

HB 1413

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A bill to be entitled
An act relating to assessment of property with
decreasing just valuation; amending ss. 193.155,
193.1554, and 193.1555, F.S.; prohibiting increases in
certain assessed valuations if the just value of the
property has decreased since the previous assessment;
providing a contingent effective date.

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

Section 1. Subsection (1) of section 193.155, Florida Statutes, is amended, and subsection (4) of that section is republished, 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.

(1) (a) Except as provided in paragraph (b), beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:

1.-(a) Three percent of the assessed value of the property

26 for the prior year; or

27 2. (b) The percentage change in the Consumer Price Index
28 for All Urban Consumers, U.S. City Average, all items 1967=100,
29 or successor reports for the preceding calendar year as
30 initially reported by the United States Department of Labor,
31 Bureau of Labor Statistics.

32 (b) Except as provided in subsection (4), the assessed
33 value of homestead property may not increase if the just value
34 of the property is less than the just value of the property on
35 the preceding January 1.

36 (4) (a) Except as provided in paragraph (b) and s. 193.624,
37 changes, additions, or improvements to homestead property shall
38 be assessed at just value as of the first January 1 after the
39 changes, additions, or improvements are substantially completed.

40 (b) 1. Changes, additions, or improvements that replace all
41 or a portion of homestead property, including ancillary
42 improvements, damaged or destroyed by misfortune or calamity
43 shall be assessed upon substantial completion as provided in
44 this paragraph. Such assessment must be calculated using the
45 homestead property's assessed value as of the January 1
46 immediately before the date on which the damage or destruction
47 was sustained, subject to the assessment limitations in
48 subsections (1) and (2), when:

49 a. The square footage of the homestead property as changed
50 or improved does not exceed 130 percent of the square footage of

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51 the homestead property before the damage or destruction; or
52 b. The total square footage of the homestead property as
53 changed or improved does not exceed 2,000 square feet.

54 2. The homestead property's assessed value must be
55 increased by the just value of that portion of the changed or
56 improved homestead property which is in excess of 130 percent of
57 the square footage of the homestead property before the damage
58 or destruction or of that portion exceeding 2,000 square feet.

59 3. Homestead property damaged or destroyed by misfortune
60 or calamity which, after being changed or improved, has a square
61 footage of less than 100 percent of the homestead property's
62 total square footage before the damage or destruction shall be
63 assessed pursuant to subsection (5).

64 4. Changes, additions, or improvements assessed pursuant
65 to this paragraph must be reassessed pursuant to subsection (1)
66 in subsequent years. This paragraph applies to changes,
67 additions, or improvements commenced within 5 years after the
68 January 1 following the damage or destruction of the homestead.

69 (c) Changes, additions, or improvements that replace all
70 or a portion of real property that was damaged or destroyed by
71 misfortune or calamity shall be assessed upon substantial
72 completion as if such damage or destruction had not occurred and
73 in accordance with paragraph (b) if the owner of such property:

74 1. Was permanently residing on such property when the
75 damage or destruction occurred;

76 2. Was not entitled to receive homestead exemption on such
77 property as of January 1 of that year; and

78 3. Applies for and receives homestead exemption on such
79 property the following year.

80 (d) Changes, additions, or improvements include
81 improvements made to common areas or other improvements made to
82 property other than to the homestead property by the owner or by
83 an owner association, which improvements directly benefit the
84 homestead property. Such changes, additions, or improvements
85 shall be assessed at just value, and the just value shall be
86 apportioned among the parcels benefiting from the improvement.

87 **Section 2. Subsection (3) of section 193.1554, Florida
88 Statutes, is amended, and subsection (6) of that section is
89 republished, to read:**

90 193.1554 Assessment of nonhomestead residential property.—
91 (3) (a) Except as provided in paragraph (b), beginning in
92 the year following the year the nonhomestead residential
93 property becomes eligible for assessment pursuant to this
94 section, the property shall be reassessed annually on January 1.
95 Any change resulting from such reassessment may not exceed 10
96 percent of the assessed value of the property for the prior
97 year.

98 (b) Except for assessments described in subsection (6),
99 for all levies other than school district levies, the assessed
100 value of nonhomestead residential property may not increase if

101 the just value of the property is less than the just value of
102 the property on the preceding January 1.

103 (6) (a) Except as provided in paragraph (b) and s. 193.624,
104 changes, additions, or improvements to nonhomestead residential
105 property shall be assessed at just value as of the first January
106 1 after the changes, additions, or improvements are
107 substantially completed.

108 (b) 1. Changes, additions, or improvements that replace all
109 or a portion of nonhomestead residential property, including
110 ancillary improvements, damaged or destroyed by misfortune or
111 calamity must be assessed upon substantial completion as
112 provided in this paragraph. Such assessment must be calculated
113 using the nonhomestead property's assessed value as of the
114 January 1 immediately before the date on which the damage or
115 destruction was sustained, subject to the assessment limitations
116 in subsections (3) and (4), when:

117 a. The square footage of the property as changed or
118 improved does not exceed 110 percent of the square footage of
119 the property before the damage or destruction; or

120 b. The total square footage of the property as changed or
121 improved does not exceed 1,500 square feet.

122 2. The property's assessed value must be increased by the
123 just value of that portion of the changed or improved property
124 which is in excess of 110 percent of the square footage of the
125 property before the damage or destruction or of that portion

126 exceeding 1,500 square feet.

127 3. Property damaged or destroyed by misfortune or calamity
128 which, after being changed or improved, has a square footage of
129 less than 100 percent of the property's total square footage
130 before the damage or destruction shall be assessed pursuant to
131 subsection (8).

132 4. Changes, additions, or improvements assessed pursuant
133 to this paragraph shall be reassessed pursuant to subsection (3)
134 in subsequent years. This paragraph applies to changes,
135 additions, or improvements commenced within 3 years after the
136 January 1 following the damage or destruction of the property.

137 (c) Changes, additions, or improvements include
138 improvements made to common areas or other improvements made to
139 property other than to the nonhomestead residential property by
140 the owner or by an owner association, which improvements
141 directly benefit the property. Such changes, additions, or
142 improvements shall be assessed at just value, and the just value
143 shall be apportioned among the parcels benefiting from the
144 improvement.

145 **Section 3. Subsection (3) of section 193.1555, Florida
146 Statutes, is amended, and subsection (6) of that section is
147 republished, to read:**

148 193.1555 Assessment of certain residential and
149 nonresidential real property.—

150 (3) Except as provided in paragraph (b), beginning in

151 the year following the year the property becomes eligible for
152 assessment pursuant to this section, the property shall be
153 reassessed annually on January 1. Any change resulting from such
154 reassessment may not exceed 10 percent of the assessed value of
155 the property for the prior year.

156 (b) Except for assessments described in subsection (6),
157 for all levies other than school district levies, the assessed
158 value of nonresidential real property may not increase if the
159 just value of the property is less than the just value of the
160 property on the preceding January 1.

161 (6) (a) Except as provided in paragraph (b), changes,
162 additions, or improvements to nonresidential real property shall
163 be assessed at just value as of the first January 1 after the
164 changes, additions, or improvements are substantially completed.

165 (b) 1. Changes, additions, or improvements that replace all
166 or a portion of nonresidential real property, including
167 ancillary improvements, damaged or destroyed by misfortune or
168 calamity must be assessed upon substantial completion as
169 provided in this paragraph. Such assessment must be calculated
170 using the nonresidential real property's assessed value as of
171 the January 1 immediately before the date on which the damage or
172 destruction was sustained, subject to the assessment limitations
173 in subsections (3) and (4), when:

174 a. The square footage of the property as changed or
175 improved does not exceed 110 percent of the square footage of

176 the property before the damage or destruction; and

177 b. The changes, additions, or improvements do not change
178 the property's character or use.

179 2. The property's assessed value must be increased by the
180 just value of that portion of the changed or improved property
181 which is in excess of 110 percent of the square footage of the
182 property before the damage or destruction.

183 3. Property damaged or destroyed by misfortune or calamity
184 which, after being changed or improved, has a square footage of
185 less than 100 percent of the property's total square footage
186 before the damage or destruction shall be assessed pursuant to
187 subsection (8).

188 4. Changes, additions, or improvements assessed pursuant
189 to this paragraph must be reassessed pursuant to subsection (3)
190 in subsequent years. This paragraph applies to changes,
191 additions, or improvements commenced within 3 years after the
192 January 1 following the damage or destruction of the property.

193 **Section 4.** This act shall take effect on the effective
194 date of the amendment to the State Constitution proposed by HJR
195 1411 or a similar joint resolution having substantially the same
196 specified intent and purpose, if such amendment to the State
197 Constitution is approved at the next general election or at an
198 earlier special election specifically authorized by law for that
199 purpose.