



764088

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
05/18/2011	.	
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	.	

The Committee on Judiciary (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the resolving clause
and insert:

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



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14 used for conservation purposes shall be classified by general
15 law and assessed solely on the basis of character or use.

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

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

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

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

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

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

37 b. The Legislature may provide by general law that except
38 for changes, additions, reductions, or improvements to homestead
39 property assessed as provided in paragraph (d) (5), an assessment
40 may not increase if the just value of the property is less than
41 the just value of the property on the preceding January 1.

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



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43 (3) After a ~~any~~ change of ownership, as provided by general
44 law, homestead property shall be assessed at just value as of
45 January 1 of the following year, unless the provisions of
46 paragraph (8) apply. Thereafter, the homestead shall be assessed
47 as provided in this subsection.

48 (4) New homestead property shall be assessed at just value
49 as of January 1 ~~1st~~ of the year following the establishment of
50 the homestead, unless the provisions of paragraph (8) apply.
51 That assessment shall ~~only~~ change only as provided in this
52 subsection.

53 (5) Changes, additions, reductions, or improvements to
54 homestead property shall be assessed as provided for by general
55 law. ~~;~~ ~~provided,~~ However, after the adjustment for any change,
56 addition, reduction, or improvement, the property shall be
57 assessed as provided in this subsection.

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

60 (7) The provisions of this subsection ~~amendment~~ are
61 severable. If a provision ~~any of the provisions~~ of this
62 subsection is ~~amendment shall be~~ held unconstitutional by a ~~any~~
63 court of competent jurisdiction, the decision of the ~~such~~ court
64 does ~~shall~~ not affect or impair any remaining provisions of this
65 subsection ~~amendment~~.

66 (8)a. A person who ~~establishes a new homestead as of~~
67 ~~January 1, 2009, or January 1 of any subsequent year and who has~~
68 received a homestead exemption pursuant to Section 6 ~~of this~~
69 ~~Article~~ as of January 1 of either of the 2 ~~two~~ years immediately
70 preceding the establishment of a ~~the~~ new homestead is entitled
71 to have the new homestead assessed at less than just value. ~~If~~



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72 ~~this revision is approved in January of 2008, a person who~~
73 ~~establishes a new homestead as of January 1, 2008, is entitled~~
74 ~~to have the new homestead assessed at less than just value only~~
75 ~~if that person received a homestead exemption on January 1,~~
76 ~~2007.~~ The assessed value of the newly established homestead
77 shall be determined as follows:

78 1. If the just value of the new homestead is greater than
79 or equal to the just value of the prior homestead as of January
80 1 of the year in which the prior homestead was abandoned, the
81 assessed value of the new homestead shall be the just value of
82 the new homestead minus an amount equal to the lesser of
83 \$500,000 or the difference between the just value and the
84 assessed value of the prior homestead as of January 1 of the
85 year in which the prior homestead was abandoned. Thereafter, the
86 homestead shall be assessed as provided in this subsection.

87 2. If the just value of the new homestead is less than the
88 just value of the prior homestead as of January 1 of the year in
89 which the prior homestead was abandoned, the assessed value of
90 the new homestead shall be equal to the just value of the new
91 homestead divided by the just value of the prior homestead and
92 multiplied by the assessed value of the prior homestead.
93 However, if the difference between the just value of the new
94 homestead and the assessed value of the new homestead calculated
95 pursuant to this sub-subparagraph is greater than \$500,000, the
96 assessed value of the new homestead shall be increased so that
97 the difference between the just value and the assessed value
98 equals \$500,000. Thereafter, the homestead shall be assessed as
99 provided in this subsection.

100 b. By general law and subject to conditions specified



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101 therein, the legislature shall provide for application of this
102 paragraph to property owned by more than one person.

103 (e) The legislature may, by general law, for assessment
104 purposes and subject to the provisions of this subsection, allow
105 counties and municipalities to authorize by ordinance that
106 historic property may be assessed solely on the basis of
107 character or use. Such character or use assessment shall apply
108 only to the jurisdiction adopting the ordinance. The
109 requirements for eligible properties must be specified by
110 general law.

111 (f) A county may, in the manner prescribed by general law,
112 provide for a reduction in the assessed value of homestead
113 property to the extent of any increase in the assessed value of
114 that property which results from the construction or
115 reconstruction of the property for the purpose of providing
116 living quarters for one or more natural or adoptive grandparents
117 or parents of the owner of the property or of the owner's spouse
118 if at least one of the grandparents or parents for whom the
119 living quarters are provided is 62 years of age or older. Such a
120 reduction may not exceed the lesser of the following:

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

123 (2) Twenty percent of the total assessed value of the
124 property as improved.

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



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130 (1) Assessments subject to this subsection shall be changed
131 annually on the date of assessment provided by law. However,
132 ~~but~~ those changes in assessments may ~~shall~~ not exceed 3 ~~ten~~
133 percent ~~(10%)~~ of the assessment for the prior year. The
134 Legislature may provide by general law that an assessment may
135 not increase if the just value of the property is less than the
136 just value of the property on the preceding date of assessment
137 provided by law.

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

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

144 (4) Changes, additions, reductions, or improvements to such
145 property shall be assessed as provided for by general law. +
146 However, after the adjustment for any change, addition,
147 reduction, or improvement, the property shall be assessed as
148 provided in this subsection.

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

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



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159 just value of the property on the preceding date of assessment
160 provided by law.

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

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

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

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

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

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

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

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

187 a. Land used predominantly for commercial fishing purposes.



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

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

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

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

197 BE IT FURTHER RESOLVED that the following statement be
198 placed on the ballot:

199 CONSTITUTIONAL AMENDMENT

200 ARTICLE VII, SECTIONS 4, 6

201 ARTICLE XII, SECTIONS 27, 32, 33

202 PROPERTY TAX LIMITATIONS; ADDITIONAL HOMESTEAD EXEMPTION.—

203 (1) In certain circumstances, the law requires the assessed
204 value of real property to increase when the just value of the
205 property decreases. This amendment authorizes the Legislature,
206 by general law, to prohibit such increases in the assessment of
207 property whose just value has declined below its just value on
208 the preceding assessment date. This amendment takes effect upon
209 approval by the voters, if approved at a special election held
210 on the date of the 2012 presidential preference primary and
211 operates retroactively to January 1, 2012, or, if approved by
212 the voters at the general election, takes effect January 1,
213 2013.

214 (2) This amendment reduces from 10 percent to 3 percent the
215 limitation on annual increases in assessments of nonhomestead
216 real property. This amendment takes effect upon approval of the



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217 voters, if approved at a special election held on the date of
218 the 2012 presidential preference primary and operates
219 retroactively to January 1, 2012, or, if approved by the voters
220 at the general election, takes effect January 1, 2013.

221 (3) This amendment also provides owners of homestead
222 property who have not owned homestead property during the 3
223 calendar years immediately preceding purchase of the current
224 homestead property with an additional homestead exemption equal
225 to 50 percent of the property's just value in the first year for
226 all levies other than school district levies, limited to
227 \$200,000; applies the additional exemption for the shorter of 5
228 years or the year of sale of the property; reduces the amount of
229 the additional exemption in each succeeding year for 5 years by
230 the greater of 20 percent of the amount of the initial
231 additional exemption or the difference between the just value
232 and the assessed value of the property; limits the additional
233 exemption to one per homestead property; limits the additional
234 exemption to properties purchased on or after January 1, 2011,
235 if approved by the voters at a special election held on the date
236 of the 2012 presidential preference primary, or on or after
237 January 1, 2012, if approved by the voters at the 2012 general
238 election; prohibits availability of the additional exemption in
239 the sixth and subsequent years after the additional exemption is
240 granted; and provides for the amendment to take effect upon
241 approval of the voters and operate retroactively to January 1,
242 2012, if approved at the special election held on the date of
243 the 2012 presidential preference primary, or on January 1, 2013,
244 if approved by the voters at the 2012 general election.

245 (4) This amendment also removes from the State Constitution a



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246 repeal, scheduled to take effect in 2019, of constitutional
247 amendments adopted in 2008 that limit annual assessment
248 increases for specified nonhomestead real property.

249
250 ===== T I T L E A M E N D M E N T =====

251 And the title is amended as follows:

252 Delete everything before the resolving clause
253 and insert:

254 A bill to be entitled
255 A joint resolution proposing amendments to Sections 4
256 and 6 of Article VII and Section 27 of Article XII and
257 the creation of Sections 32 and 33 of Article XII of
258 the State Constitution to allow the Legislature by
259 general law to prohibit increases in the assessed
260 value of homestead and specified nonhomestead property
261 if the just value of the property decreases, reduce
262 the limitation on annual assessment increases
263 applicable to nonhomestead real property, provide an
264 additional homestead exemption for owners of homestead
265 property who have not owned homestead property for a
266 specified time before purchase of the current
267 homestead property, and application and limitations
268 with respect thereto, delete a future repeal of
269 provisions limiting annual assessment increases for
270 specified nonhomestead real property, and provide
271 effective dates.