

By Senator Ostalkiewicz

12-143-98

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Senate Joint Resolution No. \_\_\_\_

A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution; providing for the exemption from ad valorem taxation of certain tangible personal property.

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

That the amendment to Section 3 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 general election to be held in November 1998, and, if approved, shall take effect January 1, 1999:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.--

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently

1 disabled, property to the value fixed by general law not less  
2 than five hundred dollars.

3 (c) Any county or municipality may, for the purpose of  
4 its respective tax levy and subject to the provisions of this  
5 subsection and general law, grant community and economic  
6 development ad valorem tax exemptions to new businesses and  
7 expansions of existing businesses, as defined by general law.  
8 Such an exemption may be granted only by ordinance of the  
9 county or municipality, and only after the electors of the  
10 county or municipality voting on such question in a referendum  
11 authorize the county or municipality to adopt such ordinances.  
12 An exemption so granted shall apply to improvements to real  
13 property made by or for the use of a new business and  
14 improvements to real property related to the expansion of an  
15 existing business and shall also apply to tangible personal  
16 property of such new business and tangible personal property  
17 related to the expansion of an existing business. The amount  
18 or limits of the amount of such exemption shall be specified  
19 by general law. The period of time for which such exemption  
20 may be granted to a new business or expansion of an existing  
21 business shall be determined by general law. The authority to  
22 grant such exemption shall expire ten years from the date of  
23 approval by the electors of the county or municipality, and  
24 may be renewable by referendum as provided by general law.

25 (d) By general law and subject to conditions specified  
26 therein, there may be granted an ad valorem tax exemption to a  
27 renewable energy source device and to real property on which  
28 such device is installed and operated, to the value fixed by  
29 general law not to exceed the original cost of the device, and  
30 for the period of time fixed by general law not to exceed ten  
31 years.

1           (e) Any county or municipality may, for the purpose of  
2 its respective tax levy and subject to the provisions of this  
3 subsection and general law, grant historic preservation ad  
4 valorem tax exemptions to owners of historic properties  
5 engaging in the rehabilitation or renovation of these  
6 properties in accordance with approved historic preservation  
7 guidelines. This exemption may be granted only by ordinance  
8 of the county or municipality. The amount or limits of the  
9 amount of this exemption and the requirements for eligible  
10 properties must be specified by general law. The period of  
11 time for which this exemption may be granted to a property  
12 owner shall be determined by general law.

13           (f) By general law and subject to the conditions  
14 specified therein, in addition to any other exemption granted  
15 to tangible personal property pursuant to this section, all  
16 tangible personal property in this state held by the same  
17 owner may be exempted from ad valorem taxation up to a total  
18 cumulative value of \$5,000. This exemption does not apply if  
19 the total value of all tangible personal property held by the  
20 owner that would qualify for this exemption exceeds the amount  
21 of the exemption. This exemption does not apply to tangible  
22 personal property held for sale as stock in trade and  
23 livestock, which are subject to Section 4(b) of this Article.

24           BE IT FURTHER RESOLVED that the following statement be  
25 placed on the ballot:

26                                   CONSTITUTIONAL AMENDMENT

27                                   ARTICLE VII, SECTION 3

28           TAX EXEMPTION FOR CERTAIN TANGIBLE PERSONAL  
29 PROPERTY.--Proposing an amendment to the State Constitution,  
30 effective January 1, 1999, to allow the exemption from ad  
31 valorem taxation by general law of tangible personal property

1 held by the same owner up to a total value of \$5,000,  
2 excluding tangible personal property held for sale as stock in  
3 trade or livestock.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31