

1 A bill to be entitled
2 An act relating to homestead exemption;
3 amending s. 196.031, F.S.; providing that a
4 person who is receiving or claiming the benefit
5 of an ad valorem tax exemption or a tax credit
6 that requires permanent residency in another
7 state for eligibility is not eligible for
8 homestead exemption; providing an exception;
9 amending s. 196.1975, F.S., relating to
10 exemptions for nonprofit homes for the aged;
11 specifying that the exemption applicable to
12 such homes the residents of which meet certain
13 income limitations applies to individual units
14 or apartments of such homes; providing for
15 application of a residency affidavit
16 requirement to applicants for such an
17 exemption; clarifying provisions relating to
18 qualification for the alternative exemption
19 provided by that section for those portions of
20 a home in which the residents do not meet the
21 income limitations; providing that s. 196.195,
22 F.S., relating to requirements and criteria for
23 determining the profit or nonprofit status of
24 an applicant for exemption, and s. 196.196,
25 F.S., relating to criteria for determining
26 whether property is entitled to a charitable,
27 religious, scientific, or literary exemption,
28 do not apply to that section; providing an
29 effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsection (6) is added to section 196.031,
2 Florida Statutes, to read:

3 196.031 Exemption of homesteads.--

4 (6) A person who is receiving or claiming the benefit
5 of an ad valorem tax exemption or a tax credit in another
6 state where permanent residency is required as a basis for the
7 granting of that ad valorem tax exemption or tax credit is not
8 entitled to the homestead exemption provided by this section.
9 This subsection does not apply to a person who has the legal
10 or equitable title to real estate in Florida and maintains
11 thereon the permanent residence of another legally or
12 naturally dependent upon the owner.

13 Section 2. Section 196.1975, Florida Statutes, is
14 amended to read:

15 196.1975 Exemption for property used by nonprofit
16 homes for the aged.--Nonprofit homes for the aged are exempt
17 to the extent that they meet the following criteria:

18 (1) The applicant must be a corporation not for profit
19 pursuant to chapter 617 or a Florida limited partnership, the
20 sole general partner of which is a corporation not for profit
21 pursuant to chapter 617, and the corporation not for profit
22 must have been exempt as of January 1 of the year for which
23 exemption from ad valorem property taxes is requested from
24 federal income taxation by having qualified as an exempt
25 charitable organization under the provisions of s. 501(c)(3)
26 of the Internal Revenue Code of 1954 or of the corresponding
27 section of a subsequently enacted federal revenue act.

28 (2) A facility will not qualify as a "home for the
29 aged" unless at least 75 percent of the occupants are over the
30 age of 62 years or totally and permanently disabled. For
31 homes for the aged which are exempt from paying income taxes

1 to the United States as specified in subsection (1), licensing
2 by the Agency for Health Care Administration is required for
3 ad valorem tax exemption hereunder only if the home:

4 (a) Furnishes medical facilities or nursing services
5 to its residents, or

6 (b) Qualifies as an assisted living facility under
7 part III of chapter 400.

8 (3) Those portions of the home for the aged which are
9 devoted exclusively to the conduct of religious services or
10 the rendering of nursing or medical services are exempt from
11 ad valorem taxation.

12 (4)(a) After removing the assessed value exempted in
13 subsection (3), units or apartments in homes for the aged
14 shall be exempt only to the extent that residency in the
15 existing unit or apartment of the applicant home is reserved
16 for or restricted to or the unit or apartment is occupied by
17 persons who have resided in the applicant home and in good
18 faith made this state their permanent residence as of January
19 1 of the year in which exemption is claimed and who also meet
20 the requirements set forth in one of the following
21 subparagraphs:

22 1. Persons who have gross incomes of not more than
23 \$7,200 per year and who are 62 years of age or older.

24 2. Couples, one of whom must be 62 years of age or
25 older, having a combined gross income of not more than \$8,000
26 per year, or the surviving spouse thereof, who lived with the
27 deceased at the time of the deceased's death in a home for the
28 aged.

29 3. Persons who are totally and permanently disabled
30 and who have gross incomes of not more than \$7,200 per year.

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1 4. Couples, one or both of whom are totally and
2 permanently disabled, having a combined gross income of not
3 more than \$8,000 per year, or the surviving spouse thereof,
4 who lived with the deceased at the time of the deceased's
5 death in a home for the aged.

6
7 However, the income limitations do not apply to totally and
8 permanently disabled veterans, provided they meet the
9 requirements of s. 196.081.

10 (b) The maximum income limitations permitted in this
11 subsection shall be adjusted, effective January 1, 1977, and
12 on each succeeding year, by the percentage change in the
13 average cost-of-living index in the period January 1 through
14 December 31 of the immediate prior year compared with the same
15 period for the year prior to that. The index is the average
16 of the monthly consumer price index figures for the stated
17 12-month period, relative to the United States as a whole,
18 issued by the United States Department of Labor.

19 (5) Nonprofit housing projects that ~~which~~ are financed
20 by a mortgage loan made or insured by the United States
21 Department of Housing and Urban Development under s. 202, s.
22 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the
23 National Housing Act, as amended, and that ~~which~~ are subject
24 to the income limitations established by that department are
25 ~~shall be~~ exempt from ad valorem taxation.

26 (6) For the purposes of this section, gross income
27 includes social security benefits payable to the person or
28 couple or assigned to an organization designated specifically
29 for the support or benefit of that person or couple.

30 (7) It is ~~hereby~~ declared to be the intent of the
31 Legislature that subsection (3) implements the ad valorem tax

1 exemption authorized in the third sentence of s. 3(a), Art.
2 VII, State Constitution, and the remaining subsections
3 implement s. 6(e), Art. VII, State Constitution, for purposes
4 of granting such exemption to homes for the aged.

5 (8) Physical occupancy on January 1 is not required in
6 those instances in which a home restricts occupancy to persons
7 meeting the income requirements specified in this section.
8 Those portions of a such property failing to meet those
9 requirements shall qualify for an alternative exemption as
10 provided in subsection (9). In a home in which at least 25
11 percent of the units or apartments of the home are restricted
12 to or occupied by persons meeting the income requirements
13 specified in this section, the common areas of that home are
14 exempt from taxation.

15 (9)(a) Each unit or apartment of a home for the aged
16 not exempted in subsection (3) or subsection (4), which is
17 operated by a not for profit corporation and is owned by such
18 corporation or leased by such corporation from a health
19 facilities authority pursuant to part III of chapter 154 or an
20 industrial development authority pursuant to part III of
21 chapter 159, and which property is used by such home for the
22 aged for the purposes for which it was organized, is exempt
23 from all ad valorem taxation, except for assessments for
24 special benefits, to the extent of \$25,000 of assessed
25 valuation of such property for each apartment or unit:

26 1. Which is used by such home for the aged for the
27 purposes for which it was organized; and

28 2. Which is occupied, on January 1 of the year in
29 which exemption from ad valorem property taxation is
30 requested, by a person who resides therein and in good faith
31 makes the same his or her permanent home.

1 (b) Each corporation ~~home~~ applying for an exemption
2 under paragraph (a) of this subsection or paragraph (4)(a)
3 must file with the annual application for exemption an
4 affidavit from each person who occupies a unit or apartment
5 for which an exemption under either of those paragraphs ~~that~~
6 ~~paragraph~~ is claimed stating that the person resides therein
7 and in good faith makes that unit or apartment his or her
8 permanent residence.

9 (10) Homes for the aged, or life care communities,
10 however designated, which are financed through the sale of
11 health facilities authority bonds or bonds of any other public
12 entity, whether on a sale-leaseback basis, a sale-repurchase
13 basis, or other financing arrangement, or which are financed
14 without public-entity bonds, are exempt from ad valorem
15 taxation only in accordance with the provisions of this
16 section.

17 (11) Any portion of such property used for nonexempt
18 purposes may be valued and placed upon the tax rolls
19 separately from any portion entitled to exemption pursuant to
20 this chapter.

21 (12) When it becomes necessary for the property
22 appraiser to determine the value of a unit, he or she shall
23 include in such valuation the proportionate share of the
24 common areas, including the land, fairly attributable to such
25 unit, based upon the value of such unit in relation to all
26 other units in the home, unless the common areas are otherwise
27 exempted by subsection (8).

28 (13) Sections 196.195 and 196.196 do not apply to this
29 section.

30 Section 3. This act shall take effect January 1, 2002.

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