zone or brownfield area that first begins operation on a site
266 clearly separate from any other commercial or industrial
267 operation owned by the same business or organization.

268 (c) A business or organization that is situated on property
269 annexed into a municipality and that, at the time of the
270 annexation, is receiving an economic development ad valorem tax
271 exemption from the county under s. 196.1995.

272 (15)~~(16)~~ "Expansion of an existing business" means:

273 (a)1. A business or organization establishing 10 or more
274 new jobs to employ 10 or more full-time employees in this state,
275 paying an average wage for such new jobs that is above the
276 average wage in the area, which principally engages in any of
277 the operations referred to in subparagraph (15)(a)1.; or

278 2. A business or organization establishing 25 or more new
279 jobs to employ 25 or more full-time employees in this state, the
280 sales factor of which, as defined by s. 220.15(5), for the
281 facility with respect to which it requests an economic
282 development ad valorem tax exemption is less than 0.50 for each
283 year the exemption is claimed; provided that such business
284 increases operations on a site located within the same county,
285 municipality, or both colocated with a commercial or industrial
286 operation owned by the same business or organization under
287 common control with the same business or organization, resulting
288 in a net increase in employment of not less than 10 percent or
289 an increase in productive output or sales of not less than 10
290 percent.

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291 (b) Any business or organization located in an enterprise
292 zone or brownfield area that increases operations on a site
293 located within the same zone or area colocated with a commercial
294 or industrial operation owned by the same business or
295 organization under common control with the same business or
296 organization.

297 (16)~~(17)~~ "Permanent resident" means a person who has
298 established a permanent residence as defined in subsection (17)
299 ~~(18)~~.

300 (17)~~(18)~~ "Permanent residence" means that place where a
301 person has his or her true, fixed, and permanent home and
302 principal establishment to which, whenever absent, he or she has
303 the intention of returning. A person may have only one permanent
304 residence at a time; and, once a permanent residence is
305 established in a foreign state or country, it is presumed to
306 continue until the person shows that a change has occurred.

307 (18)~~(19)~~ "Enterprise zone" means an area designated as an
308 enterprise zone pursuant to s. 290.0065. This subsection expires
309 on the date specified in s. 290.016 for the expiration of the
310 Florida Enterprise Zone Act.

311 (19)~~(20)~~ "Ex-servicemember" means any person who has served
312 as a member of the United States Armed Forces on active duty or
313 state active duty, a member of the Florida National Guard, or a
314 member of the United States Reserve Forces.

315 Section 7. Subsection (2) of section 196.121, Florida
316 Statutes, is amended to read:

317 196.121 Homestead exemptions; forms.—

318 (2) The forms shall require the taxpayer to furnish certain
319 information to the property appraiser for the purpose of

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320 determining that the taxpayer is a permanent resident as defined
321 in s. 196.012 (16) ~~(17)~~. Such information may include, but need
322 not be limited to, the factors enumerated in s. 196.015.

323 Section 8. Subsections (6) and (8) and paragraph (d) of
324 subsection (9) of section 196.1995, Florida Statutes, are
325 amended to read:

326 196.1995 Economic development ad valorem tax exemption.—

327 (6) With respect to a new business as defined by s.
328 196.012 (14) ~~(15)~~ (c), the municipality annexing the property on
329 which the business is situated may grant an economic development
330 ad valorem tax exemption under this section to that business for
331 a period that will expire upon the expiration of the exemption
332 granted by the county. If the county renews the exemption under
333 subsection (7), the municipality may also extend its exemption.
334 A municipal economic development ad valorem tax exemption
335 granted under this subsection may not extend beyond the duration
336 of the county exemption.

337 (8) Any person, firm, or corporation which desires an
338 economic development ad valorem tax exemption shall, in the year
339 the exemption is desired to take effect, file a written
340 application on a form prescribed by the department with the
341 board of county commissioners or the governing authority of the
342 municipality, or both. The application shall request the
343 adoption of an ordinance granting the applicant an exemption
344 pursuant to this section and shall include the following
345 information:

346 (a) The name and location of the new business or the
347 expansion of an existing business;

348 (b) A description of the improvements to real property for

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349 which an exemption is requested and the date of commencement of
350 construction of such improvements;

351 (c) A description of the tangible personal property for
352 which an exemption is requested and the dates when such property
353 was or is to be purchased;

354 (d) Proof, to the satisfaction of the board of county
355 commissioners or the governing authority of the municipality,
356 that the applicant is a new business or an expansion of an
357 existing business, as defined in s. 196.012~~(15)~~ ~~or~~ ~~(16)~~;

358 (e) The number of jobs the applicant expects to create
359 along with the average wage of the jobs and whether the jobs are
360 full-time or part-time;

361 (f) The expected time schedule for job creation; and

362 (g) Other information deemed necessary or appropriate by
363 the department, county, or municipality.

364 (9) Before it takes action on the application, the board of
365 county commissioners or the governing authority of the
366 municipality shall deliver a copy of the application to the
367 property appraiser of the county. After careful consideration,
368 the property appraiser shall report the following information to
369 the board of county commissioners or the governing authority of
370 the municipality:

371 (d) A determination as to whether the property for which an
372 exemption is requested is to be incorporated into a new business
373 or the expansion of an existing business, as defined in s.
374 196.012~~(15)~~ ~~or~~ ~~(16)~~, or into neither, which determination the
375 property appraiser shall also affix to the face of the
376 application. Upon the request of the property appraiser, the
377 department shall provide to him or her such information as it

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378 may have available to assist in making such determination.

379 Section 9. Section 196.175, Florida Statutes, is repealed.

380 Section 10. This act shall take effect July 1, 2012, and

381 applies to assessments beginning January 1, 2013.