

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 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

26 | secure a just valuation of all property for ad valorem taxation,
 27 | provided:

28 | (a) Agricultural land, land producing high water recharge
 29 | to Florida's aquifers, or land used exclusively for
 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
 37 | held 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
 46 | changed annually on January 1st of each year; but those changes
 47 | in assessments shall not exceed the lower of the following:

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

50 | b. The percent change in the Consumer Price Index for all

51 urban consumers, U.S. City Average, all items 1967=100, or
52 successor reports for the preceding calendar year as initially
53 reported by the United States Department of Labor, Bureau of
54 Labor Statistics.

55 (2) No assessment shall exceed just value.

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

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

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

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

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

76 provisions of this amendment.

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

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

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

99 However, if the difference between the just value of the new
100 homestead and the assessed value of the new homestead calculated

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

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

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

117 (f) A county may, in the manner prescribed by general law,
118 provide for a reduction in the assessed value of homestead
119 property to the extent of any increase in the assessed value of
120 that property which results from the construction or
121 reconstruction of the property for the purpose of providing
122 living quarters for one or more natural or adoptive grandparents
123 or parents of the owner of the property or of the owner's spouse
124 if at least one of the grandparents or parents for whom the
125 living quarters are provided is 62 years of age or older. Such a

126 | reduction may not exceed the lesser of the following:

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

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

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

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

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

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

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

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

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

159 (2) No assessment shall exceed just value.

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

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

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

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

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

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

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

187 a. Land used predominantly for commercial fishing
 188 purposes.

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

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

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

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

198 (k) The legislature may, by general law, and subject to
 199 conditions specified therein, for school district levy purposes,
 200 prohibit increases in the assessed value of property qualifying

201 for a homestead exemption under Section 6 of this Article if the
 202 legal or equitable title to the property is held by a person
 203 who:

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

205 (2) Has held legal or equitable title to the property and
 206 maintained permanent residence thereon for at least twenty-five
 207 years.

208 ARTICLE XII

209 SCHEDULE

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

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

222 CONSTITUTIONAL AMENDMENT

223 ARTICLE VII, SECTION 4

224 ARTICLE XII

225 HOMESTEAD ASSESSMENT LIMITATION FOR SCHOOL DISTRICT LEVY

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