

DESOTO COUNTY, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING SECTION 20-233 “FAMILY HOMESTEAD EXEMPTION,” TO ARTICLE III “SUBDIVISION PROCEDURES” OF CHAPTER 20 OF THE COUNTY’S LAND DEVELOPMENT REGULATIONS TO REVISE THE MINIMUM ACREAGE REQUIREMENTS FOR A PARENT PARCEL; CLARIFYING AND MODIFYING OWNERSHIP AND ELIGIBILITY REQUIREMENTS, INCLUDING PROVISIONS FOR CONTINUOUS OWNERSHIP AND INTRA-FAMILY CONVEYANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3179, F.S., titled “Family Homestead,” permits local governments to include a comprehensive plan provision that allows the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan; and

WHEREAS, pursuant to the aforementioned statute, the DeSoto County (the “County”) Board of County Commissioners (the “Board”) adopted a new Policy 1.1.15 to its Future Land Use Element of the County’s Comprehensive Plan to provide for the “Family Homestead” provision; and

WHEREAS, on January 27, 2026, the Board adopted Ordinance 2026-001 amending the County Land Development Regulations to implement standards and requirements when subdividing land under the family homestead exemption; and

WHEREAS, following the adoption of Ordinance 2026-001, the Board determined that it would be in the best interest of the County to reduce the minimum acreage of the parent parcel required to qualify for the family homestead exemption, and to clarify that the minimum 5-year ownership requirement for the parent parcel can be ownership by the applicant or the immediate family member; and

WHEREAS, the Planning Commission considered the amendment to the Land Development Regulations at a meeting on March 3, 2026, and recommended adoption by a vote of 4-0; and

WHEREAS, the Board considered the recommendation of the Planning Commission and further finds that adoption of this ordinance is in the best interest of the residents of DeSoto County and serves a proper public purpose; and

WHEREAS, the Board has properly noticed and held a public hearing on March 24, 2026, prior to adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THAT:

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Amendment to Section 20-233 of the DeSoto County Code of Ordinances. Section 20-233 of Article III of Chapter 20, of the DeSoto County Code of Ordinances is hereby amended as follows:

20-233. Family Homestead Exemption

(b) Application shall include the applicable fee established by the Board of County Commissioners and the following when submitted to the Development Department and be administratively reviewed.

(1) A Certified Boundary Survey (signed & sealed) and Legal Description(s) created within 1-year of application, titled as "Boundary Survey for Family Homestead Exemption", accompanied by an attorney opinion of title or a title search report, with the following information on the survey:

- a. North Arrow, Scale, Legend, Key Map, and Legal Description(s);
- b. Dimensions of the proposed parcel(s) and all property lines, and the lot area for each parcel, including permanent reference monuments (PRMs);
- c. All structures located within 50' of new lot lines (for both the proposed parcel and for contiguous lots) or a note stating that none exist;
- d. Existing onsite driveways, well/septic, and public utilities (for both the proposed parcel and within 300 feet for contiguous lots), or a note stating that none exist. An ingress/egress easement shall be provided for the driveway if it will be used to provide access to the Family Homestead Lots.
- e. Existing easements, platted and maintained rights-of-way within and contiguous to proposed lot(s) or a note stating that none exist;

- f. Any encumbrances identified in the title opinion or title search report and a note stating, “the survey was prepared with the benefit of a title report.”
 - g. Updated access easement if an existing private street is used for access to new lot(s).
- (2) Deed of the parent parcel showing the applicant or an immediate family member has owned the parent parcel, or any portion thereof that is being recombined to create the parent parcel, for a minimum of five (5) years;
- (3) Proposed covenants and restrictions provided by subsection (d), executed by the applicant; and
- (4) An affidavit made jointly by the applicant/owner and the immediate family member to whom a portion of the property is intended to be conveyed, devised, or transferred, on a form provided by the Development Department, and verifying the following:
 - a. The Parent parcel and the proposed Family Homestead Exemption lot;
 - b. The intended recipient of the land is an immediate family member of the person from whom the parcel is conveyed, devised, or transferred, as defined in Policy 1.1.15 of the Future Land Use Element, DeSoto County Comprehensive Plan, and is legally eligible to own fee simple title to homestead property under Florida law.
- (c) Requirements for approval:
 - (1) Existing parent parcel shall be a minimum of ~~thirty (30)~~ twenty-five (25) acres, located in the A-10 or A-5 zoning districts, is a legal lot of record, and owned a minimum of five (5) consecutive years by the person who plans to convey property under this exemption or by an immediate family member. For purposes of the family homestead exemption, continuous ownership by one or more immediate family members shall be aggregated and deemed to satisfy the five (5) year requirement. A conveyance between immediate family members for estate planning, homestead use, or to recombine property in order to meet the minimum parent parcel acreage requirements of this section shall not be considered a break in ownership or a new

ownership period, provided the property has remained continuously owned within the immediate family.

Section 3. Severability. If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 4. Codification. It is the intent of the Board and is hereby provided that the provisions of this Ordinance shall become and be made a part of the DeSoto County Code of Ordinances, and that the sections for the Ordinance may be renumbered or lettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or "article" or other appropriate designation in order to accomplish such intention.

Section 5. Effective Date. This ordinance shall become effective immediately upon filing with the Secretary of State.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THIS 24th DAY OF MARCH 2026.

ATTEST:

DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Mandy Hines,
County Administrator

By: _____
Steve Hickox,
Chairman

Approved as to form and legal sufficiency:

By: _____
Valerie Vicente,
County Attorney