

By Senator Polsky

30-01520-26

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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 prohibit an increase in the value of certain assessments for property with a decreasing just valuation 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.

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

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

(1)a. Except as provided in subparagraph b., assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

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

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

b. Except for assessments described in paragraph (5), an assessment may not increase if the just value of the property is less than the just value of the property on the preceding January 1.

(2) No assessment shall exceed just value.

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

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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

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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,

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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) a. Except as provided in subparagraph b. and paragraph
136 (4), assessments subject to this subsection shall be changed
137 annually on the date of assessment provided by law; but those
138 changes in assessments shall not exceed ten percent (10%) of the
139 assessment for the prior year.

140 (b) Except for assessments described in paragraph (4), an
141 assessment may not increase if the just value for the property
142 is less than the just value of the property on the preceding
143 January 1.

144 (2) No assessment shall exceed just value.

145 (3) After a change of ownership or control, as defined by

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146 general law, including any change of ownership of a legal entity
147 that owns the property, such property shall be assessed at just
148 value as of the next assessment date. Thereafter, such property
149 shall be assessed as provided in this subsection.

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

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

159 (1) a. Except as provided in subparagraph b. and paragraph
160 (5), assessments subject to this subsection shall be changed
161 annually on the date of assessment provided by law; but those
162 changes in assessments shall not exceed ten percent (10%) of the
163 assessment for the prior year.

164 b. Except for assessments described in paragraph (5), an
165 assessment may not increase if the just value of the property is
166 less than the just value of the property on the preceding
167 January 1.

168 (2) No assessment shall exceed just value.

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

174 (4) The legislature may provide that such property shall be

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175 assessed at just value as of the next assessment date after a
176 change of ownership or control, as defined by general law,
177 including any change of ownership of the legal entity that owns
178 the property. Thereafter, such property shall be assessed as
179 provided in this subsection.

180 (5) Changes, additions, reductions, or improvements to such
181 property shall be assessed as provided for by general law;
182 however, after the adjustment for any change, addition,
183 reduction, or improvement, the property shall be assessed as
184 provided in this subsection.

185 (i) The legislature, by general law and subject to
186 conditions specified therein, may prohibit the consideration of
187 the following in the determination of the assessed value of real
188 property:

189 (1) Any change or improvement to real property used for
190 residential purposes made to improve the property's resistance
191 to wind damage.

192 (2) The installation of a solar or renewable energy source
193 device.

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

196 a. Land used predominantly for commercial fishing purposes.
197 b. Land that is accessible to the public and used for
198 vessel launches into waters that are navigable.

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

200 d. Water-dependent marine manufacturing facilities,
201 commercial fishing facilities, and marine vessel construction
202 and repair facilities and their support activities.

203 (2) The assessment benefit provided by this subsection is

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204 subject to conditions and limitations and reasonable definitions
205 as specified by the legislature by general law.

206 SECTION XII

207 SCHEDULE

208 Assessment of certain property with a decreasing just
209 valuation. - This section and the amendment of Section 4 of
210 Article VII, which prohibits an increase in the value of certain
211 assessments for property with a decreasing just valuation, shall
212 take effect January 1, 2027.

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

215 CONSTITUTIONAL AMENDMENT

216 ARTICLE VII, SECTION 4

217 ARTICLE XII

218 ASSESSMENT OF PROPERTY WITH A DECREASING JUST VALUATION. -
219 Proposing an amendment to the State Constitution, effective
220 January 1, 2027, to prohibit increases in the assessed value of
221 homestead and nonhomestead property subject to the current 3
222 percent and 10 percent assessment limitations, respectively, if
223 the just valuation of such property has decreased since the
224 previous assessment. This prohibition does not apply to
225 assessments related to changes, additions, reductions, or
226 improvements to such property.