

By Senator Diaz

36-00423-21

2021156\_\_

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 authorize the Legislature, by general law, to prohibit increases in the assessed value of homestead property, for school district levy purposes, if the legal or equitable title to the property is held by a person who is 65 years of age or older and if that person has held such title and maintained permanent residence on the property for at least 25 years, 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

36-00423-21

2021156\_\_

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

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

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

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

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

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

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

54 (2) No assessment shall exceed just value.

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

36-00423-21

2021156\_\_

59 as provided in this subsection.

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

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

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

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

76 (8)a. A person who establishes a new homestead as of  
77 January 1 and who has received a homestead exemption pursuant to  
78 Section 6 of this Article as of January 1 of any of the three  
79 years immediately preceding the establishment of the new  
80 homestead is entitled to have the new homestead assessed at less  
81 than just value. The assessed value of the newly established  
82 homestead shall be determined as follows:

83 1. If the just value of the new homestead is greater than  
84 or equal to the just value of the prior homestead as of January  
85 1 of the year in which the prior homestead was abandoned, the  
86 assessed value of the new homestead shall be the just value of  
87 the new homestead minus an amount equal to the lesser of

36-00423-21

2021156\_\_

88 \$500,000 or the difference between the just value and the  
89 assessed value of the prior homestead as of January 1 of the  
90 year in which the prior homestead was abandoned. Thereafter, the  
91 homestead shall be assessed as provided in this subsection.

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

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

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

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

116 (f) A county may, in the manner prescribed by general law,

36-00423-21

2021156\_\_

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

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

128 (2) Twenty percent of the total assessed value of the  
129 property as improved.

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

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

139 (2) No assessment shall exceed just value.

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

145 (4) Changes, additions, reductions, or improvements to such

36-00423-21

2021156\_\_

146 property shall be assessed as provided for by general law;  
147 however, after the adjustment for any change, addition,  
148 reduction, or improvement, the property shall be assessed as  
149 provided in this subsection.

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

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

158 (2) No assessment shall exceed just value.

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

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

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

36-00423-21

2021156\_\_

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

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

182 (2) The installation of a solar or renewable energy source  
183 device.

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

186 a. Land used predominantly for commercial fishing purposes.

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

189 c. Marinas and drystackes that are open to the public.

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

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

196 (k) The legislature may, by general law, and subject to  
197 conditions specified therein, for school district levy purposes,  
198 prohibit increases in the assessed value of property qualifying  
199 for a homestead exemption under Section 6 of this Article if the  
200 legal or equitable title to the property is held by a person  
201 who:

202 (1) Has attained age sixty-five; and

203 (2) Has held legal or equitable title to the property and

36-00423-21

2021156\_\_

204 maintained permanent residence thereon for at least twenty-five  
 205 years.

206 ARTICLE XII

207 SCHEDULE

208 Assessment limitation for school district levy purposes for  
 209 certain persons who have attained age sixty-five.—This section  
 210 and the amendment to Section 4 of Article VII authorizing the  
 211 legislature, for school district levy purposes, to prohibit  
 212 increases in the assessed value of homestead property, if the  
 213 legal or equitable title to the property is held by a person who  
 214 has attained age sixty-five and if that person has held legal or  
 215 equitable title to the property and maintained permanent  
 216 residence thereon for at least twenty-five years, shall take  
 217 effect January 1, 2023.

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

220 CONSTITUTIONAL AMENDMENT

221 ARTICLE VII, SECTION 4

222 ARTICLE XII

223 HOMESTEAD ASSESSMENT LIMITATION FOR SCHOOL DISTRICT LEVY  
 224 PURPOSES FOR CERTAIN PERSONS AGE 65 OR OLDER.—Authorizes the  
 225 Legislature, by general law, to prohibit increases in the  
 226 assessed value of homestead property, for school district levy  
 227 purposes, if the legal or equitable title to the property is  
 228 held by a person who is 65 years of age or older and if that  
 229 person has held such title and maintained permanent residence on  
 230 the property for at least 25 years. This amendment takes effect  
 231 January 1, 2023.