

By Senator Haridopolos

26-1504-04

See HJR 417

1 Senate Joint Resolution No. ____

2 A joint resolution proposing an amendment to
3 Section 4 of Article VII of the State
4 Constitution to provide an additional
5 circumstance for assessing homestead property
6 at less than just value.

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

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

16 ARTICLE VII

17 FINANCE AND TAXATION

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

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

26 (b) Pursuant to general law tangible personal property
27 held for sale as stock in trade and livestock may be valued
28 for taxation at a specified percentage of its value, may be
29 classified for tax purposes, or may be exempted from taxation.

30 (c) All persons entitled to a homestead exemption
31 under Section 6 of this Article shall have their homestead

1 assessed at just value as of January 1 of the year following
2 the effective date of this amendment. This assessment shall
3 change only as provided herein.

4 (1) Assessments subject to this provision shall be
5 changed annually on January 1st of each year; but those
6 changes in assessments shall not exceed the lower of the
7 following:

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

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

15 (2) No assessment shall exceed just value.

16 (3) After any change of ownership, as provided by
17 general law, homestead property shall be assessed at just
18 value as of January 1 of the following year, unless the
19 provisions of paragraph (8) apply. Thereafter, the homestead
20 shall be assessed as provided herein.

21 (4) New homestead property shall be assessed at just
22 value as of January 1st of the year following the
23 establishment of the homestead, unless the provisions of
24 paragraph (8) apply. That assessment shall only change as
25 provided herein.

26 (5) Changes, additions, reductions, or improvements to
27 homestead property shall be assessed as provided for by
28 general law; provided, however, after the adjustment for any
29 change, addition, reduction, or improvement, the property
30 shall be assessed as provided herein.

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

3 (7) The provisions of this amendment are severable. If
4 any of the provisions of this amendment shall be held
5 unconstitutional by any court of competent jurisdiction, the
6 decision of such court shall not affect or impair any
7 remaining provisions of this amendment.

8 (8) When a person sells his or her homestead property
9 within this state and within one year purchases another
10 property and establishes such property as homestead property,
11 the newly established homestead property shall be initially
12 assessed at less than just value, as provided by general law.
13 The difference between the new homestead property's just value
14 and its assessed value in the first year the homestead is
15 established may not exceed the difference between the previous
16 homestead's just value and its assessed value in the year of
17 sale. In addition, to be assessed as provided in this
18 paragraph, the assessed value of the new homestead must equal
19 or exceed the assessed value of the previous homestead.
20 Thereafter, the homestead shall be assessed as provided
21 herein.

22 (d) The legislature may, by general law, for
23 assessment purposes and subject to the provisions of this
24 subsection, allow counties and municipalities to authorize by
25 ordinance that historic property may be assessed solely on the
26 basis of character or use. Such character or use assessment
27 shall apply only to the jurisdiction adopting the ordinance.
28 The requirements for eligible properties must be specified by
29 general law.

30 (e) A county may, in the manner prescribed by general
31 law, provide for a reduction in the assessed value of

1 homestead property to the extent of any increase in the
2 assessed value of that property which results from the
3 construction or reconstruction of the property for the purpose
4 of providing living quarters for one or more natural or
5 adoptive grandparents or parents of the owner of the property
6 or of the owner's spouse if at least one of the grandparents
7 or parents for whom the living quarters are provided is 62
8 years of age or older. Such a reduction may not exceed the
9 lesser of the following:

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

12 (2) Twenty percent of the total assessed value of the
13 property as improved.

14 BE IT FURTHER RESOLVED that the following statement be
15 placed on the ballot:

16 CONSTITUTIONAL AMENDMENT

17 ARTICLE VII, SECTION 4

18 TAXATION; HOMESTEAD PROPERTY ASSESSMENTS.--Proposing an
19 amendment to the State Constitution to provide for assessing
20 at less than just value property purchased within 1 year after
21 a sale of homestead property and established as new homestead
22 property, limited by the difference between the new homestead
23 property's just value and its assessed value in the first year
24 the homestead is established, which may not exceed the
25 difference between the previous homestead's just value and its
26 assessed value in the year of sale and the new homestead
27 property's assessed value must equal or exceed the old
28 homestead property's assessed value.

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