

Taxation and Budget Reform Commission Resolution

A resolution proposing an amendment to Section 4 of Article VII and the creation of Section 28 of Article XII of the State Constitution requiring land used for conservation purposes to be classified and assessed solely on the basis of character or use for purposes of ad valorem taxation.

Be It Resolved by the Taxation and Budget Reform Commission:

That the following amendment to Section 4 of Article VII and the creation of Section 28 of 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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30 ~~(c)(b)~~ Pursuant to general law tangible personal property  
31 held for sale as stock in trade and livestock may be valued for  
32 taxation at a specified percentage of its value, may be  
33 classified for tax purposes, or may be exempted from taxation.

34 ~~(d)(e)~~ All persons entitled to a homestead exemption under  
35 Section 6 of this Article shall have their homestead assessed at  
36 just value as of January 1 of the year following the effective  
37 date of this amendment. This assessment shall change only as  
38 provided herein.

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

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

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

49 (2) No assessment shall exceed just value.

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

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

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

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

66 (7) The provisions of this amendment are severable. If any  
67 of the provisions of this amendment shall be held  
68 unconstitutional by any court of competent jurisdiction, the  
69 decision of such court shall not affect or impair any remaining  
70 provisions of this amendment.

71 (8)a. A person who establishes a new homestead as of  
72 January 1, 2009, or January 1 of any subsequent year and who has  
73 received a homestead exemption pursuant to Section 6 of this  
74 Article as of January 1 of either of the two years immediately  
75 preceding the establishment of the new homestead is entitled to  
76 have the new homestead assessed at less than just value. If this  
77 revision is approved in January of 2008, a person who  
78 establishes a new homestead as of January 1, 2008, is entitled  
79 to have the new homestead assessed at less than just value only  
80 if that person received a homestead exemption on January 1,  
81 2007. The assessed value of the newly established homestead  
82 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  
88 \$500,000 or the difference between the just value and the

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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 herein.

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 herein.

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)-(d) 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)-(e) A county may, in the manner prescribed by general  
117 law, 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) ~~(f)~~ 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) ~~(e)~~ shall change only as provided in this subsection.

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

139 (2) No assessment shall exceed just value.

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

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

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

(h) ~~(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 (d) ~~(e)~~ 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.

ARTICLE XII

SCHEDULE

177 SECTION 28. Classification and assessment of land used for  
 178 conservation purposes.--The amendment to Section 4 of Article  
 179 VII, requiring land used for conservation purposes to be  
 180 classified by general law and assessed solely on the basis of  
 181 character or use for purposes of ad valorem taxation, and this  
 182 section, shall take effect upon approval by the electors and  
 183 shall be implemented by January 1, 2010.

184 BE IT FURTHER RESOLVED that the following statement be  
 185 placed on the ballot:

186 CONSTITUTIONAL AMENDMENT

187 ARTICLE VII, SECTION 4;

188 ARTICLE XII, SECTION 28

189 CLASSIFICATION AND ASSESSMENT OF LAND USED FOR CONSERVATION  
 190 PURPOSES.--Proposing an amendment to the State Constitution to  
 191 require land used for conservation purposes to be classified by  
 192 general law and assessed solely on the basis of character or use  
 193 for purposes of ad valorem taxation, to be implemented by  
 194 January 1, 2010.

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