

Senate Joint Resolution

A joint resolution proposing amendments to Sections 3, 4, 6, and 9 of Article VII and Section 1 of Article VIII and the creation of Sections 27 and 28 of Article XII of the State Constitution, to require an exemption from ad valorem taxation for tangible personal property, to provide for the transfer of the accrued benefit from the limitation on the assessed value of homestead property, to provide for assessing rent-restricted affordable housing and commercial and public-access waterfront property by general law, to increase the homestead exemption, to create an additional homestead exemption for first-time homestead property owners, to provide an additional homestead exemption for low-income seniors, to require the Legislature to limit county, municipality, and special district authority to increase ad valorem taxes, to require each county to have an elected property appraiser or person responsible for the duties of a property appraiser in certain counties in which the office of property appraiser has been abolished, and to provide an effective date if such amendments are adopted.

Be It Resolved by the Legislature of the State of Florida:

1 That the following amendments to Sections 3, 4, 6, and
2 9 of Article VII and Section 1 of Article VIII and the
3 creation of Sections 27 and 28 of Article XII of the State
4 Constitution are agreed to and shall be submitted to the
5 electors of this state for approval or rejection at the next
6 general election or at an earlier special election
7 specifically authorized by law for that purpose:

8 ARTICLE VII

9 FINANCE AND TAXATION

10 SECTION 3. Taxes; exemptions.--

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

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

26 (c) Any county or municipality may, for the purpose of
27 its respective tax levy and subject to the provisions of this
28 subsection and general law, grant community and economic
29 development ad valorem tax exemptions to new businesses and
30 expansions of existing businesses, as defined by general law.
31 Such an exemption may be granted only by ordinance of the

1 county or municipality, and only after the electors of the
2 county or municipality voting on such question in a referendum
3 authorize the county or municipality to adopt such
4 ordinances. An exemption so granted shall apply to
5 improvements to real property made by or for the use of a new
6 business and improvements to real property related to the
7 expansion of an existing business and shall also apply to
8 tangible personal property of such new business and tangible
9 personal property related to the expansion of an existing
10 business. The amount or limits of the amount of such exemption
11 shall be specified by general law. The period of time for
12 which such exemption may be granted to a new business or
13 expansion of an existing business shall be determined by
14 general law. The authority to grant such exemption shall
15 expire ten years from the date of approval by the electors of
16 the county or municipality, and may be renewable by referendum
17 as provided by general law.

18 (d) By general law and subject to conditions specified
19 therein, there may be granted an ad valorem tax exemption to a
20 renewable energy source device and to real property on which
21 such device is installed and operated, to the value fixed by
22 general law not to exceed the original cost of the device, and
23 for the period of time fixed by general law not to exceed ten
24 years.

25 (e) Any county or municipality may, for the purpose of
26 its respective tax levy and subject to the provisions of this
27 subsection and general law, grant historic preservation ad
28 valorem tax exemptions to owners of historic properties. This
29 exemption may be granted only by ordinance of the county or
30 municipality. The amount or limits of the amount of this
31 exemption and the requirements for eligible properties must be

1 specified by general law. The period of time for which this
2 exemption may be granted to a property owner shall be
3 determined by general law.

4 (f) By general law and subject to conditions specified
5 therein, twenty-five thousand dollars of the assessed value of
6 property subject to tangible personal property tax shall be
7 exempt from ad valorem taxation.

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

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

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

20 (c) All persons entitled to a homestead exemption
21 under Section 6 of this Article shall have their homestead
22 assessed at just value as of January 1 of the year following
23 the effective date of this amendment. This assessment shall
24 change only as provided herein.

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

29 a. Three percent (3%) of the assessment for the prior
30 year.

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

6 (2) No assessment shall exceed just value.

7 (3) After any change of ownership, as provided by
8 general law, homestead property shall be assessed at just
9 value as of January 1 of the following year, unless the
10 provisions of paragraph (8) apply. Thereafter, the homestead
11 shall be assessed as provided herein.

12 (4) New homestead property shall be assessed at just
13 value as of January 1st of the year following the
14 establishment of the homestead, unless the provisions of
15 paragraph (8) apply. That assessment shall only change as
16 provided herein.

17 (5) Changes, additions, reductions, or improvements to
18 homestead property shall be assessed as provided for by
19 general law; provided, however, after the adjustment for any
20 change, addition, reduction, or improvement, the property
21 shall be assessed as provided herein.

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

24 (7) The provisions of this amendment are severable. If
25 any of the provisions of this amendment shall be held
26 unconstitutional by any court of competent jurisdiction, the
27 decision of such court shall not affect or impair any
28 remaining provisions of this amendment.

29 (8)a. For all levies other than school district
30 levies, a person who establishes a new homestead as of January
31 1, 2009, or January 1 of any subsequent year and who has

1 received a homestead exemption pursuant to Section 6 of
2 Article VII of this constitution as of January 1 of either of
3 the two years immediately preceding the establishment of the
4 new homestead is entitled to have the new homestead assessed
5 at less than just value. A person who establishes a new
6 homestead as of January 1, 2008, is entitled to have the new
7 homestead assessed at less than just value only if that person
8 received a homestead exemption on January 1, 2007. The
9 assessed value of the newly established homestead shall be
10 determined as follows:

11 1. If the just value of the new homestead is greater
12 than or equal to the just value of the prior homestead of the
13 person establishing the new homestead as of January 1 of the
14 year in which the prior homestead was abandoned, the assessed
15 value of the new homestead shall be the just value of the new
16 homestead minus an amount equal to the lesser of \$1 million or
17 the difference between the just value and the assessed value
18 of the prior homestead as of January 1 of the year in which
19 the prior homestead was abandoned. Thereafter, the homestead
20 shall be assessed as provided herein.

21 2. If the just value of the new homestead is less than
22 the just value of the prior homestead of the person
23 establishing the new homestead as of January 1 of the year in
24 which the prior homestead was abandoned, the assessed value of
25 the new homestead shall be equal to the just value of the new
26 homestead divided by the just value of the prior homestead and
27 multiplied by the assessed value of the prior homestead.
28 However, if the difference between the just value of the new
29 homestead and the assessed value of the new homestead
30 calculated pursuant to this sub-subparagraph is greater than
31 \$1 million, the assessed value of the new homestead shall be

1 increased so that the difference between the just value and
2 the assessed value equals \$1 million. Thereafter, the
3 homestead shall be assessed as provided herein.

4 b. By general law and subject to conditions specified
5 therein, the Legislature shall provide for application of this
6 paragraph to property owned by more than one person.

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

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

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

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

30 (f) As defined by general law, real property that is
31 used to provide affordable housing and is subject to rent

1 restrictions imposed by a governmental agency may be assessed
2 as provided by general law, subject to conditions or
3 limitations specified therein. This subsection shall apply to
4 all levies other than school district levies.

5 (g) As defined by general law, land that is used
6 exclusively for commercial fishing purposes or that is open to
7 the public and used predominantly for commercial
8 water-dependent activities or for public access to waters that
9 are navigable may be assessed as provided by general law,
10 subject to conditions or limitations specified therein. For
11 purposes of this paragraph, the term "water-dependent
12 activity" means any activity that can be conducted only on,
13 in, over, or adjacent to waters that are navigable and that
14 requires direct access to water and involves the use of water
15 as an integral part of such activity. This subsection shall
16 apply to all levies other than school district levies.

17 SECTION 6. Homestead exemptions.--

18 (a) Every person who has the legal or equitable title
19 to real estate and maintains thereon the permanent residence
20 of the owner, or another legally or naturally dependent upon
21 the owner, shall be exempt from taxation thereon, except
22 assessments for special benefits, up to the assessed valuation
23 of twenty-five ~~five~~ thousand dollars and, for all levies other
24 than school district levies, on the assessed valuation greater
25 than fifty thousand dollars and up to seventy-five thousand
26 dollars, upon establishment of right thereto in the manner
27 prescribed by law. The real estate may be held by legal or
28 equitable title, by the entirety, jointly, in common, as a
29 condominium, or indirectly by stock ownership or membership
30 representing the owner's or member's proprietary interest in a
31 corporation owning a fee or a leasehold initially in excess of

1 ninety-eight years. The exemption shall not apply with respect
2 to any assessment roll until such roll is first determined to
3 be in compliance with the provisions of section 4 by a state
4 agency designated by general law. This exemption is repealed
5 on the effective date of any amendment to this Article which
6 provides for the assessment of homestead property at less than
7 just value.

8 (b) Not more than one exemption shall be allowed any
9 individual or family unit or with respect to any residential
10 unit. No exemption shall exceed the value of the real estate
11 assessable to the owner or, in case of ownership through stock
12 or membership in a corporation, the value of the proportion
13 which the interest in the corporation bears to the assessed
14 value of the property.

15 (c) As provided by general law and subject to
16 conditions specified therein, each person who establishes the
17 right to receive the homestead exemption provided in
18 subsection (a) within one year after purchasing the homestead
19 property and who had not previously owned property receiving
20 the homestead exemption provided in subsection (a) is entitled
21 to an additional homestead exemption in an amount equal to
22 twenty-five percent of the homestead property's just value on
23 January 1 of the year in which the homestead is established,
24 not to exceed twenty-five percent of the median just value of
25 homesteads in the county in which the homestead is located in
26 the year prior to establishing the new homestead. This
27 exemption is not available if any owner of the property has
28 previously owned property that received the homestead
29 exemption provided in subsection (a). The additional homestead
30 exemption shall be reduced each year by the difference between
31 the homestead's just value and assessed value as determined

1 under subsection (c) of Section 4 until the value of the
2 exemption is reduced to zero. The exemption provided under
3 this subsection shall apply to all levies other than school
4 district levies.

5 ~~(c) By general law and subject to conditions specified~~
6 ~~therein, the exemption shall be increased to a total of~~
7 ~~twenty five thousand dollars of the assessed value of the real~~
8 ~~estate for each school district levy. By general law and~~
9 ~~subject to conditions specified therein, the exemption for all~~
10 ~~other levies may be increased up to an amount not exceeding~~
11 ~~ten thousand dollars of the assessed value of the real estate~~
12 ~~if the owner has attained age sixty five or is totally and~~
13 ~~permanently disabled and if the owner is not entitled to the~~
14 ~~exemption provided in subsection (d).~~

15 ~~(d) By general law and subject to conditions specified~~
16 ~~therein, the exemption shall be increased to a total of the~~
17 ~~following amounts of assessed value of real estate for each~~
18 ~~levy other than those of school districts: fifteen thousand~~
19 ~~dollars with respect to 1980 assessments; twenty thousand~~
20 ~~dollars with respect to 1981 assessments; twenty five thousand~~
21 ~~dollars with respect to assessments for 1982 and each year~~
22 ~~thereafter. However, such increase shall not apply with~~
23 ~~respect to any assessment roll until such roll is first~~
24 ~~determined to be in compliance with the provisions of section~~
25 ~~4 by a state agency designated by general law. This~~
26 ~~subsection shall stand repealed on the effective date of any~~
27 ~~amendment to section 4 which provides for the assessment of~~
28 ~~homestead property at a specified percentage of its just~~
29 ~~value.~~

30 ~~(d)(e)~~ By general law and subject to conditions
31 specified therein, the Legislature may provide to renters, who

1 are permanent residents, ad valorem tax relief on all ad
2 valorem tax levies. Such ad valorem tax relief shall be in the
3 form and amount established by general law.

4 ~~(e)~~(f) The legislature may, by general law, allow
5 counties or municipalities, for the purpose of their
6 respective tax levies and subject to the provisions of general
7 law, to grant an additional homestead tax exemption not
8 exceeding fifty thousand dollars to any person who has the
9 legal or equitable title to real estate and maintains thereon
10 the permanent residence of the owner and who has attained age
11 sixty-five and whose household income, as defined by general
12 law, does not exceed twenty thousand dollars. The general law
13 must allow counties and municipalities to grant this
14 additional exemption, within the limits prescribed in this
15 subsection, by ordinance adopted in the manner prescribed by
16 general law, and must provide for the periodic adjustment of
17 the income limitation prescribed in this subsection for
18 changes in the cost of living.

19 ~~(f)~~(g) Each veteran who is age 65 or older who is
20 partially or totally permanently disabled shall receive a
21 discount from the amount of the ad valorem tax otherwise owed
22 on homestead property the veteran owns and resides in if the
23 disability was combat related, the veteran was a resident of
24 this state at the time of entering the military service of the
25 United States, and the veteran was honorably discharged upon
26 separation from military service. The discount shall be in a
27 percentage equal to the percentage of the veteran's permanent,
28 service-connected disability as determined by the United
29 States Department of Veterans Affairs. To qualify for the
30 discount granted by this subsection, an applicant must submit
31 to the county property appraiser, by March 1, proof of

1 residency at the time of entering military service, an
2 official letter from the United States Department of Veterans
3 Affairs stating the percentage of the veteran's
4 service-connected disability and such evidence that reasonably
5 identifies the disability as combat related, and a copy of the
6 veteran's honorable discharge. If the property appraiser
7 denies the request for a discount, the appraiser must notify
8 the applicant in writing of the reasons for the denial, and
9 the veteran may reapply. The Legislature may, by general law,
10 waive the annual application requirement in subsequent years.
11 This subsection shall take effect December 7, 2006, is
12 self-executing, and does not require implementing legislation.

13 (g) Real property owned and used as a homestead by a
14 person who has attained age sixty-five and whose household
15 income, as defined by general law, does not exceed \$23,604 is
16 exempt from ad valorem taxation on the first \$100,000 of
17 assessed value. The legislature shall provide for an annual
18 adjustment of the income limitation prescribed in this
19 subsection for changes in the cost of living and may provide
20 additional financial eligibility requirements or other
21 eligibility requirements.

22 SECTION 9. Local taxes.--

23 (a) Counties, school districts, and municipalities
24 shall, and special districts may, be authorized by law to levy
25 ad valorem taxes and may be authorized by general law to levy
26 other taxes, for their respective purposes, except ad valorem
27 taxes on intangible personal property and taxes prohibited by
28 this constitution.

29 (b) Ad valorem taxes, exclusive of taxes levied for
30 the payment of bonds and taxes levied for periods not longer
31 than two years when authorized by vote of the electors who are

1 the owners of freeholds therein not wholly exempt from
 2 taxation, shall not be levied in excess of the following
 3 millages upon the assessed value of real estate and tangible
 4 personal property: for all county purposes, ten mills; for all
 5 municipal purposes, ten mills; for all school purposes, ten
 6 mills; for water management purposes for the northwest portion
 7 of the state lying west of the line between ranges two and
 8 three east, 0.05 mill; for water management purposes for the
 9 remaining portions of the state, 1.0 mill; and for all other
 10 special districts a millage authorized by law approved by vote
 11 of the electors who are owners of freeholds therein not wholly
 12 exempt from taxation. A county furnishing municipal services
 13 may, to the extent authorized by law, levy additional taxes
 14 within the limits fixed for municipal purposes.

15 (c) By general law, the legislature shall limit the
 16 authority of counties, municipalities, and special districts
 17 to increase ad valorem taxes.

18 ARTICLE VIII

19 LOCAL GOVERNMENT

20 SECTION 1. Counties.--

21 (a) POLITICAL SUBDIVISIONS. The state shall be
 22 divided by law into political subdivisions called counties.
 23 Counties may be created, abolished or changed by law, with
 24 provision for payment or apportionment of the public debt.

25 (b) COUNTY FUNDS. The care, custody and method of
 26 disbursing county funds shall be provided by general law.

27 (c) GOVERNMENT. Pursuant to general or special law, a
 28 county government may be established by charter which shall be
 29 adopted, amended or repealed only upon vote of the electors of
 30 the county in a special election called for that purpose.

31 (d) COUNTY OFFICERS.

1 (1) There shall be elected by the electors of each
2 county, for terms of four years, a sheriff, a tax collector, ~~a~~
3 ~~property appraiser~~, a supervisor of elections, and a clerk of
4 the circuit court; except, when provided by county charter or
5 special law approved by vote of the electors of the county,
6 any such county officer may be chosen in another manner
7 therein specified, or any such county office may be abolished
8 when all the duties of the office prescribed by general law
9 are transferred to another office.

10 (2) There shall be elected by the electors of each
11 county, for terms of four years:

12 a. A property appraiser; or

13 b. A person responsible for the duties of a property
14 appraiser, as prescribed by general law, in counties in which,
15 as provided by county charter or special law approved by vote
16 of the electors of the county, the office of the property
17 appraiser has been abolished and all duties of the office
18 prescribed by general law have been transferred to another
19 office.

20 (3) When not otherwise provided by county charter or
21 special law approved by vote of the electors, the clerk of the
22 circuit court shall be ex officio clerk of the board of county
23 commissioners, auditor, recorder and custodian of all county
24 funds.

25 (e) COMMISSIONERS. Except when otherwise provided by
26 county charter, the governing body of each county shall be a
27 board of county commissioners composed of five or seven
28 members serving staggered terms of four years. After each
29 decennial census the board of county commissioners shall
30 divide the county into districts of contiguous territory as
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1 nearly equal in population as practicable. One commissioner
2 residing in each district shall be elected as provided by law.

3 (f) NON-CHARTER GOVERNMENT. Counties not operating
4 under county charters shall have such power of self-government
5 as is provided by general or special law. The board of county
6 commissioners of a county not operating under a charter may
7 enact, in a manner prescribed by general law, county
8 ordinances not inconsistent with general or special law, but
9 an ordinance in conflict with a municipal ordinance shall not
10 be effective within the municipality to the extent of such
11 conflict.

12 (g) CHARTER GOVERNMENT. Counties operating under
13 county charters shall have all powers of local self-government
14 not inconsistent with general law, or with special law
15 approved by vote of the electors. The governing body of a
16 county operating under a charter may enact county ordinances
17 not inconsistent with general law. The charter shall provide
18 which shall prevail in the event of conflict between county
19 and municipal ordinances.

20 (h) TAXES; LIMITATION. Property situate within
21 municipalities shall not be subject to taxation for services
22 rendered by the county exclusively for the benefit of the
23 property or residents in unincorporated areas.

24 (i) COUNTY ORDINANCES. Each county ordinance shall be
25 filed with the custodian of state records and shall become
26 effective at such time thereafter as is provided by general
27 law.

28 (j) VIOLATION OF ORDINANCES. Persons violating county
29 ordinances shall be prosecuted and punished as provided by
30 law.

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1 (k) COUNTY SEAT. In every county there shall be a
 2 county seat at which shall be located the principal offices
 3 and permanent records of all county officers. The county seat
 4 may not be moved except as provided by general law. Branch
 5 offices for the conduct of county business may be established
 6 elsewhere in the county by resolution of the governing body of
 7 the county in the manner prescribed by law. No instrument
 8 shall be deemed recorded until filed at the county seat, or a
 9 branch office designated by the governing body of the county
 10 for the recording of instruments, according to law.

11 ARTICLE XII

12 SCHEDULE

13 SECTION 27. Elected property appraisers;
 14 application.--The requirement in Section 1(d) of Article VIII
 15 for a property appraiser to be elected by the electors of the
 16 county shall apply in each county, including each charter
 17 county, regardless of whether the charter was adopted pursuant
 18 to Section 1(g) of Article VIII or pursuant to Section 9,
 19 Section 10, Section 11, or Section 24 of Article VIII of the
 20 Constitution of 1885, as amended and incorporated by reference
 21 in Section 6(e) of Article VIII. Any county that does not have
 22 an elected property appraiser on the effective date of the
 23 amendment to Section 1 of Article VIII of this constitution
 24 shall provide for electing a property appraiser at the next
 25 general election as provided by general law.

26 SECTION 28. Property tax exemptions and ad valorem tax
 27 limitations.--The amendments to Sections 3, 4, 6, and 9 of
 28 Article VII, providing a \$25,000 exemption for tangible
 29 personal property, providing an additional \$25,000 homestead
 30 exemption, authorizing transfer of the accrued benefit from
 31 the limitations on the assessment of homestead property,

1 providing an additional homestead exemption for first-time
2 homestead property owners, providing a complete homestead
3 exemption for low-income seniors, providing for assessing
4 rent-restricted affordable housing and commercial and
5 public-access waterfront property pursuant to general law, and
6 requiring the legislature to limit the authority of counties,
7 municipalities, and special districts to increase ad valorem
8 taxes, and the creation of Section 27 of this Article
9 providing for election of county property appraisers, and this
10 section, if submitted to the electors of this state for
11 approval or rejection at a special election authorized by law
12 to be held on January 29, 2008, shall take effect upon
13 approval by the electors and shall operate retroactively to
14 January 1, 2008, or, if submitted to the electors of this
15 state for approval or rejection at the next general election,
16 shall take effect January 1 of the year following such general
17 election.

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