

CHAPTER 2010-170

Council Substitute for Committee Substitute for House Bill No. 965

An act relating to real property assessment; creating s. 193.1552, F.S.; providing a definition; requiring property appraisers to adjust the assessed value of certain properties affected by imported or domestic drywall under certain circumstances; providing for a nominal just value of \$0 under certain circumstances; providing for application to certain properties; providing for nonapplication to certain property owners; specifying homestead property as damaged for certain purposes; prohibiting consideration of homestead property as abandoned under certain circumstances; providing for assessment of certain property after completion of remediation or repair; providing application; providing for future repeal unless reviewed and reenacted; providing an effective date.

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

Section 1. Section 193.1552, Florida Statutes, is created to read:

193.1552 Assessment of properties affected by imported or domestic drywall.—

(1) As used in this section, the term “imported or domestic drywall” means drywall that contains elevated levels of elemental sulfur that results in corrosion of certain metals.

(2) When a property appraiser determines that a single-family residential property is affected by imported or domestic drywall and needs remediation to bring that property up to current building standards, the property appraiser shall adjust the assessed value of that property by taking into consideration the presence of the imported or domestic drywall and the impact of such drywall on the assessed value. If the building cannot be used for its intended purpose without remediation or repair, the value of such building shall be assessed at the nominal just value of \$0.

(3) This section applies only to properties in which:

(a) Imported or domestic drywall was used in the construction of the property or an improvement to the property.

(b) The imported or domestic drywall has a significant negative impact on the just value of the property or improvement.

(c) The purchaser was unaware of the imported or domestic drywall at the time of purchase.

(4) This section does not apply to property owners who were aware of the presence of imported or domestic drywall at the time of purchase.

(5) Homestead property to which this section applies shall be considered damaged by misfortune or calamity under s. 193.155(4)(b), except that the 3-year deadline does not apply.

(6) Homestead property shall not be considered abandoned when a homeowner vacates such property for the purpose of remediation and repair under this section, provided the homeowner does not establish a new homestead.

(7) Upon the substantial completion of remediation and repairs, the property shall be assessed as if such imported or domestic drywall had not been present.

(8) This section is repealed July 1, 2017, unless reviewed and reenacted by the Legislature on or before that date.

Section 2. This act shall take effect upon becoming a law and shall apply to the 2010 and subsequent assessment rolls.

Approved by the Governor June 1, 2010.

Filed in Office Secretary of State June 1, 2010.