

House Joint Resolution

A joint resolution proposing an amendment to Sections 4 and 6 of Article VII and the creation of Sections 31 and 32 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 and 32 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.

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29 (b) As provided by general law and subject to conditions,  
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  
34 held 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  
43 changed annually on January 1 ~~1st~~ of each year; but those  
44 changes in assessments shall not exceed the lower of the  
45 following:

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

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

53 (2) No assessment shall exceed just value.

54 (3) After any change of ownership, as provided by general  
55 law, homestead property shall be assessed at just value as of  
56 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 ~~1st~~ of the year following the establishment of  
 61 the homestead, unless the provisions of paragraph (8) apply.  
 62 That assessment shall only change as provided in this  
 63 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 amendment are severable. If any  
 72 of the provisions of this amendment shall be held  
 73 unconstitutional by any court of competent jurisdiction, the  
 74 decision of such court shall not affect or impair any remaining  
 75 provisions of this amendment.

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

85 | if that person received a homestead exemption on January 1,  
 86 | 2007. The assessed value of the newly established homestead  
 87 | shall be determined as follows:

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

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

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

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

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

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

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

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

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

144 (2) No assessment shall exceed just value.

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

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

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

159 (1) Assessments subject to this subsection shall be  
 160 changed annually on the date of assessment provided by law; but  
 161 those changes in assessments shall not exceed 5 ~~ten~~ percent  
 162 ~~(10%)~~ of the assessment for the prior year.

163 (2) No assessment shall exceed just value.

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

167 such property. Thereafter, such property shall be assessed as  
 168 provided in this subsection.

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

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

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

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

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

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

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

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

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

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

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

200 SECTION 6. Homestead exemptions.—

201 (a) Every person who has the legal or equitable title to  
 202 real estate and maintains thereon the permanent residence of the  
 203 owner, or another legally or naturally dependent upon the owner,  
 204 shall be exempt from taxation thereon, except assessments for  
 205 special benefits, up to the assessed valuation of \$25,000  
 206 ~~twenty-five thousand dollars~~ and, for all levies other than  
 207 school district levies, on the assessed valuation greater than  
 208 \$50,000 ~~fifty thousand dollars~~ and up to \$75,000 ~~seventy-five~~  
 209 ~~thousand dollars~~, upon establishment of right thereto in the  
 210 manner prescribed by law. The real estate may be held by legal  
 211 or equitable title, by the entirety, jointly, in common, as a  
 212 condominium, or indirectly by stock ownership or membership  
 213 representing the owner's or member's proprietary interest in a  
 214 corporation owning a fee or a leasehold initially in excess of  
 215 98 ~~ninety-eight~~ years. The exemption shall not apply with  
 216 respect to any assessment roll until such roll is first  
 217 determined to be in compliance with the provisions of Section 4  
 218 of this Article by a state agency designated by general law.  
 219 This exemption is repealed on the effective date of any  
 220 amendment to this Article which provides for the assessment of  
 221 homestead property at less than just value.



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

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

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

249 (e) Each veteran who is age 65 or older who is partially

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250 or totally permanently disabled shall receive a discount from  
 251 the amount of the ad valorem tax otherwise owed on homestead  
 252 property the veteran owns and resides in if the disability was  
 253 combat related, the veteran was a resident of this state at the  
 254 time of entering the military service of the United States, and  
 255 the veteran was honorably discharged upon separation from  
 256 military service. The discount shall be in a percentage equal to  
 257 the percentage of the veteran's permanent, service-connected  
 258 disability as determined by the United States Department of  
 259 Veterans Affairs. To qualify for the discount granted by this  
 260 subsection, an applicant must submit to the county property  
 261 appraiser, by March 1, proof of residency at the time of  
 262 entering military service, an official letter from the United  
 263 States Department of Veterans Affairs stating the percentage of  
 264 the veteran's service-connected disability and such evidence  
 265 that reasonably identifies the disability as combat related, and  
 266 a copy of the veteran's honorable discharge. If the property  
 267 appraiser denies the request for a discount, the appraiser must  
 268 notify the applicant in writing of the reasons for the denial,  
 269 and the veteran may reapply. The legislature may, by general  
 270 law, waive the annual application requirement in subsequent  
 271 years. This subsection shall take effect December 7, 2006, is  
 272 self-executing, and does not require implementing legislation.

273 (f) As provided by general law and subject to conditions  
 274 specified therein, every person who establishes the right to  
 275 receive the homestead exemption provided in subsection (a)  
 276 within 1 year after purchasing the homestead property and who  
 277 has not owned property in the previous 3 years to which the

278 homestead exemption provided in subsection (a) applied is  
 279 entitled to an additional homestead exemption in an amount equal  
 280 to 50 percent of the homestead property's just value on January  
 281 1 of the year the homestead is established. The additional  
 282 exemption shall apply for a period of 5 years or until the year  
 283 the property is sold, whichever occurs first. The amount of the  
 284 additional exemption shall not exceed \$500,000 and shall be  
 285 reduced in each subsequent year by an amount equal to 20 percent  
 286 of the amount of the additional exemption received in the year  
 287 the homestead was established or by an amount equal to the  
 288 difference between the just value of the property and the  
 289 assessed value of the property determined under Section 4(d) of  
 290 this Article, whichever is greater. Not more than one exemption  
 291 provided under this subsection shall be allowed per homestead  
 292 property. The additional exemption shall apply to property  
 293 purchased after January 1, 2010, but shall not be available in  
 294 the sixth and subsequent years after the additional exemption is  
 295 first received.

296 ARTICLE XII

297 SCHEDULE

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

303 SECTION 32. Additional homestead exemption for new owners  
 304 of homestead property.—The amendment to Section 6 of Article VII  
 305 providing for an additional homestead exemption for new owners

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306 of homestead property who have not owned homestead property  
 307 during the immediately preceding 3 years and this section shall  
 308 take effect January 1, 2011, and shall be available for  
 309 properties purchased on or after January 1, 2010.

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

312 CONSTITUTIONAL AMENDMENT

313 ARTICLE VII, SECTIONS 4, 6

314 ARTICLE XII, SECTIONS 31, 32

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

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

322 (2) This amendment also provides new owners of homestead  
 323 property who have not owned homestead property during the  
 324 immediately preceding 3 years with an additional homestead  
 325 exemption equal to 50 percent of the property's just value in  
 326 the first year, limited to \$500,000; applies the additional  
 327 exemption for the shorter of 5 years or the year of sale of the  
 328 property; reduces the amount of the additional exemption in each  
 329 succeeding year for 5 years by the greater of 20 percent of the  
 330 amount of the initial additional exemption or the difference  
 331 between the just value and the assessed value of the property;  
 332 limits the additional exemption to one per homestead property;  
 333 limits the additional exemption to properties purchased after

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334 January 1, 2010; prohibits availability of the additional  
335 exemption in the sixth and subsequent years after the additional  
336 exemption is granted; and provides for the amendment to take  
337 effect January 1, 2011, and apply to properties purchased on or  
338 after January 1, 2010.