

By Senator Haridopolos

26-612-05

See HJR 43

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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 provide an additional
circumstance for assessing homestead property
at less than just value.

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 general election to be held in November 2006:

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
assessed at just value as of January 1 of the year following

1 | the effective date of this amendment. This assessment shall
2 | change only as provided herein.

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

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

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

14 | (2) No assessment shall exceed just value.

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

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

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

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

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

28 (e) A county may, in the manner prescribed by general
29 law, provide for a reduction in the assessed value of
30 homestead property to the extent of any increase in the
31 assessed value of that property which results from the

1 construction or reconstruction of the property for the purpose
2 of providing living quarters for one or more natural or
3 adoptive grandparents or parents of the owner of the property
4 or of the owner's spouse if at least one of the grandparents
5 or parents for whom the living quarters are provided is 62
6 years of age or older. Such a reduction may not exceed the
7 lesser of the following:

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

10 (2) Twenty percent of the total assessed value of the
11 property as improved.

12 BE IT FURTHER RESOLVED that the following statement be
13 placed on the ballot:

14 CONSTITUTIONAL AMENDMENT

15 ARTICLE VII, SECTION 4

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