

By Senator Margolis

35-00337-08

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## Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution, to limit certain increases in the assessed value of real property used for residential purposes and to provide an effective date if such amendment is adopted.

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

That, if the amendments to Section 4 of Article VII of the State Constitution as proposed in SJR 4-B are approved by a vote of the electors voting in a special election held on January 29, 2008, 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

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30 taxation at a specified percentage of its value, may be  
31 classified for tax purposes, or may be exempted from taxation.

32 (c) All persons entitled to a homestead exemption under  
33 Section 6 of this Article who are entitled to have their  
34 homestead assessed under this subsection pursuant to Section 27  
35 of Article XII shall have their homestead assessed as provided  
36 herein.

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

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

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

46 (2) No assessment shall exceed just value.

47 (3) After any change of ownership, as provided by general  
48 law, homestead property shall be assessed at just value as of  
49 January 1 of the following year.

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

55 (5) In the event of a termination of homestead status, the  
56 property shall be assessed at just value as of January 1 of the  
57 following year.

58 (6) The provisions of this amendment are severable. If any

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59 | of the provisions of this amendment shall be held  
60 | unconstitutional by any court of competent jurisdiction, the  
61 | decision of such court shall not affect or impair any remaining  
62 | provisions of this amendment.

63 |         (d) The legislature may, by general law, for assessment  
64 | purposes and subject to the provisions of this subsection, allow  
65 | counties and municipalities to authorize by ordinance that  
66 | historic property may be assessed solely on the basis of  
67 | character or use. Such character or use assessment shall apply  
68 | only to the jurisdiction adopting the ordinance. The requirements  
69 | for eligible properties must be specified by general law.

70 |         (e) A county may, in the manner prescribed by general law,  
71 | provide for a reduction in the assessed value of homestead  
72 | property to the extent of any increase in the assessed value of  
73 | that property which results from the construction or  
74 | reconstruction of the property for the purpose of providing  
75 | living quarters for one or more natural or adoptive grandparents  
76 | or parents of the owner of the property or of the owner's spouse  
77 | if at least one of the grandparents or parents for whom the  
78 | living quarters are provided is 62 years of age or older. Such a  
79 | reduction may not exceed the lesser of the following:

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

82 |             (2) Twenty percent of the total assessed value of the  
83 | property as improved.

84 |         (f) As defined by general law, real property that is used  
85 | to provide affordable housing and is subject to rent restrictions  
86 | imposed by a governmental agency may be assessed as provided by  
87 | general law, subject to conditions or limitations specified

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88 | therein.

89 |       (g) As defined by general law, land that is used  
90 | exclusively for commercial fishing purposes or that is open to  
91 | the public and used predominantly for commercial water-dependent  
92 | activities or for public access to waters that are navigable may  
93 | be assessed as provided by general law, subject to conditions or  
94 | limitations specified therein. For purposes of this paragraph,  
95 | the term "water-dependent activity" means any activity that can  
96 | be conducted only on, in, over, or adjacent to waters that are  
97 | navigable and that requires direct access to water and involves  
98 | the use of water as an integral part of such activity.

99 |       (h) The legislature may, by general law, provide that the  
100 | assessed value of real property used for residential purposes may  
101 | not be increased as a result of:

102 |       (1) Any change, addition, or improvement made for the  
103 | purpose of improving the property's resistance to wind damage.

104 |       (2) The installation of a renewable energy source device.

105 |                                   ARTICLE XII

106 |                                   SCHEDULE

107 |       Limitation on the assessed value of real property used for  
108 | residential purposes.--The amendment to Section 4 of Article VII,  
109 | prohibiting an increase in the assessed value of real property  
110 | used for residential purposes as the result of improving the  
111 | property's resistance to wind damage or installing a renewable  
112 | energy source device, shall take effect January 1, 2009.

113 |       BE IT FURTHER RESOLVED that, if the amendments to Section 4  
114 | of Article VII of the State Constitution as proposed in SJR 4-B  
115 | are rejected by a vote of the electors voting in a special  
116 | election held on January 29, 2008, the following amendment to

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117 Section 4 of Article VII of the State Constitution is agreed to  
118 and shall be submitted to the electors of this state for approval  
119 or rejection at the next general election or at an earlier  
120 special election specifically authorized by law for that purpose:

121 ARTICLE VII

122 FINANCE AND TAXATION

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

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

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

134 (c) All persons entitled to a homestead exemption under  
135 Section 6 of this Article shall have their homestead assessed at  
136 just value as of January 1 of the year following the effective  
137 date of this amendment. This assessment shall change only as  
138 provided herein.

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

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

143 b. The percent change in the Consumer Price Index for all  
144 urban consumers, U.S. City Average, all items 1967=100, or  
145 successor reports for the preceding calendar year as initially

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146 reported by the United States Department of Labor, Bureau of  
147 Labor Statistics.

148 (2) No assessment shall exceed just value.

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

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

156 (5) Changes, additions, reductions, or improvements to  
157 homestead property shall be assessed as provided for by general  
158 law; provided, however, after the adjustment for any change,  
159 addition, reduction, or improvement, the property shall be  
160 assessed as provided herein.

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

163 (7) The provisions of this amendment are severable. If any  
164 of the provisions of this amendment shall be held  
165 unconstitutional by any court of competent jurisdiction, the  
166 decision of such court shall not affect or impair any remaining  
167 provisions of this amendment.

168 (d) The legislature may, by general law, for assessment  
169 purposes and subject to the provisions of this subsection, allow  
170 counties and municipalities to authorize by ordinance that  
171 historic property may be assessed solely on the basis of  
172 character or use. Such character or use assessment shall apply  
173 only to the jurisdiction adopting the ordinance. The requirements  
174 for eligible properties must be specified by general law.

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175 (e) A county may, in the manner prescribed by general law,  
176 provide for a reduction in the assessed value of homestead  
177 property to the extent of any increase in the assessed value of  
178 that property which results from the construction or  
179 reconstruction of the property for the purpose of providing  
180 living quarters for one or more natural or adoptive grandparents  
181 or parents of the owner of the property or of the owner's spouse  
182 if at least one of the grandparents or parents for whom the  
183 living quarters are provided is 62 years of age or older. Such a  
184 reduction may not exceed the lesser of the following:

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

187 (2) Twenty percent of the total assessed value of the  
188 property as improved.

189 (f) The legislature may, by general law, provide that the  
190 assessed value of real property used for residential purposes may  
191 not be increased as a result of:

192 (1) Any change, addition, or improvement made for the  
193 purpose of improving the property's resistance to wind damage.

194 (2) The installation of a renewable energy source device.

195 ARTICLE XII

196 SCHEDULE

197 Limitation on the assessed value of real property used for  
198 residential purposes.--The amendment to Section 4 of Article VII,  
199 prohibiting an increase in the assessed value of real property  
200 used for residential purposes as the result of improving the  
201 property's resistance to wind damage or installing a renewable  
202 energy source device, shall take effect January 1, 2009.

203 BE IT FURTHER RESOLVED that the following statement be

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204 placed on the ballot:

205                                   CONSTITUTIONAL AMENDMENT

206                                   ARTICLE VII, SECTION 4

207                                   ARTICLE XII

208           RESTRICTIONS ON INCREASES IN THE ASSESSED VALUE OF REAL  
209 PROPERTY USED FOR RESIDENTIAL PURPOSES.--Proposing an amendment  
210 to the State Constitution to allow the Legislature to prohibit an  
211 increase in the assessed value of real property used for  
212 residential purposes due to a change, addition, or improvement  
213 made for the purpose of improving the property's resistance to  
214 wind damage or due to the installation of a renewable energy  
215 source device, and to schedule the amendment to take effect  
216 January 1, 2009.