

By Senator Garcia

40-356-08

See HB

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Senate Joint Resolution

A joint resolution proposing an amendment to Sections 2, 4, and 6 and the creation of Section 19 of Article VII and the creation of Section 27 of Article XII of the State Constitution to provide for an alternative methodology for changing assessments of homestead property, rate for taxing homestead property, and homestead exemption, provide for transitional assessments of homestead property, and provide an effective date.

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

That the following amendment to Sections 2, 4, and 6 and the creation of Section 19 of Article VII and the creation of Section 27 of Article XII of the State Constitution are 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 2. Taxes; rate.--~~Except as provided in Section 19 of this Article,~~ all ad valorem taxation shall be at a uniform rate within each taxing unit, except the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be

1 levied by law to be in lieu of all other intangible  
2 assessments on such obligations.

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

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

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

15 (c) Except as provided in Section 19 of this Article,  
16 all persons entitled to a homestead exemption under Section 6  
17 of this Article shall have their homestead assessed at just  
18 value as of January 1 of the year following the effective date  
19 of this amendment. This assessment shall change only as  
20 provided herein.

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

25 a. Three percent (3%) of the assessment for the prior  
26 year.

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

1           (2) No assessment shall exceed just value.

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

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

10           (5) Changes, additions, reductions, or improvements to  
11 homestead property shall be assessed as provided for by  
12 general law; provided, however, after the adjustment for any  
13 change, addition, reduction, or improvement, the property  
14 shall be assessed as provided herein.

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

17           (7) The provisions of this amendment are severable. If  
18 any of the provisions of this amendment shall be held  
19 unconstitutional by any court of competent jurisdiction, the  
20 decision of such court shall not affect or impair any  
21 remaining provisions of this amendment.

22           (d) The legislature may, by general law, for  
23 assessment purposes and subject to the provisions of this  
24 subsection, allow counties and municipalities to authorize by  
25 ordinance that historic property may be assessed solely on the  
26 basis of character or use. Such character or use assessment  
27 shall apply only to the jurisdiction adopting the ordinance.  
28 The requirements for eligible properties must be specified by  
29 general law.

30           (e) A county may, in the manner prescribed by general  
31 law, provide for a reduction in the assessed value of

1 | homestead property to the extent of any increase in the  
2 | assessed value of that property which results from the  
3 | construction or reconstruction of the property for the purpose  
4 | of providing living quarters for one or more natural or  
5 | adoptive grandparents or parents of the owner of the property  
6 | or of the owner's spouse if at least one of the grandparents  
7 | or parents for whom the living quarters are provided is 62  
8 | years of age or older. Such a reduction may not exceed the  
9 | lesser of the following:

10 |         (1) The increase in assessed value resulting from  
11 | construction or reconstruction of the property.

12 |         (2) Twenty percent of the total assessed value of the  
13 | property as improved.

14 |         SECTION 6. Homestead exemptions.--

15 |         (a) Every person who has the legal or equitable title  
16 | to real estate and maintains thereon the permanent residence  
17 | of the owner, or another legally or naturally dependent upon  
18 | the owner, shall be exempt from taxation thereon, except  
19 | assessments for special benefits, up to the assessed valuation  
20 | of five thousand dollars, upon establishment of right thereto  
21 | in the manner prescribed by law. The real estate may be held  
22 | by legal or equitable title, by the entirety, jointly, in  
23 | common, as a condominium, or indirectly by stock ownership or  
24 | membership representing the owner's or member's proprietary  
25 | interest in a corporation owning a fee or a leasehold  
26 | initially in excess of ninety-eight years.

27 |         (b) Not more than one exemption shall be allowed any  
28 | individual or family unit or with respect to any residential  
29 | unit. No exemption shall exceed the value of the real estate  
30 | assessable to the owner or, in case of ownership through stock  
31 | or membership in a corporation, the value of the proportion

1 | which the interest in the corporation bears to the assessed  
2 | value of the property.

3 |       (c) Except as provided in Section 19 of this Article,  
4 | by general law and subject to conditions specified therein,  
5 | the exemption shall be increased to a total of twenty-five  
6 | thousand dollars of the assessed value of the real estate for  
7 | each school district levy. By general law and subject to  
8 | conditions specified therein, the exemption for all other  
9 | levies may be increased up to an amount not exceeding ten  
10 | thousand dollars of the assessed value of the real estate if  
11 | the owner has attained age sixty-five or is totally and  
12 | permanently disabled and if the owner is not entitled to the  
13 | exemption provided in subsection (d).

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

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

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

4 (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 (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 SECTION 19. Alternative homestead property assessment;  
14 taxation; exemption; future revision limitation.--

15 (a) All persons entitled to a homestead exemption  
16 under this section shall have their homestead assessed at just  
17 value as of January 1 of the year following the effective date  
18 of this section. This assessment shall be changed each year by  
19 the percentage change in the market value of the property from  
20 the prior year, provided that, any increase in the assessment  
21 shall not exceed the lower of three percent (3%) of the  
22 assessment for the prior year or the percent change in the  
23 Consumer Price Index for all urban consumers, U.S. City  
24 Average, all items 1967=100, or successor reports for the  
25 preceding calendar year as initially reported by the United  
26 States Department of Labor, Bureau of Labor Statistics.

27 (b) Under this section, homestead property shall be  
28 taxed at the rate of one and one-half percent (1.5%) of the  
29 just value of the property.

30 (c) Every person who has the legal or equitable title  
31 to real estate and maintains thereon the permanent residence

1 of the owner, or another legally or naturally dependent upon  
2 the owner, shall be exempt from taxation thereon, except  
3 assessments for special benefits, up to the assessed valuation  
4 of the median value of single-family homes for the prior year  
5 in the county in which the homestead is located. The owner of  
6 a homestead who is 65 years of age or older and whose income  
7 does not exceed 80 percent of the median family income for the  
8 county shall be entitled to an additional exemption equal to  
9 the amount of the exemption provided in this subsection.

10 (d) The provisions of this section shall apply only to  
11 the owner of homestead property and the homestead if the owner  
12 makes an irrevocable election to have this section apply  
13 instead of Sections 2, 4, and 6 of this Article.

14 (e) By general law, the legislature shall provide  
15 regulations to implement and enforce this section.

16 (f) Notwithstanding any other provision of Article XI,  
17 any revision to the provisions of this section may be made  
18 only by initiative filed as provided in Section 3 of Article  
19 XI and submitted to the voters in a general election.

20 ARTICLE XII

21 SCHEDULE

22 SECTION 27. Transitional assessments of homestead  
23 property; effective date.--

24 (a) Each person entitled to a homestead exemption  
25 under Section 6 of Article VII on the effective date of this  
26 section shall continue to have the person's current homestead  
27 assessed under Section 4(c) of Article VII until the person  
28 makes an irrevocable election to have the person's homestead  
29 assessed under Section 19 of Article VII. After an irrevocable  
30 election is made, the homestead will continue to be assessed  
31 under Section 4(c) of Article VII until December 31 of the



1 year in which the election is made and thereafter may not be  
2 assessed under Section 4(c) of Article VII. Beginning January  
3 1 of the year following such election, the homestead shall be  
4 assessed and taxed as provided by Section 19 of Article VII.  
5 By general law and subject to conditions specified therein,  
6 the legislature shall provide procedures to be used by persons  
7 making the election.

8 (b) The amendments to Sections 2, 4, and 6 and the  
9 creation of Section 19 of Article VII, providing an  
10 alternative methodology for changing assessments of homestead  
11 property, taxing homestead property at 1.5 percent of just  
12 value, and providing a homestead exemption equal to the median  
13 value of single-family homes in the county in which the  
14 homestead is located and a double homestead exemption for  
15 low-income property owners 65 years of age or older, and  
16 limiting revisions to a citizen's initiative, and this  
17 section, providing for transitional assessments of homestead  
18 property, if submitted to the electors of this state for  
19 approval or rejection at a special election authorized by law  
20 to be held in 2008, shall take effect upon approval by the  
21 electors and shall operate retroactively to January 1, 2008,  
22 or, if submitted to the electors of this state for approval or  
23 rejection at the next general election, shall take effect  
24 January 1 of the year following such general election.

25 BE IT FURTHER RESOLVED that the following statement be  
26 placed on the ballot:

27 CONSTITUTIONAL AMENDMENT

28 ARTICLE VII, SECTIONS 2, 4, 6, 19

29 ARTICLE XII, SECTION 27

30 ALTERNATIVE HOMESTEAD PROPERTY ASSESSMENT, TAXATION,  
31 EXEMPTION.--Proposing amendments to the State Constitution to

1 provide for changing the assessment of homestead property each  
2 year by the percentage change in the market value of the  
3 property from the prior year and limiting increases in  
4 assessments to the lower of 3 percent or the percentage change  
5 in the Consumer Price Index, taxing homestead property at 1.5  
6 percent of the just value of the property, and providing for a  
7 homestead exemption equal to the median value of single-family  
8 homes in the county in which the homestead is located and a  
9 double exemption for homestead owners 65 years of age or older  
10 whose income does not exceed 80 percent of the median family  
11 income for the county; to preserve the existing assessment,  
12 taxation, and exemption of homestead property but provide for  
13 an irrevocable election by the homestead owner to apply the  
14 provisions of the amendments to the homestead property; to  
15 limit revising the provisions of the amendment to citizen's  
16 initiative; and to schedule the amendments to take effect upon  
17 approval by the voters and operate retroactively to January 1,  
18 2008, if approved in a special election held in 2008, or to  
19 take effect January 1, 2009, if approved in the general  
20 election held in November of 2008.

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