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HJR 369

2020 Legislature

House 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 of time during which 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

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26 noncommercial recreational purposes may be classified by general
27 law and assessed solely on the basis of character or use.

28 (b) As provided by general law and subject to conditions,
29 limitations, and reasonable definitions specified therein, land
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
33 held 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
42 changed annually on January 1st of each year; but those changes
43 in assessments shall not exceed the lower of the following:

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

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

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51 (2) No assessment shall exceed just value.

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

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

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

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

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

73 (8)

74 a. A person who establishes a new homestead as of January
 75 ~~1, 2009, or January 1 of any subsequent year~~ and who has

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

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

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

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

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

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

119 (f) A county may, in the manner prescribed by general law,
120 provide for a reduction in the assessed value of homestead
121 property to the extent of any increase in the assessed value of
122 that property which results from the construction or
123 reconstruction of the property for the purpose of providing
124 living quarters for one or more natural or adoptive grandparents
125 or parents of the owner of the property or of the owner's spouse

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

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

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

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

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

142 | (2) No assessment shall exceed just value.

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

148 | (4) Changes, additions, reductions, or improvements to
 149 | such property shall be assessed as provided for by general law;
 150 | however, after the adjustment for any change, addition,

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151 reduction, or improvement, the property shall be assessed as
 152 provided in this subsection.

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

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

161 (2) No assessment shall exceed just value.

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

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

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

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

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

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

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

187 (j)

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

190 a. Land used predominantly for commercial fishing
 191 purposes.

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

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

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

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

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ARTICLE XII

SCHEDULE

Transfer of the accrued benefit from specified limitations on homestead property tax assessments; increased portability period.—This section and the amendment to Section 4 of Article VII, which extends to three years the time period during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead, shall take effect January 1, 2021.

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

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ARTICLE XII

LIMITATIONS ON HOMESTEAD PROPERTY TAX ASSESSMENTS; INCREASED PORTABILITY PERIOD TO TRANSFER ACCRUED BENEFIT.— Proposing an amendment to the State Constitution, effective January 1, 2021, to increase, from 2 years to 3 years, the period of time during which accrued Save-Our-Homes benefits may be transferred from a prior homestead to a new homestead.