

By Senator Gruters

23-00086C-22

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1 A bill to be entitled
2 An act relating to taxation; amending s. 197.102,
3 F.S.; defining the terms "beneficial owner" and "legal
4 entity"; creating s. 197.4315, F.S.; providing
5 legislative intent; amending s. 197.432, F.S.;
6 removing authorization for a tax collector to require
7 payment of a reasonable deposit from certain persons;
8 providing that any person may register and participate
9 in tax certificate sales; removing an exception;
10 removing provisions related to mailing of certain
11 notices by tax collectors; conforming a provision to
12 changes made by the act; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Present paragraph (b) of subsection (1) of
17 section 197.102, Florida Statutes, is redesignated as paragraph
18 (c), present paragraphs (c) through (i) of that subsection are
19 redesignated as paragraphs (e) through (k), respectively, and
20 new paragraphs (b) and (d) are added to that subsection, to
21 read:

22 197.102 Definitions.—

23 (1) As used in this chapter, the following definitions
24 apply, unless the context clearly requires otherwise:

25 (b) "Beneficial owner" means an individual or a legal
26 entity that owns or controls more than one legal entity.

27 (d) "Legal entity" means any firm, association, joint
28 adventure, partnership, estate, trust, business trust,
29 syndicate, fiduciary, corporation, other group or combination,

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30 or any other entity that has been assigned a unique federal
31 identification number.

32 Section 2. Section 197.4315, Florida Statutes, is created
33 to read:

34 197.4315 Legislative intent.—It is the public policy of
35 this state that the process for securing revenue for local
36 governments through the sale of tax certificates for unpaid ad
37 valorem taxes be designed and implemented to provide the
38 delinquent property owner the best opportunity to redeem
39 delinquent taxes by ensuring that a tax certificate is sold to
40 the person who will demand the lowest rate of interest less than
41 the maximum interest rate authorized by statute. Limitations
42 upon bidders which are structured in a manner that discourages
43 volume or institutional buyers inappropriately focus on the
44 investor's economic interests rather than ensuring that interest
45 rates charged to delinquent taxpayers remain as low as possible.
46 Such limitations are against public policy.

47 Section 3. Subsection (7) of section 197.432, Florida
48 Statutes, is amended to read:

49 197.432 Sale of tax certificates for unpaid taxes.—

50 (7) Any person may register to bid and participate in sales
51 of tax certificates; however, ~~The tax collector may require~~
52 ~~payment of a reasonable deposit from any person who wishes to~~
53 ~~bid for a tax certificate.~~ a person who fails or refuses to pay
54 any bid made by, or on behalf of, such person is not entitled to
55 bid or have any other bid accepted or enforced ~~except as~~
56 ~~authorized by the tax collector.~~ The tax collector shall provide
57 ~~written or~~ electronic notice when certificates are ready for
58 issuance. Payment must be made within 48 hours after the

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59 transmission of the electronic notice by the tax collector ~~or~~
60 ~~mailing of such notice or, at the tax collector's discretion,~~
61 ~~all or a portion of the deposit placed by the bidder may be~~
62 ~~forfeited.~~ Payment must be made before the issuance of the
63 certificate by the tax collector. If the tax collector
64 determines that payment has been requested in error, the tax
65 collector shall issue a refund within 15 business days after
66 such payment.

67 Section 4. This act shall take effect July 1, 2022.