

By Senator Altman

24-00537-09

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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  
4 of homestead property is not considered a change of  
5 ownership; providing an effective date.  
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7 Be It Enacted by the Legislature of the State of Florida:  
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9 Section 1. Subsection (3) of section 193.155, Florida  
10 Statutes, is amended to read:

11 193.155 Homestead assessments.—Homestead property shall be  
12 assessed at just value as of January 1, 1994. Property receiving  
13 the homestead exemption after January 1, 1994, shall be assessed  
14 at just value as of January 1 of the year in which the property  
15 receives the exemption unless the provisions of subsection (8)  
16 apply.

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

26 (a) Subsequent to the change or transfer, the same person  
27 is entitled to the homestead exemption as was previously  
28 entitled and:

29 1. The transfer of title is to correct an error;

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30           2. The transfer is between legal and equitable title; or

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

38           (b) The transfer is between husband and wife, including a  
39 transfer to a surviving spouse or a transfer due to a  
40 dissolution of marriage;

41           (c) The transfer occurs by operation of law under s.  
42 732.401 ~~s. 732.4015~~; ~~or~~

43           (d) Upon the death of the owner, the transfer is between  
44 the owner and another who is a permanent resident and is legally  
45 or naturally dependent upon the owner; or

46           (e) Subsequent to the change or transfer, the transferor or  
47 the transferor's spouse possesses legal or equitable title or  
48 otherwise qualifies for the homestead exemption under s.  
49 196.031, so long as the transferor or the transferor's spouse  
50 would meet the requirements of s. 196.031(1)(a) independently of  
51 such transfer.

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