



179426

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 2/AD/2R

.

04/30/2009 04:30 PM

.

.

---

Senators Lynn and Altman moved the following:

1           **Senate Substitute for Amendment (239820) (with title**  
2 **amendment)**

3  
4           Delete lines 138 - 332

5 and insert:

6 changes in assessments shall not exceed five ~~ten~~ percent ~~(10%)~~  
7 of the assessment for the prior year.

8           (2) No assessment shall exceed just value.

9           (3) After a change of ownership or control, as defined by  
10 general law, including any change of ownership of a legal entity  
11 that owns the property, such property shall be assessed at just  
12 value as of the next assessment date. Thereafter, such property



179426

13 shall be assessed as provided in this subsection.

14 (4) Changes, additions, reductions, or improvements to such  
15 property shall be assessed as provided for by general law;  
16 however, after the adjustment for any change, addition,  
17 reduction, or improvement, the property shall be assessed as  
18 provided in this subsection.

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

23 (1) Assessments subject to this subsection shall be changed  
24 annually on the date of assessment provided by law; but those  
25 changes in assessments shall not exceed five ~~ten~~ percent ~~(10%)~~  
26 of the assessment for the prior year.

27 (2) No assessment shall exceed just value.

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

33 (4) The legislature may provide that such property shall be  
34 assessed at just value as of the next assessment date after a  
35 change of ownership or control, as defined by general law,  
36 including any change of ownership of the legal entity that owns  
37 the property. Thereafter, such property shall be assessed as  
38 provided in this subsection.

39 (5) Changes, additions, reductions, or improvements to such  
40 property shall be assessed as provided for by general law;  
41 however, after the adjustment for any change, addition,



179426

42 reduction, or improvement, the property shall be assessed as  
43 provided in this subsection.

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

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

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

51 (j) (1) The assessment of the following working waterfront  
52 properties shall be based upon the current use of the property:

53 a. Land used predominantly for commercial fishing purposes.

54 b. Land that is accessible to the public and used for  
55 vessel launches into waters that are navigable.

56 c. Marinas and drystacks that are open to the public.

57 d. Water-dependent marine manufacturing facilities,  
58 commercial fishing facilities, and marine vessel construction  
59 and repair facilities and their support activities.

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

63 SECTION 6. Homestead exemptions.-

64 (a) Every person who has the legal or equitable title to  
65 real estate and maintains thereon the permanent residence of the  
66 owner, or another legally or naturally dependent upon the owner,  
67 shall be exempt from taxation thereon, except assessments for  
68 special benefits, up to the assessed valuation of twenty-five  
69 thousand dollars and, for all levies other than school district  
70 levies, on the assessed valuation greater than fifty thousand



179426

71 dollars and up to seventy-five thousand dollars, upon  
72 establishment of right thereto in the manner prescribed by law.  
73 The real estate may be held by legal or equitable title, by the  
74 entireties, jointly, in common, as a condominium, or indirectly  
75 by stock ownership or membership representing the owner's or  
76 member's proprietary interest in a corporation owning a fee or a  
77 leasehold initially in excess of ninety-eight years. The  
78 exemption shall not apply with respect to any assessment roll  
79 until such roll is first determined to be in compliance with the  
80 provisions of section 4 by a state agency designated by general  
81 law. This exemption is repealed on the effective date of any  
82 amendment to this Article which provides for the assessment of  
83 homestead property at less than just value.

84 (b) Not more than one exemption shall be allowed any  
85 individual or family unit or with respect to any residential  
86 unit. No exemption shall exceed the value of the real estate  
87 assessable to the owner or, in case of ownership through stock  
88 or membership in a corporation, the value of the proportion  
89 which the interest in the corporation bears to the assessed  
90 value of the property.

91 (c) By general law and subject to conditions specified  
92 therein, the Legislature may provide to renters, who are  
93 permanent residents, ad valorem tax relief on all ad valorem tax  
94 levies. Such ad valorem tax relief shall be in the form and  
95 amount established by general law.

96 (d) The legislature may, by general law, allow counties or  
97 municipalities, for the purpose of their respective tax levies  
98 and subject to the provisions of general law, to grant an  
99 additional homestead tax exemption not exceeding fifty thousand



179426

100 dollars to any person who has the legal or equitable title to  
101 real estate and maintains thereon the permanent residence of the  
102 owner and who has attained age sixty-five and whose household  
103 income, as defined by general law, does not exceed twenty  
104 thousand dollars. The general law must allow counties and  
105 municipalities to grant this additional exemption, within the  
106 limits prescribed in this subsection, by ordinance adopted in  
107 the manner prescribed by general law, and must provide for the  
108 periodic adjustment of the income limitation prescribed in this  
109 subsection for changes in the cost of living.

110 (e) Each veteran who is age 65 or older who is partially or  
111 totally permanently disabled shall receive a discount from the  
112 amount of the ad valorem tax otherwise owed on homestead  
113 property the veteran owns and resides in if the disability was  
114 combat related, the veteran was a resident of this state at the  
115 time of entering the military service of the United States, and  
116 the veteran was honorably discharged upon separation from  
117 military service. The discount shall be in a percentage equal to  
118 the percentage of the veteran's permanent, service-connected  
119 disability as determined by the United States Department of  
120 Veterans Affairs. To qualify for the discount granted by this  
121 subsection, an applicant must submit to the county property  
122 appraiser, by March 1, proof of residency at the time of  
123 entering military service, an official letter from the United  
124 States Department of Veterans Affairs stating the percentage of  
125 the veteran's service-connected disability and such evidence  
126 that reasonably identifies the disability as combat related, and  
127 a copy of the veteran's honorable discharge. If the property  
128 appraiser denies the request for a discount, the appraiser must



179426

129 notify the applicant in writing of the reasons for the denial,  
130 and the veteran may reapply. The Legislature may, by general  
131 law, waive the annual application requirement in subsequent  
132 years. This subsection shall take effect December 7, 2006, is  
133 self-executing, and does not require implementing legislation.

134 (f) (1) By general law, and subject to conditions specified  
135 therein, the legislature shall provide an additional homestead  
136 exemption to the person or persons who:

137 a. Establish the right to receive the homestead exemption  
138 in subsection (a) within one year after purchasing the homestead  
139 property; and

140 b. Have not owned a principal residence during the eight-  
141 year period before the purchase. For married persons, neither  
142 the purchaser nor his or her spouse may have owned a principal  
143 residence during the preceding eight years.

144 (2) The additional homestead exemption shall equal 25  
145 percent of the just value of the property on January 1 of the  
146 year in which the homestead exemption in subsection (a) is  
147 received, but not more than \$100,000.

148 a. The amount of the additional exemption shall be reduced  
149 in each subsequent year by an amount equal to twenty percent of  
150 the amount of the initial additional exemption or by an amount  
151 equal to the difference between the just value of the property  
152 and the assessed value determined under subsection (d) of  
153 section 4 of this Article, whichever is greater.

154 b. The additional homestead exemption shall not apply after  
155 the fifth year after the initial additional exemption is  
156 granted.

157 (3) Only one additional exemption under this subsection may



179426

158 apply to a single homestead property.

159 ARTICLE XII

160 SCHEDULE

161 Property tax limit for nonhomestead property.—The amendment  
162 to Section 4 of Article VII reducing the limit on the maximum  
163 annual increase in the assessed value of nonhomestead property  
164 to five percent from ten percent and this section shall take  
165 effect January 1, 2011.

166 Additional homestead exemption for first-time homestead  
167 property owners.—The amendment to subsection (f) of Section 6 of  
168 Article VII providing for an additional homestead exemption for  
169 persons who have not owned a principal residence within an  
170 eight-year period and this section shall take effect January 1,  
171 2011, and shall be available for properties purchased on or  
172 after January 1, 2010.

173 CONSTITUTIONAL AMENDMENTS

174 ARTICLE VII, SECTIONS 4 and 6

175 ARTICLE XII

176 PROPERTY TAX LIMIT FOR NONHOMESTEAD PROPERTY; ADDITIONAL  
177 HOMESTEAD EXEMPTION FOR NEW HOMESTEAD OWNERS.—The State  
178 Constitution generally limits the maximum annual increase in the  
179 assessed value of nonhomestead property to 10 percent annually.  
180 This proposed amendment reduces the maximum annual increase in  
181 the assessed values of those properties to 5 percent annually.

182 This amendment also requires the Legislature to provide an  
183 additional homestead exemption for persons who have not owned a  
184 principal residence during the preceding 8 years. Under the  
185 exemption, 25 percent of the just value of a first-time  
186 homestead, up to \$100,000, will be exempt from property taxes.



179426

187 The amount of the additional exemption will decrease in each  
188 succeeding year for 5 years by the greater of 20 percent of the  
189 initial additional exemption or the difference between the just  
190 value and the assessed value of the property. The additional  
191 exemption will not be available in the 6th and subsequent years.

192

193

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

195 And the title is amended as follows:

196 Delete lines 8 - 9

197 and insert:

198 persons who have not owned a principal residence  
199 within the preceding 8 years.