

By Senator Brandes

22-00329-15

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Senate Joint Resolution

A joint resolution proposing amendments to Sections 3 and 4 of Article VII and the creation of Section 34 of Article XII of the State Constitution to require the Legislature, by general law, to exempt the assessed value of a renewable energy source device or a component thereof from the tangible personal property tax, to allow the Legislature, by general law, to prohibit the consideration of the installation of such device or component in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation, and to provide an effective date.

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

That the following amendment to Sections 3 and 4 of Article VII and the creation of Section 34 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 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment

22-00329-15

2015400__

30 to the taxing unit in which the property is located. Such
31 portions of property as are used predominantly for educational,
32 literary, scientific, religious or charitable purposes may be
33 exempted by general law from taxation.

34 (b) There shall be exempt from taxation, cumulatively, to
35 every head of a family residing in this state, household goods
36 and personal effects to the value fixed by general law, not less
37 than one thousand dollars, and to every widow or widower or
38 person who is blind or totally and permanently disabled,
39 property to the value fixed by general law not less than five
40 hundred dollars.

41 (c) Any county or municipality may, for the purpose of its
42 respective tax levy and subject to the provisions of this
43 subsection and general law, grant community and economic
44 development ad valorem tax exemptions to new businesses and
45 expansions of existing businesses, as defined by general law.
46 Such an exemption may be granted only by ordinance of the county
47 or municipality, and only after the electors of the county or
48 municipality voting on such question in a referendum authorize
49 the county or municipality to adopt such ordinances. An
50 exemption so granted shall apply to improvements to real
51 property made by or for the use of a new business and
52 improvements to real property related to the expansion of an
53 existing business and shall also apply to tangible personal
54 property of such new business and tangible personal property
55 related to the expansion of an existing business. The amount or
56 limits of the amount of such exemption shall be specified by
57 general law. The period of time for which such exemption may be
58 granted to a new business or expansion of an existing business

22-00329-15

2015400__

59 shall be determined by general law. The authority to grant such
60 exemption shall expire ten years from the date of approval by
61 the electors of the county or municipality, and may be renewable
62 by referendum as provided by general law.

63 (d) Any county or municipality may, for the purpose of its
64 respective tax levy and subject to the provisions of this
65 subsection and general law, grant historic preservation ad
66 valorem tax exemptions to owners of historic properties. This
67 exemption may be granted only by ordinance of the county or
68 municipality. The amount or limits of the amount of this
69 exemption and the requirements for eligible properties must be
70 specified by general law. The period of time for which this
71 exemption may be granted to a property owner shall be determined
72 by general law.

73 (e) By general law and subject to conditions specified
74 therein:~~7~~

75 (1) Twenty-five thousand dollars of the assessed value of
76 property subject to tangible personal property tax shall be
77 exempt from ad valorem taxation.

78 (2) The assessed value of a renewable energy source device,
79 or a component thereof, shall be exempt from the tangible
80 personal property tax.

81 (f) There shall be granted an ad valorem tax exemption for
82 real property dedicated in perpetuity for conservation purposes,
83 including real property encumbered by perpetual conservation
84 easements or by other perpetual conservation protections, as
85 defined by general law.

86 (g) By general law and subject to the conditions specified
87 therein, each person who receives a homestead exemption as

22-00329-15

2015400__

88 provided in section 6 of this article; who was a member of the
89 United States military or military reserves, the United States
90 Coast Guard or its reserves, or the Florida National Guard; and
91 who was deployed during the preceding calendar year on active
92 duty outside the continental United States, Alaska, or Hawaii in
93 support of military operations designated by the legislature
94 shall receive an additional exemption equal to a percentage of
95 the taxable value of his or her homestead property. The
96 applicable percentage shall be calculated as the number of days
97 during the preceding calendar year the person was deployed on
98 active duty outside the continental United States, Alaska, or
99 Hawaii in support of military operations designated by the
100 legislature divided by the number of days in that year.

101 SECTION 4. Taxation; assessments.—By general law
102 regulations shall be prescribed which shall secure a just
103 valuation of all property for ad valorem taxation, provided:

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

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

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

116 (d) All persons entitled to a homestead exemption under

22-00329-15

2015400__

117 Section 6 of this Article shall have their homestead assessed at
118 just value as of January 1 of the year following the effective
119 date of this amendment. This assessment shall change only as
120 provided in this subsection.

121 (1) Assessments subject to this subsection shall be changed
122 annually on January 1st of each year; but those changes in
123 assessments shall not exceed the lower of the following:

124 a. Three percent (3%) of the assessment for the prior year.

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

130 (2) No assessment shall exceed just value.

131 (3) After any change of ownership, as provided by general
132 law, homestead property shall be assessed at just value as of
133 January 1 of the following year, unless the provisions of
134 paragraph (8) apply. Thereafter, the homestead shall be assessed
135 as provided in this subsection.

136 (4) New homestead property shall be assessed at just value
137 as of January 1st of the year following the establishment of the
138 homestead, unless the provisions of paragraph (8) apply. That
139 assessment shall only change as provided in this subsection.

140 (5) Changes, additions, reductions, or improvements to
141 homestead property shall be assessed as provided for by general
142 law; provided, however, after the adjustment for any change,
143 addition, reduction, or improvement, the property shall be
144 assessed as provided in this subsection.

145 (6) In the event of a termination of homestead status, the

22-00329-15

2015400__

146 property shall be assessed as provided by general law.

147 (7) The provisions of this amendment are severable. If any
148 of the provisions of this amendment shall be held
149 unconstitutional by any court of competent jurisdiction, the
150 decision of such court shall not affect or impair any remaining
151 provisions of this amendment.

152 (8)a. A person who establishes a new homestead as of
153 January 1, 2009, or January 1 of any subsequent year and who has
154 received a homestead exemption pursuant to Section 6 of this
155 Article as of January 1 of either of the two years immediately
156 preceding the establishment of the new homestead is entitled to
157 have the new homestead assessed at less than just value. If this
158 revision is approved in January of 2008, a person who
159 establishes a new homestead as of January 1, 2008, is entitled
160 to have the new homestead assessed at less than just value only
161 if that person received a homestead exemption on January 1,
162 2007. The assessed value of the newly established homestead
163 shall be determined as follows:

164 1. If the just value of the new homestead is greater than
165 or equal to the just value of the prior homestead as of January
166 1 of the year in which the prior homestead was abandoned, the
167 assessed value of the new homestead shall be the just value of
168 the new homestead minus an amount equal to the lesser of
169 \$500,000 or the difference between the just value and the
170 assessed value of the prior homestead as of January 1 of the
171 year in which the prior homestead was abandoned. Thereafter, the
172 homestead shall be assessed as provided in this subsection.

173 2. If the just value of the new homestead is less than the
174 just value of the prior homestead as of January 1 of the year in

22-00329-15

2015400__

175 which the prior homestead was abandoned, the assessed value of
176 the new homestead shall be equal to the just value of the new
177 homestead divided by the just value of the prior homestead and
178 multiplied by the assessed value of the prior homestead.
179 However, if the difference between the just value of the new
180 homestead and the assessed value of the new homestead calculated
181 pursuant to this sub-subparagraph is greater than \$500,000, the
182 assessed value of the new homestead shall be increased so that
183 the difference between the just value and the assessed value
184 equals \$500,000. Thereafter, the homestead shall be assessed as
185 provided in this subsection.

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

189 (e) The legislature may, by general law, for assessment
190 purposes and subject to the provisions of this subsection, allow
191 counties and municipalities to authorize by ordinance that
192 historic property may be assessed solely on the basis of
193 character or use. Such character or use assessment shall apply
194 only to the jurisdiction adopting the ordinance. The
195 requirements for eligible properties must be specified by
196 general law.

197 (f) A county may, in the manner prescribed by general law,
198 provide for a reduction in the assessed value of homestead
199 property to the extent of any increase in the assessed value of
200 that property which results from the construction or
201 reconstruction of the property for the purpose of providing
202 living quarters for one or more natural or adoptive grandparents
203 or parents of the owner of the property or of the owner's spouse

22-00329-15

2015400__

204 if at least one of the grandparents or parents for whom the
205 living quarters are provided is 62 years of age or older. Such a
206 reduction may not exceed the lesser of the following:

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

209 (2) Twenty percent of the total assessed value of the
210 property as improved.

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

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

220 (2) No assessment shall exceed just value.

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

226 (4) Changes, additions, reductions, or improvements to such
227 property shall be assessed as provided for by general law;
228 however, after the adjustment for any change, addition,
229 reduction, or improvement, the property shall be assessed as
230 provided in this subsection.

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

22-00329-15

2015400__

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

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

239 (2) No assessment shall exceed just value.

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

245 (4) The legislature may provide that such property shall be
246 assessed at just value as of the next assessment date after a
247 change of ownership or control, as defined by general law,
248 including any change of ownership of the legal entity that owns
249 the property. Thereafter, such property shall be assessed as
250 provided in this subsection.

251 (5) Changes, additions, reductions, or improvements to such
252 property shall be assessed as provided for by general law;
253 however, after the adjustment for any change, addition,
254 reduction, or improvement, the property shall be assessed as
255 provided in this subsection.

256 (i) The legislature, by general law and subject to
257 conditions specified therein, may prohibit the consideration of
258 the following in the determination of the assessed value of real
259 property ~~used for residential purposes:~~

260 (1) Any change or improvement to real property used for
261 residential purposes made to improve ~~for the purpose of~~

22-00329-15

2015400__

262 ~~improving~~ the property's resistance to wind damage.

263 (2) The installation of a renewable energy source device or
264 a component thereof.

265 (j) (1) The assessment of the following working waterfront
266 properties shall be based upon the current use of the property:
267 a. Land used predominantly for commercial fishing purposes.
268 b. Land that is accessible to the public and used for
269 vessel launches into waters that are navigable.
270 c. Marinas and drystacks that are open to the public.
271 d. Water-dependent marine manufacturing facilities,
272 commercial fishing facilities, and marine vessel construction
273 and repair facilities and their support activities.

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

277 ARTICLE XII

278 SCHEDULE

279 SECTION 34. Renewable energy source devices and components
280 thereof; exemption from certain taxation and assessment.—This
281 section, the amendment to subsection (e) of Section 3 of Article
282 VII requiring the legislature, by general law, to exempt the
283 assessed value of a renewable energy source device, or a
284 component thereof, from the tangible personal property tax, and
285 the amendment to subsection (i) of Section 4 of Article VII
286 allowing the legislature, by general law, to prohibit the
287 consideration of the installation of a renewable energy source
288 device, or a component thereof, in determining the assessed
289 value of real property for the purpose of ad valorem taxation
290 shall take effect on January 1, 2017.

22-00329-15

2015400__

291 BE IT FURTHER RESOLVED that the following statement be
292 placed on the ballot:

293 CONSTITUTIONAL AMENDMENT

294 ARTICLE VII, SECTIONS 3 AND 4

295 ARTICLE XII, SECTION 34

296 RENEWABLE ENERGY SOURCE DEVICES AND COMPONENTS THEREOF;
297 EXEMPTION FROM CERTAIN TAXATION AND ASSESSMENT.—Proposing an
298 amendment to the State Constitution to require the Legislature,
299 by general law, to exempt the assessed value of a renewable
300 energy source device or component thereof from the tangible
301 personal property tax and allow the Legislature, by general law,
302 to prohibit consideration of the installation of such device or
303 component in determining the assessed value of all real property
304 for the purpose of ad valorem taxation. This amendment takes
305 effect January 1, 2017.