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1 A bill to be entitled
2 An act relating to ad valorem taxation; amending s.
3 193.155, F.S.; revising provisions relating to annual
4 reassessment of property; providing that an assessment may
5 not increase if the just value of the property is less
6 than the just value of the property on the preceding
7 January 1; deleting an obsolete provision; amending s.
8 193.1554, F.S.; providing exceptions to reducing the
9 amount that any change in the value of nonhomestead
10 residential property resulting from an annual reassessment
11 may exceed the assessed value of the property for the
12 prior year; providing exceptions; providing that an
13 assessment may not increase if the just value of the
14 property is less than the just value of the property on
15 the preceding date of assessment provided by law; amending
16 s. 193.1555, F.S.; reducing the amount that any change in
17 the value of certain residential and nonresidential real
18 property resulting from an annual reassessment may exceed
19 the assessed value of the property for the prior year;
20 providing exceptions; providing that an assessment may not
21 increase if the just value of the property is less than
22 the just value of the property on the preceding date of
23 assessment provided by law; creating s. 196.078, F.S.;
24 providing a definition; providing a first-time Florida
25 homesteader with an additional homestead exemption;
26 providing for calculation of the exemption; providing for
27 the applicability period of the exemption; providing for
28 an annual reduction in the exemption during the

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applicability period; providing application procedures;
providing for applicability of specified provisions;
providing for contingent effect of provisions and varying
dates of application depending on the adoption and
adoption date of specified joint resolutions; authorizing
the Department of Revenue to adopt emergency rules;
providing for application and renewal of emergency rules;
providing for certain contingent effect and retroactive
application; providing an effective date.

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

Section 1. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in the general election held in November 2012, 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.

(1) Beginning in ~~1995,~~ or the year following the year the property receives a homestead exemption, ~~whichever is later,~~ the property shall be reassessed annually on January 1. Except for changes, additions, reductions, or improvements to homestead property assessed as provided in subsection (4):

(a) Any change resulting from such reassessment shall not

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57 exceed the lower of the following:

58 ~~1.(a)~~ Three percent of the assessed value of the property
59 for the prior year; or

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

65 (b) An assessment may not increase if the just value of
66 the property is less than the just value of the property on the
67 preceding January 1.

68 (2) If the assessed value of the property as calculated
69 under subsection (1) exceeds the just value, the assessed value
70 of the property shall be lowered to the just value of the
71 property.

72 (3) (a) Except as provided in this subsection or subsection
73 (8), property assessed under this section shall be assessed at
74 just value as of January 1 of the year following a change of
75 ownership. Thereafter, the annual changes in the assessed value
76 of the property are subject to the limitations in subsections
77 (1) and (2). For the purpose of this section, a change of
78 ownership means any sale, foreclosure, or transfer of legal
79 title or beneficial title in equity to any person, except as
80 provided in this subsection. There is no change of ownership if:

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

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

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85 b. The transfer is between legal and equitable title or
86 equitable and equitable title and no additional person applies
87 for a homestead exemption on the property; or

88 c. The change or transfer is by means of an instrument in
89 which the owner is listed as both grantor and grantee of the
90 real property and one or more other individuals are additionally
91 named as grantee. However, if any individual who is additionally
92 named as a grantee applies for a homestead exemption on the
93 property, the application shall be considered a change of
94 ownership;

95 2. Legal or equitable title is changed or transferred
96 between husband and wife, including a change or transfer to a
97 surviving spouse or a transfer due to a dissolution of marriage;

98 3. The transfer occurs by operation of law to the
99 surviving spouse or minor child or children under s. 732.401; or

100 4. Upon the death of the owner, the transfer is between
101 the owner and another who is a permanent resident and is legally
102 or naturally dependent upon the owner.

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

107 (4) (a) Except as provided in paragraph (b), changes,
108 additions, or improvements to homestead property shall be
109 assessed at just value as of the first January 1 after the
110 changes, additions, or improvements are substantially completed.

111 (b) Changes, additions, or improvements that replace all
112 or a portion of homestead property damaged or destroyed by

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misfortune or calamity shall not increase the homestead property's assessed value when the square footage of the homestead property as changed or improved does not exceed 110 percent of the square footage of the homestead property before the damage or destruction. Additionally, the homestead property's assessed value shall not increase if the total square footage of the homestead property as changed or improved does not exceed 1,500 square feet. Changes, additions, or improvements that do not cause the total to exceed 110 percent of the total square footage of the homestead property before the damage or destruction or that do not cause the total to exceed 1,500 total square feet shall be reassessed as provided under subsection (1). The homestead property's assessed value shall be increased by the just value of that portion of the changed or improved homestead property which is in excess of 110 percent of the square footage of the homestead property before the damage or destruction or of that portion exceeding 1,500 square feet. Homestead property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the homestead property's total square footage before the damage or destruction shall be assessed pursuant to subsection (5). This paragraph applies to changes, additions, or improvements commenced within 3 years after the January 1 following the damage or destruction of the homestead.

(c) Changes, additions, or improvements that replace all or a portion of real property that was damaged or destroyed by misfortune or calamity shall be assessed upon substantial

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141 completion as if such damage or destruction had not occurred and
142 in accordance with paragraph (b) if the owner of such property:

143 1. Was permanently residing on such property when the
144 damage or destruction occurred;

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

147 3. Applies for and receives homestead exemption on such
148 property the following year.

149 (d) Changes, additions, or improvements include
150 improvements made to common areas or other improvements made to
151 property other than to the homestead property by the owner or by
152 an owner association, which improvements directly benefit the
153 homestead property. Such changes, additions, or improvements
154 shall be assessed at just value, and the just value shall be
155 apportioned among the parcels benefiting from the improvement.

156 (5) When property is destroyed or removed and not
157 replaced, the assessed value of the parcel shall be reduced by
158 the assessed value attributable to the destroyed or removed
159 property.

160 (6) Only property that receives a homestead exemption is
161 subject to this section. No portion of property that is assessed
162 solely on the basis of character or use pursuant to s. 193.461
163 or s. 193.501, or assessed pursuant to s. 193.505, is subject to
164 this section. When property is assessed under s. 193.461, s.
165 193.501, or s. 193.505 and contains a residence under the same
166 ownership, the portion of the property consisting of the
167 residence and curtilage must be assessed separately, pursuant to
168 s. 193.011, for the assessment to be subject to the limitation

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in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Property assessed under this section shall be assessed at less than just value when the person who establishes a new homestead has received a homestead exemption as of January 1 of either of the 2 immediately preceding years. ~~A person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007, and only if this subsection applies retroactive to January 1, 2008.~~ For purposes of this subsection, a husband and wife who owned and both permanently resided on a previous homestead shall each be considered to have received the homestead exemption even though only the husband or the wife applied for the homestead exemption on the previous homestead. The assessed value of the newly established homestead shall be determined as provided in this subsection.

(a) If the just value of the new homestead as of January 1 is greater than or equal to the just value of the immediate prior homestead as of January 1 of the year in which the immediate prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$500,000 or the difference between the just value and the assessed value of the immediate prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead

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197 shall be assessed as provided in this section.

198 (b) If the just value of the new homestead as of January 1
199 is less than the just value of the immediate prior homestead as
200 of January 1 of the year in which the immediate prior homestead
201 was abandoned, the assessed value of the new homestead shall be
202 equal to the just value of the new homestead divided by the just
203 value of the immediate prior homestead and multiplied by the
204 assessed value of the immediate prior homestead. However, if the
205 difference between the just value of the new homestead and the
206 assessed value of the new homestead calculated pursuant to this
207 paragraph is greater than \$500,000, the assessed value of the
208 new homestead shall be increased so that the difference between
209 the just value and the assessed value equals \$500,000.

210 Thereafter, the homestead shall be assessed as provided in this
211 section.

212 (c) If two or more persons who have each received a
213 homestead exemption as of January 1 of either of the 2
214 immediately preceding years and who would otherwise be eligible
215 to have a new homestead property assessed under this subsection
216 establish a single new homestead, the reduction from just value
217 is limited to the higher of the difference between the just
218 value and the assessed value of either of the prior eligible
219 homesteads as of January 1 of the year in which either of the
220 eligible prior homesteads was abandoned, but may not exceed
221 \$500,000.

222 (d) If two or more persons abandon jointly owned and
223 jointly titled property that received a homestead exemption as
224 of January 1 of either of the 2 immediately preceding years, and

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one or more such persons who were entitled to and received a homestead exemption on the abandoned property establish a new homestead that would otherwise be eligible for assessment under this subsection, each such person establishing a new homestead is entitled to a reduction from just value for the new homestead equal to the just value of the prior homestead minus the assessed value of the prior homestead divided by the number of owners of the prior homestead who received a homestead exemption, unless the title of the property contains specific ownership shares, in which case the share of reduction from just value shall be proportionate to the ownership share. In calculating the assessment reduction to be transferred from a prior homestead that has an assessment reduction for living quarters of parents or grandparents pursuant to s. 193.703, the value calculated pursuant to s. 193.703(6) must first be added back to the assessed value of the prior homestead. The total reduction from just value for all new homesteads established under this paragraph may not exceed \$500,000. There shall be no reduction from just value of any new homestead unless the prior homestead is reassessed at just value or is reassessed under this subsection as of January 1 after the abandonment occurs.

(e) If one or more persons who previously owned a single homestead and each received the homestead exemption qualify for a new homestead where all persons who qualify for homestead exemption in the new homestead also qualified for homestead exemption in the previous homestead without an additional person qualifying for homestead exemption in the new homestead, the reduction in just value shall be calculated pursuant to

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paragraph (a) or paragraph (b), without application of paragraph (c) or paragraph (d).

(f) For purposes of receiving an assessment reduction pursuant to this subsection, a person entitled to assessment under this section may abandon his or her homestead even though it remains his or her primary residence by notifying the property appraiser of the county where the homestead is located. This notification must be in writing and delivered at the same time as or before timely filing a new application for homestead exemption on the property.

(g) In order to have his or her homestead property assessed under this subsection, a person must file a form provided by the department as an attachment to the application for homestead exemption. The form, which must include a sworn statement attesting to the applicant's entitlement to assessment under this subsection, shall be considered sufficient documentation for applying for assessment under this subsection. The department shall require by rule that the required form be submitted with the application for homestead exemption under the timeframes and processes set forth in chapter 196 to the extent practicable.

(h)1. If the previous homestead was located in a different county than the new homestead, the property appraiser in the county where the new homestead is located must transmit a copy of the completed form together with a completed application for homestead exemption to the property appraiser in the county where the previous homestead was located. If the previous homesteads of applicants for transfer were in more than one

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281 county, each applicant from a different county must submit a
282 separate form.

283 2. The property appraiser in the county where the previous
284 homestead was located must return information to the property
285 appraiser in the county where the new homestead is located by
286 April 1 or within 2 weeks after receipt of the completed
287 application from that property appraiser, whichever is later. As
288 part of the information returned, the property appraiser in the
289 county where the previous homestead was located must provide
290 sufficient information concerning the previous homestead to
291 allow the property appraiser in the county where the new
292 homestead is located to calculate the amount of the assessment
293 limitation difference which may be transferred and must certify
294 whether the previous homestead was abandoned and has been or
295 will be reassessed at just value or reassessed according to the
296 provisions of this subsection as of the January 1 following its
297 abandonment.

298 3. Based on the information provided on the form from the
299 property appraiser in the county where the previous homestead
300 was located, the property appraiser in the county where the new
301 homestead is located shall calculate the amount of the
302 assessment limitation difference which may be transferred and
303 apply the difference to the January 1 assessment of the new
304 homestead.

305 4. All property appraisers having information-sharing
306 agreements with the department are authorized to share
307 confidential tax information with each other pursuant to s.
308 195.084, including social security numbers and linked

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information on the forms provided pursuant to this section.

5. The transfer of any limitation is not final until any values on the assessment roll on which the transfer is based are final. If such values are final after tax notice bills have been sent, the property appraiser shall make appropriate corrections and a corrected tax notice bill shall be sent. Any values that are under administrative or judicial review shall be noticed to the tribunal or court for accelerated hearing and resolution so that the intent of this subsection may be carried out.

6. If the property appraiser in the county where the previous homestead was located has not provided information sufficient to identify the previous homestead and the assessment limitation difference is transferable, the taxpayer may file an action in circuit court in that county seeking to establish that the property appraiser must provide such information.

7. If the information from the property appraiser in the county where the previous homestead was located is provided after the procedures in this section are exercised, the property appraiser in the county where the new homestead is located shall make appropriate corrections and a corrected tax notice and tax bill shall be sent.

8. This subsection does not authorize the consideration or adjustment of the just, assessed, or taxable value of the previous homestead property.

9. The property appraiser in the county where the new homestead is located shall promptly notify a taxpayer if the information received, or available, is insufficient to identify the previous homestead and the amount of the assessment

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337 limitation difference which is transferable. Such notification
338 shall be sent on or before July 1 as specified in s. 196.151.

339 10. The taxpayer may correspond with the property
340 appraiser in the county where the previous homestead was located
341 to further seek to identify the homestead and the amount of the
342 assessment limitation difference which is transferable.

343 11. If the property appraiser in the county where the
344 previous homestead was located supplies sufficient information
345 to the property appraiser in the county where the new homestead
346 is located, such information shall be considered timely if
347 provided in time for inclusion on the notice of proposed
348 property taxes sent pursuant to ss. 194.011 and 200.065(1).

349 12. If the property appraiser has not received information
350 sufficient to identify the previous homestead and the amount of
351 the assessment limitation difference which is transferable
352 before mailing the notice of proposed property taxes, the
353 taxpayer may file a petition with the value adjustment board in
354 the county where the new homestead is located.

355 (i) Any person who is qualified to have his or her
356 property assessed under this subsection and who fails to file an
357 application by March 1 may file an application for assessment
358 under this subsection and may, pursuant to s. 194.011(3), file a
359 petition with the value adjustment board requesting that an
360 assessment under this subsection be granted. Such petition may
361 be filed at any time during the taxable year on or before the
362 25th day following the mailing of the notice by the property
363 appraiser as provided in s. 194.011(1). Notwithstanding s.
364 194.013, such person must pay a nonrefundable fee of \$15 upon

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365 filing the petition. Upon reviewing the petition, if the person
366 is qualified to receive the assessment under this subsection and
367 demonstrates particular extenuating circumstances judged by the
368 property appraiser or the value adjustment board to warrant
369 granting the assessment, the property appraiser or the value
370 adjustment board may grant an assessment under this subsection.
371 For the 2008 assessments, all petitioners for assessment under
372 this subsection shall be considered to have demonstrated
373 particular extenuating circumstances.

374 (j) Any person who is qualified to have his or her
375 property assessed under this subsection and who fails to timely
376 file an application for his or her new homestead in the first
377 year following eligibility may file in a subsequent year. The
378 assessment reduction shall be applied to assessed value in the
379 year the transfer is first approved, and refunds of tax may not
380 be made for previous years.

381 (k) The property appraisers of the state shall, as soon as
382 practicable after March 1 of each year and on or before July 1
383 of that year, carefully consider all applications for assessment
384 under this subsection which have been filed in their respective
385 offices on or before March 1 of that year. If, upon
386 investigation, the property appraiser finds that the applicant
387 is entitled to assessment under this subsection, the property
388 appraiser shall make such entries upon the tax rolls of the
389 county as are necessary to allow the assessment. If, after due
390 consideration, the property appraiser finds that the applicant
391 is not entitled under the law to assessment under this
392 subsection, the property appraiser shall immediately make out a

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notice of such disapproval, giving his or her reasons therefor, and a copy of the notice must be served upon the applicant by the property appraiser either by personal delivery or by registered mail to the post office address given by the applicant. The applicant may appeal the decision of the property appraiser refusing to allow the assessment under this subsection to the value adjustment board, and the board shall review the application and evidence presented to the property appraiser upon which the applicant based the claim and shall hear the applicant in person or by agent on behalf of his or her right to such assessment. Such appeal shall be heard by an attorney special magistrate if the value adjustment board uses special magistrates. The value adjustment board shall reverse the decision of the property appraiser in the cause and grant assessment under this subsection to the applicant if, in its judgment, the applicant is entitled to be granted the assessment or shall affirm the decision of the property appraiser. The action of the board is final in the cause unless the applicant, within 15 days following the date of refusal of the application by the board, files in the circuit court of the county in which the homestead is located a proceeding against the property appraiser for a declaratory judgment as is provided by chapter 86 or other appropriate proceeding. The failure of the taxpayer to appear before the property appraiser or value adjustment board or to file any paper other than the application as provided in this subsection does not constitute any bar to or defense in the proceedings.

(9) Erroneous assessments of homestead property assessed

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under this section may be corrected in the following manner:

(a) If errors are made in arriving at any assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the just value and assessed value must be recalculated for every such year, including the year in which the mistake occurred.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(10) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031

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inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (9)(a), and the person need not pay the unpaid taxes, penalties, or interest.

Section 2. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012, 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.

(1) Beginning in ~~1995,~~ or the year following the year the property receives a homestead exemption, ~~whichever is later,~~ the property shall be reassessed annually on January 1. Except for changes, additions, reductions, or improvements to homestead property assessed as provided in subsection (4):

(a) 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 for the prior year; or

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

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Bureau of Labor Statistics.

(b) An assessment may not increase if the just value of the property is less than the just value of the property on the preceding January 1.

(2) If the assessed value of the property as calculated under subsection (1) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.

(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 as provided in this subsection. There is no change of ownership if:

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

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

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

c. The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally named as grantee. However, if any individual who is additionally

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505 named as a grantee applies for a homestead exemption on the
506 property, the application shall be considered a change of
507 ownership;

508 2. Legal or equitable title is changed or transferred
509 between husband and wife, including a change or transfer to a
510 surviving spouse or a transfer due to a dissolution of marriage;

511 3. The transfer occurs by operation of law to the
512 surviving spouse or minor child or children under s. 732.401; or

513 4. Upon the death of the owner, the transfer is between
514 the owner and another who is a permanent resident and is legally
515 or naturally dependent upon the owner.

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

520 (4)(a) Except as provided in paragraph (b), changes,
521 additions, or improvements to homestead property shall be
522 assessed at just value as of the first January 1 after the
523 changes, additions, or improvements are substantially completed.

524 (b) Changes, additions, or improvements that replace all
525 or a portion of homestead property damaged or destroyed by
526 misfortune or calamity shall not increase the homestead
527 property's assessed value when the square footage of the
528 homestead property as changed or improved does not exceed 110
529 percent of the square footage of the homestead property before
530 the damage or destruction. Additionally, the homestead
531 property's assessed value shall not increase if the total square
532 footage of the homestead property as changed or improved does

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not exceed 1,500 square feet. Changes, additions, or improvements that do not cause the total to exceed 110 percent of the total square footage of the homestead property before the damage or destruction or that do not cause the total to exceed 1,500 total square feet shall be reassessed as provided under subsection (1). The homestead property's assessed value shall be increased by the just value of that portion of the changed or improved homestead property which is in excess of 110 percent of the square footage of the homestead property before the damage or destruction or of that portion exceeding 1,500 square feet. Homestead property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the homestead property's total square footage before the damage or destruction shall be assessed pursuant to subsection (5). This paragraph applies to changes, additions, or improvements commenced within 3 years after the January 1 following the damage or destruction of the homestead.

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

1. Was permanently residing on such property when the damage or destruction occurred;
2. Was not entitled to receive homestead exemption on such property as of January 1 of that year; and
3. Applies for and receives homestead exemption on such

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property the following year.

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

(5) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(6) Only property that receives a homestead exemption is subject to this section. No portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is subject to this section. When property is assessed under s. 193.461, s. 193.501, or s. 193.505 and contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, for the assessment to be subject to the limitation in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Property assessed under this section shall be assessed at less than just value when the person who establishes a new homestead has received a homestead exemption as of January 1 of

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589 either of the 2 immediately preceding years. ~~A person who~~
590 ~~establishes a new homestead as of January 1, 2008, is entitled~~
591 ~~to have the new homestead assessed at less than just value only~~
592 ~~if that person received a homestead exemption on January 1,~~
593 ~~2007, and only if this subsection applies retroactive to January~~
594 ~~1, 2008.~~ For purposes of this subsection, a husband and wife who
595 owned and both permanently resided on a previous homestead shall
596 each be considered to have received the homestead exemption even
597 though only the husband or the wife applied for the homestead
598 exemption on the previous homestead. The assessed value of the
599 newly established homestead shall be determined as provided in
600 this subsection.

601 (a) If the just value of the new homestead as of January 1
602 is greater than or equal to the just value of the immediate
603 prior homestead as of January 1 of the year in which the
604 immediate prior homestead was abandoned, the assessed value of
605 the new homestead shall be the just value of the new homestead
606 minus an amount equal to the lesser of \$500,000 or the
607 difference between the just value and the assessed value of the
608 immediate prior homestead as of January 1 of the year in which
609 the prior homestead was abandoned. Thereafter, the homestead
610 shall be assessed as provided in this section.

611 (b) If the just value of the new homestead as of January 1
612 is less than the just value of the immediate prior homestead as
613 of January 1 of the year in which the immediate prior homestead
614 was abandoned, the assessed value of the new homestead shall be
615 equal to the just value of the new homestead divided by the just
616 value of the immediate prior homestead and multiplied by the

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assessed value of the immediate prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this paragraph is greater than \$500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000.

Thereafter, the homestead shall be assessed as provided in this section.

(c) If two or more persons who have each received a homestead exemption as of January 1 of either of the 2 immediately preceding years and who would otherwise be eligible to have a new homestead property assessed under this subsection establish a single new homestead, the reduction from just value is limited to the higher of the difference between the just value and the assessed value of either of the prior eligible homesteads as of January 1 of the year in which either of the eligible prior homesteads was abandoned, but may not exceed \$500,000.

(d) If two or more persons abandon jointly owned and jointly titled property that received a homestead exemption as of January 1 of either of the 2 immediately preceding years, and one or more such persons who were entitled to and received a homestead exemption on the abandoned property establish a new homestead that would otherwise be eligible for assessment under this subsection, each such person establishing a new homestead is entitled to a reduction from just value for the new homestead equal to the just value of the prior homestead minus the assessed value of the prior homestead divided by the number of

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owners of the prior homestead who received a homestead exemption, unless the title of the property contains specific ownership shares, in which case the share of reduction from just value shall be proportionate to the ownership share. In calculating the assessment reduction to be transferred from a prior homestead that has an assessment reduction for living quarters of parents or grandparents pursuant to s. 193.703, the value calculated pursuant to s. 193.703(6) must first be added back to the assessed value of the prior homestead. The total reduction from just value for all new homesteads established under this paragraph may not exceed \$500,000. There shall be no reduction from just value of any new homestead unless the prior homestead is reassessed at just value or is reassessed under this subsection as of January 1 after the abandonment occurs.

(e) If one or more persons who previously owned a single homestead and each received the homestead exemption qualify for a new homestead where all persons who qualify for homestead exemption in the new homestead also qualified for homestead exemption in the previous homestead without an additional person qualifying for homestead exemption in the new homestead, the reduction in just value shall be calculated pursuant to paragraph (a) or paragraph (b), without application of paragraph (c) or paragraph (d).

(f) For purposes of receiving an assessment reduction pursuant to this subsection, a person entitled to assessment under this section may abandon his or her homestead even though it remains his or her primary residence by notifying the property appraiser of the county where the homestead is located.

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673 This notification must be in writing and delivered at the same
674 time as or before timely filing a new application for homestead
675 exemption on the property.

676 (g) In order to have his or her homestead property
677 assessed under this subsection, a person must file a form
678 provided by the department as an attachment to the application
679 for homestead exemption. The form, which must include a sworn
680 statement attesting to the applicant's entitlement to assessment
681 under this subsection, shall be considered sufficient
682 documentation for applying for assessment under this subsection.
683 The department shall require by rule that the required form be
684 submitted with the application for homestead exemption under the
685 timeframes and processes set forth in chapter 196 to the extent
686 practicable.

687 (h)1. If the previous homestead was located in a different
688 county than the new homestead, the property appraiser in the
689 county where the new homestead is located must transmit a copy
690 of the completed form together with a completed application for
691 homestead exemption to the property appraiser in the county
692 where the previous homestead was located. If the previous
693 homesteads of applicants for transfer were in more than one
694 county, each applicant from a different county must submit a
695 separate form.

696 2. The property appraiser in the county where the previous
697 homestead was located must return information to the property
698 appraiser in the county where the new homestead is located by
699 April 1 or within 2 weeks after receipt of the completed
700 application from that property appraiser, whichever is later. As

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701 part of the information returned, the property appraiser in the
702 county where the previous homestead was located must provide
703 sufficient information concerning the previous homestead to
704 allow the property appraiser in the county where the new
705 homestead is located to calculate the amount of the assessment
706 limitation difference which may be transferred and must certify
707 whether the previous homestead was abandoned and has been or
708 will be reassessed at just value or reassessed according to the
709 provisions of this subsection as of the January 1 following its
710 abandonment.

711 3. Based on the information provided on the form from the
712 property appraiser in the county where the previous homestead
713 was located, the property appraiser in the county where the new
714 homestead is located shall calculate the amount of the
715 assessment limitation difference which may be transferred and
716 apply the difference to the January 1 assessment of the new
717 homestead.

718 4. All property appraisers having information-sharing
719 agreements with the department are authorized to share
720 confidential tax information with each other pursuant to s.
721 195.084, including social security numbers and linked
722 information on the forms provided pursuant to this section.

723 5. The transfer of any limitation is not final until any
724 values on the assessment roll on which the transfer is based are
725 final. If such values are final after tax notice bills have been
726 sent, the property appraiser shall make appropriate corrections
727 and a corrected tax notice bill shall be sent. Any values that
728 are under administrative or judicial review shall be noticed to

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the tribunal or court for accelerated hearing and resolution so that the intent of this subsection may be carried out.

6. If the property appraiser in the county where the previous homestead was located has not provided information sufficient to identify the previous homestead and the assessment limitation difference is transferable, the taxpayer may file an action in circuit court in that county seeking to establish that the property appraiser must provide such information.

7. If the information from the property appraiser in the county where the previous homestead was located is provided after the procedures in this section are exercised, the property appraiser in the county where the new homestead is located shall make appropriate corrections and a corrected tax notice and tax bill shall be sent.

8. This subsection does not authorize the consideration or adjustment of the just, assessed, or taxable value of the previous homestead property.

9. The property appraiser in the county where the new homestead is located shall promptly notify a taxpayer if the information received, or available, is insufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable. Such notification shall be sent on or before July 1 as specified in s. 196.151.

10. The taxpayer may correspond with the property appraiser in the county where the previous homestead was located to further seek to identify the homestead and the amount of the assessment limitation difference which is transferable.

11. If the property appraiser in the county where the

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757 previous homestead was located supplies sufficient information
758 to the property appraiser in the county where the new homestead
759 is located, such information shall be considered timely if
760 provided in time for inclusion on the notice of proposed
761 property taxes sent pursuant to ss. 194.011 and 200.065(1).

762 12. If the property appraiser has not received information
763 sufficient to identify the previous homestead and the amount of
764 the assessment limitation difference which is transferable
765 before mailing the notice of proposed property taxes, the
766 taxpayer may file a petition with the value adjustment board in
767 the county where the new homestead is located.

768 (i) Any person who is qualified to have his or her
769 property assessed under this subsection and who fails to file an
770 application by March 1 may file an application for assessment
771 under this subsection and may, pursuant to s. 194.011(3), file a
772 petition with the value adjustment board requesting that an
773 assessment under this subsection be granted. Such petition may
774 be filed at any time during the taxable year on or before the
775 25th day following the mailing of the notice by the property
776 appraiser as provided in s. 194.011(1). Notwithstanding s.
777 194.013, such person must pay a nonrefundable fee of \$15 upon
778 filing the petition. Upon reviewing the petition, if the person
779 is qualified to receive the assessment under this subsection and
780 demonstrates particular extenuating circumstances judged by the
781 property appraiser or the value adjustment board to warrant
782 granting the assessment, the property appraiser or the value
783 adjustment board may grant an assessment under this subsection.
784 For the 2008 assessments, all petitioners for assessment under

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785 | this subsection shall be considered to have demonstrated
786 | particular extenuating circumstances.

787 | (j) Any person who is qualified to have his or her
788 | property assessed under this subsection and who fails to timely
789 | file an application for his or her new homestead in the first
790 | year following eligibility may file in a subsequent year. The
791 | assessment reduction shall be applied to assessed value in the
792 | year the transfer is first approved, and refunds of tax may not
793 | be made for previous years.

794 | (k) The property appraisers of the state shall, as soon as
795 | practicable after March 1 of each year and on or before July 1
796 | of that year, carefully consider all applications for assessment
797 | under this subsection which have been filed in their respective
798 | offices on or before March 1 of that year. If, upon
799 | investigation, the property appraiser finds that the applicant
800 | is entitled to assessment under this subsection, the property
801 | appraiser shall make such entries upon the tax rolls of the
802 | county as are necessary to allow the assessment. If, after due
803 | consideration, the property appraiser finds that the applicant
804 | is not entitled under the law to assessment under this
805 | subsection, the property appraiser shall immediately make out a
806 | notice of such disapproval, giving his or her reasons therefor,
807 | and a copy of the notice must be served upon the applicant by
808 | the property appraiser either by personal delivery or by
809 | registered mail to the post office address given by the
810 | applicant. The applicant may appeal the decision of the property
811 | appraiser refusing to allow the assessment under this subsection
812 | to the value adjustment board, and the board shall review the

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813 application and evidence presented to the property appraiser
814 upon which the applicant based the claim and shall hear the
815 applicant in person or by agent on behalf of his or her right to
816 such assessment. Such appeal shall be heard by an attorney
817 special magistrate if the value adjustment board uses special
818 magistrates. The value adjustment board shall reverse the
819 decision of the property appraiser in the cause and grant
820 assessment under this subsection to the applicant if, in its
821 judgment, the applicant is entitled to be granted the assessment
822 or shall affirm the decision of the property appraiser. The
823 action of the board is final in the cause unless the applicant,
824 within 15 days following the date of refusal of the application
825 by the board, files in the circuit court of the county in which
826 the homestead is located a proceeding against the property
827 appraiser for a declaratory judgment as is provided by chapter
828 86 or other appropriate proceeding. The failure of the taxpayer
829 to appear before the property appraiser or value adjustment
830 board or to file any paper other than the application as
831 provided in this subsection does not constitute any bar to or
832 defense in the proceedings.

833 (9) Erroneous assessments of homestead property assessed
834 under this section may be corrected in the following manner:

835 (a) If errors are made in arriving at any assessment under
836 this section due to a material mistake of fact concerning an
837 essential characteristic of the property, the just value and
838 assessed value must be recalculated for every such year,
839 including the year in which the mistake occurred.

840 (b) If changes, additions, or improvements are not

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841 assessed at just value as of the first January 1 after they were
842 substantially completed, the property appraiser shall determine
843 the just value for such changes, additions, or improvements for
844 the year they were substantially completed. Assessments for
845 subsequent years shall be corrected, applying this section if
846 applicable.

847 (c) If back taxes are due pursuant to s. 193.092, the
848 corrections made pursuant to this subsection shall be used to
849 calculate such back taxes.

850 (10) If the property appraiser determines that for any
851 year or years within the prior 10 years a person who was not
852 entitled to the homestead property assessment limitation granted
853 under this section was granted the homestead property assessment
854 limitation, the property appraiser making such determination
855 shall record in the public records of the county a notice of tax
856 lien against any property owned by that person in the county,
857 and such property must be identified in the notice of tax lien.
858 Such property that is situated in this state is subject to the
859 unpaid taxes, plus a penalty of 50 percent of the unpaid taxes
860 for each year and 15 percent interest per annum. However, when a
861 person entitled to exemption pursuant to s. 196.031
862 inadvertently receives the limitation pursuant to this section
863 following a change of ownership, the assessment of such property
864 must be corrected as provided in paragraph (9)(a), and the
865 person need not pay the unpaid taxes, penalties, or interest.

866 Section 3. If House Joint Resolution 381 or Senate Joint
867 Resolution 658, 2011 Regular Session, is approved by a vote of
868 the electors in the general election held in November 2012,

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subsection (3) of section 193.1554, Florida Statutes, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(3) Beginning in 2013 ~~2009~~, or the year following the year the property is placed on the tax roll, whichever is later, the property shall be reassessed annually on January 1. Except for changes, additions, reductions, or improvements to nonhomestead property assessed as provided in subsection (6):

(a) Any change resulting from such reassessment may not exceed 3 ~~10~~ percent of the assessed value of the property for the prior year.

(b) An assessment may not increase if the just value of the property is less than the just value of the property on the preceding date of assessment provided by law.

Section 4. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012, subsection (3) of section 193.1554, Florida Statutes, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(3) Beginning in 2012 ~~2009~~, or the year following the year the property is placed on the tax roll, whichever is later, the property shall be reassessed annually on January 1. Except for changes, additions, reductions, or improvements to nonhomestead property assessed as provided in subsection (6):

(a) Any change resulting from such reassessment may not exceed 3 ~~10~~ percent of the assessed value of the property for the prior year.

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897 (b) An assessment may not increase if the just value of the
898 property is less than the just value of the property on the
899 preceding date of assessment provided by law.

900 Section 5. If House Joint Resolution 381 or Senate Joint
901 Resolution 658, 2011 Regular Session, is approved by a vote of
902 the electors in the general election held in November 2012,
903 subsection (3) of section 193.1555, Florida Statutes, is amended
904 to read:

905 193.1555 Assessment of certain residential and
906 nonresidential real property.—

907 (3) Beginning in 2013 ~~2009~~, or the year following the year
908 the property is placed on the tax roll, whichever is later, the
909 property shall be reassessed annually on January 1. Except for
910 changes, additions, reductions, or improvements to nonhomestead
911 property assessed as provided in subsection (6):

912 (a) Any change resulting from such reassessment may not
913 exceed 3 ~~10~~ percent of the assessed value of the property for
914 the prior year.

915 (b) An assessment may not increase if the just value of
916 the property is less than the just value of the property on the
917 preceding date of assessment provided by law.

918 Section 6. If House Joint Resolution 381 or Senate Joint
919 Resolution 658, 2011 Regular Session, is approved by a vote of
920 the electors in a special election held concurrent with the
921 presidential preference primary in 2012, subsection (3) of
922 section 193.1555, Florida Statutes, is amended to read:

923 193.1555 Assessment of certain residential and
924 nonresidential real property.—

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925 (3) Beginning in 2012 ~~2009~~, or the year following the year
926 the property is placed on the tax roll, whichever is later, the
927 property shall be reassessed annually on January 1. Except for
928 changes, additions, reductions, or improvements to nonhomestead
929 property assessed as provided in subsection (6):

930 (a) Any change resulting from such reassessment may not
931 exceed 3 ~~10~~ percent of the assessed value of the property for
932 the prior year.

933 (b) An assessment may not increase if the just value of
934 the property is less than the just value of the property on the
935 preceding date of assessment provided by law.

936 Section 7. If House Joint Resolution 381 or Senate Joint
937 Resolution 658, 2011 Regular Session, is approved by a vote of
938 the electors in the general election held in November 2012,
939 section 196.078, Florida Statutes, is created to read:

940 196.078 Additional homestead exemption for a first-time
941 Florida homesteader.—

942 (1) As used in this section, the term "first-time Florida
943 homesteader" means a person who establishes the right to receive
944 the homestead exemption provided in s. 196.031 within 1 year
945 after purchasing the homestead property and who has not owned
946 property in the previous 3 years to which the homestead
947 exemption provided in s. 196.031(1)(a) applied.

948 (2) Every first-time Florida homesteader is entitled to an
949 additional homestead exemption in an amount equal to 50 percent
950 of the homestead property's just value on January 1 of the year
951 the homestead is established for all levies other than school
952 district levies. The additional exemption applies for a period

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953 of 5 years or until the year the property is sold, whichever
954 occurs first. The amount of the additional exemption may not
955 exceed \$200,000 and shall be reduced in each subsequent year by
956 an amount equal to 20 percent of the amount of the additional
957 exemption received in the year the homestead was established or
958 by an amount equal to the difference between the just value of
959 the property and the assessed value of the property determined
960 under s. 193.155, whichever is greater. Not more than one
961 exemption provided under this subsection is allowed per
962 homestead property. The additional exemption applies to property
963 purchased on or after January 1, 2012, but is not available in
964 the sixth and subsequent years after the additional exemption is
965 first received.

966 (3) The property appraiser shall require a first-time
967 Florida homesteader claiming an exemption under this section to
968 submit, not later than March 1 on a form prescribed by the
969 Department of Revenue, a sworn statement attesting that the
970 taxpayer, and each other person who holds legal or equitable
971 title to the property, has not owned property in the prior 3
972 years that received the homestead exemption provided by s.
973 196.031. In order for the exemption to be retained upon the
974 addition of another person to the title to the property, the
975 person added must also submit, not later than the subsequent
976 March 1 on a form prescribed by the department, a sworn
977 statement attesting that he or she has not owned property in the
978 prior 3 years that received the homestead exemption provided by
979 s. 196.031.

980 (4) Sections 196.131 and 196.161 apply to the exemption

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provided in this section.

Section 8. If House Joint Resolution 381 or Senate Joint Resolution 658, 2011 Regular Session, is approved by a vote of the electors in a special election held concurrent with the presidential preference primary in 2012, section 196.078, Florida Statutes, is created to read:

196.078 Additional homestead exemption for a first-time Florida homesteader.—

(1) As used in this section, the term "first-time Florida homesteader" means a person who establishes the right to receive the homestead exemption provided in s. 196.031 within 1 year after purchasing the homestead property and who has not owned property in the previous 3 years to which the homestead exemption provided in s. 196.031(1)(a) applied.

(2) Every first-time Florida homesteader is entitled to an additional homestead exemption in an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established for all levies other than school district levies. The additional exemption applies for a period of 5 years or until the year the property is sold, whichever occurs first. The amount of the additional exemption may not exceed \$200,000 and shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established or by an amount equal to the difference between the just value of the property and the assessed value of the property determined under s. 193.155, whichever is greater. Not more than one exemption provided under this subsection is allowed per

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1009 homestead property. The additional exemption applies to property
1010 purchased on or after January 1, 2011, but is not available in
1011 the sixth and subsequent years after the additional exemption is
1012 first received.

1013 (3) The property appraiser shall require a first-time
1014 Florida homesteader claiming an exemption under this section to
1015 submit, not later than March 1 on a form prescribed by the
1016 Department of Revenue, a sworn statement attesting that the
1017 taxpayer, and each other person who holds legal or equitable
1018 title to the property, has not owned property in the prior 3
1019 years that received the homestead exemption provided by s.
1020 196.031. In order for the exemption to be retained upon the
1021 addition of another person to the title to the property, the
1022 person added must also submit, not later than the subsequent
1023 March 1 on a form prescribed by the department, a sworn
1024 statement attesting that he or she has not owned property in the
1025 prior 3 years that received the homestead exemption provided by
1026 s. 196.031.

1027 (4) Sections 196.131 and 196.161 apply to the exemption
1028 provided in this section.

1029 Section 9. (1) In anticipation of implementing this act,
1030 the executive director of the Department of Revenue is
1031 authorized, and all conditions are deemed met, to adopt
1032 emergency rules under ss. 120.536(1) and 120.54(4), Florida
1033 Statutes, to make necessary changes and preparations so that
1034 forms, methods, and data records, electronic or otherwise, are
1035 ready and in place if sections 2, 4, 6, and 8 or sections 1, 3,
1036 5, and 7 of this act become law.

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1037 (2) Notwithstanding any other provision of law, such
1038 emergency rules shall remain in effect for 18 months after the
1039 date of adoption and may be renewed during the pendency of
1040 procedures to adopt rules addressing the subject of the
1041 emergency rules.

1042 Section 10. This act shall take effect upon becoming a
1043 law, except that the sections of this act that take effect upon
1044 the approval of House Joint Resolution 381 or Senate Joint
1045 Resolution 658, 2011 Regular Session, by a vote of the electors
1046 in a special election held concurrent with the presidential
1047 preference primary in 2012 shall apply retroactively to the 2012
1048 tax roll if the revision of the State Constitution contained in
1049 House Joint Resolution 381 or Senate Joint Resolution 658, 2011
1050 Regular Session, is approved by a vote of the electors in a
1051 special election held concurrent with the presidential
1052 preference primary in 2012; or the sections of this act that
1053 take effect upon the approval of House Joint Resolution 381 or
1054 Senate Joint Resolution 658, 2011 Regular Session, by a vote of
1055 the electors in the general election held in November 2012 shall
1056 apply to the 2013 tax roll if the revision of the State
1057 Constitution contained in House Joint Resolution 381 or Senate
1058 Joint Resolution 658, 2011 Regular Session, is approved by a
1059 vote of the electors in the general election held in November
1060 2012.