

To: Value Adjustment Board Clerks and Administrators, Clerks of Court, Chairpersons of Value Adjustment Boards, Interested Parties, Property Appraisers, and Tax Collectors  
From: James McAdams  
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Bulletin: PTO 08-16

**FLORIDA DEPARTMENT OF REVENUE  
PROPERTY TAX INFORMATIONAL BULLETIN**

**Factors to Consider  
In Deriving Just Valuation**

This is to advise that the 2008 Legislature enacted Chapter 2008-197, Laws of Florida. See House Bill 909, section 1. Effective September 1, 2008, this change amends section 193.011(2), Florida Statutes, to provide that the property appraiser must take into consideration “the legally permissible use” of the property. It also provides that zoning changes, concurrency requirements, and permits necessary to achieve the highest and best use are conditions to the highest and best use factor.

Section 1, Chapter 2008-197, Laws of Florida (House Bill 909): The law specifically revised section 193.011(2), Florida Statutes, Florida Statutes, as follows (words stricken are deletions; words underlined are additions):

**Section 193.011, Florida Statutes, is amended to read:**

**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.**

The full text of the law change can be accessed at  
<http://www.leg.state.fl.us/Welcome/index.cfm?CFID=51944492&CFTOKEN=76754344>.

If you have questions with regard to this matter and wish to discuss them, you may call Al Mobley at 850-487-0945 or send email inquiries to [DORPTO@dor.state.fl.us](mailto:DORPTO@dor.state.fl.us).