

1           Taxation and Budget Reform Commission Resolution  
2           A resolution proposing an amendment to Section 4 of  
3           Article VII and the creation of a new section in Article  
4           XII of the State Constitution to provide for the  
5           assessment of working waterfront property based upon  
6           current use.

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8   Be It Resolved by the Taxation and Budget Reform Commission:

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10           That the following amendment to Section 4 of Article VII  
11           and the creation of a new section in Article XII of the State  
12           Constitution is agreed to and shall be submitted to the electors  
13           of this state for approval or rejection at the next general  
14           election or at an earlier special election specifically  
15           authorized by law for that purpose:

16                           ARTICLE VII

17                                 FINANCE AND TAXATION

18           SECTION 4.   Taxation; assessments.--By general law  
19           regulations shall be prescribed which shall secure a just  
20           valuation of all property for ad valorem taxation, provided:

21           (a)   Agricultural land, land producing high water recharge  
22           to Florida's aquifers, or land used exclusively for  
23           noncommercial recreational purposes may be classified by general  
24           law and assessed solely on the basis of character or use.

25           (b)   Pursuant to general law tangible personal property  
26           held for sale as stock in trade and livestock may be valued for  
27           taxation at a specified percentage of its value, may be  
28           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 date of this amendment. This assessment shall change only as provided herein.

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

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

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.

(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 as provided herein.

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

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

58 assessed as provided herein.

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

61 (7) The provisions of this amendment are severable. If any  
62 of the provisions of this amendment shall be held  
63 unconstitutional by any court of competent jurisdiction, the  
64 decision of such court shall not affect or impair any remaining  
65 provisions of this amendment.

66 (8)a. A person who establishes a new homestead as of  
67 January 1, 2009, or January 1 of any subsequent year and who has  
68 received a homestead exemption pursuant to Section 6 of this  
69 Article as of January 1 of either of the two years immediately  
70 preceding the establishment of the new homestead is entitled to  
71 have the new homestead assessed at less than just value. If this  
72 revision is approved in January of 2008, a person who  
73 establishes a new homestead as of January 1, 2008, is entitled  
74 to have the new homestead assessed at less than just value only  
75 if that person received a homestead exemption on January 1,  
76 2007. The assessed value of the newly established homestead  
77 shall be determined as follows:

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

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than \$500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000. Thereafter, the homestead shall be assessed as provided herein.

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

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

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

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

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

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

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

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

(2) No assessment shall exceed just value.

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

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

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

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

(2) No assessment shall exceed just value.

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

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

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

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

a. Land used predominantly for commercial fishing purposes.

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

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

177 d. Water-dependent marine manufacturing facilities,  
178 commercial fishing facilities, and marine vessel construction  
179 and repair facilities and their support activities.

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

183 ARTICLE XII

184 SCHEDULE

185 Assessment of working waterfront property.--The amendment  
186 to Section 4 of Article VII, providing for the assessment of  
187 working waterfront property based on current use, and this  
188 section, shall take effect upon approval by the electors and  
189 shall first apply to assessments for tax years beginning January  
190 1, 2010.

191 BE IT FURTHER RESOLVED that the following statement be  
192 placed on the ballot:

193 CONSTITUTIONAL AMENDMENT

194 ARTICLE VII, SECTION 4

195 ARTICLE XII, NEW SECTION

196 ASSESSMENT OF WORKING WATERFRONT PROPERTY BASED UPON  
197 CURRENT USE.--Proposing amendment of the State Constitution to  
198 provide for assessment based upon use of land used predominantly  
199 for commercial fishing purposes; land used for vessel launches  
200 into waters that are navigable and accessible to the public;  
201 marinas and drystacks that are open to the public; and water-  
202 dependent marine manufacturing facilities, commercial fishing

203 facilities, and marine vessel construction and repair facilities  
204 and their support activities, subject to conditions,  
205 limitations, and reasonable definitions specified by general  
206 law.