

1 A bill to be entitled
 2 An act relating to homestead assessments; amending s.
 3 193.155, F.S.; revising criteria under which transfer of
 4 homestead property is not considered a change of
 5 ownership; providing construction; providing an effective
 6 date.

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

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 10 Section 1. Subsection (3) of section 193.155, Florida
 11 Statutes, is amended to read:

12 193.155 Homestead assessments.--Homestead property shall
 13 be assessed at just value as of January 1, 1994. Property
 14 receiving the homestead exemption after January 1, 1994, shall
 15 be assessed at just value as of January 1 of the year in which
 16 the property receives the exemption unless the provisions of
 17 subsection (8) apply.

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

27 | ~~1.(a)~~ Subsequent to the change or transfer, the same
 28 | person is entitled to the homestead exemption as was previously
 29 | entitled and:

30 | ~~a.1.~~ The transfer of title is to correct an error;

31 | ~~b.2.~~ The transfer is between legal and equitable title or
 32 | equitable and equitable title and no additional person applies
 33 | for a homestead exemption on the property; or

34 | ~~c.3.~~ The change or transfer is by means of an instrument
 35 | in which the owner is listed as both grantor and grantee of the
 36 | real property and one or more other individuals are additionally
 37 | named as grantee. However, if any individual who is additionally
 38 | named as a grantee applies for a homestead exemption on the
 39 | property, the application shall be considered a change of
 40 | ownership;

41 | ~~2.(b)~~ Legal or equitable title is changed or transferred
 42 | ~~The transfer is~~ between husband and wife, including a change or
 43 | transfer to a surviving spouse or a transfer due to a
 44 | dissolution of marriage;

45 | ~~3.(e)~~ The transfer occurs by operation of law to the
 46 | surviving spouse under s. 732.401 ~~732.4015~~; or

47 | ~~4.(d)~~ Upon the death of the owner, the transfer is between
 48 | the owner and another who is a permanent resident and is legally
 49 | or naturally dependent upon the owner.

50 | (b) For purposes of this subsection, a leasehold interest
 51 | that qualifies for the homestead exemption under s. 196.031 or
 52 | s. 196.041 shall be treated as an equitable interest in the
 53 | property.

54 | Section 2. This act shall take effect July 1, 2009.