

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Domino offered the following:

2
3 **Amendment (with directory, schedule, ballot, and title**
4 **amendments)**

5 Between lines 17 and 18, insert:

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

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

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

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

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

26 (1) Assessments subject to this subsection shall be
27 changed annually on January 1st of each year; but those changes
28 in assessments shall not exceed the lower of the following:

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

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

36 (2) No assessment shall exceed just value.

37 (3) After any change of ownership, as provided by general
38 law, homestead property shall be assessed at just value as of
39 January 1 of the following year, unless the provisions of
40 paragraph (8) apply. Thereafter, the homestead shall be assessed
41 as provided in this subsection.

42 (4) New homestead property shall be assessed at just value
43 as of January 1st of the year following the establishment of the

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44 homestead, unless the provisions of paragraph (8) apply. That
45 assessment shall only change as provided in this subsection.

46 (5) Changes, additions, reductions, or improvements to
47 homestead property shall be assessed as provided for by general
48 law; provided, however, after the adjustment for any change,
49 addition, reduction, or improvement, the property shall be
50 assessed as provided in this subsection.

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

53 (7) The provisions of this amendment are severable. If any
54 of the provisions of this amendment shall be held
55 unconstitutional by any court of competent jurisdiction, the
56 decision of such court shall not affect or impair any remaining
57 provisions of this amendment.

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

70 1. If the just value of the new homestead is greater than
71 or equal to the just value of the prior homestead as of January
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72 1 of the year in which the prior homestead was abandoned, the
73 assessed value of the new homestead shall be the just value of
74 the new homestead minus an amount equal to the lesser of
75 \$500,000 or the difference between the just value and the
76 assessed value of the prior homestead as of January 1 of the
77 year in which the prior homestead was abandoned. Thereafter, the
78 homestead shall be assessed as provided in this subsection.

79 2. If the just value of the new homestead is less than the
80 just value of the prior homestead as of January 1 of the year in
81 which the prior homestead was abandoned, the assessed value of
82 the new homestead shall be equal to the just value of the new
83 homestead divided by the just value of the prior homestead and
84 multiplied by the assessed value of the prior homestead.

85 However, if the difference between the just value of the new
86 homestead and the assessed value of the new homestead calculated
87 pursuant to this sub-subparagraph is greater than \$500,000, the
88 assessed value of the new homestead shall be increased so that
89 the difference between the just value and the assessed value
90 equals \$500,000. Thereafter, the homestead shall be assessed as
91 provided in this subsection.

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

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

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100 only to the jurisdiction adopting the ordinance. The
101 requirements for eligible properties must be specified by
102 general law.

103 (f) A county may, in the manner prescribed by general law,
104 provide for a reduction in the assessed value of homestead
105 property to the extent of any increase in the assessed value of
106 that property which results from the construction or
107 reconstruction of the property for the purpose of providing
108 living quarters for one or more natural or adoptive grandparents
109 or parents of the owner of the property or of the owner's spouse
110 if at least one of the grandparents or parents for whom the
111 living quarters are provided is 62 years of age or older. Such a
112 reduction may not exceed the lesser of the following:

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

115 (2) Twenty percent of the total assessed value of the
116 property as improved.

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

122 (1) Assessments subject to this subsection shall be
123 changed annually on the date of assessment provided by law; but
124 those changes in assessments shall not exceed five ~~ten~~ percent
125 (5%) ~~(10%)~~ of the assessment for the prior year.

126 (2) No assessment shall exceed just value.

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

132 (4) Changes, additions, reductions, or improvements to
133 such property shall be assessed as provided for by general law;
134 however, after the adjustment for any change, addition,
135 reduction, or improvement, the property shall be assessed as
136 provided in this subsection.

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

141 (1) Assessments subject to this subsection shall be
142 changed annually on the date of assessment provided by law; but
143 those changes in assessments shall not exceed five ~~ten~~ percent
144 (5%) ~~(10%)~~ of the assessment for the prior year.

145 (2) No assessment shall exceed just value.

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

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

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

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

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

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

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

171 a. Land used predominantly for commercial fishing
172 purposes.

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

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

176 d. Water-dependent marine manufacturing facilities,
177 commercial fishing facilities, and marine vessel construction
178 and repair facilities and their support activities.

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

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D I R E C T O R Y A M E N D M E N T

Remove line(s) 10-11 and insert:

That the following amendments to Sections 4 and 6 of Article VII and the creation of Sections 31 and 32 of Article XII of the State

S C H E D U L E A M E N D M E N T

Remove line 116 and insert:

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.

SECTION 32. Additional homestead exemption for first-time

B A L L O T A M E N D M E N T

Remove lines 125-129 and insert:

ARTICLE VII, SECTIONS 4, 6

ARTICLE XII, SECTIONS 31, 32

REDUCTION IN NONHOMESTEAD PROPERTY ANNUAL ASSESSMENT INCREASE LIMITATION; FIRST-TIME PROPERTY OWNER ADDITIONAL HOMESTEAD EXEMPTION.--Proposing an amendment to the State Constitution to:

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209 (1) Reduce from 10 percent to 5 percent the limitation on
210 annual increases in assessments of nonhomestead real property
211 and provide an effective date of January 1, 2011; and

212 (2) Provide first-time homestead property owners
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214 -----

215 **T I T L E A M E N D M E N T**

216 Remove line(s) 2-6 and insert:

217 A joint resolution proposing amendments to Sections 4 and 6 of
218 Article VII and the creation of Sections 31 and 32 of Article
219 XII of the State Constitution to reduce from 10 percent to 5
220 percent the limitation on annual assessment increases applicable
221 to nonhomestead real property, provide an additional homestead
222 exemption for first-time homestead property owners and provide
223 application, and provide effective dates.