



"Ask Lori"

**Helpful Tax Saving Advice and Tips from
Broward County Property Appraiser Lori Parrish**

Dear Lori:

We are a same-sex married couple who brought a home in Broward County. Since Florida finally grants legal recognition to the rights of same-sex married couples, what steps can we take to help us enjoy the same rights and financial protections under the law.

P.K. & S.W., Fort Lauderdale, FL (via email)

On January 6, 2015, Florida began recognizing LGBT marriages performed in other jurisdictions and issuing marriage licenses for LGBT couples married in Florida. This tremendous step forward for equality allows new legal status for married LGBT couples with ownership of real property as Tenants By The Entireties (TBTE).

Tenants By The Entirety (TBTE): This applies only to married couples. This TBTE status — which is automatic when Grantees of a deed are identified as a married LGBT couple — give each spouse overlapping 100% interests in their Homestead Property Tax Exemption, full exemption coverage (when one spouse receives the Homestead exemption), Widow/Widower, qualified Veteran's related exemptions, and rights of survivorship (inheritance) for the surviving spouse.

The creation of a tenancy by the entireties is not automatic as a result of marriage. A new deed changing the ownership type of a couple to a married couple must be recorded in Public Records. Be sure to consult with your attorney and get his/her assistance before making any changes to the ownership of your property. Even if you choose not to execute a new deed amending you marital status, we recommend you provide our office with a copy of your marriage license so we may notate your marital status and extend to you all exemption available to married couples.

It is very important both spouses with an ownership interest in the property file individually for Homestead Exemption. The Homestead exemption and related Save-Our-Home (SOH) protection saved the average Broward homeowner in 2014 with an assessed value of \$75,000 or higher anywhere from \$646 to \$1,114 a year in taxes. With SOH, your property's assessed value can increase by no more than 3% per year— regardless of how much it climbs in actual value.

Under Florida law, married couples are only permitted one Homestead Exemption/permanent residency based property tax exemption. Prior to January 6, 2015, LGBT couples married outside of Florida could maintain two permanent residency based property tax exemptions because their legal status was not recognized in Florida. Now, LGBT married couples (as in any married couple) cannot claim more than one Florida Homestead Exemption if either person is claiming a permanent residency based property tax exemption anywhere in the world.

Since recognition of LGBT marriages in Florida took place after January 1, 2015, beginning with the 2016 tax year LGBT married couples will be subject to a loss of their Homestead Exemption, back assessment liens, penalties, and interest, if they are found to be claiming a Florida Homestead exemption and another permanent residency based exemption anywhere else. **Florida law requires a Homestead Exemption recipient/applicant to notify the Property Appraiser of any changes in circumstances which affects his/her eligibility for exemption.** To avoid any of consequences, married couple should determine which Homestead based exemption to surrender and which one to keep as soon as possible then notify the Property Appraiser's Office of their decision.

We recommend you consult with your attorney to best protect your LGBT rights under Florida law. If we can be of any assistance on questions relating to Homestead Exemptions or Save Our Homes, visit our website at www.bcpa.net, or call 954.357.6035, or email kbrown@bcpa.net.

Sincerely,

If you have a question for the Property Appraiser, please email Lori at lori@bcpa.net or write to her at the Broward County Property Appraiser's Office, 115 S. Andrews Avenue, Room 111, Fort Lauderdale, FL 33301.