

By Senator Geller

31-633-07

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 to prescribe the method for valuing certain properties for ad valorem tax purposes.

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. Thereafter, the
19 homestead shall be assessed as provided herein.

20 (4) New homestead property shall be assessed at just
21 value as of January 1st of the year following the
22 establishment of the homestead. That assessment shall only
23 change as provided herein.

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

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

31

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

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

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

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

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

29 (f)(1) If a person whose homestead property is taken
30 through the exercise of eminent domain designates replacement
31 property on which he or she is entitled to a homestead

1 exemption as homestead property and the value of the
2 replacement property is greater than that exempted by
3 subsection (c) of this section, the replacement homestead
4 property shall be initially assessed at less than just value,
5 as provided by general law. The difference between the
6 replacement homestead property's just value and its assessed
7 value in the first year the homestead is established may not
8 exceed the difference between the previous homestead's just
9 value and its assessed value in the year of sale. In addition,
10 to be assessed as provided in this paragraph, the assessed
11 value of the replacement homestead must equal or exceed the
12 assessed value of the previous homestead. Thereafter, the
13 homestead shall be assessed as provided herein.

14 (2) The following conditions apply when calculating
15 the assessed value of a replacement homestead property under
16 this subsection:

17 a. This subsection applies only to the first
18 replacement property on which a homestead exemption is claimed
19 after the taking.

20 b. The claim of homestead exemption on replacement
21 property must be made no later than the second January 1
22 following the taking.

23 c. This subsection applies regardless of whether the
24 replacement property is in the same county as the taken
25 property or in a different county.

26 d. This subsection applies regardless of whether the
27 replacement property was acquired after, or was owned by the
28 taxpayer at the time of, the taking.

29 (3) This subsection applies retroactively to
30 replacement homestead property that is designated as described
31 in subsection (1) after December 31, 2004.

1 BE IT FURTHER RESOLVED that the following statement be
2 placed on the ballot:

3 CONSTITUTIONAL AMENDMENT

4 ARTICLE VII, SECTION 4

5 VALUATION OF HOMESTEAD PROPERTY.--Proposing an
6 amendment to the State Constitution to provide for assessing
7 at less than just value the replacement homestead property of
8 a person whose previous homestead property was taken through
9 eminent domain if the claim of homestead exemption on the
10 replacement property is made within a specified time, if the
11 assessed value of the new homestead equals or exceeds the
12 assessed value of the previous homestead, and if the
13 difference between the new property's just value and its
14 assessed value in the first year that a homestead exemption is
15 claimed does not exceed the difference between the previous
16 homestead's just value and its assessed value in the year of
17 sale, and to provide for retroactive applicability of such
18 assessment procedures to property designated after December
19 31, 2004, as replacement homestead property.