



Rental of Your Homesteaded Property, Is it Worth Jeopardizing Your Homestead Exemption?

Renting your home on a short-term rental platform has recently been a hot topic. It affects many levels of local government including sales tax, the bed tax, and short-term rental restrictions. Renting your home may also jeopardize your homestead exemption.

In 2013, in an effort to allow people to rent their homes for special events, the legislature changed Florida Statute 196.061 titled "Rental of Homestead Constitutes Abandonment." The statute currently states that someone can rent all or a portion of their home without affecting their homestead exemption, unless the property is rented for more than 30 days per calendar year for 2 consecutive years. This does not apply to a member of the Armed Forces of the United States or to an individual who is appointed or employed on a full-time basis by the United States Government as a diplomatic, intelligence, consular, or foreign service officer, and who, as a result, is directed to reside or required to be stationed outside of the state.



We have an Exemption Compliance Unit that checks the rental websites on a regular basis. They send out letters to homestead property owners that are advertising their rental to ensure they are aware of the statute and possible impact to their exemption.

An important part of making an informed decision on renting your property is what the repercussions are if you are found in violation of the rental statute. If you rent your entire property in excess of 30 days per calendar year for 2 consecutive years, you will lose your homestead exemption and any "save our homes" benefit you may have accrued (portability). The property will immediately be appraised at Just Value with the associated increase in property taxes.

If you lease some, but not all, of your dwelling for more than 30 days per calendar year for 2 consecutive years, you will still receive the homestead exemption as long as it is your permanent residence. However, the portion of the house that is rented will come out from under the "save our homes" cap. This will cause your Taxable Value to increase.

Additionally, Florida Statute 193.155(10) states if the Property Appraiser determines that a homestead exemption was non-compliant for any of the prior 10 years from the time it is found, the year or years in violation will result in a back tax and most likely a lien on the property. The statute also requires that a 50% penalty and 15% interest per annum be assessed on top of the taxes owed for the exemption and "save our home" cap.



Be careful! Your homestead exemption is valuable. You could pay thousands in back taxes, penalties, and interest if you are found in violation of the limited permission granted by Florida law.

If you have any questions, please visit any of our offices or call us at the numbers shown below.