

FOR CONSIDERATION By the Committee on Government Efficiency  
Appropriations

593-467-06

1                                   A bill to be entitled  
2           An act relating to property taxation; amending  
3           s. 193.155, F.S.; providing conditions under  
4           which changes, additions, or improvements that  
5           replace all or a portion of homestead property  
6           damaged or destroyed by misfortune or calamity  
7           shall not be assessed at just value; providing  
8           for assessment of replaced homestead property  
9           and property damaged or destroyed by misfortune  
10          or calamity; amending s. 196.031, F.S.;  
11          providing conditions under which homestead  
12          property that is damaged or destroyed by  
13          misfortune or calamity and is uninhabitable on  
14          January 1 after the damage or destruction  
15          occurs may be granted the homestead exemption;  
16          providing for retroactive application;  
17          providing an effective date.

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

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21           Section 1. Subsection (4) of section 193.155, Florida  
22 Statutes, is amended to read:

23           193.155 Homestead assessments.--Homestead property  
24 shall be assessed at just value as of January 1, 1994.  
25 Property receiving the homestead exemption after January 1,  
26 1994, shall be assessed at just value as of January 1 of the  
27 year in which the property receives the exemption.

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

3 (b) Changes, additions, or improvements that replace  
4 ~~all or do not include replacement~~ of a portion of real  
5 property damaged or destroyed by misfortune or calamity shall  
6 not increase assessed value when the just value of the damaged  
7 or destroyed portion as replaced is not more than 125 percent  
8 of the just value of the damaged or destroyed portion.  
9 Assessed value shall be increased by the just value of any  
10 replaced real property, or portion thereof, which is in excess  
11 of 125 percent of the just value of the damaged or destroyed  
12 property shall be deemed to be a change, addition, or  
13 improvement. For purposes of determining assessed value pursuant  
14 to this paragraph, the just value of the replaced property  
15 shall be determined as of January 1 of the year following the  
16 replacement, and the just value of the damaged or destroyed  
17 portion shall be determined as if it still existed on January  
18 1 of the year following its replacement. Replaced real  
19 property that has with a just value of less than 100 percent  
20 of the ~~original~~ property's just value before the damage or  
21 destruction shall be assessed pursuant to subsection (5).

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

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

1           196.031 Exemption of homesteads.--  
2           (7) When homestead property is damaged or destroyed by  
3 misfortune or calamity and the property is uninhabitable on  
4 January 1 after the damage or destruction occurs, the  
5 homestead exemption may be granted if the property is  
6 otherwise qualified and if the property owner notifies the  
7 property appraiser that he or she intends to repair or rebuild  
8 the property and live in it as his or her primary residence  
9 after it is repaired or rebuilt and does not claim a homestead  
10 exemption on any other property or otherwise violate this  
11 section while the repairs are being made.

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

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16   SENATE SUMMARY

17           Provides for determining the assessed value of damaged or  
18           destroyed property as if it still existed on January 1 of  
19           the year following its replacement. Provides for a  
20           property owner to claim the homestead exemption for  
21           property that the owner intends to repair or rebuild and  
22           live in as a residence.  
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