

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 prohibit increases in the assessed value of homestead property if the just value of the property decreases 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 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 change ~~be~~
 39 ~~changed~~ annually on January 1 ~~January 1st~~ of each year.; ~~but~~
 40 ~~those changes in assessments~~

41 a. An increase in an assessment may ~~shall~~ not exceed the
 42 lower of the following:

43 1.a. Three percent ~~(3%)~~ of the assessment for the prior
 44 year.

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

50 b. An assessment may not increase if the just value of the
 51 property is less than the just value of the property on the
 52 preceding January 1.

53 (2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

54 (3) After a ~~any~~ change of ownership, as provided by
 55 general law, homestead property shall be assessed at just value
 56 as of January 1 of the following year, unless the provisions of

57 paragraph (8) apply. Thereafter, the homestead shall be assessed
 58 as provided in this subsection.

59 (4) New homestead property shall be assessed at just value
 60 as of January 1 ~~January 1st~~ of the year following the
 61 establishment of the homestead, unless the provisions of
 62 paragraph (8) apply. That assessment shall ~~only~~ change only as
 63 provided in this subsection.

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

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

71 (7) The provisions of this subsection ~~amendment~~ are
 72 severable. If a provision ~~any of the provisions~~ of this
 73 amendment is ~~shall be~~ held unconstitutional by a ~~any~~ court of
 74 competent jurisdiction, the decision of the ~~such~~ court does
 75 ~~shall~~ not affect or impair any remaining provisions of this
 76 subsection ~~amendment~~.

77 (8)a. A person who ~~establishes a new homestead as of~~
 78 ~~January 1, 2009, or January 1 of any subsequent year and who has~~
 79 received a homestead exemption pursuant to Section 6 ~~of this~~
 80 ~~Article~~ as of January 1 of either of the two years immediately
 81 preceding the establishment of a ~~the~~ new homestead is entitled
 82 to have the new homestead assessed at less than just value. ~~If~~
 83 ~~this revision is approved in January of 2008, a person who~~
 84 ~~establishes a new homestead as of January 1, 2008, is entitled~~

85 ~~to have the new homestead assessed at less than just value only~~
 86 ~~if that person received a homestead exemption on January 1,~~
 87 ~~2007.~~ The assessed value of the newly established homestead
 88 shall be determined as follows:

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

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

111 b. By general law and subject to conditions specified
 112 therein, the Legislature shall provide for application of this

113 paragraph to property owned by more than one person.

114 (e) The legislature may, by general law, for assessment
 115 purposes and subject to the provisions of this subsection, allow
 116 counties and municipalities to authorize by ordinance that
 117 historic property may be assessed solely on the basis of
 118 character or use. Such character or use assessment shall apply
 119 only to the jurisdiction adopting the ordinance. The
 120 requirements for eligible properties must be specified by
 121 general law.

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

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

134 (2) Twenty percent of the total assessed value of the
 135 property as improved.

136 (g) For all levies other than school district levies,
 137 assessments of residential real property, as defined by general
 138 law, which contains nine units or fewer and which is not subject
 139 to the assessment limitations set forth in subsections (a)
 140 through (d) 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.
 143 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
 144 ten percent ~~(10%)~~ of the assessment for the prior year.

145 (2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

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

151 (4) Changes, additions, reductions, or improvements to
 152 such property shall be assessed as provided for by general law.+
 153 However, after the adjustment for any change, addition,
 154 reduction, or improvement, the property shall be assessed as
 155 provided in this subsection.

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

160 (1) Assessments subject to this subsection shall be
 161 changed annually on the date of assessment provided by law.
 162 However, ~~but~~ those changes in assessments shall not exceed ten
 163 percent ~~(10%)~~ of the assessment for the prior year.

164 (2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

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

169 provided in this subsection.

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

176 (5) Changes, additions, reductions, or improvements to
 177 such property shall be assessed as provided for by general law.~~7~~
 178 However, after the adjustment for any change, addition,
 179 reduction, or improvement, the property shall be assessed as
 180 provided in this subsection.

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

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

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

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

190 a. Land used predominantly for commercial fishing
 191 purposes.

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

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

195 d. Water-dependent marine manufacturing facilities,
 196 commercial fishing facilities, and marine vessel construction

HJR 39

2010

197 and repair facilities and their support activities.

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

201 ARTICLE XII

202 SCHEDULE

203 SECTION 31. Assessment of homestead property that has
 204 declining just value.--The amendment to Section 4 of Article
 205 VII, relating to homestead property having a declining just
 206 value, and this section shall take effect January 1, 2011.

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

209 CONSTITUTIONAL AMENDMENT

210 ARTICLE VII, SECTION 4

211 ARTICLE XII, SECTION 31

212 ASSESSMENT OF HOMESTEAD PROPERTY THAT HAS A DECLINING JUST
 213 VALUE.--Proposing an amendment to the State Constitution to
 214 revise the requirements for an annual change in assessments of
 215 homestead property to prohibit an increase in the assessed value
 216 of homestead property if the just value of that property
 217 decreases, to take effect January 1, 2011.