

HB417

2015

1 A bill to be entitled
 2 An act relating to ad valorem assessments; amending s.
 3 192.001, F.S.; defining the terms "fair market value,"
 4 "just value," and "market value"; amending s.
 5 192.0105, F.S.; providing in the Taxpayer's Bill of
 6 Rights the right to value definitions based on actual
 7 assessment practices and applicable law applied
 8 consistently in assessment development and assessment
 9 review; providing an effective date.

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

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

16 192.001 Definitions.—All definitions set out in chapters 1
 17 and 200 that are applicable to this chapter are included herein.
 18 In addition, the following definitions shall apply in the
 19 imposition of ad valorem taxes:

20 (2) "Assessed value of property" means an annual
 21 determination of:

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

23 (b) The value of property as limited by Art. VII of the
 24 State Constitution; or

25 (c) The value of property in a classified use or at a
 26 fractional value if the property is assessed solely on the basis

27 of character or use or at a specified percentage of its value
 28 under Art. VII of the State Constitution.

29 (20) "Fair market value" means the amount a buyer willing
 30 but not forced to buy would pay a seller willing but not forced
 31 to sell in an arm's length transaction, before adjustments, if
 32 any, made to recorded selling prices or fair market value in
 33 determining the just value of property under s. 193.011.

34 (21) "Just value" means the amount a buyer willing but not
 35 forced to buy would pay a seller willing but not forced to sell
 36 in an arm's length transaction with proper consideration given
 37 to each statutory factor, after adjustments, if any, made to
 38 recorded selling prices or fair market value in determining the
 39 just value of property under s. 193.011.

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

42 Section 2. Paragraphs (a) through (i) of subsection (2) of
 43 section 192.0105, Florida Statutes, are redesignated as
 44 paragraphs (b) through (j), respectively, and a new paragraph
 45 (a) is added to that subsection to read:

46 192.0105 Taxpayer rights.—There is created a Florida
 47 Taxpayer's Bill of Rights for property taxes and assessments to
 48 guarantee that the rights, privacy, and property of the
 49 taxpayers of this state are adequately safeguarded and protected
 50 during tax levy, assessment, collection, and enforcement
 51 processes administered under the revenue laws of this state. The
 52 Taxpayer's Bill of Rights compiles, in one document, brief but

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2015

53 comprehensive statements that summarize the rights and
54 obligations of the property appraisers, tax collectors, clerks
55 of the court, local governing boards, the Department of Revenue,
56 and taxpayers. Additional rights afforded to payors of taxes and
57 assessments imposed under the revenue laws of this state are
58 provided in s. 213.015. The rights afforded taxpayers to assure
59 that their privacy and property are safeguarded and protected
60 during tax levy, assessment, and collection are available only
61 insofar as they are implemented in other parts of the Florida
62 Statutes or rules of the Department of Revenue. The rights so
63 guaranteed to state taxpayers in the Florida Statutes and the
64 departmental rules include:

65 (2) THE RIGHT TO DUE PROCESS.—

66 (a) The right to value definitions based on actual
67 assessment practices, applicable provisions of the State
68 Constitution, and the laws of this state, applied consistently
69 in both assessment development by the property appraiser and
70 assessment review by the value adjustment board and the courts
71 of this state (see ss. 192.001, 193.011, 194.301, and 194.3015).

72 Section 3. This act shall take effect July 1, 2015.