House Joint Resolution

A joint resolution proposing amendments to Sections 3 and 4 of Article VII and the creation of a new section in Article XII of the State Constitution to require the Legislature, by general law, to exempt from ad valorem taxation the assessed value of renewable energy source devices that are subject to tangible personal property taxes and to allow the Legislature, by general law, to prohibit consideration of such installed devices in the assessment of the value of real property for purposes of ad valorem taxation, and to provide an effective date and an expiration date.

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

That the following amendments to Sections 3 and 4 of Article VII and the creation of a new section in 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
to the taxing unit in which the property is located. Such
portions of property as are used predominantly for educational,
literary, scientific, religious or charitable purposes may be
exempted by general law from taxation.

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

(c) Any county or municipality may, for the purpose of its
respective tax levy and subject to the provisions of this
subsection and general law, grant community and economic
development ad valorem tax exemptions to new businesses and
expansions of existing businesses, as defined by general law.
Such an exemption may be granted only by ordinance of the county
or municipality, and only after the electors of the county or
municipality voting on such question in a referendum authorize
the county or municipality to adopt such ordinances. An
exemption so granted shall apply to improvements to real
property made by or for the use of a new business and
improvements to real property related to the expansion of an
existing business and shall also apply to tangible personal
property of such new business and tangible personal property
related to the expansion of an existing business. The amount or
limits of the amount of such exemption shall be specified by
general law. The period of time for which such exemption may be
granted to a new business or expansion of an existing business
shall be determined by general law. The authority to grant such
exemption shall expire ten years from the date of approval by
the electors of the county or municipality, and may be renewable
by referendum as provided by general law.

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

(e) By general law and subject to conditions specified
therein:

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

(2) The assessed value of a renewable energy source device
subject to tangible personal property tax shall be exempt from
ad valorem taxation.

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

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

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

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

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

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

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

(2) No assessment shall exceed just value.
(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

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

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

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

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

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

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

2. If the just value of the new homestead is less than the
just value of the prior homestead as of January 1 of the year in
which the prior homestead was abandoned, the assessed value of
the new homestead shall be equal to the just value of the new
homestead divided by the just value of the prior homestead and
multiplied by the assessed value of the prior homestead.
However, if the difference between the just value of the new
homestead and the assessed value of the new homestead calculated
pursuant to this sub-subparagraph is greater than $500,000, the
assessed value of the new homestead shall be increased so that
the difference between the just value and the assessed value equals $500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

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

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

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

(1) The increase in assessed value resulting from construction or reconstruction of the property.
(2) Twenty percent of the total assessed value of the property as improved.

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

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

(2) No assessment shall exceed just value.

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

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

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.
(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

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

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

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

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

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

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

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

a. Land used predominantly for commercial fishing
purposes.

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

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

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

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

ARTICLE XII
SCHEDULE

Renewable energy source devices; exemption from certain
taxation and assessment.—This section, the amendment to
subsection (e) of Section 3 of Article VII requiring the
legislature, by general law, to exempt the assessed value of a
renewable energy source device subject to tangible personal
property tax from ad valorem taxation, and the amendment to
subsection (i) of Section 4 of Article VII allowing the
legislature, by general law, to prohibit consideration of a
renewable energy source device in assessing the value of real
property for purposes of ad valorem taxation shall take effect
January 1, 2017, and shall expire December 31, 2036. Upon
expiration, this section is repealed and the text of subsection
(e) of Section 3 of Article VII and subsection (i) of Section 4
of Article VII shall revert to that in existence on December 31,
2016, except that any amendments to such text otherwise adopted
shall be preserved and continue to operate to the extent that
such amendments are not dependent upon the portions of text
which expire pursuant to this section.

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

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTIONS 3 AND 4
ARTICLE XII
RENEWABLE ENERGY SOURCE DEVICES; EXEMPTION FROM CERTAIN
TAXATION AND ASSESSMENT.—Proposing an amendment to the State
Constitution to require the Legislature, by general law, to
exempt from ad valorem taxation the assessed value of renewable
energy source devices that are subject to tangible personal
property taxes and allow the Legislature, by general law, to
prohibit consideration of such devices in assessing the value of
real property for purposes of ad valorem taxation. This
amendment takes effect January 1, 2017, and expires December 31,
2036.