

CHAPTER 2011-125

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1163

An act relating to ad valorem taxation; amending s. 193.1554, F.S.; reducing the amount by which any change in the value of nonhomestead residential property resulting from an annual reassessment may exceed the assessed value of the property for the prior year; amending s. 193.1555, F.S.; reducing the amount by which any change in the value of certain residential and nonresidential real property resulting from an annual reassessment may exceed the assessed value of the property for the prior year; creating s. 196.078, F.S.; providing a definition; providing a first-time Florida homesteader with an additional homestead exemption; providing for calculation of the exemption; providing for the applicability period of the exemption; providing for an annual reduction in the exemption during the applicability period; providing application procedures; providing for applicability of specified provisions; providing for contingent effect of provisions and varying dates of application depending on the adoption and adoption date of specified joint resolutions; authorizing the Department of Revenue to adopt emergency rules; providing for application and renewal of emergency rules; amending s. 218.12, F.S.; requiring the Legislature to consider appropriating funds to fiscally constrained counties to offset reductions in ad valorem tax revenue as the result of the implementation of certain revisions to the State Constitution; requiring application to the department to participate in the distribution of such an appropriation; providing for certain contingent effect and retroactive application; providing an effective date.

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

Section 1. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in the general election held in November 2012, subsection (3) of section 193.1554, Florida Statutes, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(3) Beginning in 2013 ~~2009~~, or the year following the year the property is placed on the tax roll, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment may not exceed 5 ~~10~~ percent of the assessed value of the property for the prior year, except as provided in subsection (6).

Section 2. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012, subsection (3) of section 193.1554, Florida Statutes, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(3) Beginning in ~~2012~~ 2009, or the year following the year the property is placed on the tax roll, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment may not exceed 5 ~~10~~ percent of the assessed value of the property for the prior year, except as provided in subsection (6).

Section 3. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in the general election held in November 2012, subsection (3) of section 193.1555, Florida Statutes, is amended to read:

193.1555 Assessment of certain residential and nonresidential real property.—

(3) Beginning in ~~2013~~ 2009, or the year following the year the property is placed on the tax roll, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment may not exceed 5 ~~10~~ percent of the assessed value of the property for the prior year, except as provided in subsection (6).

Section 4. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012, subsection (3) of section 193.1555, Florida Statutes, is amended to read:

193.1555 Assessment of certain residential and nonresidential real property.—

(3) Beginning in ~~2012~~ 2009, or the year following the year the property is placed on the tax roll, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment may not exceed 5 ~~10~~ percent of the assessed value of the property for the prior year, except as provided in subsection (6).

Section 5. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in the general election held in November 2012, section 196.078, Florida Statutes, is created to read:

196.078 Additional homestead exemption for a first-time Florida homesteader.—

(1) As used in this section, the term “first-time Florida homesteader” means a person who establishes the right to receive the homestead exemption provided in s. 196.031 within 1 year after purchasing the homestead property and who has not owned property in the 3 calendar years prior to such purchase to which the homestead exemption provided in s. 196.031(1)(a) applied.

(2) For purposes of this section, the date on which the deed or other transfer instrument was signed and notarized or otherwise executed shall be considered the date a property was purchased.

(3) Every first-time Florida homesteader is entitled to an additional homestead exemption in an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established, for all levies other than school district levies. The additional exemption may not exceed the median just value for homestead property in the county where the property at issue is located in the calendar year immediately preceding January 1 of the year the homestead is established. The additional exemption applies for a period of 5 years or until the year the property is sold, whichever occurs first. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established or by an amount equal to the difference between the just value of the property and the assessed value of the property determined under s. 193.155, whichever is greater. Not more than one exemption provided under this subsection is allowed per homestead property. The additional exemption applies to property purchased on or after January 1, 2012, but is not available in the sixth and subsequent years after the additional exemption is first received.

(4) The property appraiser shall require a first-time Florida homesteader claiming an exemption under this section to submit, not later than March 1 on a form prescribed by the Department of Revenue, a sworn statement attesting that the taxpayer, and each other person who holds legal or equitable title to the property, has not owned property in the 3 calendar years prior to such purchase to which the homestead exemption provided by s. 196.031(1)(a) applied. In order for the exemption to be retained upon the addition of another person to the title to the property, the person added must also submit, not later than the subsequent March 1 on a form prescribed by the department, a sworn statement attesting that he or she has not owned property in the 3 calendar years prior to being added to the title to which the homestead exemption provided by s. 196.031(1)(a) applied.

(5) Sections 196.131 and 196.161 apply to the exemption provided in this section.

Section 6. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012, section 196.078, Florida Statutes, is created to read:

196.078 Additional homestead exemption for a first-time Florida homesteader.—

(1) As used in this section, the term “first-time Florida homesteader” means a person who establishes the right to receive the homestead exemption provided in s. 196.031 within 1 year after purchasing the

homestead property and who has not owned property in the 3 calendar years prior to such purchase to which the homestead exemption provided in s. 196.031(1)(a) applied.

(2) For purposes of this section, the date on which the deed or other transfer instrument was signed and notarized or otherwise executed shall be considered the date a property was purchased.

(3) Every first-time Florida homesteader is entitled to an additional homestead exemption in an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established, for all levies other than school district levies. The additional exemption may not exceed the median just value for homestead property in the county where the property at issue is located in the calendar year immediately preceding January 1 of the year the homestead is established. The additional exemption applies for a period of 5 years or until the year the property is sold, whichever occurs first. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established or by an amount equal to the difference between the just value of the property and the assessed value of the property determined under s. 193.155, whichever is greater. Not more than one exemption provided under this subsection is allowed per homestead property. The additional exemption applies to property purchased on or after January 1, 2011, but is not available in the sixth and subsequent years after the additional exemption is first received.

(4)(a) In 2012, the property appraiser shall require a first-time Florida homesteader claiming an exemption under this section to submit, not later than June 1 on a form prescribed by the Department of Revenue, a sworn statement attesting that the taxpayer, and each other person who holds legal or equitable title to the property, has not owned property in the 3 calendar years prior to such purchase to which the homestead exemption provided by s. 196.031(1)(a) applied.

(b) In 2013 and thereafter, the property appraiser shall require a first-time Florida homesteader claiming an exemption under this section to submit, not later than March 1 on a form prescribed by the Department of Revenue, a sworn statement attesting that the taxpayer, and each other person who holds legal or equitable title to the property, has not owned property in the 3 calendar years prior to such purchase to which the homestead exemption provided by s. 196.031(1)(a) applied.

(c) In order for the exemption provided under this section to be retained upon the addition of another person to the title to the property, the person added must also submit, not later than the subsequent March 1 on a form prescribed by the department, a sworn statement attesting that he or she has not owned property in the 3 calendar years prior to being added to the title to which the homestead exemption provided by s. 196.031(1)(a) applied.

(5) Sections 196.131 and 196.161 apply to the exemption provided in this section.

Section 7. (1) In anticipation of implementing this act, the executive director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, to make necessary changes and preparations so that forms, methods, and data records, electronic or otherwise, are ready and in place if sections 2, 4, and 6 or sections 1, 3, and 5 of this act become law.

(2) Notwithstanding any other provision of law, such emergency rules shall remain in effect for 18 months after the date of adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

Section 8. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012 or in the general election held in November 2012, section 218.12, Florida Statutes, is amended to read:

218.12 Appropriations to offset reductions in ad valorem tax revenue in fiscally constrained counties.—

(1)(a) Beginning in fiscal year 2008-2009, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of revisions of Art. VII of the State Constitution approved in the special election held on January 29, 2008. The moneys appropriated for this purpose shall be distributed in January of each fiscal year among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revision.

~~(b)(2)~~ On or before November 15 of each year, beginning in 2008, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's estimated reduction in ad valorem tax revenue in the form and manner prescribed by the Department of Revenue. The documentation must include an estimate of the reduction in taxable value directly attributable to revisions of Art. VII of the State Constitution for all county taxing jurisdictions within the county and shall be prepared by the property appraiser in each fiscally constrained county. The documentation must also include the county millage rates applicable in all such jurisdictions for both the current year and the prior year; rolled-back rates, determined as provided in s. 200.065, for each county taxing jurisdiction; and maximum millage rates that could have been levied by majority vote pursuant to s. 200.185. For purposes of this section, each fiscally constrained county's reduction in ad valorem tax revenue shall be calculated as 95 percent of the estimated reduction in taxable value times the lesser of the 2007 applicable

millage rate or the applicable millage rate for each county taxing jurisdiction in the prior year.

~~(c)~~⁽³⁾ In determining the reductions in ad valorem tax revenues occurring as a result of the implementation of the revisions to Art. VII of the State Constitution approved in the special election held on January 29, 2008, the value of assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the State Constitution shall include only the reduction in taxable value for homesteads established January 1 of the year in which the determination is being made.

(2)(a) Beginning in the 2012-2013 fiscal year, the Legislature shall consider appropriating moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of the revision of Art. VII of the State Constitution contained in House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session. The moneys appropriated for this purpose shall be distributed among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revision.

(b) On or before February 1 each year, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's estimated reduction in ad valorem tax revenue to the Department of Revenue.

Section 9. This act shall take effect upon becoming a law, except that the sections of this act which take effect upon the approval of House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012 shall apply retroactively to the 2012 tax roll if the revision of the State Constitution contained in House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012; or the sections of this act which take effect upon the approval of House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, by a vote of the electors in the general election held in November 2012 shall apply to the 2013 tax roll if the revision of the State Constitution contained in House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in the general election held in November 2012.

Approved by the Governor June 2, 2011.

Filed in Office Secretary of State June 2, 2011.