

Bond Case Briefs

Municipal Finance Law Since 1971

TAX - FLORIDA

Russell v. Southeast Housing, LLC

District Court of Appeal of Florida, Third District - March 11, 2015 - So.3d - 2015 WL 1044315

County Property Appraiser appealed a judgment holding that certain properties were not subject to ad valorem taxes for the years 2008 through 2013. The properties are five military housing complexes serving the Naval Air Station at Key West. The housing complexes are being improved and operated pursuant to a public-private partnership between the United States Navy and a private developer. The terms of the public partnership are set forth in the ground lease, operating agreement, and management agreement.

The court held that a review of these three documents revealed that the Navy retained equitable and beneficial ownership of the properties. Because property owned by the United States is immune from state taxation, the properties were immune from Florida ad valorem taxes.