

By Senator Calatayud

38-00605-24

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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 remove provisions and apply certain requirements on the change in assessment of real property and residential real property to school district levies 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 of the State Constitution and the creation of a new section in Article XII 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

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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

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

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

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

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

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

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

112           (f) A county may, in the manner prescribed by general law,  
113 provide for a reduction in the assessed value of homestead  
114 property to the extent of any increase in the assessed value of  
115 that property which results from the construction or  
116 reconstruction of the property for the purpose of providing

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117 living quarters for one or more natural or adoptive grandparents  
118 or parents of the owner of the property or of the owner's spouse  
119 if at least one of the grandparents or parents for whom the  
120 living quarters are provided is 62 years of age or older. Such a  
121 reduction may not exceed the lesser of the following:

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

124 (2) Twenty percent of the total assessed value of the  
125 property as improved.

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

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

135 (2) No assessment shall exceed just value.

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

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

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

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

154 (2) No assessment shall exceed just value.

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

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

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

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

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175 (1) Any change or improvement to real property used for  
 176 residential purposes made to improve the property's resistance  
 177 to wind damage.

178 (2) The installation of a solar or renewable energy source  
 179 device.

180 (j)

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

183 a. Land used predominantly for commercial fishing purposes.

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

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

187 d. Water-dependent marine manufacturing facilities,  
 188 commercial fishing facilities, and marine vessel construction  
 189 and repair facilities and their support activities.

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

193 ARTICLE XII

194 SCHEDULE

195 Assessments on real property and residential real  
 196 property.—The amendment to Section 4 of Article VII to apply  
 197 certain requirements on the change in assessment of real  
 198 property and residential property to school district levies  
 199 shall take effect January 1, 2025.

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

202 CONSTITUTIONAL AMENDMENT

203 ARTICLE VII, SECTION 4

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## ARTICLE XII

REQUIREMENTS ON CHANGES IN ASSESSMENT OF CERTAIN PROPERTY  
APPLY TO SCHOOL DISTRICT LEVIES.—Proposing amendments to the  
State Constitution to remove provisions in order to apply  
requirements on the assessment change of real property and  
residential real property to school district levies. Current law  
provides that changes to the assessment of real property and  
residential real property with the exception of school district  
levies not exceed a certain amount or the just value of the real  
property or residential property. This amendment takes effect  
January 1, 2025.