

By Senator Dean

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1 Senate Joint Resolution

2 A joint resolution proposing an amendment to Section 4  
3 of Article VII of the State Constitution to allow the  
4 cap on homestead property assessments and the transfer  
5 of that cap to a new homestead to inure to the spouse,  
6 child, or grandchild of the property owner who  
7 inherits the property if the property becomes the  
8 homestead of the inheritor.

9  
10 Be It Resolved by the Legislature of the State of Florida:

11  
12 That the following amendment to Section 4 of Article VII of  
13 the State Constitution is agreed to and shall be submitted to  
14 the electors of this state for approval or rejection at the next  
15 general election or at an earlier special election specifically  
16 authorized by law for that purpose:

17 ARTICLE VII

18 FINANCE AND TAXATION

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

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

26 (b) As provided by general law and subject to conditions,  
27 limitations, and reasonable definitions specified therein, land  
28 used for conservation purposes shall be classified by general  
29 law and assessed solely on the basis of character or use.

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30 (c) Pursuant to general law tangible personal property held  
31 for sale as stock in trade and livestock may be valued for  
32 taxation at a specified percentage of its value, may be  
33 classified for tax purposes, or may be exempted from taxation.

34 (d) All persons entitled to a homestead exemption under  
35 Section 6 of this Article shall have their homestead assessed at  
36 just value as of January 1 of the year following the effective  
37 date of this amendment. This assessment shall change only as  
38 provided in this subsection.

39 (1) Assessments subject to this subsection shall be changed  
40 annually on January 1st of each year; but those changes in  
41 assessments may ~~shall~~ not exceed the lower of the following:

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

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

48 (2) No assessment shall exceed just value.

49 (3) After any change of ownership, as provided by general  
50 law, homestead property shall be assessed at just value as of  
51 January 1 of the following year, unless the provisions of  
52 paragraphs (7) and (8) ~~paragraph (8)~~ apply. Thereafter, the  
53 homestead shall be assessed as provided in this subsection.

54 (4) New homestead property shall be assessed at just value  
55 as of January 1st of the year following the establishment of the  
56 homestead, unless the provisions of paragraphs (7) and (8)  
57 ~~paragraph (8)~~ apply. That assessment shall only change as  
58 provided in this subsection.

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59 (5) Changes, additions, reductions, or improvements to  
60 homestead property shall be assessed as provided for by general  
61 law; provided, however, after the adjustment for any change,  
62 addition, reduction, or improvement, the property shall be  
63 assessed as provided in this subsection.

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

66 (7) The provisions of this subsection shall inure to the  
67 surviving spouse, child, or grandchild of the property owner who  
68 inherits the homestead property if such spouse, child, or  
69 grandchild makes the property his or her homestead as provided  
70 in Section 6 of this Article. ~~The provisions of this amendment~~  
71 ~~are severable. If any of the provisions of this amendment shall~~  
72 ~~be held unconstitutional by any court of competent jurisdiction,~~  
73 ~~the decision of such court shall not affect or impair any~~  
74 ~~remaining provisions of this amendment.~~

75 (8)a. A person who establishes a new homestead as of  
76 January 1, 2009, or January 1 of any subsequent year and who has  
77 received a homestead exemption pursuant to Section 6 of this  
78 Article as of January 1 of either of the two years immediately  
79 preceding the establishment of the new homestead is entitled to  
80 have the new homestead assessed at less than just value. If this  
81 revision is approved in January of 2008, a person who  
82 establishes a new homestead as of January 1, 2008, is entitled  
83 to have the new homestead assessed at less than just value only  
84 if that person received a homestead exemption on January 1,  
85 2007. The assessed value of the newly established homestead  
86 shall be determined as follows:

87 1. If the just value of the new homestead is greater than

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88 or equal to the just value of the prior homestead as of January  
89 1 of the year in which the prior homestead was abandoned, the  
90 assessed value of the new homestead shall be the just value of  
91 the new homestead minus an amount equal to the lesser of  
92 \$500,000 or the difference between the just value and the  
93 assessed value of the prior homestead as of January 1 of the  
94 year in which the prior homestead was abandoned. Thereafter, the  
95 homestead shall be assessed as provided in this subsection.

96 2. If the just value of the new homestead is less than the  
97 just value of the prior homestead as of January 1 of the year in  
98 which the prior homestead was abandoned, the assessed value of  
99 the new homestead shall be equal to the just value of the new  
100 homestead divided by the just value of the prior homestead and  
101 multiplied by the assessed value of the prior homestead.  
102 However, if the difference between the just value of the new  
103 homestead and the assessed value of the new homestead calculated  
104 pursuant to this sub-subparagraph is greater than \$500,000, the  
105 assessed value of the new homestead shall be increased so that  
106 the difference between the just value and the assessed value  
107 equals \$500,000. Thereafter, the homestead shall be assessed as  
108 provided in this subsection.

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

112 (e) The legislature may, by general law, for assessment  
113 purposes and subject to the provisions of this subsection, allow  
114 counties and municipalities to authorize by ordinance that  
115 historic property may be assessed solely on the basis of  
116 character or use. Such character or use assessment shall apply

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117 only to the jurisdiction adopting the ordinance. The  
118 requirements for eligible properties must be specified by  
119 general law.

120 (f) A county may, in the manner prescribed by general law,  
121 provide for a reduction in the assessed value of homestead  
122 property to the extent of any increase in the assessed value of  
123 that property which results from the construction or  
124 reconstruction of the property for the purpose of providing  
125 living quarters for one or more natural or adoptive grandparents  
126 or parents of the owner of the property or of the owner's spouse  
127 if at least one of the grandparents or parents for whom the  
128 living quarters are provided is 62 years of age or older. Such a  
129 reduction may not exceed the lesser of the following:

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

132 (2) Twenty percent of the total assessed value of the  
133 property as improved.

134 (g) For all levies other than school district levies,  
135 assessments of residential real property, as defined by general  
136 law, which contains nine units or fewer and which is not subject  
137 to the assessment limitations set forth in subsections (a)  
138 through (d) shall change only as provided in this subsection.

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

143 (2) No assessment shall exceed just value.

144 (3) After a change of ownership or control, as defined by  
145 general law, including any change of ownership of a legal entity

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146 that owns the property, such property shall be assessed at just  
147 value as of the next assessment date. Thereafter, such property  
148 shall be assessed as provided in this subsection.

149 (4) Changes, additions, reductions, or improvements to such  
150 property shall be assessed as provided for by general law;  
151 however, after the adjustment for any change, addition,  
152 reduction, or improvement, the property shall be assessed as  
153 provided in this subsection.

154 (h) For all levies other than school district levies,  
155 assessments of real property that is not subject to the  
156 assessment limitations set forth in subsections (a) through (d)  
157 and (g) shall change only as provided in this subsection.

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

162 (2) No assessment shall exceed just value.

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

168 (4) The legislature may provide that such property shall be  
169 assessed at just value as of the next assessment date after a  
170 change of ownership or control, as defined by general law,  
171 including any change of ownership of the legal entity that owns  
172 the property. Thereafter, such property shall be assessed as  
173 provided in this subsection.

174 (5) Changes, additions, reductions, or improvements to such

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175 property shall be assessed as provided for by general law;  
 176 however, after the adjustment for any change, addition,  
 177 reduction, or improvement, the property shall be assessed as  
 178 provided in this subsection.

179 (i) The legislature, by general law and subject to  
 180 conditions specified therein, may prohibit the consideration of  
 181 the following in the determination of the assessed value of real  
 182 property used for residential purposes:

183 (1) Any change or improvement made for the purpose of  
 184 improving the property's resistance to wind damage.

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

186 (j) (1) The assessment of the following working waterfront  
 187 properties shall be based upon the current use of the property:  
 188 a. Land used predominantly for commercial fishing purposes.  
 189 b. Land that is accessible to the public and used for  
 190 vessel launches into waters that are navigable.  
 191 c. Marinas and drystacks that are open to the public.  
 192 d. Water-dependent marine manufacturing facilities,  
 193 commercial fishing facilities, and marine vessel construction  
 194 and repair facilities and their support activities.

195 (2) The assessment benefit provided by this subsection is  
 196 subject to conditions and limitations and reasonable definitions  
 197 as specified by the legislature by general law.

198 BE IT FURTHER RESOLVED that the following statement be  
 199 placed on the ballot:

200 CONSTITUTIONAL AMENDMENT

201 ARTICLE VII, SECTION 4

202 INHERITING HOMESTEAD PROPERTY.—Proposing an amendment to  
 203 the State Constitution to allow the cap on homestead property

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204 assessments and the transfer of that cap to a new homestead to  
205 inure to the spouse, child, or grandchild of the property owner  
206 who inherits the property if the property becomes the homestead  
207 of the inheritor.