

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

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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 application of
46 paragraph (8) yields an initial lesser assessment. Thereafter,
47 the homestead shall be 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 application of paragraph (8) yields an
51 initial lesser assessment. That assessment shall only change as
52 provided herein.

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

56 addition, reduction, or improvement, the property shall be
 57 assessed as provided herein.

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

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

65 (8) When a person sells his or her homestead property
 66 within this state and within two years purchases another
 67 property and establishes such property as homestead property,
 68 the newly established homestead property shall, in the first
 69 year the homestead is established, be initially assessed at less
 70 than just value, as provided by general law. However, the
 71 initial assessment may not be less than the assessment
 72 applicable to the prior homestead property at the time of sale.
 73 To qualify for such initial lesser assessment, the just value of
 74 the new homestead property at the time of purchase must not
 75 exceed the just value of the prior homestead property at the
 76 time of sale, the person selling the prior homestead property
 77 must not have previously received the initial lesser assessment
 78 authorized by this paragraph for a homestead property, the new
 79 homestead property and the prior homestead property must be in
 80 the same county, and the total building square footage of the
 81 new homestead property must not exceed one hundred ten percent
 82 of the total building square footage of the prior homestead
 83 property. Following the initial lesser assessment, the new

84 homestead property shall be assessed as provided in this
 85 subsection.

86 (d) The legislature may, by general law, for assessment
 87 purposes and subject to the provisions of this subsection, allow
 88 counties and municipalities to authorize by ordinance that
 89 historic property may be assessed solely on the basis of
 90 character or use. Such character or use assessment shall apply
 91 only to the jurisdiction adopting the ordinance. The
 92 requirements for eligible properties must be specified by
 93 general law.

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

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

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

108 BE IT FURTHER RESOLVED that the following statement be
 109 placed on the ballot:

110 CONSTITUTIONAL AMENDMENT

111 ARTICLE VII, SECTION 4

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112 TAXATION; HOMESTEAD PROPERTY ASSESSMENTS.--Proposing an
113 amendment to the State Constitution to provide for assessing at
114 less than just value property purchased within 2 years after the
115 sale of homestead property if the new property is established as
116 homestead and if the initial lesser assessment of the new
117 property is not less than the assessment applicable to the prior
118 homestead at the time of sale and to provide that the just value
119 of the new homestead must not exceed the just value of the prior
120 homestead, that the person selling the prior homestead must not
121 have previously received the initial lesser assessment, that
122 both the new homestead and prior homestead must be in the same
123 county, and that the total building square footage of the new
124 homestead must not exceed 110 percent of that square footage of
125 the prior homestead.