

20101254e2

## Senate Joint Resolution

A joint resolution proposing an amendment to Sections 4 and 6 of Article VII and the creation of Sections 31, 32, and 33 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, provide an additional homestead exemption for new owners of homestead property and application and limitations with respect thereto, and provide an effective date.

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

That the following amendments to Sections 4 and 6 of Article VII and the creation of Sections 31, 32, and 33 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,

20101254e2

30 limitations, and reasonable definitions specified therein, land  
31 used for conservation purposes shall be classified by general  
32 law and assessed solely on the basis of character or use.

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

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

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

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

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

51 (2) No assessment shall exceed just value.

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

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

20101254e2

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

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

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

69 (7) The provisions of this amendment are severable. If any  
70 of the provisions of this amendment shall be held  
71 unconstitutional by any court of competent jurisdiction, the  
72 decision of such court shall not affect or impair any remaining  
73 provisions of this amendment.

74 (8)a. A person who establishes a new homestead as of  
75 January 1, 2009, or January 1 of any subsequent year and who has  
76 received a homestead exemption pursuant to Section 6 of this  
77 Article as of January 1 of either of the 2 ~~two~~ years immediately  
78 preceding the establishment of the new homestead is entitled to  
79 have the new homestead assessed at less than just value. If this  
80 revision is approved in January of 2008, a person who  
81 establishes a new homestead as of January 1, 2008, is entitled  
82 to have the new homestead assessed at less than just value only  
83 if that person received a homestead exemption on January 1,  
84 2007. The assessed value of the newly established homestead  
85 shall be determined as follows:

86 1. If the just value of the new homestead is greater than  
87 or equal to the just value of the prior homestead as of January

20101254e2

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

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

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

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

20101254e2

117 requirements for eligible properties must be specified by  
118 general law.

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

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

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

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

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

142 (2) No assessment shall exceed just value.

143 (3) After a change of ownership or control, as defined by  
144 general law, including any change of ownership of a legal entity  
145 that owns the property, such property shall be assessed at just

20101254e2

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

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

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

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

161 (2) No assessment shall exceed just value.

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

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

173 (5) Changes, additions, reductions, or improvements to such  
174 property shall be assessed as provided for by general law;

20101254e2

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

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

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

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

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

187 a. Land used predominantly for commercial fishing purposes.

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

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

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

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

197 SECTION 6. Homestead exemptions.—

198 (a) Every person who has the legal or equitable title to  
199 real estate and maintains thereon the permanent residence of the  
200 owner, or another legally or naturally dependent upon the owner,  
201 shall be exempt from taxation thereon, except assessments for  
202 special benefits, up to the assessed valuation of \$25,000  
203 ~~twenty-five thousand dollars~~ and, for all levies other than

20101254e2

204 school district levies, on the assessed valuation greater than  
205 \$50,000 ~~fifty thousand dollars~~ and up to \$75,000 ~~seventy-five~~  
206 ~~thousand dollars~~, upon establishment of right thereto in the  
207 manner prescribed by law. The real estate may be held by legal  
208 or equitable title, by the entirety, jointly, in common, as a  
209 condominium, or indirectly by stock ownership or membership  
210 representing the owner's or member's proprietary interest in a  
211 corporation owning a fee or a leasehold initially in excess of  
212 98 ~~ninety-eight~~ years. The exemption shall not apply with  
213 respect to any assessment roll until such roll is first  
214 determined to be in compliance with the provisions of Section 4  
215 of this Article by a state agency designated by general law.  
216 This exemption is repealed on the effective date of any  
217 amendment to this Article which provides for the assessment of  
218 homestead property at less than just value.

219 (b) Not more than one exemption shall be allowed any  
220 individual or family unit or with respect to any residential  
221 unit. No exemption shall exceed the value of the real estate  
222 assessable to the owner or, in case of ownership through stock  
223 or membership in a corporation, the value of the proportion  
224 which the interest in the corporation bears to the assessed  
225 value of the property.

226 (c) By general law and subject to conditions specified  
227 therein, the legislature may provide to renters, who are  
228 permanent residents, ad valorem tax relief on all ad valorem tax  
229 levies. Such ad valorem tax relief shall be in the form and  
230 amount established by general law.

231 (d) The legislature may, by general law, allow counties or  
232 municipalities, for the purpose of their respective tax levies



20101254e2

233 and subject to the provisions of general law, to grant an  
234 additional homestead tax exemption not exceeding \$50,000 ~~fifty~~  
235 ~~thousand dollars~~ to any person who has the legal or equitable  
236 title to real estate and maintains thereon the permanent  
237 residence of the owner and who has attained age 65 ~~sixty-five~~  
238 and whose household income, as defined by general law, does not  
239 exceed \$20,000 ~~twenty thousand dollars~~. The general law must  
240 allow counties and municipalities to grant this additional  
241 exemption, within the limits prescribed in this subsection, by  
242 ordinance adopted in the manner prescribed by general law, and  
243 must provide for the periodic adjustment of the income  
244 limitation prescribed in this subsection for changes in the cost  
245 of living.

246 (e) Each veteran who is age 65 or older who is partially or  
247 totally permanently disabled shall receive a discount from the  
248 amount of the ad valorem tax otherwise owed on homestead  
249 property the veteran owns and resides in if the disability was  
250 combat related, the veteran was a resident of this state at the  
251 time of entering the military service of the United States, and  
252 the veteran was honorably discharged upon separation from  
253 military service. The discount shall be in a percentage equal to  
254 the percentage of the veteran's permanent, service-connected  
255 disability as determined by the United States Department of  
256 Veterans Affairs. To qualify for the discount granted by this  
257 subsection, an applicant must submit to the county property  
258 appraiser, by March 1, proof of residency at the time of  
259 entering military service, an official letter from the United  
260 States Department of Veterans Affairs stating the percentage of  
261 the veteran's service-connected disability and such evidence

20101254e2

262 that reasonably identifies the disability as combat related, and  
263 a copy of the veteran's honorable discharge. If the property  
264 appraiser denies the request for a discount, the appraiser must  
265 notify the applicant in writing of the reasons for the denial,  
266 and the veteran may reapply. The legislature may, by general  
267 law, waive the annual application requirement in subsequent  
268 years. This subsection shall take effect December 7, 2006, is  
269 self-executing, and does not require implementing legislation.

270 (f) As provided by general law and subject to conditions  
271 specified therein, every person who establishes the right to  
272 receive the homestead exemption provided in subsection (a)  
273 within 1 year after purchasing the homestead property and who  
274 has not owned property in the previous 3 years to which the  
275 homestead exemption provided in subsection (a) applied is  
276 entitled to an additional homestead exemption in an amount equal  
277 to 50 percent of the homestead property's just value on January  
278 1 of the year the homestead is established. The additional  
279 exemption shall apply for a period of 5 years or until the year  
280 the property is sold, whichever occurs first for all levies  
281 other than school district levies. The amount of the additional  
282 exemption shall not exceed \$200,000 and shall be reduced in each  
283 subsequent year by an amount equal to 20 percent of the amount  
284 of the additional exemption received in the year the homestead  
285 was established or by an amount equal to the difference between  
286 the just value of the property and the assessed value of the  
287 property determined under Section 4(d) of this Article,  
288 whichever is greater. Not more than one exemption provided under  
289 this subsection shall be allowed per homestead property. The  
290 additional exemption shall apply to property purchased after

20101254e2

291 January 1, 2010, but shall not be available in the sixth and  
292 subsequent years after the additional exemption is first  
293 received.

## ARTICLE XII

## SCHEDULE

296 SECTION 31. Property tax limit for nonhomestead property.-  
297 The amendment to Section 4 of Article VII reducing the limit on  
298 the maximum annual increase in the assessed value of  
299 nonhomestead property from 10 percent to 5 percent and this  
300 section shall take effect January 1, 2011.

301 SECTION 32. Additional homestead exemption for new owners  
302 of homestead property.-The amendment to Section 6 of Article VII  
303 providing for an additional homestead exemption for new owners  
304 of homestead property who have not owned homestead property  
305 during the immediately preceding 3 years and this section shall  
306 take effect January 1, 2011, and shall be available for  
307 properties purchased on or after January 1, 2010.

308 SECTION 33. If the amendments proposed by Senate Joint  
309 Resolution 1254 proposed during the 2010 session of the  
310 legislature and the amendments proposed by Senate Joint  
311 Resolution 532 during the 2009 session of the legislature both  
312 receive a sufficient number of votes for approval during the  
313 2010 general election, only the amendments proposed by Senate  
314 Joint Resolution 1254 shall take effect and be codified in the  
315 State Constitution.

316  
317 BE IT FURTHER RESOLVED that the following statement be  
318 placed on the ballot:

319 CONSTITUTIONAL AMENDMENT

20101254e2

## ARTICLE VII, SECTIONS 4, 6

## ARTICLE XII, SECTIONS 31, 32, 33

REDUCED NONHOMESTEAD PROPERTY ANNUAL ASSESSMENT INCREASE  
LIMITATION; ADDITIONAL HOMESTEAD EXEMPTION FOR NEW HOMESTEAD  
PROPERTY OWNERS.—

(1) This amendment reduces from 10 percent to 5 percent the  
limitation on annual increases in assessments of nonhomestead  
real property and provides an effective date of January 1, 2011.

(2) This amendment also provides new owners of homestead  
property who have not owned homestead property during the  
immediately preceding 3 years with an additional homestead  
exemption equal to 50 percent of the property's just value in  
the first year for all levies other than school district levies,  
limited to \$200,000; applies the additional exemption for the  
shorter of 5 years or the year of sale of the property; reduces  
the amount of the additional exemption in each succeeding year  
for 5 years by the greater of 20 percent of the amount of the  
initial additional exemption or the difference between the just  
value and the assessed value of the property; limits the  
additional exemption to one per homestead property; limits the  
additional exemption to properties purchased after January 1,  
2010; prohibits availability of the additional exemption in the  
sixth and subsequent years after the additional exemption is  
granted; and provides for the amendment to take effect January  
1, 2011, and apply to properties purchased on or after January  
1, 2010.

(3) This amendment also provides that if this amendment and  
amendment 3 on this ballot receive a sufficient number of votes  
for approval, only this amendment shall take effect and be

20101254e2

349 | codified in the State Constitution.