

By Senator Brandes

24-00301-18

2018452__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to increase the period when the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead and to provide an effective date.

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

That the following amendment to Section 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 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

24-00301-18

2018452__

30 used for conservation purposes shall be classified by general
31 law and assessed solely on the basis of character or use.

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

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

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

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

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

50 (2) No assessment shall exceed just value.

51 (3) After any change of ownership, as provided by general
52 law, homestead property shall be assessed at just value as of
53 January 1 of the following year, unless the provisions of
54 paragraph (8) apply. Thereafter, the homestead shall be assessed
55 as provided in this subsection.

56 (4) New homestead property shall be assessed at just value
57 as of January 1st of the year following the establishment of the
58 homestead, unless the provisions of paragraph (8) apply. That

24-00301-18

2018452__

59 assessment shall only change as provided in this subsection.

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

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

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

72 (8)

73 a. A person who establishes a new homestead as of January
74 ~~1, 2009, or January 1 of any subsequent year~~ and who has
75 received a homestead exemption pursuant to Section 6 of this
76 Article as of January 1 of any either of the three ~~two~~ years
77 immediately preceding the establishment of the new homestead is
78 entitled to have the new homestead assessed at less than just
79 value. ~~If this revision is approved in January of 2008, a person~~
80 ~~who establishes a new homestead as of January 1, 2008, is~~
81 ~~entitled to have the new homestead assessed at less than just~~
82 ~~value only if that person received a homestead exemption on~~
83 ~~January 1, 2007.~~ The assessed value of the newly established
84 homestead shall be determined as follows:

85 1. If the just value of the new homestead is greater than
86 or equal to the just value of the prior homestead as of January
87 1 of the year in which the prior homestead was abandoned, the

24-00301-18

2018452__

88 assessed value of the new homestead shall be the just value of
89 the new homestead minus an amount equal to the lesser of
90 \$500,000 or the difference between the just value and the
91 assessed value of the prior homestead as of January 1 of the
92 year in which the prior homestead was abandoned. Thereafter, the
93 homestead shall be assessed as provided in this subsection.

94 2. If the just value of the new homestead is less than the
95 just value of the prior homestead as of January 1 of the year in
96 which the prior homestead was abandoned, the assessed value of
97 the new homestead shall be equal to the just value of the new
98 homestead divided by the just value of the prior homestead and
99 multiplied by the assessed value of the prior homestead.

100 However, if the difference between the just value of the new
101 homestead and the assessed value of the new homestead calculated
102 pursuant to this sub-subparagraph is greater than \$500,000, the
103 assessed value of the new homestead shall be increased so that
104 the difference between the just value and the assessed value
105 equals \$500,000. Thereafter, the homestead shall be assessed as
106 provided in this subsection.

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

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

24-00301-18

2018452__

117 general law.

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

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

130 (2) Twenty percent of the total assessed value of the
131 property as improved.

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

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

141 (2) No assessment shall exceed just value.

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

24-00301-18

2018452__

146 shall be assessed as provided in this subsection.

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

152 (h) For all levies other than school district levies,
153 assessments of real property that is not subject to the
154 assessment limitations set forth in subsections (a) through (d)
155 and (g) shall change only as provided in this subsection.

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

160 (2) No assessment shall exceed just value.

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

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

172 (5) Changes, additions, reductions, or improvements to such
173 property shall be assessed as provided for by general law;
174 however, after the adjustment for any change, addition,

24-00301-18

2018452__

175 reduction, or improvement, the property shall be assessed as
176 provided in this subsection.

177 (i) The legislature, by general law and subject to
178 conditions specified therein, may prohibit the consideration of
179 the following in the determination of the assessed value of real
180 property:

181 (1) Any change or improvement to real property used for
182 residential purposes made to improve the property's resistance
183 to wind damage.

184 (2) The installation of a solar or renewable energy source
185 device.

186 (j)

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

189 a. Land used predominantly for commercial fishing purposes.

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

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

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

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

199 ARTICLE XII

200 SCHEDULE

201 Transfer of the accrued benefit from specified limitations
202 on homestead property tax assessments; increased portability
203 period.—This section and the amendment to Section 4 of Article

24-00301-18

2018452__

204 VII, which extends to three years the time period when the
205 accrued benefit from specified limitations on homestead property
206 tax assessments may be transferred from a prior homestead to a
207 new homestead, shall take effect January 1, 2019.

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

210 CONSTITUTIONAL AMENDMENT

211 ARTICLE VII, SECTION 4

212 ARTICLE XII

213 LIMITATIONS ON HOMESTEAD PROPERTY TAX ASSESSMENTS;
214 INCREASED PORTABILITY PERIOD TO TRANSFER ACCRUED BENEFIT.—
215 Proposing an amendment to the State Constitution, effective
216 January 1, 2019, to increase the period from 2 years to 3 years
217 when accrued Save-Our-Homes benefits may be transferred from a
218 prior homestead to a new homestead.