

By Senator Brandes

22-00981A-14

2014916__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to revise the Legislature's authority to exempt the value of renewable energy source devices from consideration in determining the assessed value of real property by removing a restriction that limits such exemptions to property used for residential purposes and restricting such exemptions to installation by an end-use customer of a renewable energy source device that is primarily intended to offset part or all of that customer's electricity demands.

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

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

ARTICLE VII

FINANCE AND TAXATION

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

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

22-00981A-14

2014916__

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

34 (c) Pursuant to general law tangible personal property held
35 for sale as stock in trade and livestock may be valued for
36 taxation at a specified percentage of its value, may be
37 classified for tax purposes, or may be exempted from taxation.

38 (d) All persons entitled to a homestead exemption under
39 Section 6 of this Article shall have their homestead assessed at
40 just value as of January 1 of the year following the effective
41 date of this amendment. This assessment shall change only as
42 provided in this subsection.

43 (1) Assessments subject to this subsection shall be changed
44 annually on January 1st of each year; but those changes in
45 assessments shall not exceed the lower of the following:

46 a. Three percent (3%) of the assessment for the prior year.

47 b. The percent change in the Consumer Price Index for all
48 urban consumers, U.S. City Average, all items 1967=100, or
49 successor reports for the preceding calendar year as initially
50 reported by the United States Department of Labor, Bureau of
51 Labor Statistics.

52 (2) No assessment shall exceed just value.

53 (3) After any change of ownership, as provided by general
54 law, homestead property shall be assessed at just value as of
55 January 1 of the following year, unless the provisions of
56 paragraph (8) apply. Thereafter, the homestead shall be assessed
57 as provided in this subsection.

58 (4) New homestead property shall be assessed at just value

22-00981A-14

2014916__

59 as of January 1st of the year following the establishment of the
60 homestead, unless the provisions of paragraph (8) apply. That
61 assessment shall only change as provided in this subsection.

62 (5) Changes, additions, reductions, or improvements to
63 homestead property shall be assessed as provided for by general
64 law; provided, however, after the adjustment for any change,
65 addition, reduction, or improvement, the property shall be
66 assessed as provided in this subsection.

67 (6) In the event of a termination of homestead status, the
68 property shall be assessed as provided by general law.

69 (7) The provisions of this amendment are severable. If any
70 of the provisions of this amendment shall be held
71 unconstitutional by any court of competent jurisdiction, the
72 decision of such court shall not affect or impair any remaining
73 provisions of this amendment.

74 (8)a. A person who establishes a new homestead as of
75 January 1, 2009, or January 1 of any subsequent year and who has
76 received a homestead exemption pursuant to Section 6 of this
77 Article as of January 1 of either of the two years immediately
78 preceding the establishment of the new homestead is entitled to
79 have the new homestead assessed at less than just value. If this
80 revision is approved in January of 2008, a person who
81 establishes a new homestead as of January 1, 2008, is entitled
82 to have the new homestead assessed at less than just value only
83 if that person received a homestead exemption on January 1,
84 2007. The assessed value of the newly established homestead
85 shall be determined as follows:

86 1. If the just value of the new homestead is greater than
87 or equal to the just value of the prior homestead as of January

22-00981A-14

2014916__

88 1 of the year in which the prior homestead was abandoned, the
89 assessed value of the new homestead shall be the just value of
90 the new homestead minus an amount equal to the lesser of
91 \$500,000 or the difference between the just value and the
92 assessed value of the prior homestead as of January 1 of the
93 year in which the prior homestead was abandoned. Thereafter, the
94 homestead shall be assessed as provided in this subsection.

95 2. If the just value of the new homestead is less than the
96 just value of the prior homestead as of January 1 of the year in
97 which the prior homestead was abandoned, the assessed value of
98 the new homestead shall be equal to the just value of the new
99 homestead divided by the just value of the prior homestead and
100 multiplied by the assessed value of the prior homestead.
101 However, if the difference between the just value of the new
102 homestead and the assessed value of the new homestead calculated
103 pursuant to this sub-subparagraph is greater than \$500,000, the
104 assessed value of the new homestead shall be increased so that
105 the difference between the just value and the assessed value
106 equals \$500,000. Thereafter, the homestead shall be assessed as
107 provided in this subsection.

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

111 (e) The legislature may, by general law, for assessment
112 purposes and subject to the provisions of this subsection, allow
113 counties and municipalities to authorize by ordinance that
114 historic property may be assessed solely on the basis of
115 character or use. Such character or use assessment shall apply
116 only to the jurisdiction adopting the ordinance. The

22-00981A-14

2014916__

117 requirements for eligible properties must be specified by
118 general law.

119 (f) A county may, in the manner prescribed by general law,
120 provide for a reduction in the assessed value of homestead
121 property to the extent of any increase in the assessed value of
122 that property which results from the construction or
123 reconstruction of the property for the purpose of providing
124 living quarters for one or more natural or adoptive grandparents
125 or parents of the owner of the property or of the owner's spouse
126 if at least one of the grandparents or parents for whom the
127 living quarters are provided is 62 years of age or older. Such a
128 reduction may not exceed the lesser of the following:

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

131 (2) Twenty percent of the total assessed value of the
132 property as improved.

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

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

142 (2) No assessment shall exceed just value.

143 (3) After a change of ownership or control, as defined by
144 general law, including any change of ownership of a legal entity
145 that owns the property, such property shall be assessed at just

22-00981A-14

2014916__

146 value as of the next assessment date. Thereafter, such property
147 shall be assessed as provided in this subsection.

148 (4) Changes, additions, reductions, or improvements to such
149 property shall be assessed as provided for by general law;
150 however, after the adjustment for any change, addition,
151 reduction, or improvement, the property shall be assessed as
152 provided in this subsection.

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

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

161 (2) No assessment shall exceed just value.

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

167 (4) The legislature may provide that such property shall be
168 assessed at just value as of the next assessment date after a
169 change of ownership or control, as defined by general law,
170 including any change of ownership of the legal entity that owns
171 the property. Thereafter, such property shall be assessed as
172 provided in this subsection.

173 (5) Changes, additions, reductions, or improvements to such
174 property shall be assessed as provided for by general law;

22-00981A-14

2014916__

175 however, after the adjustment for any change, addition,
176 reduction, or improvement, the property shall be assessed as
177 provided in this subsection.

178 (i) The legislature, by general law and subject to
179 conditions specified therein, may prohibit the consideration of
180 the following in the determination of the assessed value of real
181 property ~~used for residential purposes~~:

182 (1) Any change or improvement made to property used for
183 residential purposes for the purpose of improving the property's
184 resistance to wind damage.

185 (2) The installation by an end-use customer of a renewable
186 energy source device that is primarily intended to offset part
187 or all of that end-use customer's electricity demands.

188 (j) (1) The assessment of the following working waterfront
189 properties shall be based upon the current use of the property:
190 a. Land used predominantly for commercial fishing purposes.
191 b. Land that is accessible to the public and used for
192 vessel launches into waters that are navigable.
193 c. Marinas and drystacks that are open to the public.
194 d. Water-dependent marine manufacturing facilities,
195 commercial fishing facilities, and marine vessel construction
196 and repair facilities and their support activities.

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

200 BE IT FURTHER RESOLVED that the following statement be
201 placed on the ballot:

202 CONSTITUTIONAL AMENDMENT

203 ARTICLE VII, SECTION 4

22-00981A-14

2014916__

204 AD VALOREM ASSESSMENTS; INSTALLATION OF RENEWABLE ENERGY
205 SOURCE DEVICES.—Proposing an amendment to the State Constitution
206 to revise the Legislature's authority to exempt the value of
207 renewable energy source devices from consideration in
208 determining the assessed value of real property by removing a
209 restriction limiting such exemptions to property used for
210 residential purposes and restricting such exemptions to
211 installation by an end-use customer of a renewable energy source
212 device that is primarily intended to offset part or all of that
213 customer's electricity demands.