

By Senator Villalobos

38-1361-07

See HJR 459

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Senate 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

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, unless the
19 | application of paragraph (8) yields an initial lesser
20 | assessment. Thereafter, the homestead shall be assessed as
21 | provided herein.

22 | (4) New homestead property shall be assessed at just
23 | value as of January 1st of the year following the
24 | establishment of the homestead, unless the application of
25 | paragraph (8) yields an initial lesser assessment. That
26 | assessment shall only change as provided herein.

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

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

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

8 (8) When a person sells his or her homestead property
9 within this state and within two years purchases another
10 property and establishes such property as homestead property,
11 the newly established homestead property shall, in the first
12 year the homestead is established, be initially assessed at
13 less than just value, as provided by general law. However, the
14 initial assessment may not be less than the assessment
15 applicable to the prior homestead property at the time of
16 sale. To qualify for such initial lesser assessment, the just
17 value of the new homestead property at the time of purchase
18 must not exceed the just value of the prior homestead property
19 at the time of sale, the person selling the prior homestead
20 property must not have previously received the initial lesser
21 assessment authorized by this paragraph for a homestead
22 property, the new homestead property and the prior homestead
23 property must be in the same county, and the total building
24 square footage of the new homestead property must not exceed
25 one hundred ten percent of the total building square footage
26 of the prior homestead property. Following the initial lesser
27 assessment, the new homestead property shall be assessed as
28 provided in this subsection.

29 (d) The legislature may, by general law, for
30 assessment purposes and subject to the provisions of this
31 subsection, allow counties and municipalities to authorize by

1 ordinance that historic property may be assessed solely on the
2 basis of character or use. Such character or use assessment
3 shall apply only to the jurisdiction adopting the ordinance.
4 The requirements for eligible properties must be specified by
5 general law.

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

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

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

21 BE IT FURTHER RESOLVED that the following statement be
22 placed on the ballot:

23 CONSTITUTIONAL AMENDMENT

24 ARTICLE VII, SECTION 4

25 TAXATION; HOMESTEAD PROPERTY ASSESSMENTS.--Proposing an
26 amendment to the State Constitution to provide for assessing
27 at less than just value property purchased within 2 years
28 after the sale of homestead property if the new property is
29 established as homestead and if the initial lesser assessment
30 of the new property is not less than the assessment applicable
31 to the prior homestead at the time of sale, and to provide

1 | that the just value of the new homestead must not exceed the
2 | just value of the prior homestead, that the person selling the
3 | prior homestead must not have previously received the initial
4 | lesser assessment, that both the new homestead and prior
5 | homestead must be in the same county, and that the total
6 | building square footage of the new homestead must not exceed
7 | 110 percent of the square footage of the prior homestead.
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