

1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 4 of
 3 Article VII of the State Constitution to authorize
 4 counties and municipalities to limit the assessed value of
 5 the homesteads of certain low-income senior citizens.

6
 7 Be It Resolved by the Legislature of the State of Florida:

8
 9 That the following amendment to Section 4 of Article VII of
 10 the State Constitution is agreed to and shall be submitted to
 11 the electors of this state for approval or rejection at the next
 12 general election or at an earlier special election specifically
 13 authorized by law for that purpose:

14 ARTICLE VII

15 FINANCE AND TAXATION

16 SECTION 4. Taxation; assessments.—By general law
 17 regulations shall be prescribed which shall secure a just
 18 valuation of all property for ad valorem taxation, provided:

19 (a) Agricultural land, land producing high water recharge
 20 to Florida's aquifers, or land used exclusively for
 21 noncommercial recreational purposes may be classified by general
 22 law and assessed solely on the basis of character or use.

23 (b) As provided by general law and subject to conditions,
 24 limitations, and reasonable definitions specified therein, land
 25 used for conservation purposes shall be classified by general
 26 law and assessed solely on the basis of character or use.

27 (c) Pursuant to general law tangible personal property
 28 held for sale as stock in trade and livestock may be valued for

29 | taxation at a specified percentage of its value, may be
 30 | classified for tax purposes, or may be exempted from taxation.

31 | (d) All persons entitled to a homestead exemption under
 32 | Section 6 of this Article shall have their homestead assessed at
 33 | just value as of January 1 of the year following the effective
 34 | date of this amendment. This assessment shall change only as
 35 | provided in this subsection.

36 | (1) Except as provided in paragraph (2), assessments
 37 | subject to this subsection shall be changed annually on January
 38 | 1 ~~1st~~ of each year; but those changes in assessments shall not
 39 | exceed the lower of the following:

40 | a. Three percent ~~(3%)~~ of the assessment for the prior
 41 | year.

42 | b. The percent change in the Consumer Price Index for all
 43 | urban consumers, U.S. City Average, all items 1967=100, or
 44 | successor reports for the preceding calendar year as initially
 45 | reported by the United States Department of Labor, Bureau of
 46 | Labor Statistics.

47 | (2) The legislature may, by general law, allow counties or
 48 | municipalities, for the purpose of their respective tax levies
 49 | and subject to the provisions of general law, to limit
 50 | assessments on homestead property subject to the additional
 51 | homestead tax exemption under Section 6(d) to the assessed value
 52 | of the property in the prior year if the just value of the
 53 | property is equal to or less than one hundred fifty percent of
 54 | the average just value of homestead property within the
 55 | respective county or municipality. The general law must allow
 56 | counties and municipalities to provide this limitation by

57 ordinance adopted in the manner prescribed by general law,
 58 specify the state agency designated to calculate the average
 59 just value of homestead property within each county and
 60 municipality, and provide that such agency annually supply that
 61 information to each property appraiser. The calculation shall be
 62 based on the prior year's tax roll of each county.

63 (3)~~(2)~~ No assessment shall exceed just value.

64 (4)~~(3)~~ After any change of ownership, as provided by
 65 general law, homestead property shall be assessed at just value
 66 as of January 1 of the following year, unless the provisions of
 67 paragraph (9) ~~(8)~~ apply. Thereafter, the homestead shall be
 68 assessed as provided in this subsection.

69 (5)~~(4)~~ New homestead property shall be assessed at just
 70 value as of January 1 ~~1st~~ of the year following the
 71 establishment of the homestead, unless the provisions of
 72 paragraph (9) ~~(8)~~ apply. That assessment shall only change as
 73 provided in this subsection.

74 (6)~~(5)~~ Changes, additions, reductions, or improvements to
 75 homestead property shall be assessed as provided for by general
 76 law; provided, however, after the adjustment for any change,
 77 addition, reduction, or improvement, the property shall be
 78 assessed as provided in this subsection.

79 (7)~~(6)~~ In the event of a termination of homestead status,
 80 the property shall be assessed as provided by general law.

81 (8)~~(7)~~ The provisions of this amendment are severable. If
 82 any of the provisions of this amendment shall be held
 83 unconstitutional by any court of competent jurisdiction, the
 84 decision of such court shall not affect or impair any remaining

CS/CS/HJR 789

2011

85 provisions of this amendment.

86 (9)~~(8)~~a. A person who establishes a new homestead as of
87 January 1, 2009, or January 1 of any subsequent year and who has
88 received a homestead exemption pursuant to Section 6 of this
89 Article as of January 1 of either of the two years immediately
90 preceding the establishment of the new homestead is entitled to
91 have the new homestead assessed at less than just value. If this
92 revision is approved in January of 2008, a person who
93 establishes a new homestead as of January 1, 2008, is entitled
94 to have the new homestead assessed at less than just value only
95 if that person received a homestead exemption on January 1,
96 2007. The assessed value of the newly established homestead
97 shall be determined as follows:

98 1. If the just value of the new homestead is greater than
99 or equal to the just value of the prior homestead as of January
100 1 of the year in which the prior homestead was abandoned, the
101 assessed value of the new homestead shall be the just value of
102 the new homestead minus an amount equal to the lesser of
103 \$500,000 or the difference between the just value and the
104 assessed value of the prior homestead as of January 1 of the
105 year in which the prior homestead was abandoned. Thereafter, the
106 homestead shall be assessed as provided in this subsection.

107 2. If the just value of the new homestead is less than the
108 just value of the prior homestead as of January 1 of the year in
109 which the prior homestead was abandoned, the assessed value of
110 the new homestead shall be equal to the just value of the new
111 homestead divided by the just value of the prior homestead and
112 multiplied by the assessed value of the prior homestead.

113 However, if the difference between the just value of the new
 114 homestead and the assessed value of the new homestead calculated
 115 pursuant to this sub-subparagraph is greater than \$500,000, the
 116 assessed value of the new homestead shall be increased so that
 117 the difference between the just value and the assessed value
 118 equals \$500,000. Thereafter, the homestead shall be assessed as
 119 provided in this subsection.

120 b. By general law and subject to conditions specified
 121 therein, the Legislature shall provide for application of this
 122 paragraph to property owned by more than one person.

123 (e) The legislature may, by general law, for assessment
 124 purposes and subject to the provisions of this subsection, allow
 125 counties and municipalities to authorize by ordinance that
 126 historic property may be assessed solely on the basis of
 127 character or use. Such character or use assessment shall apply
 128 only to the jurisdiction adopting the ordinance. The
 129 requirements for eligible properties must be specified by
 130 general law.

131 (f) A county may, in the manner prescribed by general law,
 132 provide for a reduction in the assessed value of homestead
 133 property to the extent of any increase in the assessed value of
 134 that property which results from the construction or
 135 reconstruction of the property for the purpose of providing
 136 living quarters for one or more natural or adoptive grandparents
 137 or parents of the owner of the property or of the owner's spouse
 138 if at least one of the grandparents or parents for whom the
 139 living quarters are provided is 62 years of age or older. Such a
 140 reduction may not exceed the lesser of the following:

141 (1) The increase in assessed value resulting from
 142 construction or reconstruction of the property.

143 (2) Twenty percent of the total assessed value of the
 144 property as improved.

145 (g) For all levies other than school district levies,
 146 assessments of residential real property, as defined by general
 147 law, which contains nine units or fewer and which is not subject
 148 to the assessment limitations set forth in subsections (a)
 149 through (d) shall change only as provided in this subsection.

150 (1) Assessments subject to this subsection shall be
 151 changed annually on the date of assessment provided by law; but
 152 those changes in assessments shall not exceed ten percent (10%)
 153 of the assessment for the prior year.

154 (2) No assessment shall exceed just value.

155 (3) After a change of ownership or control, as defined by
 156 general law, including any change of ownership of a legal entity
 157 that owns the property, such property shall be assessed at just
 158 value as of the next assessment date. Thereafter, such property
 159 shall be assessed as provided in this subsection.

160 (4) Changes, additions, reductions, or improvements to
 161 such property shall be assessed as provided for by general law;
 162 however, after the adjustment for any change, addition,
 163 reduction, or improvement, the property shall be assessed as
 164 provided in this subsection.

165 (h) For all levies other than school district levies,
 166 assessments of real property that is not subject to the
 167 assessment limitations set forth in subsections (a) through (d)
 168 and (g) shall change only as provided in this subsection.

169 (1) Assessments subject to this subsection shall be
 170 changed annually on the date of assessment provided by law; but
 171 those changes in assessments shall not exceed ten percent (10%)
 172 of the assessment for the prior year.

173 (2) No assessment shall exceed just value.

174 (3) The legislature must provide that such property shall
 175 be assessed at just value as of the next assessment date after a
 176 qualifying improvement, as defined by general law, is made to
 177 such property. Thereafter, such property shall be assessed as
 178 provided in this subsection.

179 (4) The legislature may provide that such property shall
 180 be assessed at just value as of the next assessment date after a
 181 change of ownership or control, as defined by general law,
 182 including any change of ownership of the legal entity that owns
 183 the property. Thereafter, such property shall be assessed as
 184 provided in this subsection.

185 (5) Changes, additions, reductions, or improvements to
 186 such property shall be assessed as provided for by general law;
 187 however, after the adjustment for any change, addition,
 188 reduction, or improvement, the property shall be assessed as
 189 provided in this subsection.

190 (i) The legislature, by general law and subject to
 191 conditions specified therein, may prohibit the consideration of
 192 the following in the determination of the assessed value of real
 193 property used for residential purposes:

194 (1) Any change or improvement made for the purpose of
 195 improving the property's resistance to wind damage.

196 (2) The installation of a renewable energy source device.

CS/CS/HJR 789

2011

197 (j) (1) The assessment of the following working waterfront
 198 properties shall be based upon the current use of the property:

199 a. Land used predominantly for commercial fishing
 200 purposes.

201 b. Land that is accessible to the public and used for
 202 vessel launches into waters that are navigable.

203 c. Marinas and drystacks that are open to the public.

204 d. Water-dependent marine manufacturing facilities,
 205 commercial fishing facilities, and marine vessel construction
 206 and repair facilities and their support activities.

207 (2) The assessment benefit provided by this subsection is
 208 subject to conditions and limitations and reasonable definitions
 209 as specified by the legislature by general law.

210 BE IT FURTHER RESOLVED that the following statement be
 211 placed on the ballot:

212 CONSTITUTIONAL AMENDMENT

213 ARTICLE VII, SECTION 4

214 ASSESSMENT OF HOMESTEAD PROPERTY OWNED BY LOW-INCOME SENIOR
 215 CITIZENS.—Currently, counties and municipalities may grant an
 216 additional homestead exemption to a person who is 65 years of
 217 age or older and who has a household income of \$20,000 or less.
 218 This proposed amendment to the State Constitution authorizes
 219 counties and municipalities to limit the assessments of the
 220 homesteads of persons receiving such additional exemption to the
 221 assessed value of the property in the prior year if the just
 222 value of the property is equal to or less than 150 percent of
 223 the average just value of homestead property in the respective
 224 county or municipality. As such, if authorized by a county or

CS/CS/HJR 789

2011

225 | municipality, these individuals will not be required to pay more
226 | county or municipal ad valorem taxes than they paid in the prior
227 | year as the result of an increase in the value of their
228 | homesteads.