

HJR 11D

2007

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to roll back the assessed value of homestead real property to the value of similar property as of a certain date, adjust such value to the present, and provide for retroactive effect.

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.

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28 (c) All persons entitled to a homestead exemption under  
29 Section 6 of this Article shall have their homestead assessed at  
30 just value as of January 1 of the year following the effective  
31 date of this amendment. This assessment shall change only as  
32 provided herein.

33 (1) Assessments subject to this provision shall be changed  
34 annually on January 1st of each year; but those changes in  
35 assessments shall not exceed the lower of the following:

36 a. Three percent (3%) of the assessment for the prior  
37 year.

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

43 (2) No assessment shall exceed just value.

44 (3) After any change of ownership, as provided by general  
45 law, homestead property shall be assessed at just value as of  
46 January 1 of the following year unless the provisions of  
47 paragraph (8) apply. Thereafter, the homestead shall be assessed  
48 as provided herein.

49 (4) New homestead property shall be assessed at just value  
50 as of January 1st of the year following the establishment of the  
51 homestead unless the provisions of paragraph (8) apply. That  
52 assessment shall only change as 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)a. When a person sells homestead real property in this  
 66 state and purchases and establishes another homestead real  
 67 property in this state, the assessed value of the newly  
 68 established homestead real property shall be rolled back to the  
 69 assessed value for a similar home in the same county for the  
 70 year 1994, and the assessments shall then be adjusted for each  
 71 subsequent year as if the limitations on assessments contained  
 72 in this subsection had been continuously in effect since January  
 73 1, 1995, and had been applied in each subsequent year. The  
 74 assessed value for 2009 and all subsequent years shall be  
 75 adjusted pursuant to this subsection.

76 b. Subparagraph a. does not apply to ad valorem taxes  
 77 levied for the payment of bonds issued pursuant to Section 12 of  
 78 this Article or levied for periods not longer than 2 years when  
 79 authorized by a vote of the electors.

80 c. The amendment to this section creating this paragraph  
 81 and cross-references to this paragraph shall take effect upon  
 82 approval by a vote of the electors and shall apply retroactively  
 83 to January 1 of the year in which approved.

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

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

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

104 (2) Twenty percent of the total assessed value of the  
 105 property as improved.

106 BE IT FURTHER RESOLVED that the following statement be  
 107 placed on the ballot:

108 CONSTITUTIONAL AMENDMENT

109 ARTICLE VII, SECTION 4

110 ASSESSED VALUE OF HOMESTEAD REAL PROPERTY.--Proposing an  
 111 amendment to the State Constitution to provide for rolling back

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112 | the assessed value of newly established homestead real property,  
113 | after a sale of homestead property, to the value of similar  
114 | property as of 1994, adjusting such value from such date to the  
115 | present by the Save Our Homes assessment increase limitation  
116 | factors, and providing for retroactive effect to January 1,  
117 | 2008, upon approval by vote of the electors.