

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 or minor child or children under s. 732.401  
 47 | 732.4015; or

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

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

CS/HB 101, Engrossed 1

2009

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