

By Senator Saunders

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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) Except as provided in paragraph (8), after any
17 change of ownership, as provided by general law, homestead
18 property shall be assessed at just value as of January 1 of
19 the following year. Thereafter, the homestead shall be
20 assessed as provided herein.

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

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

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

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 (8)a. On January 1 of the year following the
7 establishment of a homestead, the assessed value of the new
8 homestead property shall be the difference between the just
9 value of the new homestead property and the cap differential,
10 as defined in subparagraph b., if the owner had a previously
11 established homestead in the State of Florida within the two
12 years preceding the establishment of the new homestead and the
13 owner has maintained his or her state of residence in this
14 state since vacating the previous homestead. Thereafter, the
15 new homestead property shall be assessed as provided in this
16 section.

17 b. The cap differential shall be the difference
18 between the just value and the assessed value of the former
19 homestead property as of January 1 of the year in which the
20 homestead property was sold or the homestead exemption was
21 vacated by the new owner. If more than one new owner of the
22 new homestead property is qualified to transfer a cap
23 differential to the new homestead property, the highest cap
24 differential shall be used. If the just value of the new
25 homestead property is less than the just value of the former
26 homestead property, the cap differential shall not exceed
27 fifty percent of the just value of the new homestead property.

28 c. By general law, the legislature shall prescribe
29 regulations by which two or more persons who are entitled to a
30 homestead exemption on one property shall be permitted to
31 transfer a portion of the property's cap differential to two

1 or more separate new homestead properties; however, the total
2 amount transferred by all owners may not exceed the property's
3 cap differential.

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

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

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

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

27 BE IT FURTHER RESOLVED that the following statement be
28 placed on the ballot:

29 CONSTITUTIONAL AMENDMENT

30 ARTICLE VII, SECTION 4

31

1 TAXATION; HOMESTEAD PROPERTY ASSESSMENTS.--Proposing an
2 amendment to the State Constitution to provide for the
3 transfer of a portion of the difference between the current
4 market value of a homestead property and its current assessed
5 value to a newly acquired homestead property.
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