CHAMBER ACTION

Senate House

Representative(s) Randolph offered the following:

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Amendment (with ballot statement and title amendments)

Remove line(s) 108-484 and insert:

- (1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:
- a. three percent (3%) of the assessment for the prior year.
- b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.
 - (2) No assessment shall exceed just value.

- (3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the homestead shall be assessed as provided herein.
- (3) (4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (7) apply. That assessment shall only change as provided herein.
- (4)(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.
- (5) (6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.
- (6)(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.
- (7)a. For all levies other than school district levies, a person who establishes a new homestead as of January 1, 2009, or January 1 of any subsequent year and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of either of the two years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. A person who establishes a new homestead as of January 1, 2008, is entitled 147405

- to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007. The assessed value of the newly established homestead shall be determined as follows:
- 1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead of the person establishing the new homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$1 million or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided herein.
- 2. If the just value of the new homestead is less than the just value of the prior homestead of the person establishing the new homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than \$1 million, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$1 million. Thereafter, the homestead shall be assessed as provided herein.

- b. By general law and subject to conditions specified therein, the legislature shall provide for application of this paragraph to property owned by more than one person.
- (d) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.
- (e) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:
- (1) The increase in assessed value resulting from construction or reconstruction of the property.
- (2) Twenty percent of the total assessed value of the property as improved.
- (f) Pursuant to general law, all property that is residential but not homestead property and all commercial property shall be assessed at just value as of January 1 of the 147405

year after the effective date of this amendment. This assessment
shall change only as provided herein. Assessments subject to
this provision may be changed annually on January 1 of each year
as follows:

- (1) For property that is residential but not homestead property, those changes in assessments shall not exceed five percent (5%) of the assessment for the prior year.
- (2) For commercial property, those changes in assessments shall not exceed seven percent (7%) of the assessment for the prior year.
- (g) Assessments as limited under this section shall carry forward and apply to such properties after any change in ownership.
- (h) Notwithstanding this section, if the use of any property changes or has changed since 2003, or a substantial improvement has been made as defined by general law, the assessment of such property may change in excess of the limitations imposed in subsection (c) or subsection (f) and shall be based upon the market value of the new use.
- (i) The assessment of each property subject to ad valorem taxation under this section shall be revised to equal the assessment for such property as of January 1, 2003, and such assessment shall be revised each year through 2008 subject to the limitations on changes in assessments as provided under subsections (c) and (f).
- (j) As defined by general law, real property that is used to provide affordable housing and is subject to rent restrictions imposed by a governmental agency may be assessed as 147405

provided by general law, subject to conditions or limitations specified therein. This subsection shall apply to all levies other than school district levies.

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

SECTION 6. Homestead exemptions. --

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or 147405

member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of Section 4 of this Article by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to Section 4 of this Article that provides for the assessment of homestead property at less than just value.

- (b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.
- (c) As provided by general law and subject to conditions specified therein, each person who establishes the right to receive the homestead exemption provided in subsection (a) within one year after purchasing the homestead property and who had not previously owned property receiving the homestead exemption provided in subsection (a) is entitled to an additional homestead exemption in an amount equal to twenty-five percent of the homestead property's just value on January 1 of the year the homestead exemption is established, not to exceed twenty-five percent of the median just value of homesteads in the county in which the homestead is located in the year prior to establishing the new homestead. This exemption is not 147405

available if any owner of the property has previously owned property that received the homestead exemption provided in subsection (a). The additional homestead exemption shall be reduced each year by the difference between the homestead's just value and assessed value as determined under subsection (c) of Section 4 of this Article until the value of the exemption is reduced to zero. The exemption provided under this subsection shall apply to all levies other than school district levies.

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

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency 147405

designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

- (d) (e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.
- (e)(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.
- $\underline{(f)}$ Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of 147405

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this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

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

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SECTION 9. Local taxes.--

- (a) <u>Subject to subsection (c)</u>, counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.
- Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.
- (c) Counties, municipalities, and school districts may increase millage rates only as follows:

	(1)	An	inc	rease	e of	up	to	0.05	mi	ll m	ay	be	made	by	а	simple
major	rity	vote	e of	the	gove	ern	ing	body	of	the	CC	unt	zy, m	uni	cip	pality,
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- (2) An increase of between 0.05 and 0.1 mill may be made only upon an affirmative vote of at least two-thirds of the governing body of the county, municipality, or school district.
- (3) An increase of 0.1 mill or greater may be made only upon a unanimous vote of the governing body of the county, municipality, or school district.

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 1. Counties. --

- (a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.
- (b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.
- (c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.
- (d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer other than a property 147405

appraiser may be chosen in another manner therein specified, or any county office other than the office of property appraiser may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

- (e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.
- (f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.
- (g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating 147405

under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

- (h) TAXES; LIMITATION. Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.
- (i) COUNTY ORDINANCES. Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.
- (j) VIOLATION OF ORDINANCES. Persons violating county ordinances shall be prosecuted and punished as provided by law.
- (k) COUNTY SEAT. In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

ARTICLE XII

SCHEDULE

SECTION 27. Elected property appraisers; application.--The requirement in Section 1(d) of Article VIII for a property appraiser to be elected by the electors of the county shall

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apply in each county, including each charter county, regardless of whether the charter was adopted pursuant to Section 1(g) of Article VIII or pursuant to Section 9, Section 10, Section 11, or Section 24 of Article VIII of the Constitution of 1885, as amended and incorporated by reference in Section 6(e) of Article VIII. Any county that does not have an elected property appraiser on the effective date of the amendment to Section 1 of Article VIII of this constitution shall provide for electing a property appraiser at the next general election as provided by general law.

SECTION 28. Property tax exemptions and ad valorem tax

SECTION 28. Property tax exemptions and ad valorem tax limitations.--The amendments to Sections 3, 4, 6, and 9 of Article VII, providing a \$25,000 exemption from ad valorem taxation for tangible personal property, removing Consumer Price Index criterion from assessment increase limitations and removing the requirement that assessment of homestead property must change after a change in ownership, limiting assessment increases for residential nonhomestead property to 5 percent and for commercial property to 7 percent, providing for carrying forward assessments as limited after changes in ownership, rolling back assessments to 2003 and revising such assessments through 2008 subject to assessment limitations, providing an additional \$25,000 homestead exemption, authorizing the transfer of the accrued benefit from the limitation on the assessment of homestead property, providing an additional homestead exemption for first-time homestead property owners, providing a complete homestead exemption for low-income seniors, providing for assessing rent-restricted affordable housing and commercial and 147405

public-access waterfront property pursuant to general law, and imposing voting requirements for millage rate increases by counties, municipalities, and school districts; the amendment to Section 1 of Article VIII, requiring property appraisers to be elected; and the creation of Section 27 of this Article, providing for election of county property appraisers, and this section, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on January 29, 2008, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008, or, if submitted to the electors of this state for approval or rejection at the next general election, shall take effect

January 1 of the year following such general election.

== BALLOT STATEMENT AMENDMENT ==

Remove line(s) 495-562 and insert:

homestead property, this revision 1) revises criteria for the Save Our Homes assessment limitation, 2) adds an additional homestead exemption for most homestead owners, 3) exempts certain low-income seniors from ad valorem tax on their homesteads, 4) provides an additional homestead exemption that diminishes over time for first-time Florida homebuyers, and 5) provides for the transfer of accumulated Save Our Homes benefits. With respect to non-homestead property, this revision

- 6) provides for limiting assessments on nonhomestead property,
- 7) provides for changes in excess of limitations after change in
- use or substantial improvement, 8) rolls back assessments on all

property to 2003 and adjusts such assessments to 2008, allows the Legislature to limit ad valorem assessments on 9) affordable housing and 10) on working waterfronts under specific circumstances, 11) provides a \$25,000 exemption for tangible personal property, and 12) limits annual increases in assessments of nonhomestead real property. Further, this revision 13) provides voting requirements for local governments in increasing millage rates, and 11) requires all county property appraisers to be elected.

In more detail, this revision:

- 1. Revises the Save Our Homes assessment limitation to remove the Consumer Price Index criterion and removes the requirement that assessment of homestead property must change after a change in ownership.
- 2. Limits assessment increases for residential nonhomestead property to 5 percent and for commercial property to 7 percent and provides for carrying forward assessments as limited after changes in ownership.
- 3. Provides for rolling back property assessments to 2003 and revising such assessments forward to 2008 subject to new assessment limitations.
- 4. Increases the homestead exemption by providing an additional \$25,000 homestead exemption for the portion of the assessed value above \$50,000 up to \$75,000. This exemption does not apply to school taxes.
- 5. Exempts certain low-income seniors from ad valorem tax on their homes. Persons 65 or older whose household income is less than \$23,604, adjusted annually for inflation, will be 147405

totally exempt from ad valorem taxes, including school taxes, on their homestead property.

- 6. Provides an increased exemption for first-time Florida homebuyers beginning in 2008. First-time homebuyers in Florida who qualify for homestead exemption will be eligible for an additional exemption equal to 25 percent of the assessed value of their new home, not to exceed 25 percent of the county median homestead just value for the prior year. The amount of the exemption will decrease each year by the amount of the home's Save Our Homes benefit. When the amount of the home's Save Our Homes benefit meets or exceeds this exemption, the exemption is lost. This exemption also is available to 2007 first-time homebuyers who qualify for homestead exemption January 1, 2008. This exemption does not apply to school taxes.
- 7. Provides for the transfer of accumulated Save Our Homes benefits. Homestead property owners will be able to transfer their Save Our Homes benefit to a new homestead within two years of relinquishing their previous homestead exemption; except, if the new homestead is established on January 1, 2008, the previous homestead must have been relinquished in 2007. If the new homestead has a higher just value than the old one, the entire benefit can be transferred; if the new homestead has a lower just value, the amount of benefit transferred will be reduced in proportion of the just value of the new homestead to the just value of the old homestead. The transferred benefit may not exceed \$1 million. This provision does not apply to school taxes.

- 8. Provides for assessing certain rent-restricted affordable housing property as provided by general law. This provision will not apply to school taxes.
- 9. Provides for assessing certain waterfront property used for commercial fishing, commercial water-dependent activities, and public access as provided by general law. This provision will not apply to school taxes.
- 10. Limits increases in assessments each year for all property other than homestead property to the lower of 3 percent or the percentage change in the Consumer Price Index.
- 11. Authorizes an exemption from ad valorem taxes of \$25,000 of assessed value of tangible personal property. This provision applies to all tax levies.
- 12. Imposes voting requirements on counties, municipalities, and school districts in increasing millage rates of a simple majority for increases up to 0.05 mill, at least a two-thirds affirmative vote for increases between 0.05 mill and 0.01 mill, and a unanimous vote for increases of 0.1 mill or greater.
 - 13. Requires each county to have an elected property

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

Remove line(s) 7-19 and insert:

specify assessment increase limitations for homestead property, nonhomestead residential property, and commercial property; to provide for exceptions to such limitations for changes in use; to continue to apply increase-limited assessments to all properties after changes in ownership; to provide for the 147405

HOUSE AMENDMENT Bill No. CS/HJR 7001D

Amendment No.

transfer of the accrued benefit from the limitation on the
assessed value of homestead property, to roll back property
assessments to 2003 and revise such assessments annually to the
present, subject to assessment increase limitations; 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 a complete homestead exemption for low-income seniors,
to specify voting requirements for increases in millage rates,
to require each county to have an elected property appraiser,
and to provide an effective date if such