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House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of Section 31 of Article XII of the State Constitution to reduce from 10 percent to 5 percent the limitation on annual assessment increases applicable to nonhomestead real property and provide an effective date.

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

That the following amendment to Section 4 of Article VII and the creation of Section 31 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 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) As provided by general law and subject to conditions, 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.

30 (c) Pursuant to general law tangible personal property
 31 held 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
 40 changed annually on January 1st of each year; but those changes
 41 in assessments shall not exceed the lower of the following:

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

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

49 (2) No assessment shall exceed just value.

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

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

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 amendment are severable. If any
67 of the provisions of this amendment shall be held
68 unconstitutional by any court of competent jurisdiction, the
69 decision of such court shall not affect or impair any remaining
70 provisions of this amendment.

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

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83 | 1. If the just value of the new homestead is greater than
84 | or equal to the just value of the prior homestead as of January
85 | 1 of the year in which the prior homestead was abandoned, the
86 | assessed value of the new homestead shall be the just value of
87 | the new homestead minus an amount equal to the lesser of
88 | \$500,000 or the difference between the just value and the
89 | assessed value of the prior homestead as of January 1 of the
90 | year in which the prior homestead was abandoned. Thereafter, the
91 | homestead shall be assessed as provided in this subsection.

92 | 2. If the just value of the new homestead is less than the
93 | just value of the prior homestead as of January 1 of the year in
94 | which the prior homestead was abandoned, the assessed value of
95 | the new homestead shall be equal to the just value of the new
96 | homestead divided by the just value of the prior homestead and
97 | multiplied by the assessed value of the prior homestead.

98 | However, if the difference between the just value of the new
99 | homestead and the assessed value of the new homestead calculated
100 | pursuant to this sub-subparagraph is greater than \$500,000, the
101 | assessed value of the new homestead shall be increased so that
102 | the difference between the just value and the assessed value
103 | equals \$500,000. Thereafter, the homestead shall be assessed as
104 | provided in this subsection.

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

108 | (e) The legislature may, by general law, for assessment
109 | purposes and subject to the provisions of this subsection, allow
110 | counties and municipalities to authorize by ordinance that

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111 historic property may be assessed solely on the basis of
 112 character or use. Such character or use assessment shall apply
 113 only to the jurisdiction adopting the ordinance. The
 114 requirements for eligible properties must be specified by
 115 general law.

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

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

128 (2) Twenty percent of the total assessed value of the
 129 property as improved.

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

135 (1) Assessments subject to this subsection shall be
 136 changed annually on the date of assessment provided by law; but
 137 those changes in assessments shall not exceed five ~~ten~~ percent
 138 (5%) ~~(10%)~~ of the assessment for the prior year.

139 (2) No assessment shall exceed just value.

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

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

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

154 (1) Assessments subject to this subsection shall be
 155 changed annually on the date of assessment provided by law; but
 156 those changes in assessments shall not exceed five ~~ten~~ percent
 157 (5%) ~~(10%)~~ of the assessment for the prior year.

158 (2) No assessment shall exceed just value.

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

164 (4) The legislature may provide that such property shall
 165 be assessed at just value as of the next assessment date after a
 166 change of ownership or control, as defined by general law,

167 including any change of ownership of the legal entity that owns
 168 the property. Thereafter, such property shall be assessed as
 169 provided in this subsection.

170 (5) Changes, additions, reductions, or improvements to
 171 such property shall be assessed as provided for by general law;
 172 however, after the adjustment for any change, addition,
 173 reduction, or improvement, the property shall be assessed as
 174 provided in this subsection.

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

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

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

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

184 a. Land used predominantly for commercial fishing
 185 purposes.

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

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

189 d. Water-dependent marine manufacturing facilities,
 190 commercial fishing facilities, and marine vessel construction
 191 and repair facilities and their support activities.

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

ARTICLE XII

SCHEDULE

SECTION 31. Property tax limit for nonhomestead property.--The amendment to Section 4 of Article VII reducing the limit on the maximum annual increase in the assessed value of nonhomestead property from ten percent to five percent and this section shall take effect January 1, 2011.

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

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ARTICLE XII, SECTION 31

REDUCTION IN LIMITATION ON NONHOMESTEAD PROPERTY ANNUAL ASSESSMENT INCREASES.--Proposing an amendment to the State Constitution to reduce from 10 percent to 5 percent the limitation on annual increases in assessments of nonhomestead real property and provide an effective date of January 1, 2011.