

FS ss. 194.301(1) AND 193.011

194.301 Challenge to ad valorem tax assessment.—

(1) In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value, the property appraiser's assessment is presumed correct if the appraiser proves by a preponderance of the evidence that the assessment was arrived at by complying with s. 193.011, any other applicable statutory requirements relating to classified use values or assessment caps, and professionally accepted appraisal practices, including mass appraisal standards, if appropriate. However, a taxpayer who challenges an assessment is entitled to a determination by the value adjustment board or court of the appropriateness of the appraisal methodology used in making the assessment. **The value of property must be determined by an appraisal methodology that complies with the criteria of s. 193.011 and professionally accepted appraisal practices.** The provisions of this subsection preempt any prior case law that is inconsistent with this subsection.

193.011 Factors to consider in deriving just valuation.—

In arriving at just valuation as required under s. 4, Art. VII of the State Constitution, the property appraiser shall take into consideration the following factors:

- (1) The **present cash value** of the property, which is the amount a willing purchaser would pay a willing seller, exclusive of reasonable fees and costs of purchase, in cash or the immediate equivalent thereof in a transaction at arm's length;
- (2) The **highest and best use** to which the property can be expected to be put in the **immediate future** and the **present use** of the property, taking into consideration the legally permissible use of the property, including any applicable judicial limitation, local or state land use regulation, or historic preservation ordinance, and any zoning changes, concurrency requirements, and permits necessary to achieve the highest and best use, and considering any moratorium imposed by executive order, law, ordinance, regulation, resolution, or proclamation adopted by any governmental body or agency or the Governor when the moratorium or judicial limitation prohibits or restricts the development or improvement of property as otherwise authorized by applicable law. The applicable governmental body or agency or the Governor shall notify the property appraiser in writing of any executive order, ordinance, regulation, resolution, or proclamation it adopts imposing any such limitation, regulation, or moratorium;
- (3) The **location** of said property;
- (4) The **quantity or size** of said property;
- (5) The **cost** of said property and the present **replacement value** of any improvements thereon;
- (6) The **condition** of said property;
- (7) The **income** from said property; and
- (8) The net proceeds of the sale of the property, as received by the seller, after deduction of all of the usual and reasonable fees and **costs of the sale**, including the costs and expenses of financing, and allowance for unconventional or atypical terms of financing arrangements. When the net proceeds of the sale of any property are utilized, directly or indirectly, in the determination of just valuation of realty of the sold parcel or any other parcel under the provisions of this section, the property appraiser, for the purposes of such determination, shall exclude any portion of such net proceeds attributable to payments for household furnishings or other items of personal property.

**In Arriving at Just Valuation, the Following Factors
Must be Taken Into Consideration:**

Section 193.011 Factors.

1. Present cash value of the property:

2. A) Highest and best use to which the property can be expected to be put in the immediate future:

B) The present use of the property:

3. Location of the property:

4. Quantity or size of the property:

5. A) Cost of the property:

B) Present replacement value of any improvements thereon:

6. Condition of the property:

7. Income from the property:

8. Net proceeds of the sale of the property (Costs of Sale):

Appropriateness of the Appraisal Methodology Used in Making the Assessment: