

By Senator Geller

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Senate Joint Resolution No. ____

A joint resolution proposing an amendment to
Section 4 of Article VII of the State
Constitution to prescribe the method for
valuing certain properties for ad valorem tax
purposes.

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.

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

(c) All persons entitled to a homestead exemption
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. Thereafter, the
19 | homestead shall be assessed as provided herein.

20 | (4) New homestead property shall be assessed at just
21 | value as of January 1st of the year following the
22 | establishment of the homestead. That assessment shall only
23 | change as provided herein.

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

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

31 |

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

6 (d) The legislature may, by general law, for
7 assessment purposes and subject to the provisions of this
8 subsection, allow counties and municipalities to authorize by
9 ordinance that historic property may be assessed solely on the
10 basis of character or use. Such character or use assessment
11 shall apply only to the jurisdiction adopting the ordinance.
12 The requirements for eligible properties must be specified by
13 general law.

14 (e) A county may, in the manner prescribed by general
15 law, provide for a reduction in the assessed value of
16 homestead property to the extent of any increase in the
17 assessed value of that property which results from the
18 construction or reconstruction of the property for the purpose
19 of providing living quarters for one or more natural or
20 adoptive grandparents or parents of the owner of the property
21 or of the owner's spouse if at least one of the grandparents
22 or parents for whom the living quarters are provided is 62
23 years of age or older. Such a reduction may not exceed the
24 lesser of the following:

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

27 (2) Twenty percent of the total assessed value of the
28 property as improved.

29 (f)(1) If a person whose homestead property is taken
30 through the exercise of eminent domain designates replacement
31 property on which he or she is entitled to a homestead

1 exemption as homestead property and the value of the
2 replacement property is greater than is exempted by Section 6
3 of this Article, the just value of the replacement property is
4 determined by multiplying the price of the replacement
5 property by a figure that is obtained by dividing the just
6 value of the taken property at the time of the taking by the
7 price paid by the taking authority. However, the just value
8 determined under this subsection may not be less than the
9 value exempted by Section 6 of this Article.

10 (2) The following conditions apply when calculating
11 the value of a replacement homestead property under this
12 subsection:

13 a. This subsection applies only to the first
14 replacement property on which a homestead exemption is claimed
15 after the taking.

16 b. The claim of homestead exemption on replacement
17 property must be made no later than the second January 1
18 following the taking.

19 c. This subsection applies whether the replacement
20 property is in the same county as the taken property or in a
21 different county.

22 d. This subsection applies whether the replacement
23 property was acquired after, or was owned by the taxpayer at
24 the time of, the taking.

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

27 CONSTITUTIONAL AMENDMENT

28 ARTICLE VII, SECTION 4

29 VALUATION OF HOMESTEAD PROPERTY.--Proposing an
30 amendment to the State Constitution which would establish the
31 value of replacement homestead property of a person whose

1 previous homestead property was taken through eminent domain
2 as a percentage of its market value equal to the greater of:
3 the actual exemption allowed under the State Constitution or a
4 proportion of its market value equal to the proportion that
5 the just value of the taken property bore to the selling price
6 of the taken property. The proposed amendment includes a time
7 limit on when the homestead exemption on a replacement
8 property must be claimed.

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