

By Senator Fasano

11-00209-11

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1 A bill to be entitled
2 An act relating to ad valorem taxation; amending s.
3 193.1554, F.S.; reducing the amount that any change in
4 the value of nonhomestead residential property
5 resulting from an annual reassessment may exceed the
6 assessed value of the property for the prior year;
7 amending s. 193.1555, F.S.; reducing the amount that
8 any change in the value of certain residential and
9 nonresidential real property resulting from an annual
10 reassessment may exceed the assessed value of the
11 property for the prior year; creating s. 196.078,
12 F.S.; providing a definition; providing a first-time
13 Florida homesteader with an additional homestead
14 exemption; providing for calculation of the exemption;
15 providing for the applicability period of the
16 exemption; providing for an annual reduction in the
17 exemption during the applicability period; providing
18 application procedures; providing for applicability of
19 specified provisions; providing for contingent effect
20 of provisions and varying dates of application
21 depending on the adoption and adoption date of
22 specified joint resolutions; authorizing the
23 Department of Revenue to adopt emergency rules;
24 providing for application and renewal of emergency
25 rules; providing for retroactive application;
26 providing effective dates.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. If House Joint Resolution 381 or Senate Joint
31 Resolution 658, 2011 Regular Session, is approved by a vote of
32 the electors in the general election held in November 2012,
33 subsection (3) of section 193.1554, Florida Statutes, is amended
34 to read:

35 193.1554 Assessment of nonhomestead residential property.—

36 (3) Beginning in 2013 ~~2009~~, or the year following the year
37 the property is placed on the tax roll, whichever is later, the
38 property shall be reassessed annually on January 1. Any change
39 resulting from such reassessment may not exceed 3 ~~10~~ percent of
40 the assessed value of the property for the prior year.

41 Section 2. If House Joint Resolution 381 or Senate Joint
42 Resolution 658, 2011 Regular Session, is approved by a vote of
43 the electors in a special election held concurrent with the
44 presidential preference primary in 2012, subsection (3) of
45 section 193.1554, Florida Statutes, is amended to read:

46 193.1554 Assessment of nonhomestead residential property.—

47 (3) Beginning in 2012 ~~2009~~, or the year following the year
48 the property is placed on the tax roll, whichever is later, the
49 property shall be reassessed annually on January 1. Any change
50 resulting from such reassessment may not exceed 3 ~~10~~ percent of
51 the assessed value of the property for the prior year.

52 Section 3. If House Joint Resolution 381 or Senate Joint
53 Resolution 658, 2011 Regular Session, is approved by a vote of
54 the electors in the general election held in November 2012,
55 subsection (3) of section 193.1555, Florida Statutes, is amended
56 to read:

57 193.1555 Assessment of certain residential and
58 nonresidential real property.—

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59 (3) Beginning in 2013 ~~2009~~, or the year following the year
60 the property is placed on the tax roll, whichever is later, the
61 property shall be reassessed annually on January 1. Any change
62 resulting from such reassessment may not exceed 3 ~~10~~ percent of
63 the assessed value of the property for the prior year.

64 Section 4. If House Joint Resolution 381 or Senate Joint
65 Resolution 658, 2011 Regular Session, is approved by a vote of
66 the electors in a special election held concurrent with the
67 presidential preference primary in 2012, subsection (3) of
68 section 193.1555, Florida Statutes, is amended to read:

69 193.1555 Assessment of certain residential and
70 nonresidential real property.—

71 (3) Beginning in 2012 ~~2009~~, or the year following the year
72 the property is placed on the tax roll, whichever is later, the
73 property shall be reassessed annually on January 1. Any change
74 resulting from such reassessment may not exceed 3 ~~10~~ percent of
75 the assessed value of the property for the prior year.

76 Section 5. If House Joint Resolution 381 or Senate Joint
77 Resolution 658, 2011 Regular Session, is approved by a vote of
78 the electors in the general election held in November 2012,
79 section 196.078, Florida Statutes, is created to read:

80 196.078 Additional homestead exemption for a first-time
81 Florida homesteader.—

82 (1) As used in this section, the term "first-time Florida
83 homesteader" means a person who establishes the right to receive
84 the homestead exemption provided in s. 196.031 within 1 year
85 after purchasing the homestead property and who has not owned
86 property in the previous 3 years to which the homestead
87 exemption provided in s. 196.031(1)(a) applied.

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88 (2) Every first-time Florida homesteader is entitled to an
89 additional homestead exemption in an amount equal to 50 percent
90 of the homestead property's just value on January 1 of the year
91 the homestead is established for all levies other than school
92 district levies. The additional exemption shall apply for a
93 period of 5 years or until the year the property is sold,
94 whichever occurs first. The amount of the additional exemption
95 shall not exceed \$200,000 and shall be reduced in each
96 subsequent year by an amount equal to 20 percent of the amount
97 of the additional exemption received in the year the homestead
98 was established or by an amount equal to the difference between
99 the just value of the property and the assessed value of the
100 property determined under s. 193.155, whichever is greater. Not
101 more than one exemption provided under this subsection shall be
102 allowed per homestead property. The additional exemption shall
103 apply to property purchased on or after January 1, 2012, but
104 shall not be available in the sixth and subsequent years after
105 the additional exemption is first received.

106 (3) The property appraiser shall require a first-time
107 Florida homesteader claiming an exemption under this section to
108 submit, not later than March 1 on a form prescribed by the
109 Department of Revenue, a sworn statement attesting that the
110 taxpayer, and each other person who holds legal or equitable
111 title to the property, has not owned property in the prior 3
112 years that received the homestead exemption provided by s.
113 196.031. In order for the exemption to be retained upon the
114 addition of another person to the title to the property, the
115 person added must also submit, not later than the subsequent
116 March 1 on a form prescribed by the department, a sworn

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117 statement attesting that he or she has not owned property in the
118 prior 3 years that received the homestead exemption provided by
119 s. 196.031.

120 (4) Sections 196.131 and 196.161 apply to the exemption
121 provided in this section.

122 Section 6. If House Joint Resolution 381 or Senate Joint
123 Resolution 658, 2011 Regular Session, is approved by a vote of
124 the electors in a special election held concurrent with the
125 presidential preference primary in 2012, section 196.078,
126 Florida Statutes, is created to read:

127 196.078 Additional homestead exemption for a first-time
128 Florida homesteader.—

129 (1) As used in this section, the term "first-time Florida
130 homesteader" means a person who establishes the right to receive
131 the homestead exemption provided in s. 196.031 within 1 year
132 after purchasing the homestead property and who has not owned
133 property in the previous 3 years to which the homestead
134 exemption provided in s. 196.031(1)(a) applied.

135 (2) Every first-time Florida homesteader is entitled to an
136 additional homestead exemption in an amount equal to 50 percent
137 of the homestead property's just value on January 1 of the year
138 the homestead is established for all levies other than school
139 district levies. The additional exemption shall apply for a
140 period of 5 years or until the year the property is sold,
141 whichever occurs first. The amount of the additional exemption
142 shall not exceed \$200,000 and shall be reduced in each
143 subsequent year by an amount equal to 20 percent of the amount
144 of the additional exemption received in the year the homestead
145 was established or by an amount equal to the difference between

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146 the just value of the property and the assessed value of the
147 property determined under s. 193.155, whichever is greater. Not
148 more than one exemption provided under this subsection shall be
149 allowed per homestead property. The additional exemption shall
150 apply to property purchased on or after January 1, 2011, but
151 shall not be available in the sixth and subsequent years after
152 the additional exemption is first received.

153 (3) The property appraiser shall require a first-time
154 Florida homesteader claiming an exemption under this section to
155 submit, not later than March 1 on a form prescribed by the
156 Department of Revenue, a sworn statement attesting that the
157 taxpayer, and each other person who holds legal or equitable
158 title to the property, has not owned property in the prior 3
159 years that received the homestead exemption provided by s.
160 196.031. In order for the exemption to be retained upon the
161 addition of another person to the title to the property, the
162 person added must also submit, not later than the subsequent
163 March 1 on a form prescribed by the department, a sworn
164 statement attesting that he or she has not owned property in the
165 prior 3 years that received the homestead exemption provided by
166 s. 196.031.

167 (4) Sections 196.131 and 196.161 apply to the exemption
168 provided in this section.

169 Section 7. (1) In anticipation of implementing this act,
170 the executive director of the Department of Revenue is
171 authorized, and all conditions are deemed met, to adopt
172 emergency rules under ss. 120.536(1) and 120.54(4), Florida
173 Statutes, to make necessary changes and preparations so that
174 forms, methods, and data records, electronic or otherwise, are

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175 ready and in place if sections 2, 4, and 6 or sections 1, 3, and
176 5 of this act become law.

177 (2) Notwithstanding any other provision of law, such
178 emergency rules shall remain in effect for 18 months after the
179 date of adoption and may be renewed during the pendency of
180 procedures to adopt rules addressing the subject of the
181 emergency rules.

182 Section 8. This act shall take effect upon becoming a law,
183 except that the sections of this act that take effect upon the
184 approval of House Joint Resolution 381 or Senate Joint
185 Resolution 658, 2011 Regular Session, by a vote of the electors
186 in a special election held concurrent with the presidential
187 preference primary in 2012 shall apply retroactively to the 2012
188 tax roll if the revision of the State Constitution contained in
189 House Joint Resolution 381 or Senate Joint Resolution 658, 2011
190 Regular Session, is approved by a vote of the electors in a
191 special election held concurrent with the presidential
192 preference primary in 2012; or the sections of this act that
193 take effect upon the approval of House Joint Resolution 381 or
194 Senate Joint Resolution 658, 2011 Regular Session, by a vote of
195 the electors in the general election held in November 2012 shall
196 apply to the 2013 tax roll if the revision of the State
197 Constitution contained in House Joint Resolution 381 or Senate
198 Joint Resolution 658, 2011 Regular Session, is approved by a
199 vote of the electors in the general election held in November of
200 2012.