

House Joint Resolution

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 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 assessed at

29 just value as of January 1 of the year following the effective  
 30 date of this amendment. This assessment shall change only as  
 31 provided herein.

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

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

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

42 (2) No assessment shall exceed just value.

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

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

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

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

59 (7) The provisions of this amendment are severable. If any  
 60 of the provisions of this amendment shall be held  
 61 unconstitutional by any court of competent jurisdiction, the  
 62 decision of such court shall not affect or impair any remaining  
 63 provisions of this amendment.

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

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

84 requirements for eligible properties must be specified by  
 85 general law.

86 (e) A county may, in the manner prescribed by general law,  
 87 provide for a reduction in the assessed value of homestead  
 88 property to the extent of any increase in the assessed value of  
 89 that property which results from the construction or  
 90 reconstruction of the property for the purpose of providing  
 91 living quarters for one or more natural or adoptive grandparents  
 92 or parents of the owner of the property or of the owner's spouse  
 93 if at least one of the grandparents or parents for whom the  
 94 living quarters are provided is 62 years of age or older. Such a  
 95 reduction may not exceed the lesser of the following:

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

98 (2) Twenty percent of the total assessed value of the  
 99 property as improved.

100 BE IT FURTHER RESOLVED that the following statement be  
 101 placed on the ballot:

102 CONSTITUTIONAL AMENDMENT

103 ARTICLE VII, SECTION 4

104 ASSESSMENT OF NEWLY ESTABLISHED HOMESTEAD PROPERTY AFTER  
 105 EMINENT DOMAIN TAKING OF PREVIOUS HOMESTEAD PROPERTY.--Proposing  
 106 an amendment to the State Constitution to provide for assessing  
 107 at less than just value property purchased within 2 years after  
 108 a homestead is taken by eminent domain, if the newly purchased  
 109 property is established as homestead, to provide that the  
 110 difference between the new homestead property's just value and  
 111 its assessed value in the first year may not exceed the

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112 | difference between the previous homestead property's just value  
113 | and its assessed value in the year the previous homestead  
114 | property was taken by eminent domain and to provide that the  
115 | assessed value of the new homestead property must equal or  
116 | exceed the assessed value of the previous homestead property.