

HJR 0417

2004

1 House Joint Resolution

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

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

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 9 That the amendment to Section 4 of Article VII of the State
 10 Constitution set forth below is agreed to and shall be submitted
 11 to the electors of Florida for approval or rejection at the
 12 general election to be held in November 2004:

13 ARTICLE VII

14 FINANCE AND TAXATION

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

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

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

26 (c) All persons entitled to a homestead exemption under
 27 Section 6 of this Article shall have their homestead assessed at
 28 just value as of January 1 of the year following the effective
 29 date of this amendment. This assessment shall change only as
 30 provided herein.

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

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

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

41 (2) No assessment shall exceed just value.

42 (3) After any change of ownership, as provided by general
 43 law, homestead property shall be assessed at just value as of
 44 January 1 of the following year, unless the provisions of
 45 paragraph (8) apply. Thereafter, the homestead shall be assessed
 46 as provided herein.

47 (4) New homestead property shall be assessed at just value
 48 as of January 1st of the year following the establishment of the
 49 homestead, unless the provisions of paragraph (8) apply. That
 50 assessment shall only change as provided herein.

51 (5) Changes, additions, reductions, or improvements to
 52 homestead property shall be assessed as provided for by general
 53 law; provided, however, after the adjustment for any change,
 54 addition, reduction, or improvement, the property shall be
 55 assessed as provided herein.

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

58 (7) The provisions of this amendment are severable. If any
 59 of the provisions of this amendment shall be held
 60 unconstitutional by any court of competent jurisdiction, the

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61 decision of such court shall not affect or impair any remaining
 62 provisions of this amendment.

63 (8) When a person sells his or her homestead property
 64 within this state and within one year purchases another property
 65 and establishes such property as homestead property, the newly
 66 established homestead property shall be initially assessed at
 67 less than just value, as provided by general law. The difference
 68 between the new homestead property's just value and its assessed
 69 value in the first year the homestead is established may not
 70 exceed the difference between the previous homestead's just value
 71 and its assessed value in the year of sale. In addition, to be
 72 assessed as provided in this paragraph, the assessed value of the
 73 new homestead must equal or exceed the assessed value of the
 74 previous homestead. Thereafter, the homestead shall be assessed
 75 as provided herein.

76 (d) The legislature may, by general law, for assessment
 77 purposes and subject to the provisions of this subsection, allow
 78 counties and municipalities to authorize by ordinance that
 79 historic property may be assessed solely on the basis of
 80 character or use. Such character or use assessment shall apply
 81 only to the jurisdiction adopting the ordinance. The
 82 requirements for eligible properties must be specified by
 83 general law.

84 (e) A county may, in the manner prescribed by general law,
 85 provide for a reduction in the assessed value of homestead
 86 property to the extent of any increase in the assessed value of
 87 that property which results from the construction or
 88 reconstruction of the property for the purpose of providing
 89 living quarters for one or more natural or adoptive grandparents
 90 or parents of the owner of the property or of the owner's spouse

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91 if at least one of the grandparents or parents for whom the
 92 living quarters are provided is 62 years of age or older. Such a
 93 reduction may not exceed the lesser of the following:

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

96 (2) Twenty percent of the total assessed value of the
 97 property as improved.

98 BE IT FURTHER RESOLVED that the title and substance of the
 99 amendment proposed herein shall appear on the ballot as follows:

100 TAXATION; HOMESTEAD PROPERTY ASSESSMENTS

101 Proposes an amendment to Section 4 of Article VII of the
 102 State Constitution to provide for assessing at less than just
 103 value property purchased within one year after a sale of
 104 homestead property and established as new homestead property,
 105 limited by the difference between the new homestead property's
 106 just value and its assessed value in the first year the
 107 homestead is established not exceeding the difference between
 108 the previous homestead's just value and its assessed value in
 109 the year of sale and the new homestead property's assessed value
 110 equaling or exceeding the old homestead property's assessed
 111 value.