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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

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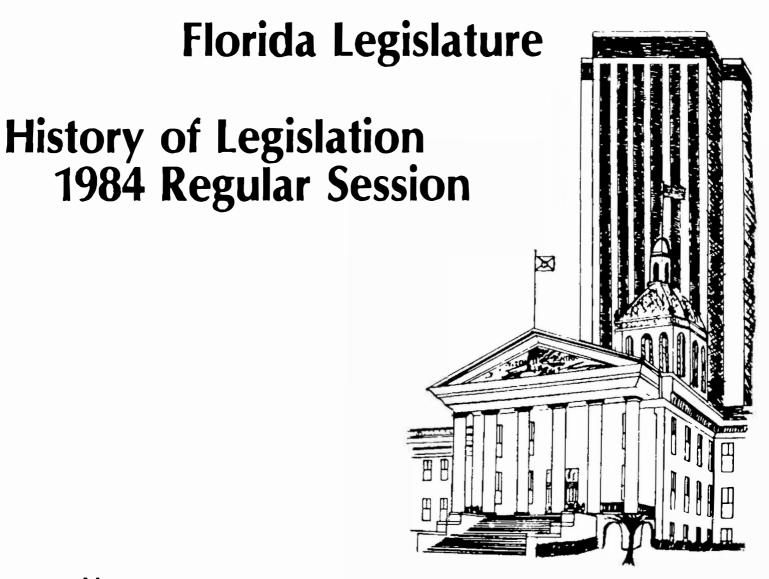
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# Joint Legislative Management Committee

Legislative Information Division Capitol Building, Room 826 — 488-4371

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<ul> <li>05/08/84 MOUSE Substituted for C5/HB 41, Read second time -HJ 00331, Amendents adopted HJ 00332</li> <li>05/09/84 MOUSE Read third time, Amendment adopted, Passed as amended, 05/15/45 Press 11, Navs 0 -HJ 00344</li> <li>05/15/45 SDAYTE Concurrence 05/15/45 DOTAGE of the passed as amended, YEAS 38 NAYS 0 05/22/84 SEWATE Signed by Officers and presented to Governor -SJ 00391 05/22/84 SEWATE Signed by Officers and presented to Governor -SJ 00391 05/22/84 SEWATE Signed by Officers and presented to Governor -SJ 00391 05/22/84 SEWATE Signed by Officers and presented to Governor -SJ 00391 05/22/84 SEWATE Signed by Officers and presented to Governor -SJ 00391 05/22/84 SEWATE Prefiled 12/06/83 SEWATE Prefiled 12/26/83 SEWATE Prefiled 02/17/84 SEWATE Decomposition and presented to Governor -SJ 00391 03/07/84 SEWATE Prefiled 12/26/83 SEWATE Prefiled 03/07/84 SEWATE Prefiled</li></ul>						
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<ul> <li>YEAS 111 NAYS 0 -HJ 0034</li> <li>05/11/44 SPATE In Message</li> <li>05/13/45 SPATE In Message</li> <li>05/13/45 SPATE Concurred, Pasced as mended, YEAS 36 NAYS 0</li> <li>06/13/45 SPATE Concurred, Pasced as mended, YEAS 30 NAYS 0</li> <li>06/13/45 SPATE Concurred, Pasced as mended, YEAS 30 NAYS 0</li> <li>06/13/45 SPATE Signed by Officers and presented to Governor 53 0031</li> <li>06/23/45 SPATE Argent Pasced as mended of Sa -SJ 00534</li> <li>00/36 GENERAL BILL by Jennings (Similar Eng/H0 011)</li> <li>01/20/46 SPATE Placed on Special Order Calendar, Passeed as mended, YEAS 30 NAYS 0</li> <li>01/20/46 SPATE Placed on Special Order Calendar, Passeed as mended, YEAS 30 NAYS 0</li> <li>02/10/184 SPATE Referred to Judiciary-Civil, Commerce 0</li> <li>02/10/184 SPATE Referred to Judiciary-Civil, Commerce - SJ 0001, Comm Report Favorable with amend by Judiciary-Civil, Now in Commerce 0/30 0001, Comm Report Favorable vith amend by Judiciary-Civil, Now in Commerce - SJ 00054</li> <li>04/02/84 SPATE Referred to Judiciary-Civil, Commerce - SJ 00051, Comm Report Favorable vith amend by Judiciary-Civil, Now in Commerce - SJ 00054, Diale of Calendar; Jean By Commerce - SJ 00054, Diale Commerce - SJ 00056, Diale Comme</li></ul>						
<ul> <li>05/11/45 SENATE In Messages</li> <li>05/11/45 SENATE Concurrency Passed as amended, YEAS 36 NAYS 0</li> <li>05/15/45 SENATE Concurrency Passed as amended, YEAS 36 NAYS 0</li> <li>05/15/45 SENATE Concurrency Passed as amended, YEAS 36 NAYS 0</li> <li>05/15/45 SENATE Signed by Officer and presented to Governor -SJ 00381</li> <li>06/16/45 SENATE Concurrency Passed as amended, Pas</li></ul>	05/09/84 HOUS		as amended,			
<ul> <li>05/15/44 Concurred, Passed as meended, YEAS 38 NWYS 0</li> <li>05/15/44 Ordered energrossed, then enrolled - SJ 00251</li> <li>05/22/48 SENATE Signed by Officers and presented to Governor -SJ 00391</li> <li>05/22/48 SENATE Signed by Governor Chapter No 84-52 -SJ 00391</li> <li>05/23/48 SENATE Signed by Governor Chapter No 84-52 -SJ 00391</li> <li>05/23/48 SENATE Signed by Governor Chapter No 84-52 -SJ 00391</li> <li>06/23/48 SENATE Signed by Governor Chapter No 84-52 -SJ 00391</li> <li>07/07/84 SENATE Prefiled</li> <li>02/07/84 SENATE Prefiled</li> <li>02/07/84 SENATE Prefiled</li> <li>03/07/84 SENATE Prefiled</li> <li>03/07/84 SENATE Introduced, referred to Judiciary-Civil, Commerce</li> <li>04/03/84 SENATE Introduced, referred to Judiciary-Civil, Commerce</li> <li>04/03/84 SENATE Introduced, referred to Judiciary-Civil, Commerce</li> <li>04/03/84 SENATE Introduced, referred to Judiciary-Civil, Commerce</li> <li>04/04/84 SENATE Comm Report Favorable with amend by Judiciary-Civil, Now in Commerce -SJ 00052 on</li> <li>04/04/84 SENATE Prefiled</li> <li>04/04/84 SENATE Introduced, referred to Judiciary-Civil, Commerce -SJ 00052 on</li> <li>04/04/84 SENATE Prefiled Or Special Order Calendar File Ondoreant Special Order Calendar, Passed, as amended, YEAS</li> <li>04/04/84 SENATE Introduced, referred to Judiciary-Civil, Commerce -SJ 00052 on</li> <li>04/04/84 SENATE Prefiled Order Calendar, Jieced on Calendar by Commerce -SJ 00052 on</li> <li>04/04/84 SENATE Prefiled Parorable, placed on Calendar Py Commerce -SJ 00053 on</li> <li>04/04/84 SENATE Prefiled Sind Calendar File Not Bill (Chapter Shares Senate A conservet on ACMERICA, SILL/CS by Natural Resources and Conservation, Appropriations -SJ 00033 or predictions -SJ 00053 or predictions of Common Poly Calendar Calendar Py Commerce -SJ 00052 or provides Senate as assessent of ad val taxes or special assessments against certain portions of common elements, reguints s</li></ul>	05/11/84 SENATI			01/20/84 SENATE		nal, 02/07/84,
<ul> <li>05/15/84</li> <li>07/25/84</li> <li>07/25/84&lt;</li></ul>			0	02/07/84 SENATE		placed on Calendar
<ul> <li>05/49/4 Approved by Governor Chapter No 84-52 - SJ 00534</li> <li>078 GENERAL BILL by Jennings (Similar Emg/H 011)</li> <li>Allomatch Fischhung Solicitation, prohibits use of telephone for solicitation when such use involves an automated system for selection and/or dialing of telephone numbers a playing of recorded message, provides exemption, provides penalties Amends 365 165 Effective Date. 10/01/84</li> <li>12/206/83 SENATE Prefiled</li> <li>02/17/84 SENATE forered to Judiciary-Civil, Commerce 02/17/84 SENATE forered to Judiciary-Civil, 03/07/84, 9 00 as. Re B</li> <li>03/07/84 SENATE for momenters agenda Judiciary-Civil, 03/07/84, 9 00 as. Re B</li> <li>03/07/84 SENATE for fore and presented to Governor -SJ 00232 02/17/84 SENATE for commerce of J 00052 on committee agenda Commerce of SJ 00052 on committee agenda Commerce, SJ 00052 on committee agenda SJ 00086 04/18/64 SENATE for classifying vessels, provides od/18/64 SENATE for classifying vessels, provides creativements for maturel Resources and Conservation, Appropriations</li> <li>01/20/64 SENATE Prefiled 12/206/83 SENATE Prefiled 04/18/64 SENATE MEnter SUBJ Senate Bill passed, refer to HB 111 (Ch 84-12) -SJ 00167</li> <li>0079 GENERAL BILL by Scott and others committee agenda naturel Resources and Conservation, Appropriations</li> <li>01/20/64 SENATE Frefiled 12/206/84 SENATE Frefiled 01/20/84 SENATE Frefiled 01/20/84 SENATE Frefiled 01/20/84 SENATE Frefiled 01/20/84 SENATE Frefiled 01/20/84 SENATE Frefiled 12/206/83 SENATE Frefiled 12/206/83 SENATE Affered to Naturel Resources</li></ul>	05/15/84	Ordered engrossed, then enrolled -SJ 00258				-
<ul> <li>S UU78 GENERAL BILL by Jennings (Similar Eng/R 011) Automataf Englenhang Solicitation, probibits use of telephone for solicitation when such use involves an automated system for selection and/or dialing of telephone numbers &amp; playing of recorded message. provides exemption, provides penalties Amends 365 165 Effective Date. 10/01/84 12/06/83 SENATE Prefiled 12/07/83 SENATE Prefiled 02/17/84 SENATE Comm Report Favorable with amend by Judiciary-Civil, O3/07/84, 9 00 an, R B 03/07/84 SENATE Comm Report Favorable with amend by Judiciary-Civil, Commerce -51 00011, Comm Report Favorable with amend by Judiciary-Civil, Now in Commerce - 51 00052, On Committee agendar: Commerce - 51 00053, OS 00/79 GENERAL BHIL by Scott and others Condumpinuma, prohibits separate assessment of ad val taxes or special assessments of cortain condumitum or residential develophent parcels to include certain ondaminum or residential develophent parcels</li></ul>				04/03/34 SENATE	Comm Report Favorable with amend ,	
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<ul> <li>and/or dialing of telephone numbers &amp; playing of recorded message. provides exemption, provides penalties Amends 365 165 Effective Date. 10/01/84</li> <li>12/26/83 SENATE Prefiled</li> <li>12/26/83 SENATE Prefiled</li> <li>12/26/83 SENATE Referred to Judiciary-Civil, Commerce o2/17/84 SENATE Comm Report Favorable with amend by Judiciary-Civil; Now in Commerce</li> <li>03/07/84 SENATE Comm Report Favorable with amend by Judiciary-Civil; Now in Commerce</li> <li>04/26/84 HOUSE Received, placed on Calendar -HJ 00254. Substituted for HB 154. Read accound time, Read third time, Passed, VEAS 108 PAYS 0 -HJ 00280</li> <li>04/30/84 Ordered enrolled -5J 00195</li> <li>05/04/84 SENATE Comm Report Favorable with amend by Judiciary-Civil, Now in Commerce -SJ 00052. On Committee agendar- Commerce -8J 00052. On Committee agendar - Natural Resources and Conservation, Appropriations</li> <li>0079 GENERAL Bill by Scott and others Conduminiums, prohibits separate assessment of ad val taxes or special assessments against certain percents for orther common elements, requires sto include certain portions of common elements Amends 718 120, 193 023 Elifective Date oi/01/85</li> <li>0079 GENERAL Bill, by OCOS1. Now in Appropriations -5J 00053. CS</li> <li>0079 GENERAL Bill, parceis to include certain portions of common elements, requires sto include certain portions of common elements, result</li></ul>			for			·
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<ul> <li>12/06/83 SENATE Prefiled</li> <li>12/06/83 SENATE Referred to Judiciary-Civil, Commerce</li> <li>02/17/84 SENATE for Commerce and presented to Governor -SJ 00233</li> <li>03/07/84 SENATE Comm Report Favorable with amend by Judiciary-Civil; Now in Commerce</li> <li>04/03/84 SENATE Comm Report Favorable with amend by Judiciary-Civil; Now in Commerce</li> <li>04/03/84 SENATE Comm Report Favorable with amend by Judiciary-Civil; Now in Commerce</li> <li>04/04/84 SENATE Comm Report Favorable with amend by Judiciary-Civil, Now in Commerce -SJ 00052. On Committee agendas- Commerce, 84/04/84, 8 00 am, Rm A</li> <li>04/04/84 SENATE Placed on Special Order Calendar; Iden /Sim House Bill aubestituted. Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB ll1 (Ch 84-12) -SJ 0017</li> <li>00/79 GENERAL BILL by Scott and others</li> <li>04/03/84 SENATE Placet on Special or the contain containing or residential assessments against certain recreation facilities or other common clements, requires assessments of certain condominium or residential development parceis to include certain portions of common clements for analytic scots and conservation, scots of certain portions of common clements amends 718 1240, 193 023 Lifective Date 01/01/85</li> </ul>	provides exempt			04/26/84 HOUSE	HB 1154. Read second time, Read third	
<ul> <li>02/17/84 SENATE On Committee agendar- Judiciary-Civil, 03/07/84, 9:00 an, Rm B</li> <li>03/07/84 SENATE Comme Report Favorable with amend by Judiciary-Civil; Now in Commerce</li> <li>04/03/84 SENATE Introduced, referred to Judiciary-Civil, Commerce -SJ 0001, Comm Report Favorable, placed on Calendar by Commerce -SJ 00022.0 n Committee agendar- Commerce -SJ 00032.0 n Committee agendar- Commerce -SJ 00032.0 n Committee agendar- Commerce -SJ 00032.0 n Committee agendar- Commerce -SJ 00003.0 n Commerce -SJ 00032.0 n Committee agendar- Similar Commerce -SJ 00032.0 n Committee agendar- Similar Commerce -SJ 00032.0 n Committee agendar- Similar Commerce -SJ 00022.0 n Committee agendar- Similar CS/H 0177. Compare CS/H 0338, CS/S 0376.</li> <li>04/04/84 SENATE Comm Report Favorable, placed on Calendar by Commerce -SJ 00086.</li> <li>04/18/84 SENATE Placed on Special Order Calendar; Iden /Sim House Bill aubstituted, Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 111 (Ch 84-12) -SJ 00147</li> <li>00/079 GENERAL BILL by Scott and others Conducting agendar certain facilities or other common clements, requires assessments of ad val taxes or special axees or special accessing profibits separate assessments of certain condominum or residential development parcels to include certain portions of commerce and Conservation -SJ 00053. CS value agendar - SJ 00054. Now in Appropriations -SJ 00055.</li> <li>00/78 GENERAL BILL, by 30 C3 = Hiective Date Ol/01/85</li> </ul>		E Prefiled		04/30/84		
au, Ra B 03/07/84 SENATE Comm Report Favorable with amend by Judiciary-Civil; Now in Commerce 04/03/84 SENATE Introduced, referred to Judiciary-Civil, Commerce -53 0001. Commerce -53 00052. On Committee agenda:- Commerce -64/04/84, 900 am, Rm A 04/04/84 SENATE Comm Report Favorable, placed on Calendar by Commerce -53 00086 04/18/84 SENATE Comm Report Favorable, placed on Calendar by Commerce -53 00086 04/18/84 SENATE Ditted, Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 111 (Ch 84-12) -53 00147 5 0079 GENERAL BILL by Scott and others Conduminiums, prohibits separate assessment of ad val taxes or special assessments against certain facilities or other common elements, requires assessments of certain condominium or residential development parcels to include certain portions of common elements Amends 718 120, 194 023 Elfective pate 01/1/85 Amends 718 120, 194 023 Elfective pate 01/1/85 Built commerce agenda:- Submark Resources and Conservation, Appropriations Amends 718 120, 194 023 Elfective pate 01/1/85 Built commerce agenda:- Submark Resources and Conservation, Appropriations Amends 718 120, 194 023 Elfective pate 01/1/85 Built commerce agenda:- Submark Resources and Conservation, Appropriations Amends 718 120, 194 023 Elfective pate 01/1/85 Built down appropriations -53 00054, Now in Appropriations Amends 718 120, 194 023 Elfective pate 01/1/85 Built commerce agenda:- Submark Resources and Conservation -SJ 00054, Now in Appropriations Amends 718 120, 194 023 Elfective pate 01/1/85 Built commerce agenda:- Submark Resources and Conservation -SJ 00054, Now in Appropriations -53 00053						
<ul> <li>03/07/84 SENATE Comm Report Favorable with amend by Judiciary-Civil; Now in Commerce</li> <li>04/03/84 SENATE Introduced, referred to Judiciary-Civil, Commerce -SJ 00011, Comm Report Favorable with amend by Judiciary-Civil, Now in Commerce -SJ 00052, On Committee agenda Commerce, 04/04/84, 9 00 am, Rm A O4/04/84 SENATE Comm Report Favorable, placed on Calendar by Commerce -SJ 00086</li> <li>04/084 SENATE Piaced on Special Order Calendar; Iden /Sim House Bill substituted, Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 111 (Ch 84-12) -SJ 00147</li> <li>00/79 GENERAL BILL by Scott and others Conductionities agendation favorable assessment of ad val taxes or special assessments against certain recreation facilities or other common elements, requires assessments of certain condominium or residential development parcels to include certain portions of common elements Amends 718 120, 193 023 Effective Date 01/01/85</li> <li>0079 SENERAL BILL by Scott and others Conductioning certain condominium or residential development parcels to include certain portions of common elements Amends 718 120, 193 023 Effective Date 01/01/85</li> <li>0079 SENERAL BILL by Scott and others Conductioning certain condominium or residential development parcels to include certain portions of common elements Amends 718 120, 193 023</li> <li>0079 SENERAL BILL by Scott and others</li> <li>Soution condominium or residential development parcels to include certain portions of common elements Amends 718 120, 193 023</li> <li>01/20/84 SENATE</li> <li>0</li></ul>	02/17/84 SENATE		7/84, 9 00	05/10/84	Approved by Governor Chapter No. 84-	19 -SJ 00257
04/03/84 SENATE       Introduced, referred to Judiciary-Civil, Commerce -SJ 00011, Comme Report Favorable with amend by Judiciary-Civil, Now in Commerce - 50 00052. On Committee agenda Commerce - 64/04/84, 9 00 am, Rm A Committee agenda Commerce - 64/04/84, 9 00 am, Rm A       E numbering vessels, provides duties of DNR, provides procedures for registering E numbering vessels, provides duties of DNR, provides procedures for registering E numbering vessels, provides for classifying vessels, provides committee agenda Commerce - 64/04/84, 9 00 am, Rm A         04/04/84 SENATE       Commerce - 64/04/84, 9 00 am, Rm A       requirements & penalties re certificates of title, etc. Amends Chs 327, 328         04/04/84 SENATE       Placed on Special Order Calendar; Iden /Sim House Bill substituted, Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 111 (Ch 84-12) -SJ 00147       Di/20/84 SENATE       Prefiled         01/20/84 SENATE       On Committee agenda Natural Res & Cons , 02/08/84, 9 00 am, Rm H       02/08/84 SENATE       On Committee agenda Natural Resources and Conservation, Appropriations         01/079       GENERAL BILL by Scott and others       01/01/85       04/03/84 SENATE       Comm, Report. CS by Natural Resources and Conservation, Appropriations -SJ 0001, Comm Report clements, requires assessments of certain portions of common elements, requires assessments of certain portions of common Amends 718 120, 193 023       Aiterve Date 01/01/85       04/03/84 SENATE       Senate - SJ 00054, Now in Appropriations -SJ 00053	03/07/84 SENATE	Comm Report Favorable with amend by Judi	ciary-Civil;			McPherson
-SJ 00011. Comm Report Favorable with amend by Judiciary-Civil, Now in Commerce -SJ 00052. On Committee agendas- Commerce, 04/04/84. 9 00 am, Rm A 04/04/84 SENATE Comm Report Favorable, placed on Calendar by Commerce -SJ 00086 04/18/84 SENATE Placed on Special Order Calendar; Iden /Sim House Bill substituted, Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 111 (Ch 84-12) -SJ 00147 U079 GENERAL BILL by Scott and others Conduminuums, prohibits separate assessment of ad val taxes or special assessments against certain recreation facilities or other common clements, requires assessments of certain condominum or residential development parcels to include certain portions of common elements Amends 718 120, 193 023 kifective Date 01/01/85 -SJ 00053 -SJ 00054 -SJ 00054 -S	04/00/04 64 117					
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04/18/84 SENATE       Placed on Special Order Calendar; Iden /Sim House Bill substituted, Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 111 (Ch 84-12) -SJ 00147       12/20/83 SENATE       Referred to Natural Resources and Conservation, Appropriations         00/20/84 SENATE       On Committee agenda Natural Res & Cons , 02/08/84, 9 00 am, Report. CS by Natural Resources and Conservation, Now in Appropriations         00/20/84 SENATE       On Committee agenda Natural Res & Cons , 02/08/84, 9 00 am, Report. CS by Natural Resources and Conservation, Now in Appropriations         00/20/9 GENERAL BILL by Scott and others       02/08/84 SENATE         Condominiums, prohibits separate assessment of ad val taxes or special assessments against certain recreation facilities or other common elements, requires assessments of certain condominium or residential development parcels to include certain portions of common elements Amends 718 120, 193 023       Effective bate 01/01/85	04/04/84 SENATE		by Commerce			
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S 0079 GENERAL BILL by Scott and others       02/08/84 SENATE       Comm. Report. CS by Natural Resources and Conservation, Now in Appropriations         S 0079 GENERAL BILL by Scott and others       04/03/84 SENATE       Comm. Report. CS by Natural Resources and Conservation, Now in Appropriations         S 0079 GENERAL BILL by Scott and others       04/03/84 SENATE       Introduced, referred to Natural Resources and conservation, Appropriations -SJ 00011, Comm Report         Conservation, requires assessments of certain condominium or residential development parcels to include certain portions of common elements       04/03/84 SENATE       Introduced, referred to Natural Resources and Conservation -SJ 00011, Comm Report         Conservation, Appropriations -SJ 00053, CS       read first time -SJ 00054, Now in Appropriations         Amends 718 120, 193 023 Effective Date 01/01/85       -SJ 00053		Iden /Sim /Compare Bill passed, refer to HB	111 (Ch	01/20/84 SENATE	On Committee agenda Natural Res &	Cons , 02/08/84,
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FLORIDA STATE ARCHIVES DEPARTMENT OF STATE A bill to be entitled R. A. GRAY BUILDING 1 Tallahassee, FL 32399 0250 2 An act relating to condominiums; amending s. Series 18 Carton 1370 718.120, F.S.; prohibiting the separate 3 assessment of ad valorem taxes or special 4 5 assessments against certain recreation facilities or other common elements; providing 6 an effective date. 7 8 Be It Enacted by the Legislature of the State of Florida. 9 10 Section 1. Subsection (1) of section 718.120, Florida 11 12 Statutes, is amended to read: 13 718.120 Separate taxation of condominium parcels, survival of declaration after tax sale; assessment of time-14 15 share estates. --16 (1) Ad valorem taxes and special assessments by taxing authorities shall be assessed against the condominium parcels 17 and not upon the condominium property as a whole. No ad 18 valorem taxes or special assessments shall be separately 19 assessed against recreation facilities or other common 20 elements, if such facilities or common elements are owned by 21 22 the condominium association or owned jointly by the owners of 23 the condominium parcels Each condominium parcel shall be 24 separately assessed for ad valorem taxes and special 25 assessments as a single parcel. The taxes and special 26 assessments levied against each condominium parcel shall 27 constitute a lien only upon the condominium parcel assessed 28 and upon no other portion of the condominium property 29 Section 2 This act shall take effect January 1, 1985. 30 31

CODING Words in struck through type are deletions from existing law, words <u>underlined</u> are additions.

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2	SENATE SUMMARY
З	Prohibits separately assessing ad valorem taxes or
4	special assessments on common elements owned jointly by owners of condominium parcels or by the condominium association.
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	ary 8, 1983 ary 2, 1984	BILL NO. <u>SB 79</u> Page <u>1</u>		
SEN	ATE STAFF ANALYSIS AN	ID ECONOMIC IMPACT STATEMENT		
ANALYST	STAFF DIRECTOR	REFERENCE ACTION		
1. Beggs Schuld 2 3	Beggs (3 In AB	1. FTC Fav/2 amend 2 3		
SUBJECT:		BILL NO. AND SPONSOR:		
Condominiums		SB 79 by Senators Scott & Margolis		

I. SUMMARY:

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FLORIDA STATE ARCHIVES

DEPARTMENT OF STATE

R A GRAY BUILDING Tatlahassee, FL 32399-0250

Series

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A. Present Situation:

Section 718.120, F.S., requires that condominium parcels be assessed individually for ad valorem taxes and special assessments, not the condominium property as a whole. Section 4, Article VII of the Florida Constitution requires that all property be assessed at its "just valuation." This has been interpreted by the courts to mean fair market value. There is no specific requirement in law that condominium common areas owned jointly by the owners of condominium parcels not be separately assessed. The Department of Revenue states, however, that it is their interpretation that the value of such common areas is included in the fair market price of the individual parcels and therefore should not be separately assessed. Separate assessments would only be justified when the common areas are owned by someone other than the condominium parcel owners. While some separate assessments of common areas have been made in recent years, to the Department's knowledge no such assessments are now being made.

B. Effect of Proposed Changes:

Section 718.120, F.S., is amended to specifically prohibit the separate assessment of ad valorem taxes or special assessments against recreation facilities or other common elements owned by a condominium association or owned jointly by the owners of condominium parcels.

#### II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

To the extent that separate assessment of jointly owned common areas is occurring, parcel owners would receive only a single assessment and tax bill reflecting the market value of their parcel.

B. Government:

Insignificant.

III. COMMENTS:

This act would take effect on January 1, 1985.

IV. AMENDMENTS:

#1 by Finance, Taxation & Claims: Includes within the duties of the property appraiser in making assessments under chapter 193, Florida Statutes, the requirement that the fractional or proportionate share of the common elements REVISED: February 8, 1983

BILL NO. SB 79

DATE: February 2, 1984

Page 2

corresponding to each parcel of any residential development having common elements be included in the assessed value of each parcel of the development if the common elements are jointly owned by the owners of the parcels.

#2 by Finance, Taxation & Claims: Title amendment for amendments #1.

SENATE COMMITTEE AMENDMENT SB 79 No. 1 (reported favorably) ΗB The Committee on Fin., Tax., & Claims recommended the following ......which was adopted: and failed: Amendment 1 2 On page ..... between lines 28 & 29, 3 4 5 6 7 8! If amendment is text from another bill insert: Q ' No Bill No. Draft No. With Changes? Yes 10 insert: 33 Section 2. Subsection (5) is added to section 193.013, 12 Florida Statutes, to read: 13 193.013 Duties of the property appraiser in making 14 assessments.--15 (5) In assessing any condominium parcel or any parcel 16 of any other residential development having common elements 17 appurtenant to such parcels, if such common elements are owned 18 by the condominium association or owned jointly by the owners 19 of such parcels, the assessment shall apply to each such 20 parcel and its fractional or proportionate share of the 21 appurtenant common elements. 22 (Renumber subsequent section) 23 24 25 26 27 28 29 30 31 1 84s0079/ftc01 CODING Words in alreach through type are deletions from existing law, words underlined are additions. Amendment No. 1, taken up by committee: Adopted Offered by Senator Margolis (Amendment No. \_\_\_\_ Adopted \_\_\_ Failed \_\_\_ Date \_/\_/\_)

SENATE COMMITTEE AMENDMENT SB 79 NO. 2 (reported favorably) ΗB The Committee on Fin., Tax., & Claims recommended the following .....which was adopted: and failed: Title Amendment 1 2 3 after the semicolon ";" 4 5 6 7 8 If amendment is text from another bill insert: 9 NO -With Changes? Yes Draft No. Bill No. 10 insert: 11 adding s. 193.023(5), Florida Statutes; 12 requiring assessments of certain condominium or 13 residential development parcels to include 14 certain portions of common elements; 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1 84s0079/ftc02 CODING: Words in struck through type are deletions frem existing law, werds underlined are additions. Amendment No. 2, taken up by committee: Adopted Offered by Senator Margolis Failed (Amendment No. Adopted \_\_\_\_\_ Failed \_\_\_\_ Date \_\_/\_\_/\_\_)

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FLORIDA STATE ARCHIVES DEPARTMENT OF STATE R A GRAYBUILDING

Tellahassee, FL 32399-0250 Series 18 Carton 1870

INTEROFFICE MEMO

TO: Pat Griffith, Director of Legislative Policy & Analysis FROM: J. <u>Terrell Williams</u>, Assistant Attorney General DATE 2/2/84 RE: SB-79

My comments on the language in the proposed SB-79 which would amend §718.120(1), F.S., to prohibit the property appraiser from making a separate assessment against recreational facilities or other common elements owned by condominium associations or owned jointly by the owners of the condominium parcels are as follows:

l The rationale for dispensing with separate assessments of common elements appurtenant to condominium units is that the value of the recreational facilities or other common elements are actually reflected in the purchase price of the respective condominium units. I have talked with several property appraisers, whose opinions I respect, and they advised that they are presently not separately assessing such common elements unless they are still titled in the name of the developer and are given only a minimal value. These property appraisers stated that their sales data clearly demonstrated that the purchase price of condominium units having recreational facilities is significantly higher than similar condominium units having no or only minimal recreational facilities.

2. My research reveals that a majority of the states having condominium acts providing separate taxation for condominium parcels do not separately assess common elements appurtenant to condominium units. The States of New York, Arizona and Hawaii essentially provide by statute that each condominium unit and proportionate or fractional share of the appurtenant common elements constitutes a parcel of property for ad valorem taxation.

3. The condominum industry apparently relies on the Florida Supreme Court case of Dept. of Revenue v. Morganwoods Greentree, Inc. 341 So 2d 756 (Fla. 1977), as authority for the proposed statutory language. However, I do not read the Morganwoods Greentree, Inc. case to hold that recreational facilities or the common elements appurtenant to a condominium should not be separately assessed for ad valorem tax purposes. In the Morganwoods case, the Florida Supreme Court did make a ruling that common areas of the particular housing project in question were an intergal part of the residential units. However, the Supreme Court expressly found that it was proper for the property appraiser to assess the value of the common areas separately, but ruled that the property appraiser should make an adjustment with respect to the valuation of the common areas, since the record reflected he had apparently also considered the common areas in valuing residential units.

4. What may be possibly a minority position is presented in the State of New Jersey wherein the tax court basically held that, in order for the record owner of the common elements to establish that common elements have no separate value for ad valorem tax purposes, such owner must show that the use and enjoyment of such common areas was so burdened by the rights and easements of the unit owners so that the property had no value of beneficial interest to the owner. See, Tower West Apts. Assn. v. Town of West N.Y., 2 N.J. Tax 565 (1981). In the Town of West N.Y. case, the tax court ruled that, even though the right to use a parking garage located in a condominium complex may have increased the value of the individual condominium units, such increase in value did not per se justify "a transfer of value" approach to assessing the parking garage so that the value of the parking garage would be totally allocated to each individual condominium unit. The holding of the Florida Supreme Court in the Morganwoods Greentree case would appear to be more in accord with the New Jersey position than the other states.

5. Furthermore, even in those States like New York, Arizona and Hawali where statutory provisions define a parcel for ad valorem purposes as a condominium unit and its proportionate share of the appurtenant elements, such statutes apparently require the assessors to determine a separate value of the common elements and to allocate, in some manner, a proportionate share of the common elements to each respective condominium unit. The proposed language in SB-79 would seemingly not even require the property appraisers to even go through the mechanics of arriving at a separate value for the common elements and then allocating that value in some proportionate manner to various condominium units. This is presumably based upon the view that the total value of such common elements is already reflected in the purchase prices of the respective condominium units. Thus, the approach in SB-79 appears to go beyond the statutory provisions of N.J., Arizona and Hawaii and even beyond the holding of the Florida Supreme Court in the Morganwoods Greentree, Inc. case, wherein the Florida Supreme Court specifically found that it was proper for the property appraiser to separately assess a value for the common areas provided adjustments were made to the value of each residential unit.

6. I do see some potential problems with the concept in SB-79, particularly where the record title owner to the recreational facilities or the common areas is held separately in a corporate capacity by a condominium association. Although there is express constitutional authority for allowing homestead exemption benefits based upon "indirect ownership" of stock in a corporation (Art. VII, d(a)), there appears to be very little legal precedent

in this state for abolishing separate assessment of property for al valorem tax purposes based upon an "indirect ownership" theory through ownership of stock or membership shares in a condominium association. In the fairly recent case of Kings <u>Gate Club, Inc. v. Mikos</u>, 426 So.2d 74 (Fla. 2 DCA 1983), the Second District Court did hold that the membership interests of the individual owners of mobile homes in a nonprofit corporation which held the legal title to the land on which the mobile homes were affixed was essentially equivalent to "ownership" for ad valorem taxation and therefore the mobile homes were taxable as real property. Thus, in the <u>Kings Gate Club</u> case, the Second District used the "indirect ownership" of corporate membership shares to <u>support</u> separate taxation of mobile home lots, as opposed to prohibiting separate taxation.

In closing, I am of the view that the proposed language may survive a potential constitutional attack alleging that such language effectively exempts or excepts from taxation such recreational facilities or other common elements in violation of Art. VII, §4, requiring the promulgation of general laws securing the "just valuation" of <u>all</u> property of ad valorem taxation. However, substitute language along the lines that "each condominium parcel and its fractional or proportionate\_\_\_\_\_ share of the appurtenant common elements shall be separately assessed for ad valorem taxes as a separate parcel," might be an alternative approach. I am aware that the mechanics of allocating the value of common elements to the individual condominium units would be challenging and would likely be the subject of additional controversy in property appraisers' circles and in the condominium industry. However (as reflected by the allocation of common elements approach in Arizona, Hawaii and NJ.), the requirement of assigning a fractional value of common elements to the respective condominium units is certainly not an untried or novel approach.