

By the Committees on Appropriations; and Finance and Tax; and
Senators Brandes and Hutson

576-04816-16

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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 authorize the Legislature, by general law, to exempt the assessed value of a solar or renewable energy source device from the tangible personal property tax, to authorize the Legislature, by general law, to prohibit the consideration of the installation of such device in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation, and to provide effective and expiration dates.

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 to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational,

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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

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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 solar or renewable energy
79 source device subject to tangible personal property tax may be
80 exempt from ad valorem taxation, subject to conditions,
81 limitations, and reasonable definitions specified by general
82 law.

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

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

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

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

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

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

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

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

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

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

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

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

132 (2) No assessment shall exceed just value.

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

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

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

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

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148 property shall be assessed as provided by general law.

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

154 (8)a. A person who establishes a new homestead as of
155 January 1, 2009, or January 1 of any subsequent year and who has
156 received a homestead exemption pursuant to Section 6 of this
157 Article as of January 1 of either of the two years immediately
158 preceding the establishment of the new homestead is entitled to
159 have the new homestead assessed at less than just value. If this
160 revision is approved in January of 2008, a person who
161 establishes a new homestead as of January 1, 2008, is entitled
162 to have the new homestead assessed at less than just value only
163 if that person received a homestead exemption on January 1,
164 2007. The assessed value of the newly established homestead
165 shall be determined as follows:

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

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

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177 which the prior homestead was abandoned, the assessed value of
178 the new homestead shall be equal to the just value of the new
179 homestead divided by the just value of the prior homestead and
180 multiplied by the assessed value of the prior homestead.

181 However, if the difference between the just value of the new
182 homestead and the assessed value of the new homestead calculated
183 pursuant to this sub-subparagraph is greater than \$500,000, the
184 assessed value of the new homestead shall be increased so that
185 the difference between the just value and the assessed value
186 equals \$500,000. Thereafter, the homestead shall be assessed as
187 provided in this subsection.

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

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

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

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

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

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

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

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

222 (2) No assessment shall exceed just value.

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

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

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

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

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

241 (2) No assessment shall exceed just value.

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

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

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

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

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

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

265 (2) The installation of a solar or renewable energy source
266 device.

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

269 a. Land used predominantly for commercial fishing 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. Solar or renewable energy source devices;
282 exemption from certain taxation and assessment.—This section,
283 the amendment to subsection (e) of Section 3 of Article VII
284 authorizing the legislature, by general law, to exempt the
285 assessed value of a solar or renewable energy source device from
286 the tangible personal property tax, and the amendment to
287 subsection (i) of Section 4 of Article VII authorizing the
288 legislature, by general law, to prohibit the consideration of
289 the installation of a solar or renewable energy source device in
290 determining the assessed value of real property for the purpose
291 of ad valorem taxation shall take effect on January 1, 2018, and
292 shall expire on December 31, 2037. Upon expiration, this section

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293 shall be repealed and the text of subsection (e) of Section 3 of
294 Article VII and subsection (i) of Section 4 of Article VII shall
295 revert to that in existence on December 31, 2017, except that
296 any amendments to such text otherwise adopted shall be preserved
297 and continue to operate to the extent that such amendments are
298 not dependent upon the portions of text which expire pursuant to
299 this section.

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

302 CONSTITUTIONAL AMENDMENT

303 ARTICLE VII, SECTIONS 3 AND 4

304 ARTICLE XII, SECTION 34

305 SOLAR OR RENEWABLE ENERGY SOURCE DEVICES; EXEMPTION FROM
306 CERTAIN TAXATION AND ASSESSMENT.—Proposing an amendment to the
307 State Constitution to authorize the Legislature to exempt the
308 assessed value of a solar or renewable energy source device from
309 the tangible personal property tax and authorize the Legislature
310 to prohibit consideration of the installation of such device in
311 determining the assessed value of all real property for the
312 purpose of ad valorem taxation. This amendment takes effect
313 January 1, 2018, and expires on December 31, 2037.