

By Senator Rodriguez

40-01436-26

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A bill to be entitled

An act relating to the transfer of homestead property by inheritance; amending s. 193.155, F.S.; providing that the transfer of certain property by inheritance is not a change in ownership; providing a contingent effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 193.155, Florida Statutes, is amended to read:

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

(3) (a) Except as provided in this subsection or subsection (8), property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change of ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except if any of the following apply:

1. Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

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

31 b. 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;

34 c. The change or transfer is by means of an instrument in

35 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 is considered a change of ownership;

40 d. The change or transfer is by means of an instrument in

41 which the owner entitled to the homestead exemption is listed as

42 both grantor and grantee of the real property and one or more

43 other individuals, all of whom held title as joint tenants with

44 rights of survivorship with the owner, are named only as

45 grantors and are removed from the title; or

46 e. The person is a lessee entitled to the homestead

47 exemption under s. 196.041(1);

48 2. Legal or equitable title is changed or transferred

49 between husband and wife, including a change or transfer to a

50 surviving spouse or a transfer due to a dissolution of marriage;

51 3. The transfer occurs by operation of law to the surviving

52 spouse or minor child or children under s. 732.401;

53 4. Upon the death of the owner, the transfer is between the

54 owner and another who is a permanent resident and who is legally

55 or naturally dependent upon the owner; ~~or~~

56 5. The transfer occurs with respect to a property where all

57 of the following apply:

58 a. Multiple owners hold title as joint tenants with rights

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59 of survivorship;

60 b. One or more owners were entitled to and received the
61 homestead exemption on the property;

62 c. The death of one or more owners occurs; and

63 d. Subsequent to the transfer, the surviving owner or
64 owners previously entitled to and receiving the homestead
65 exemption continue to be entitled to and receive the homestead
66 exemption; or67 6. Upon the death of the owner, the transfer is between the
68 owner and another who makes the property his or her homestead
69 within 1 year.70 Section 2. This act shall take effect on the effective date
71 of the amendment to the State Constitution proposed by SJR ____
72 or a similar joint resolution having substantially the same
73 specified intent and purpose, if such amendment to the State
74 Constitution is approved at the next general election or at an
75 earlier special election specifically authorized by law for that
76 purpose.