

House Joint Resolution

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

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

That the following amendment to Section 4 of Article VII of the State Constitution is 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 used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

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

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

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

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

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57 ~~paragraph (8)~~ apply. That assessment shall only change as  
 58 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 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  
 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

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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  
 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  
 140 | changed annually on the date of assessment provided by law; but

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141 those changes in assessments shall not exceed ten percent ~~(10%)~~  
 142 of the 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  
 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  
 150 such 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  
 159 changed annually on the date of assessment provided by law; but  
 160 those changes in assessments shall not exceed ten percent ~~(10%)~~  
 161 of the 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

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169 be 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  
 175 such 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  
 189 purposes.

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

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

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

196 (2) The assessment benefit provided by this subsection is

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197 subject to conditions and limitations and reasonable definitions  
198 as specified by the legislature by general law.

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

201 CONSTITUTIONAL AMENDMENT

202 ARTICLE VII, SECTION 4

203 INHERITING HOMESTEAD PROPERTY.—Proposing an amendment to  
204 the State Constitution to allow the cap on homestead property  
205 assessments and the transfer of that cap to a new homestead to  
206 inure to the spouse, child, or grandchild of the property owner  
207 who inherits the property if the property becomes the homestead  
208 of the inheritor.