

By the Committee on Government Efficiency Appropriations

593-466B-06

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A bill to be entitled

An act relating to property taxation; amending s. 193.155, F.S.; providing conditions under which changes, additions, or improvements that replace all or a portion of homestead property damaged or destroyed by misfortune or calamity shall not be assessed at just value; providing for assessment of replaced homestead property; amending s. 196.031, F.S.; providing conditions under which homestead property that is damaged or destroyed by misfortune or calamity and is uninhabitable on January 1 after the damage or destruction occurs may be granted the homestead exemption; providing for retroactive application; providing an effective date.

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

Section 1. Subsection (4) of 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.

(4)(a) Except as provided in paragraph (b), changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

1 (b) Changes, additions, or improvements that replace
2 all or do not include replacement of a portion of real
3 property damaged or destroyed by misfortune or calamity shall
4 not increase the assessed value when the square footage of the
5 homestead property as changed or improved does not exceed 110
6 percent of the square footage of the property before the
7 damage or destruction just value of the damaged or destroyed
8 portion as replaced is not more than 125 percent of the just
9 value of the damaged or destroyed portion. Additionally, the
10 assessed value shall not increase if the total square footage
11 of the property as changed or improved does not exceed 1,500
12 square feet. Changes, additions, or improvements that do not
13 cause the total to exceed 110 percent of the total square
14 footage of the property before the damage or destruction, or
15 that do not cause the total to exceed 1,500 total square feet,
16 shall be reassessed as provided under subsection (1). Assessed
17 value shall be increased by the just value of that portion of
18 the changed or improved homestead property any replaced real
19 property, or portion thereof, which is in excess of 110 125
20 percent of the square footage of the homestead before the
21 damage or destruction or that portion exceeding 1,500 square
22 feet just value of the damaged or destroyed property shall be
23 deemed to be a change, addition, or improvement. Homestead
24 Replaced real property damaged or destroyed by misfortunes or
25 calamity which, after being changed or improved, has a square
26 footage with a just value of less than 100 percent of the
27 original property's total square footage before the damage or
28 destruction just value shall be assessed pursuant to
29 subsection (5). For purposes of determining assessed value
30 pursuant to this paragraph, the just value of the changed or
31 improved portion in excess of 110 percent of the square

1 footage before the damage or destruction, or that portion
2 exceeding 1,500 square feet, shall be determined based on the
3 average just value of all square footage in the improved
4 portions of the homestead property determined as of January 1
5 of the year following the change or improvement.

6 (c) Changes, additions, or improvements include
7 improvements made to common areas or other improvements made
8 to property other than to the homestead property by the owner
9 or by an owner association, which improvements directly
10 benefit the homestead property. Such changes, additions, or
11 improvements shall be assessed at just value, and the just
12 value shall be apportioned among the parcels benefiting from
13 the improvement.

14 Section 2. Subsection (7) is added to section 196.031,
15 Florida Statutes, to read:

16 196.031 Exemption of homesteads.--

17 (7) When homestead property is damaged or destroyed by
18 misfortune or calamity and the property is uninhabitable on
19 January 1 after the damage or destruction occurs, the
20 homestead exemption may be granted if the property is
21 otherwise qualified and if the property owner notifies the
22 property appraiser that he or she intends to repair or rebuild
23 the property and live in it as his or her primary residence
24 after it is repaired or rebuilt and does not claim a homestead
25 exemption on any other property or otherwise violate this
26 section.

27 Section 3. This act shall take effect upon becoming a
28 law and shall apply retroactively to January 1, 2006.

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SENATE SUMMARY

Revises the requirements for assessing the value of homestead property that is changed or improved following damage or destruction. Provides for the assessed value to be increased by the just value of that portion of the improved property which exceeds 110 percent of the former square footage of the property. Provides for a property owner to claim the homestead exemption for property that the owner intends to repair or rebuild and live in as a residence.