

By Senator Fasano

11-215-06

See HJR 39

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution, relating to limitations on assessments of residential and commercial property.

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 residential or commercial property ~~persons~~ ~~entitled to a homestead exemption under Section 6 of this~~

1 ~~Article shall be have their homestead~~ assessed at just value  
2 as of January 1 of the year following the effective date of  
3 this amendment. This assessment shall change only as provided  
4 herein.

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

9 a. Three percent (3%) of the assessment for the prior  
10 year.

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

16 (2) No assessment shall exceed just value.

17 (3) After any change of ownership, as provided by  
18 general law, residential or commercial ~~homestead~~ property  
19 shall be assessed at just value as of January 1 of the  
20 following year. Thereafter, the property ~~homestead~~ shall be  
21 assessed as provided herein.

22 (4) New residential or commercial ~~homestead~~ property  
23 shall be assessed at just value as of January 1st of the year  
24 following the completion of construction ~~establishment~~ of the  
25 property ~~homestead~~. That assessment shall only change as  
26 provided herein.

27 (5) Changes, additions, reductions, or improvements to  
28 residential or commercial ~~homestead~~ property shall be assessed  
29 as provided for by general law; provided, however, after the  
30 adjustment for any change, addition, reduction, or  
31

1 improvement, the property shall be assessed as provided  
2 herein.

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

5 (6)(7) The provisions of this amendment are severable.  
6 If any of the provisions of this amendment shall be held  
7 unconstitutional by any court of competent jurisdiction, the  
8 decision of such court shall not affect or impair any  
9 remaining provisions of this amendment.

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

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

29 (1) The increase in assessed value resulting from  
30 construction or reconstruction of the property.  
31

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

3           BE IT FURTHER RESOLVED that the following statement be  
4 placed on the ballot:

5                           CONSTITUTIONAL AMENDMENT

6                           ARTICLE VII, SECTION 4

7           LIMITATIONS ON ASSESSMENTS OF RESIDENTIAL AND  
8 COMMERCIAL PROPERTY.--Proposing an amendment to the State  
9 Constitution to apply to all residential and commercial  
10 property the limitations on assessments of property at just  
11 value currently applicable only to homestead property.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31