

House 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

27 exclusively by it for municipal or public purposes shall be  
28 exempt from taxation. A municipality, owning property outside  
29 the municipality, may be required by general law to make payment  
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  
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

79 device, or a component thereof, shall be exempt from the  
 80 tangible 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  
 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  
113 held 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  
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  
122 changed annually on January 1st of each year; but those changes  
123 in assessments shall not exceed the lower of the following:

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

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

131 (2) No assessment shall exceed just value.

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

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

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

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

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

153 (8)a. A person who establishes a new homestead as of  
 154 January 1, 2009, or January 1 of any subsequent year and who has  
 155 received a homestead exemption pursuant to Section 6 of this  
 156 Article as of January 1 of either of the two years immediately

157 preceding the establishment of the new homestead is entitled to  
158 have the new homestead assessed at less than just value. If this  
159 revision is approved in January of 2008, a person who  
160 establishes a new homestead as of January 1, 2008, is entitled  
161 to have the new homestead assessed at less than just value only  
162 if that person received a homestead exemption on January 1,  
163 2007. The assessed value of the newly established homestead  
164 shall be determined as follows:

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

174 2. If the just value of the new homestead is less than the  
175 just value of the prior homestead as of January 1 of the year in  
176 which the prior homestead was abandoned, the assessed value of  
177 the new homestead shall be equal to the just value of the new  
178 homestead divided by the just value of the prior homestead and  
179 multiplied by the assessed value of the prior homestead.  
180 However, if the difference between the just value of the new  
181 homestead and the assessed value of the new homestead calculated  
182 pursuant to this sub-subparagraph is greater than \$500,000, the

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183 assessed value of the new homestead shall be increased so that  
184 the difference between the just value and the assessed value  
185 equals \$500,000. Thereafter, the homestead shall be assessed as  
186 provided in this subsection.

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

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

198 (f) A county may, in the manner prescribed by general law,  
199 provide for a reduction in the assessed value of homestead  
200 property to the extent of any increase in the assessed value of  
201 that property which results from the construction or  
202 reconstruction of the property for the purpose of providing  
203 living quarters for one or more natural or adoptive grandparents  
204 or parents of the owner of the property or of the owner's spouse  
205 if at least one of the grandparents or parents for whom the  
206 living quarters are provided is 62 years of age or older. Such a  
207 reduction may not exceed the lesser of the following:

208 (1) The increase in assessed value resulting from

209 construction or reconstruction of the property.

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

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

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

221 (2) No assessment shall exceed just value.

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

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

232 (h) For all levies other than school district levies,  
233 assessments of real property that is not subject to the  
234 assessment limitations set forth in subsections (a) through (d)

235 and (g) shall change only as provided in this subsection.

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

240 (2) No assessment shall exceed just value.

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

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

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

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

261 (1) Any change or improvement to real property used for  
 262 residential purposes made to improve ~~for the purpose of~~  
 263 ~~improving~~ the property's resistance to wind damage.

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

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

268 a. Land used predominantly for commercial fishing  
 269 purposes.

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

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

273 d. Water-dependent marine manufacturing facilities,  
 274 commercial fishing facilities, and marine vessel construction  
 275 and repair facilities and their support activities.

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

279 ARTICLE XII

280 SCHEDULE

281 SECTION 34. Renewable energy source devices and components  
 282 thereof; exemption from certain taxation and assessment.—This  
 283 section, the amendment to subsection (e) of Section 3 of Article  
 284 VII requiring the legislature, by general law, to exempt the  
 285 assessed value of a renewable energy source device, or a  
 286 component thereof, from the tangible personal property tax, and

287 the amendment to subsection (i) of Section 4 of Article VII  
 288 allowing the legislature, by general law, to prohibit the  
 289 consideration of the installation of a renewable energy source  
 290 device, or a component thereof, in determining the assessed  
 291 value of real property for the purpose of ad valorem taxation  
 292 shall take effect on January 1, 2017.

293 BE IT FURTHER RESOLVED that the following statement be  
 294 placed on the ballot:

295 CONSTITUTIONAL AMENDMENT

296 ARTICLE VII, SECTIONS 3 AND 4

297 ARTICLE XII, SECTION 34

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