

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to authorize counties and municipalities to limit the assessed value of the homesteads of certain low-income senior citizens.

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

That the following amendment to Section 4 of Article VII of the State Constitution is 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.

(c) Pursuant to general law tangible personal property

29 held for sale as stock in trade and livestock may be valued for
 30 taxation at a specified percentage of its value, may be
 31 classified for tax purposes, or may be exempted from taxation.

32 (d) All persons entitled to a homestead exemption under
 33 Section 6 of this Article shall have their homestead assessed at
 34 just value as of January 1 of the year following the effective
 35 date of this amendment. This assessment shall change only as
 36 provided in this subsection.

37 (1) Except as provided in paragraph (2), assessments
 38 subject to this subsection shall be changed annually on January
 39 1 ~~1st~~ of each year; but those changes in assessments shall not
 40 exceed the lower of the following:

41 a. Three percent ~~(3%)~~ of the assessment for the prior
 42 year.

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

48 (2) The legislature may, by general law, allow counties or
 49 municipalities, for the purpose of their respective tax levies
 50 and subject to the provisions of general law, to limit
 51 assessments on homestead property subject to the additional
 52 homestead tax exemption under Section 6(d) to the assessed value
 53 of the property in the prior year if the just value of the
 54 property is less than the just value of the property on the
 55 preceding January 1 or is equal to or less than one hundred
 56 fifty percent of the average just value of homestead property

57 within the respective county or municipality. The general law
 58 must allow counties and municipalities to provide this
 59 limitation by ordinance adopted in the manner prescribed by
 60 general law, specify the state agency designated to calculate
 61 the average just value of homestead property within each county
 62 and municipality, and provide that such agency annually supply
 63 that information to each property appraiser. The calculation
 64 shall be based on the prior year's tax roll of each county.

65 (3)~~(2)~~ No assessment shall exceed just value.

66 (4)~~(3)~~ After any change of ownership, as provided by
 67 general law, homestead property shall be assessed at just value
 68 as of January 1 of the following year, unless the provisions of
 69 paragraph (9) ~~(8)~~ apply. Thereafter, the homestead shall be
 70 assessed as provided in this subsection.

71 (5)~~(4)~~ New homestead property shall be assessed at just
 72 value as of January 1 ~~1st~~ of the year following the
 73 establishment of the homestead, unless the provisions of
 74 paragraph (9) ~~(8)~~ apply. That assessment shall only change as
 75 provided in this subsection.

76 (6)~~(5)~~ Changes, additions, reductions, or improvements to
 77 homestead property shall be assessed as provided for by general
 78 law; provided, however, after the adjustment for any change,
 79 addition, reduction, or improvement, the property shall be
 80 assessed as provided in this subsection.

81 (7)~~(6)~~ In the event of a termination of homestead status,
 82 the property shall be assessed as provided by general law.

83 (8)~~(7)~~ The provisions of this amendment are severable. If
 84 any of the provisions of this amendment shall be held

85 | unconstitutional by any court of competent jurisdiction, the
 86 | decision of such court shall not affect or impair any remaining
 87 | provisions of this amendment.

88 | (9)~~(8)~~a. A person who establishes a new homestead as of
 89 | January 1, 2009, or January 1 of any subsequent year and who has
 90 | received a homestead exemption pursuant to Section 6 of this
 91 | Article as of January 1 of either of the two years immediately
 92 | preceding the establishment of the new homestead is entitled to
 93 | have the new homestead assessed at less than just value. If this
 94 | revision is approved in January of 2008, a person who
 95 | establishes a new homestead as of January 1, 2008, is entitled
 96 | to have the new homestead assessed at less than just value only
 97 | if that person received a homestead exemption on January 1,
 98 | 2007. The assessed value of the newly established homestead
 99 | shall be determined as follows:

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

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

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

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

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

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

141 living quarters are provided is 62 years of age or older. Such a
 142 reduction may not exceed the lesser of the following:

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

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

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

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

156 (2) No assessment shall exceed just value.

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

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

167 (h) For all levies other than school district levies,
 168 assessments of real property that is not subject to the

HJR 55

2012

169 assessment limitations set forth in subsections (a) through (d)
 170 and (g) shall change only as provided in this subsection.

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

175 (2) No assessment shall exceed just value.

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

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

187 (5) Changes, additions, reductions, or improvements to
 188 such property shall be assessed as provided for by general law;
 189 however, after the adjustment for any change, addition,
 190 reduction, or improvement, the property shall be assessed as
 191 provided in this subsection.

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

196 (1) Any change or improvement made for the purpose of

HJR 55

2012

197 improving the property's resistance to wind damage.

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

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

201 a. Land used predominantly for commercial fishing
202 purposes.

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

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

206 d. Water-dependent marine manufacturing facilities,
207 commercial fishing facilities, and marine vessel construction
208 and repair facilities and their support activities.

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

212 BE IT FURTHER RESOLVED that the following statement be
213 placed on the ballot:

214 CONSTITUTIONAL AMENDMENT

215 ARTICLE VII, SECTION 4

216 ASSESSMENT OF HOMESTEAD PROPERTY OWNED BY LOW-INCOME SENIOR
217 CITIZENS.—Currently, counties and municipalities may grant an
218 additional homestead exemption to a person who is 65 years of
219 age or older and who has a household income of \$20,000 or less.
220 This proposed amendment to the State Constitution authorizes
221 counties and municipalities to limit the assessments of the
222 homesteads of persons receiving such additional exemption to the
223 assessed value of the property in the prior year if the just
224 value of the property is less than the just value of the

HJR 55

2012

225 | property on the preceding January 1 or is equal to or less than
226 | 150 percent of the average just value of homestead property in
227 | the respective county or municipality. As such, if authorized by
228 | a county or municipality, these individuals will not be required
229 | to pay more county or municipal ad valorem taxes than they paid
230 | in the prior year if the value of their homestead decreases or
231 | an increase in value of their homestead property does not result
232 | in the value of the property exceeding the average just value of
233 | homestead property in the county or municipality by more than
234 | 150 percent.