

HB 417

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

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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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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.