

Amendment No. 3

Commissioner Turbeville offered the following:

Substitute Amendment to Amendment (1) (with ballot statement and title amendments)

Remove line(s) 10-73 and insert:

That the following amendment to Section 4 of Article VII of the State Constitution is 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) 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.

(c) 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

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27 date of this amendment. This assessment shall change only as
28 provided herein.

29 (1) Assessments subject to this provision shall be changed
30 annually on January 1st of each year; but those changes in
31 assessments shall not exceed the lower of the following:

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

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

39 (2) No assessment shall exceed just value.

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

45 (4) New homestead property shall be assessed at just value
46 as of January 1st of the year following the establishment of the
47 homestead, unless the provisions of paragraph (8) apply. That
48 assessment shall only change as provided herein.

49 (5) Changes, additions, reductions, or improvements to
50 homestead property shall be assessed as provided for by general
51 law; provided, however, after the adjustment for any change,
52 addition, reduction, or improvement, the property shall be
53 assessed as provided herein.

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

56 (7) The provisions of this amendment are severable. If any
57 of the provisions of this amendment shall be held
58 unconstitutional by any court of competent jurisdiction, the
59 decision of such court shall not affect or impair any remaining
60 provisions of this amendment.

61 (8)a. A person who establishes a new homestead as of
62 January 1, 2009, or January 1 of any subsequent year and who has
63 received a homestead exemption pursuant to Section 6 of this
64 Article as of January 1 of either of the two years immediately
65 preceding the establishment of the new homestead is entitled to
66 have the new homestead assessed at less than just value. If this
67 revision is approved in January of 2008, a person who
68 establishes a new homestead as of January 1, 2008, is entitled
69 to have the new homestead assessed at less than just value only
70 if that person received a homestead exemption on January 1,
71 2007. The assessed value of the newly established homestead
72 shall be determined as follows:

73 1. If the just value of the new homestead is greater than
74 or equal to the just value of the prior homestead as of January
75 1 of the year in which the prior homestead was abandoned, the
76 assessed value of the new homestead shall be the just value of
77 the new homestead minus an amount equal to the lesser of
78 \$500,000 or the difference between the just value and the
79 assessed value of the prior homestead as of January 1 of the
80 year in which the prior homestead was abandoned. Thereafter, the
81 homestead shall be assessed as provided herein.

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82 2. If the just value of the new homestead is less than the
83 just value of the prior homestead as of January 1 of the year in
84 which the prior homestead was abandoned, the assessed value of
85 the new homestead shall be equal to the just value of the new
86 homestead divided by the just value of the prior homestead and
87 multiplied by the assessed value of the prior homestead.

88 However, if the difference between the just value of the new
89 homestead and the assessed value of the new homestead calculated
90 pursuant to this sub-subparagraph is greater than \$500,000, the
91 assessed value of the new homestead shall be increased so that
92 the difference between the just value and the assessed value
93 equals \$500,000. Thereafter, the homestead shall be assessed as
94 provided herein.

95 b. By general law and subject to conditions specified
96 therein, the Legislature shall provide for application of this
97 paragraph to property owned by more than one person.

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

106 (e) A county may, in the manner prescribed by general law,
107 provide for a reduction in the assessed value of homestead
108 property to the extent of any increase in the assessed value of
109 that property which results from the construction or

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110 reconstruction of the property for the purpose of providing
111 living quarters for one or more natural or adoptive grandparents
112 or parents of the owner of the property or of the owner's spouse
113 if at least one of the grandparents or parents for whom the
114 living quarters are provided is 62 years of age or older. Such a
115 reduction may not exceed the lesser of the following:

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

118 (2) Twenty percent of the total assessed value of the
119 property as improved.

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

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

129 (2) No assessment shall exceed just value.

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

135 (4) Changes, additions, reductions, or improvements to
136 such property shall be assessed as provided for by general law;
137 however, after the adjustment for any change, addition,

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138 reduction, or improvement, the property shall be assessed as
139 provided in this subsection.

140 (g) For all levies other than school district levies,
141 assessments of real property that is not subject to the
142 assessment limitations set forth in subsections (a) through (c)
143 and (f) shall change only as provided in this subsection.

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

148 (2) No assessment shall exceed just value.

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

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

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

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(h) As defined by general law, real property that is used to provide affordable housing and is subject to rent restrictions imposed by a governmental agency may be assessed as provided by general law, subject to conditions or limitations specified therein.

== B A L L O T S T A T E M E N T A M E N D M E N T ==

Remove lines 76-87 and insert:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ASSESSMENT OF REAL PROPERTY USED FOR AFFORDABLE HOUSING.—

Currently, the State Constitution requires real property used for affordable housing to be assessed at market value for the purposes of ad valorem taxation. This amendment will permit the Legislature to allow real property that is used to provide affordable housing to be assessed for ad valorem taxation in an amount less than market value.

===== T I T L E A M E N D M E N T =====

Remove lines 2-6 and insert:

A resolution proposing an amendment to Section 4 of Article VII of the State Constitution to permit the Legislature to provide by law for the assessment of real property used for affordable housing in an amount less than just value.