

By Senator Aronberg

27-03846-08

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## Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to increase the amount of the accrued benefit of a homestead exemption that can be transferred to a new homestead.

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.

(c) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at

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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 may ~~shall~~ not exceed the lower of the following:

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

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

42 (2) No assessment shall exceed just value.

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

48 (4) New homestead property shall be assessed at just value  
49 as of January 1st of the year following the establishment of the  
50 homestead, unless the provisions of paragraph (8) apply. That  
51 assessment shall only change as provided herein.

52 (5) Changes, additions, reductions, or improvements to  
53 homestead property shall be assessed as provided for by general  
54 law; provided, however, after the adjustment for any change,  
55 addition, reduction, or improvement, the property shall be  
56 assessed as provided herein.

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

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59 (7) The provisions of this amendment are severable. If any  
60 of the provisions of this amendment shall be held  
61 unconstitutional by any court of competent jurisdiction, the  
62 decision of such court shall not affect or impair any remaining  
63 provisions of this amendment.

64 (8)a. A person who establishes a new homestead as of  
65 January 1, 2009, or January 1 of any subsequent year and who has  
66 received a homestead exemption pursuant to Section 6 of this  
67 Article as of January 1 of either of the two years immediately  
68 preceding the establishment of the new homestead is entitled to  
69 have the new homestead assessed at less than just value. ~~If this~~  
70 ~~revision is approved in January of 2008,~~ A person who establishes  
71 a new homestead as of January 1, 2008, is entitled to have the  
72 new homestead assessed at less than just value only if that  
73 person received a homestead exemption on January 1, 2007. The  
74 assessed value of the newly established homestead shall be  
75 determined as follows:

76 1. If the just value of the new homestead is greater than  
77 or equal to the just value of the prior homestead as of January 1  
78 of the year in which the prior homestead was abandoned, the  
79 assessed value of the new homestead shall be the just value of  
80 the new homestead minus an amount equal to the lesser of \$1  
81 million ~~\$500,000~~ or the difference between the just value and the  
82 assessed value of the prior homestead as of January 1 of the year  
83 in which the prior homestead was abandoned. Thereafter, the  
84 homestead shall be assessed as provided herein.

85 2. If the just value of the new homestead is less than the  
86 just value of the prior homestead as of January 1 of the year in  
87 which the prior homestead was abandoned, the assessed value of

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88 the new homestead shall be equal to the just value of the new  
89 homestead divided by the just value of the prior homestead and  
90 multiplied by the assessed value of the prior homestead. However,  
91 if the difference between the just value of the new homestead and  
92 the assessed value of the new homestead calculated pursuant to  
93 this sub-subparagraph is greater than \$1 million ~~\$500,000~~, the  
94 assessed value of the new homestead shall be increased so that  
95 the difference between the just value and the assessed value  
96 equals \$1 million ~~\$500,000~~. Thereafter, the homestead shall be  
97 assessed as provided herein.

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

101 (d) The legislature may, by general law, for assessment  
102 purposes and subject to the provisions of this subsection, allow  
103 counties and municipalities to authorize by ordinance that  
104 historic property may be assessed solely on the basis of  
105 character or use. Such character or use assessment shall apply  
106 only to the jurisdiction adopting the ordinance. The requirements  
107 for eligible properties must be specified by general law.

108 (e) A county may, in the manner prescribed by general law,  
109 provide for a reduction in the assessed value of homestead  
110 property to the extent of any increase in the assessed value of  
111 that property which results from the construction or  
112 reconstruction of the property for the purpose of providing  
113 living quarters for one or more natural or adoptive grandparents  
114 or parents of the owner of the property or of the owner's spouse  
115 if at least one of the grandparents or parents for whom the

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116 living quarters are provided is 62 years of age or older. Such a  
117 reduction may not exceed the lesser of the following:

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

120 (2) Twenty percent of the total assessed value of the  
121 property as improved.

122 (f) For all levies other than school district levies,  
123 assessments of residential real property, as defined by general  
124 law, which contains nine units or fewer and which is not subject  
125 to the assessment limitations set forth in subsections (a)  
126 through (c) shall change only as provided in this subsection.

127 (1) Assessments subject to this subsection shall be changed  
128 annually on the date of assessment provided by law; but those  
129 changes in assessments shall not exceed ten percent (10%) of the  
130 assessment for the prior year.

131 (2) No assessment shall exceed just value.

132 (3) After a change of ownership or control, as defined by  
133 general law, including any change of ownership of a legal entity  
134 that owns the property, such property shall be assessed at just  
135 value as of the next assessment date. Thereafter, such property  
136 shall be assessed as provided in this subsection.

137 (4) Changes, additions, reductions, or improvements to such  
138 property shall be assessed as provided for by general law;  
139 however, after the adjustment for any change, addition,  
140 reduction, or improvement, the property shall be assessed as  
141 provided in this subsection.

142 (g) For all levies other than school district levies,  
143 assessments of real property that is not subject to the

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144 assessment limitations set forth in subsections (a) through (c)  
145 and (f) shall change only as provided in this subsection.

146 (1) Assessments subject to this subsection shall be changed  
147 annually on the date of assessment provided by law; but those  
148 changes in assessments shall not exceed ten percent (10%) of the  
149 assessment for the prior year.

150 (2) No assessment shall exceed just value.

151 (3) The legislature must provide that such property shall  
152 be assessed at just value as of the next assessment date after a  
153 qualifying improvement, as defined by general law, is made to  
154 such property. Thereafter, such property shall be assessed as  
155 provided in this subsection.

156 (4) The legislature may provide that such property shall be  
157 assessed at just value as of the next assessment date after a  
158 change of ownership or control, as defined by general law,  
159 including any change of ownership of the legal entity that owns  
160 the property. Thereafter, such property shall be assessed as  
161 provided in this subsection.

162 (5) Changes, additions, reductions, or improvements to such  
163 property shall be assessed as provided for by general law;  
164 however, after the adjustment for any change, addition,  
165 reduction, or improvement, the property shall be assessed as  
166 provided in this subsection.

167 BE IT FURTHER RESOLVED that the following statement be  
168 placed on the ballot:

169 CONSTITUTIONAL AMENDMENT

170 ARTICLE VII, SECTION 4

171 SAVE-OUR-HOMES BENEFIT TRANSFER.--Proposing an amendment to  
172 the State Constitution to increase the amount of the accrued

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173 | Save-our-Homes benefit that can be transferred to a new homestead  
174 | to \$1 million.