

House Joint Resolution

A joint resolution proposing amendments to Sections 4 and 6 of Article VII and Section 27 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, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and application and limitations with respect thereto, and delete a future repeal of provisions limiting annual assessment increases for specified nonhomestead real property.

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

That the following amendments to Sections 4 and 6 of Article VII and Section 27 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:

29 (a) Agricultural land, land producing high water recharge
 30 to Florida's aquifers, or land used exclusively for
 31 noncommercial recreational purposes may be classified by general
 32 law and assessed solely on the basis of character or use.

33 (b) As provided by general law and subject to conditions,
 34 limitations, and reasonable definitions specified therein, land
 35 used for conservation purposes shall be classified by general
 36 law and assessed solely on the basis of character or use.

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

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

46 (1) Assessments subject to this subsection shall change ~~be~~
 47 ~~changed~~ annually on January 1 ~~1st~~ of each year. ~~but those~~
 48 ~~changes in assessments~~

49 a. A change in an assessment may ~~shall~~ not exceed the
 50 lower of the following:

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

53 2.b. The percent change in the Consumer Price Index for
 54 all urban consumers, U.S. City Average, all items 1967=100, or a
 55 successor index ~~reports~~ for the preceding calendar year as
 56 initially reported by the United States Department of Labor,

57 Bureau of Labor Statistics.

58 b. Except for changes, additions, reductions, or
 59 improvements to homestead property assessed as provided in
 60 subsection (d) (5), an assessment may not increase if the just
 61 value of the property is less than the just value of the
 62 property on the preceding January 1.

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

64 (3) After a ~~any~~ change of ownership, as provided by
 65 general law, homestead property shall be assessed at just value
 66 as of January 1 of the following year, unless the provisions of
 67 paragraph (8) apply. Thereafter, the homestead shall be assessed
 68 as provided in this subsection.

69 (4) New homestead property shall be assessed at just value
 70 as of January 1 ~~1st~~ of the year following the establishment of
 71 the homestead, unless the provisions of paragraph (8) apply.
 72 That assessment shall ~~only~~ change only as provided in this
 73 subsection.

74 (5) Changes, additions, reductions, or improvements to
 75 homestead property shall be assessed as provided for by general
 76 law. ~~;~~ ~~provided,~~ However, after the adjustment for any change,
 77 addition, reduction, or improvement, the property shall be
 78 assessed as provided in this subsection.

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

81 (7) The provisions of this subsection ~~amendment~~ are
 82 severable. If a provision ~~any of the provisions~~ of this
 83 subsection is ~~amendment~~ shall be held unconstitutional by a ~~any~~
 84 court of competent jurisdiction, the decision of the ~~such~~ court

85 does ~~shall~~ not affect or impair any remaining provisions of this
 86 subsection ~~amendment~~.

87 (8)a. A person who ~~establishes a new homestead as of~~
 88 ~~January 1, 2009, or January 1 of any subsequent year and who has~~
 89 received a homestead exemption pursuant to Section 6 ~~of this~~
 90 ~~Article~~ as of January 1 of either of the 2 ~~two~~ years immediately
 91 preceding the establishment of a ~~the~~ new homestead is entitled
 92 to have the new homestead assessed at less than just value. ~~If~~
 93 ~~this revision is approved in January of 2008, a person who~~
 94 ~~establishes a new homestead as of January 1, 2008, is entitled~~
 95 ~~to have the new homestead assessed at less than just value only~~
 96 ~~if that person received a homestead exemption on January 1,~~
 97 ~~2007.~~ The assessed value of the newly established homestead
 98 shall be determined as follows:

99 1. If the just value of the new homestead is greater than
 100 or equal to the just value of the prior homestead as of January
 101 1 of the year in which the prior homestead was abandoned, the
 102 assessed value of the new homestead shall be the just value of
 103 the new homestead minus an amount equal to the lesser of
 104 \$500,000 or the difference between the just value and the
 105 assessed value of the prior homestead as of January 1 of the
 106 year in which the prior homestead was abandoned. Thereafter, the
 107 homestead shall be assessed as provided in this subsection.

108 2. If the just value of the new homestead is less than the
 109 just value of the prior homestead as of January 1 of the year in
 110 which the prior homestead was abandoned, the assessed value of
 111 the new homestead shall be equal to the just value of the new
 112 homestead divided by the just value of the prior homestead and

113 multiplied by the assessed value of the prior homestead.
 114 However, if the difference between the just value of the new
 115 homestead and the assessed value of the new homestead calculated
 116 pursuant to this sub-subparagraph is greater than \$500,000, the
 117 assessed value of the new homestead shall be increased so that
 118 the difference between the just value and the assessed value
 119 equals \$500,000. Thereafter, the homestead shall be assessed as
 120 provided in this subsection.

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

124 (e) The legislature may, by general law, for assessment
 125 purposes and subject to the provisions of this subsection, allow
 126 counties and municipalities to authorize by ordinance that
 127 historic property may be assessed solely on the basis of
 128 character or use. Such character or use assessment shall apply
 129 only to the jurisdiction adopting the ordinance. The
 130 requirements for eligible properties must be specified by
 131 general law.

132 (f) A county may, in the manner prescribed by general law,
 133 provide for a reduction in the assessed value of homestead
 134 property to the extent of any increase in the assessed value of
 135 that property which results from the construction or
 136 reconstruction of the property for the purpose of providing
 137 living quarters for one or more natural or adoptive grandparents
 138 or parents of the owner of the property or of the owner's spouse
 139 if at least one of the grandparents or parents for whom the
 140 living quarters are provided is 62 years of age or older. Such a

141 reduction may not exceed the lesser of the following:

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

144 (2) Twenty percent of the total assessed value of the
 145 property as improved.

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

151 (1) Assessments subject to this subsection shall be
 152 changed annually on the date of assessment provided by law.
 153 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
 154 3 ten percent (10%) of the assessment for the prior year. An
 155 assessment may not increase if the just value of the property is
 156 less than the just value of the property on the preceding date
 157 of assessment provided by law.

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

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

164 (4) Changes, additions, reductions, or improvements to
 165 such property shall be assessed as provided for by general law.
 166 However, after the adjustment for any change, addition,
 167 reduction, or improvement, the property shall be assessed as
 168 provided in this subsection.

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

173 (1) Assessments subject to this subsection shall be
 174 changed annually on the date of assessment provided by law.
 175 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
 176 3 ten percent (10%) of the assessment for the prior year. An
 177 assessment may not increase if the just value of the property is
 178 less than the just value of the property on the preceding date
 179 of assessment provided by law.

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

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

186 (4) The legislature may provide that such property shall
 187 be assessed at just value as of the next assessment date after a
 188 change of ownership or control, as defined by general law,
 189 including any change of ownership of the legal entity that owns
 190 the property. Thereafter, such property shall be assessed as
 191 provided in this subsection.

192 (5) Changes, additions, reductions, or improvements to
 193 such property shall be assessed as provided for by general law. ~~+~~
 194 However, after the adjustment for any change, addition,
 195 reduction, or improvement, the property shall be assessed as
 196 provided in this subsection.

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

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

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

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

206 a. Land used predominantly for commercial fishing
 207 purposes.

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

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

211 d. Water-dependent marine manufacturing facilities,
 212 commercial fishing facilities, and marine vessel construction
 213 and repair facilities and their support activities.

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

217 SECTION 6. Homestead exemptions.—

218 (a) Every person who has the legal or equitable title to
 219 real estate and maintains thereon the permanent residence of the
 220 owner, or another legally or naturally dependent upon the owner,
 221 shall be exempt from taxation thereon, except assessments for
 222 special benefits, up to the assessed valuation of \$25,000
 223 ~~twenty-five thousand dollars~~ and, for all levies other than
 224 school district levies, on the assessed valuation greater than

225 \$50,000 ~~fifty thousand dollars~~ and up to \$75,000 ~~seventy-five~~
 226 ~~thousand dollars~~, upon establishment of right thereto in the
 227 manner prescribed by law. The real estate may be held by legal
 228 or equitable title, by the entirety, jointly, in common, as a
 229 condominium, or indirectly by stock ownership or membership
 230 representing the owner's or member's proprietary interest in a
 231 corporation owning a fee or a leasehold initially in excess of
 232 98 ~~ninety-eight~~ years. The exemption shall not apply with
 233 respect to any assessment roll until such roll is first
 234 determined to be in compliance with the provisions of Section 4
 235 by a state agency designated by general law. This exemption is
 236 repealed on the effective date of any amendment to this Article
 237 which provides for the assessment of homestead property at less
 238 than just value.

239 (b) Not more than one exemption shall be allowed any
 240 individual or family unit or with respect to any residential
 241 unit. No exemption shall exceed the value of the real estate
 242 assessable to the owner or, in case of ownership through stock
 243 or membership in a corporation, the value of the proportion
 244 which the interest in the corporation bears to the assessed
 245 value of the property.

246 (c) By general law and subject to conditions specified
 247 therein, the legislature may provide to renters, who are
 248 permanent residents, ad valorem tax relief on all ad valorem tax
 249 levies. Such ad valorem tax relief shall be in the form and
 250 amount established by general law.

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

253 and subject to the provisions of general law, to grant an
254 additional homestead tax exemption not exceeding \$50,000 ~~fifty~~
255 ~~thousand dollars~~ to any person who has the legal or equitable
256 title to real estate and maintains thereon the permanent
257 residence of the owner and who has attained age 65 ~~sixty-five~~
258 and whose household income, as defined by general law, does not
259 exceed \$20,000 ~~twenty thousand dollars~~. The general law must
260 allow counties and municipalities to grant this additional
261 exemption, within the limits prescribed in this subsection, by
262 ordinance adopted in the manner prescribed by general law, and
263 must provide for the periodic adjustment of the income
264 limitation prescribed in this subsection for changes in the cost
265 of living.

266 (e) Each veteran who is age 65 or older who is partially
267 or totally permanently disabled shall receive a discount from
268 the amount of the ad valorem tax otherwise owed on homestead
269 property the veteran owns and resides in if the disability was
270 combat related, the veteran was a resident of this state at the
271 time of entering the military service of the United States, and
272 the veteran was honorably discharged upon separation from
273 military service. The discount shall be in a percentage equal to
274 the percentage of the veteran's permanent, service-connected
275 disability as determined by the United States Department of
276 Veterans Affairs. To qualify for the discount granted by this
277 subsection, an applicant must submit to the county property
278 appraiser, by March 1, proof of residency at the time of
279 entering military service, an official letter from the United
280 States Department of Veterans Affairs stating the percentage of

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281 the veteran's service-connected disability and such evidence
282 that reasonably identifies the disability as combat related, and
283 a copy of the veteran's honorable discharge. If the property
284 appraiser denies the request for a discount, the appraiser must
285 notify the applicant in writing of the reasons for the denial,
286 and the veteran may reapply. The legislature may, by general
287 law, waive the annual application requirement in subsequent
288 years. This subsection shall take effect December 7, 2006, is
289 self-executing, and does not require implementing legislation.

290 (f) As provided by general law and subject to conditions
291 specified therein, every person who establishes the right to
292 receive the homestead exemption provided in subsection (a)
293 within 1 year after purchasing the homestead property and who
294 has not owned property in the previous 3 calendar years to which
295 the homestead exemption provided in subsection (a) applied is
296 entitled to an additional homestead exemption in an amount equal
297 to 50 percent of the homestead property's just value on January
298 1 of the year the homestead is established for all levies other
299 than school district levies. The additional exemption shall
300 apply for a period of 5 years or until the year the property is
301 sold, whichever occurs first. The amount of the additional
302 exemption shall not exceed \$200,000 and shall be reduced in each
303 subsequent year by an amount equal to 20 percent of the amount
304 of the additional exemption received in the year the homestead
305 was established or by an amount equal to the difference between
306 the just value of the property and the assessed value of the
307 property determined under Section 4(d), whichever is greater.
308 Not more than one exemption provided under this subsection shall

309 be allowed per homestead property. The additional exemption
 310 shall apply to property purchased on or after January 1, 2011,
 311 if this amendment is approved at a special election held on the
 312 date of the 2012 presidential preference primary, or on or after
 313 January 1, 2012, if approved at the 2012 general election, but
 314 shall not be available in the sixth and subsequent years after
 315 the additional exemption is first received.

316 ARTICLE XII

317 SCHEDULE

318 SECTION 27. Property tax exemptions and limitations on
 319 property tax assessments.—The amendments to Sections 3, 4, and 6
 320 of Article VII, providing a \$25,000 exemption for tangible
 321 personal property, providing an additional \$25,000 homestead
 322 exemption, authorizing transfer of the accrued benefit from the
 323 limitations on the assessment of homestead property, and this
 324 section, if submitted to the electors of this state for approval
 325 or rejection at a special election authorized by law to be held
 326 on January 29, 2008, shall take effect upon approval by the
 327 electors and shall operate retroactively to January 1, 2008, or,
 328 if submitted to the electors of this state for approval or
 329 rejection at the next general election, shall take effect
 330 January 1 of the year following such general election. The
 331 amendments to Section 4 of Article VII creating subsections (f)
 332 and (g) of that section, creating a limitation on annual
 333 assessment increases for specified real property, shall take
 334 effect upon approval of the electors and shall first limit
 335 assessments beginning January 1, 2009, if approved at a special
 336 election held on January 29, 2008, or shall first limit

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337 assessments beginning January 1, 2010, if approved at the
338 general election held in November of 2008. ~~Subsections (f) and~~
339 ~~(g) of Section 4 of Article VII are repealed effective January~~
340 ~~1, 2019; however, the legislature shall by joint resolution~~
341 ~~propose an amendment abrogating the repeal of subsections (f)~~
342 ~~and (g), which shall be submitted to the electors of this state~~
343 ~~for approval or rejection at the general election of 2018 and,~~
344 ~~if approved, shall take effect January 1, 2019.~~