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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.

27 (c) All persons entitled to a homestead exemption under
28 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 establishes another property as homestead property, the newly
67 established homestead property shall be initially assessed at
68 less than just value, as provided by general law. The difference
69 between the new homestead property's just value and its assessed
70 value in the first year the homestead is established may not
71 exceed the difference between the previous homestead property's
72 just value and its assessed value in the year the homestead
73 property was taken by eminent domain. In addition, the assessed
74 value of the new homestead property must equal or exceed the
75 assessed value of the previous homestead property. Thereafter,
76 the homestead property shall be assessed as provided herein.

77 (d) The legislature may, by general law, for assessment
78 purposes and subject to the provisions of this subsection, allow
79 counties and municipalities to authorize by ordinance that
80 historic property may be assessed solely on the basis of

81 character or use. Such character or use assessment shall apply
 82 only to the jurisdiction adopting the ordinance. The
 83 requirements for eligible properties must be specified by
 84 general law.

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

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

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

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

101 CONSTITUTIONAL AMENDMENT

102 ARTICLE VII, SECTION 4

103 ASSESSMENT OF NEWLY ESTABLISHED HOMESTEAD PROPERTY AFTER
 104 EMINENT DOMAIN TAKING OF PREVIOUS HOMESTEAD PROPERTY.--Proposing
 105 an amendment to the State Constitution to provide for assessing
 106 at less than just value property established as homestead
 107 property within 2 years after a previous homestead property is

108 | taken by eminent domain, to provide that the difference between
109 | the new homestead property's just value and its assessed value
110 | in the first year may not exceed the difference between the
111 | previous homestead property's just value and its assessed value
112 | in the year the previous homestead property was taken by eminent
113 | domain, and to provide that the assessed value of the new
114 | homestead property must equal or exceed the assessed value of
115 | the previous homestead property.