

90-433AX-05

Bill No. HB 105, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Kelly offered the following:

Amendment (with title amendment)

On page 6, between lines 11 and 12, of the bill

insert:

Section 5. Section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.--Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption. ~~Thereafter, determination of the assessed value of the property is subject to the following provisions:~~

(1) Beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:

(a) Three percent of the assessed value of the

90-433AX-05

Bill No. HB 105, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 property for the prior year; or

2 (b) The percentage change in the Consumer Price Index
3 for All Urban Consumers, U.S. City Average, all items
4 1967=100, or successor reports for the preceding calendar year
5 as initially reported by the United States Department of
6 Labor, Bureau of Labor Statistics.

7 (2) If the assessed value of the property as
8 calculated under subsection (1) exceeds the just value, the
9 assessed value of the property shall be lowered to the just
10 value of the property.

11 (3) Except as provided in this subsection, property
12 assessed under this section shall be assessed at just value as
13 of January 1 of the year following a change of ownership.
14 Thereafter, the annual changes in the assessed value of the
15 property are subject to the limitations in subsections (1) and
16 (2). For the purpose of this section, a change in ownership
17 means any sale, foreclosure, or transfer of legal title or
18 beneficial title in equity to any person, except as provided
19 in this subsection. There is no change of ownership if:

20 (a) Subsequent to the change or transfer, the same
21 person is entitled to the homestead exemption as was
22 previously entitled and:

- 23 1. The transfer of title is to correct an error; or
24 2. The transfer is between legal and equitable title;

25 (b) The transfer is between husband and wife,
26 including a transfer to a surviving spouse or a transfer due
27 to a dissolution of marriage;

28 (c) The transfer occurs by operation of law under s.
29 732.4015; or

30 (d) Upon the death of the owner, the transfer is
31 between the owner and another who is a permanent resident and

90-433AX-05

Bill No. HB 105, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 is legally or naturally dependent upon the owner.

2 (4)(a) Changes, additions, or improvements to
3 homestead property shall be assessed at just value as of the
4 first January 1 after the changes, additions, or improvements
5 are substantially completed.

6 (b) Changes, additions, or improvements do not include
7 replacement of a portion of real property damaged or destroyed
8 by misfortune or calamity when the just value of the damaged
9 or destroyed portion as replaced is not more than 125 percent
10 of the just value of the damaged or destroyed portion. The
11 value of any replaced real property, or portion thereof, which
12 is in excess of 125 percent of the just value of the damaged
13 or destroyed property shall be deemed to be a change,
14 addition, or improvement. Replaced real property with a just
15 value of less than 100 percent of the original property's just
16 value shall be assessed pursuant to subsection (5).

17 (c) Changes, additions, or improvements include
18 improvements made to common areas or other improvements made
19 to property other than to the homestead property by the owner
20 or by an owner association, which improvements directly
21 benefit the homestead property. Such changes, additions, or
22 improvements shall be assessed at just value, and the just
23 value shall be apportioned among the parcels benefiting from
24 the improvement.

25 (5) When property is destroyed or removed and not
26 replaced, the assessed value of the parcel shall be reduced by
27 the assessed value attributable to the destroyed or removed
28 property.

29 (6) Only property that receives a homestead exemption
30 is subject to this section. No portion of property that is
31 assessed solely on the basis of character or use pursuant to

90-433AX-05

Bill No. HB 105, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505,
2 is subject to this section. When property is assessed under s.
3 193.461, s. 193.501, or s. 193.505 and contains a residence
4 under the same ownership, the portion of the property
5 consisting of the residence and curtilage must be assessed
6 separately, pursuant to s. 193.011, for the assessment to be
7 subject to the limitation in this section.

8 (7) If a person received a homestead exemption limited
9 to that person's proportionate interest in real property, the
10 provisions of this section apply only to that interest.

11 (8) Erroneous assessments of homestead property
12 assessed under this section may be corrected in the following
13 manner:

14 (a) If errors are made in arriving at any ~~annual~~
15 assessment under this section due to a material mistake of
16 fact concerning an essential characteristic of the property,
17 the just value and assessed value ~~assessment~~ must be
18 recalculated for every such year, including the year in which
19 the mistake occurred.

20 (b) If changes, additions, or improvements are not
21 assessed at just value as of the first January 1 after they
22 were substantially completed, the property appraiser shall
23 determine the just value for such changes, additions, or
24 improvements for the year they were substantially completed.
25 Assessments for subsequent years shall be corrected, applying
26 this section if applicable.

27

28 If back taxes are due pursuant to s. 193.092, the corrections
29 made pursuant to this subsection shall be used to calculate
30 such back taxes.

31 (9) If the property appraiser determines that for any

90-433AX-05

Bill No. HB 105, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 year or years within the prior 10 years a person who was not
 2 entitled to the homestead property assessment limitation
 3 granted under this section was granted the homestead property
 4 assessment limitation, the property appraiser making such
 5 determination shall record in the public records of the county
 6 a notice of tax lien against any property owned by that person
 7 in the county, and such property must be identified in the
 8 notice of tax lien. Such property that is situated in this
 9 state is subject to the unpaid taxes, plus a penalty of 50
 10 percent of the unpaid taxes for each year and 15 percent
 11 interest per annum. However, when a person entitled to
 12 exemption pursuant to s. 196.031 inadvertently receives the
 13 limitation pursuant to this section following a change of
 14 ownership, the assessment of such property must be corrected
 15 as provided in paragraph (8)(a), and the person need not pay
 16 the unpaid taxes, penalties, or interest.

17
18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, line 17, after the semicolon

22

23 insert:

24 amending s. 193.155, F.S.; revising provisions
 25 relating to the assessment of homestead
 26 property; revising requirements relating to
 27 recalculation when errors are made due to a
 28 material mistake of fact;

29
30
31