

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Gelber offered the following:

2
3 **Amendment (with ballot statement and title amendments)**

4 Remove line(s) 22-383 and insert:

5 That the following amendments to Sections 3, 4, and 9 of
6 Article VII and the creation of Section 19 of Article VII and
7 Section 27 of Article XII of the State Constitution are agreed
8 to and shall be submitted to the electors of this state for
9 approval or rejection at the next general election or at an
10 earlier special election specifically authorized by law for that
11 purpose:

12 ARTICLE VII

13 FINANCE AND TAXATION

14 SECTION 3. Taxes; exemptions.--

15 (a) All property owned by a municipality and used
16 exclusively by it for municipal or public purposes shall be
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17 exempt from taxation. A municipality, owning property outside
18 the municipality, may be required by general law to make payment
19 to the taxing unit in which the property is located. Such
20 portions of property as are used predominantly for educational,
21 literary, scientific, religious or charitable purposes may be
22 exempted by general law from taxation.

23 (b) There shall be exempt from taxation, cumulatively, to
24 every head of a family residing in this state, household goods
25 and personal effects to the value fixed by general law, not less
26 than one thousand dollars, and to every widow or widower or
27 person who is blind or totally and permanently disabled,
28 property to the value fixed by general law not less than five
29 hundred dollars.

30 (c) Any county or municipality may, for the purpose of its
31 respective tax levy and subject to the provisions of this
32 subsection and general law, grant community and economic
33 development ad valorem tax exemptions to new businesses and
34 expansions of existing businesses, as defined by general law.
35 Such an exemption may be granted only by ordinance of the county
36 or municipality, and only after the electors of the county or
37 municipality voting on such question in a referendum authorize
38 the county or municipality to adopt such ordinances. An
39 exemption so granted shall apply to improvements to real
40 property made by or for the use of a new business and
41 improvements to real property related to the expansion of an
42 existing business and shall also apply to tangible personal
43 property of such new business and tangible personal property
44 related to the expansion of an existing business. The amount or
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45 limits of the amount of such exemption shall be specified by
46 general law. The period of time for which such exemption may be
47 granted to a new business or expansion of an existing business
48 shall be determined by general law. The authority to grant such
49 exemption shall expire ten years from the date of approval by
50 the electors of the county or municipality, and may be renewable
51 by referendum as provided by general law.

52 (d) By general law and subject to conditions specified
53 therein, there may be granted an ad valorem tax exemption to a
54 renewable energy source device and to real property on which
55 such device is installed and operated, to the value fixed by
56 general law not to exceed the original cost of the device, and
57 for the period of time fixed by general law not to exceed ten
58 years.

59 (e) Any county or municipality may, for the purpose of its
60 respective tax levy and subject to the provisions of this
61 subsection and general law, grant historic preservation ad
62 valorem tax exemptions to owners of historic properties. This
63 exemption may be granted only by ordinance of the county or
64 municipality. The amount or limits of the amount of this
65 exemption and the requirements for eligible properties must be
66 specified by general law. The period of time for which this
67 exemption may be granted to a property owner shall be determined
68 by general law.

69 (f) By general law and subject to conditions specified
70 therein, tangible personal property up to a value of twenty-five
71 thousand dollars shall be exempt from taxation.

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72 SECTION 4. Taxation; assessments.--By general law
73 regulations shall be prescribed which shall secure a just
74 valuation of all property for ad valorem taxation, provided:

75 (a) Agricultural land, land producing high water recharge
76 to Florida's aquifers, or land used exclusively for
77 noncommercial recreational purposes may be classified by general
78 law and assessed solely on the basis of character or use.

79 (b) Pursuant to general law tangible personal property
80 held for sale as stock in trade and livestock may be valued for
81 taxation at a specified percentage of its value, may be
82 classified for tax purposes, or may be exempted from taxation.

83 (c) All persons entitled to a homestead exemption under
84 Section 6 of this Article shall have their homestead assessed at
85 just value as of January 1 of the year following the effective
86 date of this amendment. This assessment shall change only as
87 provided herein.

88 (1) Assessments subject to this provision shall be changed
89 annually on January 1st of each year; but those changes in
90 assessments shall not exceed the lower of the following, but the
91 total benefit provided by this paragraph shall not exceed four
92 times the median just value of all homestead properties located
93 in the county the property is located as such just value existed
94 on January 1, 2007. A person may apply to a replacement
95 homestead property one half the benefit granted by this
96 paragraph not to exceed three hundred thousand dollars, provided
97 the replacement property's just value is greater than the prior
98 property's just value and one half the benefit not to exceed
99 three hundred thousand dollars or one half the value of the

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100 replacement property, whichever is less, when the replacement
101 property's just value is less than the prior property's just
102 value:

103 a. Three percent (3%) of the assessment for the prior
104 year.

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

110 (2) No assessment shall exceed just value.

111 (3) After any change of ownership, as provided by general
112 law, homestead property shall be assessed at just value as of
113 January 1 of the following year. Thereafter, the homestead shall
114 be assessed as provided herein.

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

118 (5) Changes, additions, reductions, or improvements to
119 homestead property shall be assessed as provided for by general
120 law; provided, however, after the adjustment for any change,
121 addition, reduction, or improvement, the property shall be
122 assessed as provided herein.

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

125 (7) The provisions of this amendment are severable. If any
126 of the provisions of this amendment shall be held
127 unconstitutional by any court of competent jurisdiction, the

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128 decision of such court shall not affect or impair any remaining
129 provisions of this amendment.

130 (d) The legislature may, by general law, for assessment
131 purposes and subject to the provisions of this subsection, allow
132 counties and municipalities to authorize by ordinance that
133 historic property may be assessed solely on the basis of
134 character or use. Such character or use assessment shall apply
135 only to the jurisdiction adopting the ordinance. The
136 requirements for eligible properties must be specified by
137 general law.

138 (e) A county may, in the manner prescribed by general law,
139 provide for a reduction in the assessed value of homestead
140 property to the extent of any increase in the assessed value of
141 that property which results from the construction or
142 reconstruction of the property for the purpose of providing
143 living quarters for one or more natural or adoptive grandparents
144 or parents of the owner of the property or of the owner's spouse
145 if at least one of the grandparents or parents for whom the
146 living quarters are provided is 62 years of age or older. Such a
147 reduction may not exceed the lesser of the following:

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

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

152 SECTION 9. Local taxes.--

153 (a) Counties, school districts, and municipalities shall,
154 and special districts may, be authorized by law to levy ad
155 valorem taxes and may be authorized by general law to levy other
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156 taxes, for their respective purposes, except ad valorem taxes on
157 intangible personal property and taxes prohibited by this
158 constitution.

159 (b) Ad valorem taxes, exclusive of taxes levied for the
160 payment of bonds and taxes levied for periods not longer than
161 two years when authorized by vote of the electors who are the
162 owners of freeholds therein not wholly exempt from taxation,
163 shall not be levied in excess of the following millages upon the
164 assessed value of real estate and tangible personal property:
165 for all county purposes, ten mills; for all municipal purposes,
166 ten mills; for all school purposes, ten mills; for water
167 management purposes for the northwest portion of the state lying
168 west of the line between ranges two and three east, 0.05 mill;
169 for water management purposes for the remaining portions of the
170 state, 1.0 mill; and for all other special districts a millage
171 authorized by law approved by vote of the electors who are
172 owners of freeholds therein not wholly exempt from taxation. A
173 county furnishing municipal services may, to the extent
174 authorized by law, levy additional taxes within the limits fixed
175 for municipal purposes.

176 (c) Subject to the limitations provided for in subsection

177 (b):

178 (1)a. Ad valorem taxes may not be levied in excess of a
179 millage rate equal to the rolled-back rate adjusted by the
180 percentage change in the Consumer Price Index for all urban
181 consumers, U.S. City Average, all items 1982-84 = 100, or
182 successor reports, for the 12-month period through June prior to
183 the beginning of the fiscal year as initially reported by the
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184 United States Department of Labor, Bureau of Labor Statistics.
185 For purposes of this paragraph, the term "rolled-back rate"
186 means a millage rate that, exclusive of new construction,
187 additions to structures, deletions, increases in the value of
188 improvements that have undergone a substantial rehabilitation
189 that increased the assessed value of such improvements by at
190 least one hundred percent, and property added due to geographic
191 boundary changes, will provide the same ad valorem tax revenue
192 for each taxing authority as was levied during the immediately
193 preceding year. The rolled-back rate applicable for the year
194 tangible personal property is first exempt pursuant to Section 3
195 of this Article or homestead property is first exempt pursuant
196 to Section (6) (h) or (i) or Section 19 of this Article shall be
197 calculated by using the ad valorem tax revenue levied during the
198 immediately preceding year reduced by the taxes levied on the
199 property being first exempt.

200 b. This paragraph does not apply to taxing authorities
201 that have levied ad valorem taxes for less than five years and
202 to millage rates required by the legislature to be levied by
203 school boards as required local effort from ad valorem taxes.

204 (2)a. For the fiscal year beginning October 1, 2008, ad
205 valorem taxes may not be levied in excess of the maximum millage
206 rate that would have resulted from the application of paragraph
207 (1) if paragraph (1) had been in effect beginning on January 1,
208 2004, and had been applied each year up to and including the
209 fiscal year beginning October 1, 2007.

210 b. A taxing authority that begins levying taxes after
211 January 1, 1999, may not levy ad valorem taxes in excess of the
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212 maximum millage rate that would have resulted from the
213 application of paragraph (1) if paragraph (1) had been in effect
214 in the fifth full fiscal year in which the authority levied ad
215 valorem taxes and had been applied up to and including the
216 fiscal year beginning October 1, 2007.

217 c. This paragraph does not apply to ad valorem taxes
218 levied by school districts and independent special districts as
219 defined by general law. By general law and subject to conditions
220 specified therein, the legislature shall exempt taxes levied by
221 hospital and health care districts, children's services
222 districts, fiscally constrained counties, municipalities located
223 in a county considered a fiscally constrained county pursuant to
224 general law, and municipalities located in a rural area of
225 critical economic concern established pursuant to general law
226 from the provisions of this paragraph.

227 (3) Ad valorem taxes may be levied in excess of the
228 limitations provided in this subsection upon approval by a
229 unanimous vote of the full membership of the governing body
230 adopting the millage rate.

231 (4) This subsection does not apply to ad valorem taxes
232 levied for the payment of bonds issued pursuant to Section 12 of
233 this Article or levied for periods not longer than two years
234 when authorized by a vote of the electors.

235 (d) The aggregate amount of required local effort for all
236 school districts collectively to be raised from ad valorem taxes
237 each year may not exceed the aggregate amount required in the
238 immediately preceding prior year, adjusted by the percentage
239 that additions to the ad valorem tax base represent to the

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240 entire ad valorem tax base and by the percentage change in the
241 Consumer Price Index for all urban consumers, U.S. City Average,
242 all items 1982-84 = 100, or successor reports, for the 12-month
243 period through June prior to the beginning of the fiscal year as
244 initially reported by the United States Department of Labor,
245 Bureau of Labor Statistics. For purposes of this subsection, the
246 term "additions to the ad valorem tax base" means new
247 construction, additions to structures, deletions, increases in
248 the value of improvements that have undergone a substantial
249 rehabilitation that increased the assessed value of such
250 improvements by at least one hundred percent, and property added
251 due to geographic boundary changes.

252 SECTION 19. Increased state sales and use tax.--

253 (a) Beginning July 1, 2008, the tax imposed on any
254 transaction or use currently or hereafter subject to tax
255 pursuant to the provisions of chapter 212, Florida Statutes, is
256 increased by adding one percent to the tax rate imposed by
257 chapter 212, Florida Statutes. Exemptions from the tax imposed
258 pursuant to chapter 212, Florida Statutes, adopted by general
259 law, shall apply to the tax increase provided by this section.

260 (b) The proceeds of the tax increase provided by this
261 section shall be set aside for distribution to school districts
262 and shall replace the imposition of the required local effort
263 for all school districts collectively that has historically been
264 raised from ad valorem taxes each year from persons who qualify
265 for an exemption under Section 6 of this Article.

266 (c) Proceeds received by a school district shall be used,
267 prior to any other purpose, to the extent necessary for payments
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268 relating to bonds or any similar financial obligations, paid
269 from or secured by ad valorem tax revenues, that are outstanding
270 on the effective date of this amendment, including any
271 subsequent refunding of such bonds or other similar financial
272 obligations.

273 ARTICLE XII

274 SCHEDULE

275 SECTION 27. Property tax relief reform; nonseverability.--

276 (a) The amendments to Sections 3, 4, and 9 of Article VII
277 and the creation of Section 19 of Article VII and this section
278 of this constitution contained in this revision shall take
279 effect January 1, 2008.

280 (b) The amendments to Sections 3, 4, and 9 of Article VII
281 and the creation of Section 19 of Article VII of this
282 constitution contained in this revision are not severable. If
283 any portion of this revision is held invalid under any provision
284 of this constitution, the effect of such declaration shall be
285 that the amendments to Sections 3, 4, and 9 of Article VII and
286 the creation of Section 19 of Article VII of this constitution
287 contained in this revision shall be null, void, and without
288 effect.

289
290
291 == B A L L O T S T A T E M E N T A M E N D M E N T ==

292 Remove line(s) 387-416 and insert:

293 ARTICLE VII, SECTIONS 3, 4, 9, 19

294 ARTICLE XII, SECTION 27

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295 PROPERTY TAX EXEMPTIONS; DISCRETIONARY SALES SURTAXES; AD
296 VALOREM TAX MILLAGE LIMITATION; INCREASED SALES TAX.--Proposing
297 amendment of the State Constitution to provide for a \$25,000
298 exemption from ad valorem taxes for tangible personal property;
299 to limit the benefit of the Save Our Homes cap to four times the
300 median just value of all homestead properties located in a
301 county and to provide for portability of the homestead exemption
302 to replacement homestead property, subject to specified
303 limitations; to provide that counties may grant homestead
304 property an exemption from all ad valorem tax levies other than
305 school district levies together with the imposition of a
306 discretionary sales surtax of up to 1 percent upon approval by
307 referendum and authorize the qualified electors to petition for
308 a referendum providing for the exemption and imposing the
309 surtax; to provide that school districts may grant homestead
310 property an exemption from all school district ad valorem tax
311 levies together with the imposition of a discretionary sales
312 surtax of up to 0.5 percent upon approval by referendum and
313 authorize the qualified electors to petition for a referendum
314 providing for the exemption and imposing the surtax; to provide
315 a methodology for limiting increases in ad valorem taxes,
316 including an override by a unanimous vote of the governing body
317 levying the millage; to limit the aggregate amount of required
318 local effort for all school districts collectively; to increase
319 the state sales and use tax by 1 percent, dedicate the increased
320 revenues to replacing the required local effort for all school
321 districts collectively, and provide for distribution and
322 application of such revenues; to require that provisions of the
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323 revision are not severable such that if any are held invalid,
324 all will be invalid; and to provide an effective date of January
325 1, 2008.

326

327

328 ===== T I T L E A M E N D M E N T =====

329 Remove line(s) 2-18 and insert:

330 A joint resolution proposing amendments to Sections 3, 4,
331 and 9 of Article VII and the creation of Section 19 of
332 Article VII and Section 27 of Article XII of the State
333 Constitution to provide for an ad valorem tax exemption
334 for tangible personal property, limit the benefit of the
335 Save Our Homes cap and provide for portability of the
336 homestead exemption, authorize counties and school
337 districts to grant a homestead property exemption and
338 impose a discretionary sales surtax upon approval by
339 referendum, authorize qualified electors to petition for a
340 grant of the homestead exemption and imposition of the
341 surtax, provide a methodology for limiting increases in ad
342 valorem taxes, increase the state sales and use tax to
343 replace school district revenues lost from not imposing a
344 required local effort on homestead property, and provide
345 applicability, nonseverability, and an effective date.