

1 A bill to be entitled
2 An act relating to real property; amending s. 193.155,
3 F.S.; revising the criteria under which a transfer of
4 homestead property is not considered a change of
5 ownership; providing for such provisions to apply to a
6 leasehold interest under certain circumstances; amending
7 s. 193.1554, F.S.; providing that a change in the
8 ownership of nonhomestead residential property is not
9 deemed to have occurred due to certain transactions
10 involving a publicly traded company; amending s. 193.1555,
11 F.S.; providing that a change in the ownership of
12 nonresidential property is not deemed to have occurred due
13 to certain transactions involving a publicly traded
14 company; amending s. 193.1556, F.S.; providing that a
15 recorded deed or other instrument shall serve as notice of
16 a change of ownership; requiring the Department of Revenue
17 to provide a form by which a property owner may notify any
18 property appraiser of a change of ownership or control;
19 providing an effective date.

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

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

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

29 receives the exemption unless the provisions of subsection (8)
 30 apply.

31 (3) (a) Except as provided in this subsection or subsection
 32 (8), property assessed under this section shall be assessed at
 33 just value as of January 1 of the year following a change of
 34 ownership. Thereafter, the annual changes in the assessed value
 35 of the property are subject to the limitations in subsections
 36 (1) and (2). For the purpose of this section, a change of
 37 ownership means any sale, foreclosure, or transfer of legal
 38 title or beneficial title in equity to any person, except as
 39 provided in this subsection. There is no change of ownership if:

40 1.(a) Subsequent to the change or transfer, the same
 41 person is entitled to the homestead exemption as was previously
 42 entitled and:

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

44 b.2. The transfer is between legal and equitable title or
 45 equitable and equitable title and no additional person applies
 46 for a homestead exemption on the property; or

47 c.3. The change or transfer is by means of an instrument
 48 in which the owner is listed as both grantor and grantee of the
 49 real property and one or more other individuals are additionally
 50 named as grantee. However, if any individual who is additionally
 51 named as a grantee applies for a homestead exemption on the
 52 property, the application shall be considered a change of
 53 ownership;

54 2.(b) Legal or equitable title is changed or transferred
 55 ~~The transfer is~~ between husband and wife, including a change or
 56 transfer to a surviving spouse or a transfer due to a

57 dissolution of marriage;

58 3.(e) The transfer occurs by operation of law to the
 59 surviving spouse or minor child or children under s. 732.401 ~~s.~~
 60 ~~732.4015~~; or

61 4.(d) Upon the death of the owner, the transfer is between
 62 the owner and another who is a permanent resident and is legally
 63 or naturally dependent upon the owner.

64 (b) For purposes of this subsection, a leasehold interest
 65 that qualifies for the homestead exemption under s. 196.031 or
 66 s. 196.041 shall be treated as an equitable interest in the
 67 property.

68 Section 2. Subsection (5) of section 193.1554, Florida
 69 Statutes, is amended to read:

70 193.1554 Assessment of nonhomestead residential property.—

71 (5) Except as provided in this subsection, property
 72 assessed under this section shall be assessed at just value as
 73 of January 1 of the year following a change of ownership or
 74 control. Thereafter, the annual changes in the assessed value of
 75 the property are subject to the limitations in subsections (3)
 76 and (4). For purpose of this section, a change of ownership or
 77 control means any sale, foreclosure, transfer of legal title or
 78 beneficial title in equity to any person, or the cumulative
 79 transfer of control or of more than 50 percent of the ownership
 80 of the legal entity that owned the property when it was most
 81 recently assessed at just value, except as provided in this
 82 subsection. There is no change of ownership if:

83 (a) The transfer of title is to correct an error.†

84 (b) The transfer is between legal and equitable title.† ~~or~~

85 (c) The transfer is between husband and wife, including a
 86 transfer to a surviving spouse or a transfer due to a
 87 dissolution of marriage.

88 (d) For a publicly traded company, the cumulative transfer
 89 of more than 50 percent of the ownership of the entity that owns
 90 the property occurs through the buying and selling of shares of
 91 the company on a public exchange. This exception does not apply
 92 to a transfer made through a merger with or an acquisition by
 93 another company, including an acquisition by acquiring
 94 outstanding shares of the company.

95 Section 3. Subsection (5) of section 193.1555, Florida
 96 Statutes, is amended to read:

97 193.1555 Assessment of certain residential and
 98 nonresidential real property.—

99 (5) Except as provided in this subsection, property
 100 assessed under this section shall be assessed at just value as
 101 of January 1 of the year following a qualifying improvement or
 102 change of ownership or control. Thereafter, the annual changes
 103 in the assessed value of the property are subject to the
 104 limitations in subsections (3) and (4). For purpose of this
 105 section:

106 (a) A qualifying improvement means any substantially
 107 completed improvement that increases the just value of the
 108 property by at least 25 percent.

109 (b) A change of ownership or control means any sale,
 110 foreclosure, transfer of legal title or beneficial title in
 111 equity to any person, or the cumulative transfer of control or
 112 of more than 50 percent of the ownership of the legal entity

113 that owned the property when it was most recently assessed at
 114 just value, except as provided in this subsection. There is no
 115 change of ownership if:

- 116 1. The transfer of title is to correct an error. ~~or~~
- 117 2. The transfer is between legal and equitable title.
- 118 3. For a publicly traded company, the cumulative transfer
 119 of more than 50 percent of the ownership of the entity that owns
 120 the property occurs through the buying and selling of shares of
 121 the company on a public exchange. This exception does not apply
 122 to a transfer made through a merger with or acquisition by
 123 another company, including acquisition by acquiring outstanding
 124 shares of the company.

125 Section 4. Section 193.1556, Florida Statutes, is amended
 126 to read:

127 193.1556 Notice of change of ownership or control
 128 required.—

129 (1) Any person or entity that owns property assessed under
 130 s. 193.1554 or s. 193.1555 must notify the property appraiser
 131 promptly of any change of ownership or control as defined in ss.
 132 193.1554(5) and 193.1555(5). If the change of ownership is
 133 recorded by a deed or other instrument in the public records of
 134 the county where the property is located, the recorded deed or
 135 other instrument shall serve as notice to the property
 136 appraiser. If any property owner fails to so notify the property
 137 appraiser and the property appraiser determines that for any
 138 year within the prior 10 years the owner's property was not
 139 entitled to assessment under s. 193.1554 or s. 193.1555, the
 140 owner of the property is subject to the taxes avoided as a

141 result of such failure plus 15 percent interest per annum and a
142 penalty of 50 percent of the taxes avoided. It is the duty of
143 the property appraiser making such determination to record in
144 the public records of the county a notice of tax lien against
145 any property owned by that person or entity in the county, and
146 such property must be identified in the notice of tax lien. Such
147 property is subject to the payment of all taxes and penalties.
148 Such lien when filed shall attach to any property, identified in
149 the notice of tax lien, owned by the person or entity that
150 illegally or improperly was assessed under s. 193.1554 or s.
151 193.1555. If such person or entity no longer owns property in
152 that county, but owns property in some other county or counties
153 in the state, it shall be the duty of the property appraiser to
154 record a notice of tax lien in such other county or counties,
155 identifying the property owned by such person or entity in such
156 county or counties, and it becomes a lien against such property
157 in such county or counties.

158 (2) The Department of Revenue shall provide a form by
159 which a property owner may provide notice to all property
160 appraisers of a change of ownership or control. The form must
161 allow the property owner to list all property that it owns or
162 controls in this state for which a change of ownership or
163 control as defined in s. 193.1554(5) or s. 193.1555(5) has
164 occurred, but has not been noticed previously to property
165 appraisers. Providing notice on this form constitutes compliance
166 with the notification requirements in this section.

167 Section 5. This act shall take effect July 1, 2010.