

By Senator Avila

39-00223-23

2023122__

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 revise the limitation on annual increases of homestead property tax assessments 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 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

39-00223-23

2023122__

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

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

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

41 a. Two ~~Three~~ percent (2%) ~~(3%)~~ of the assessment for the
42 prior year.

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

48 (2) No assessment shall exceed just value.

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

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

58 (5) Changes, additions, reductions, or improvements to

39-00223-23

2023122__

59 homestead property shall be assessed as provided for by general
60 law; provided, however, after the adjustment for any change,
61 addition, reduction, or improvement, the property shall be
62 assessed as provided in this subsection.

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

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

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

77 1. If the just value of the new homestead is greater than
78 or equal to the just value of the prior homestead as of January
79 1 of the year in which the prior homestead was abandoned, the
80 assessed value of the new homestead shall be the just value of
81 the new homestead minus an amount equal to the lesser of
82 \$500,000 or the difference between the just value and the
83 assessed value of the prior homestead as of January 1 of the
84 year in which the prior homestead was abandoned. Thereafter, the
85 homestead shall be assessed as provided in this subsection.

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

39-00223-23

2023122__

88 which the prior homestead was abandoned, the assessed value of
89 the new homestead shall be equal to the just value of the new
90 homestead divided by the just value of the prior homestead and
91 multiplied by the assessed value of the prior homestead.
92 However, if the difference between the just value of the new
93 homestead and the assessed value of the new homestead calculated
94 pursuant to this sub-subparagraph is greater than \$500,000, the
95 assessed value of the new homestead shall be increased so that
96 the difference between the just value and the assessed value
97 equals \$500,000. Thereafter, the homestead shall be assessed as
98 provided in this subsection.

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

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

110 (f) A county may, in the manner prescribed by general law,
111 provide for a reduction in the assessed value of homestead
112 property to the extent of any increase in the assessed value of
113 that property which results from the construction or
114 reconstruction of the property for the purpose of providing
115 living quarters for one or more natural or adoptive grandparents
116 or parents of the owner of the property or of the owner's spouse

39-00223-23

2023122__

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

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

122 (2) Twenty percent of the total assessed value of the
123 property as improved.

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

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

133 (2) No assessment shall exceed just value.

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

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

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

39-00223-23

2023122__

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

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

152 (2) No assessment shall exceed just value.

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

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

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

169 (i) The legislature, by general law and subject to
170 conditions specified therein, may prohibit the consideration of
171 the following in the determination of the assessed value of real
172 property:

173 (1) Any change or improvement to real property used for
174 residential purposes made to improve the property's resistance

39-00223-23

2023122__

175 to wind damage.

176 (2) The installation of a solar or renewable energy source
177 device.

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

180 a. Land used predominantly for commercial fishing purposes.

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

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

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

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

190 ARTICLE XII

191 SCHEDULE

192 Revised limitation on increases of homestead property tax
193 assessments.—The amendment to Section 4 of Article VII revising,
194 from 3 percent to 2 percent, the limitation on an annual
195 increase of a homestead property tax assessment when such
196 percentage is lower than the percent change in the Consumer
197 Price Index for all urban consumers for the preceding calendar
198 year shall take effect January 1, 2025.

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

201 CONSTITUTIONAL AMENDMENT

202 ARTICLE VII, SECTION 4

203 ARTICLE XII

39-00223-23

2023122__

204 REVISÉD LIMITATION ON INCREASES OF HOMESTEAD PROPERTY TAX
205 ASSESSMENTS.—Proposing an amendment to the State Constitution to
206 revise, from 3 percent to 2 percent, the limitation on an annual
207 increase of a homestead property tax assessment when such
208 percentage is lower than the percent change in the Consumer
209 Price Index for all urban consumers for the preceding calendar
210 year. If approved, this amendment shall take effect January 1,
211 2025.