

1 Resolution of the Taxation and Budget Reform Commission
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 properties based upon
6 current use, rather than highest and best use.
7

8 Be It Resolved by the Taxation and Budget Reform Commission:
9

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.

29 (c) All persons entitled to a homestead exemption under
30 Section 6 of this Article shall have their homestead assessed at
31 just value as of January 1 of the year following the effective
32 date of this amendment. This assessment shall change only as
33 provided herein.

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

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

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

44 (2) No assessment shall exceed just value.

45 (3) After any change of ownership, as provided by general
46 law, homestead property shall be assessed at just value as of
47 January 1 of the following year. Thereafter, the homestead shall
48 be assessed as provided herein.

49 (4) New homestead property shall be assessed at just value
50 as of January 1st of the year following the establishment of the
51 homestead. That assessment shall only change as provided herein.

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

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

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

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

72 (e) A county may, in the manner prescribed by general law,
73 provide for a reduction in the assessed value of homestead
74 property to the extent of any increase in the assessed value of
75 that property which results from the construction or
76 reconstruction of the property for the purpose of providing
77 living quarters for one or more natural or adoptive grandparents
78 or parents of the owner of the property or of the owner's spouse
79 if at least one of the grandparents or parents for whom the
80 living quarters are provided is 62 years of age or older. Such a
81 reduction may not exceed the lesser of the following:

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

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

86 (f) As defined by general law, land that is used
87 predominantly for commercial fishing purposes, used
88 predominantly for commercial or industrial water-dependent
89 activities, or used for public access to waters that are
90 navigable, shall be assessed based upon the current use of the
91 property and not the highest and best use of the property.
92 Marinas and drystacks that are open to the public, water-
93 dependent marine manufacturing facilities, commercial fishing
94 facilities, and marine repair facilities and their support
95 facilities, shall also be assessed based upon the current use of
96 the property and not the highest and best use of the property.
97 By general law, adopted by a three-fifths vote of the
98 legislature, other water-dependent facilities may also be
99 assessed as provided herein. For purposes of this subsection,
100 the term "water-dependent activities" means activities that can
101 be conducted only on, in, over, or adjacent to waters that are
102 navigable and that requires direct access to navigable water and
103 involves the use of navigable water as an integral part of such
104 activity. This subsection shall apply to all levies other than
105 school district levies.

ARTICLE XII

SCHEDULE

108 This section and the amendment to Section 4 of Article VII
109 providing for the assessment of working waterfront based on
110 current use shall take effect upon approval by the electors and
111 shall be implemented by the legislature before January 1, 2010.

112 BE IT FURTHER RESOLVED that the following statement be
113 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ARTICLE XII

ASSESSMENT OF WORKING WATERFRONT BASED ON CURRENT USE,
INSTEAD OF HIGHEST AND BEST USE.--This proposed amendment to the
State Constitution provides for assessments for ad valorem
taxation, except for school district levies, at current use,
rather than highest and best use for properties used for a
variety of commercial marine activities, including commercial
fishing and marine repair facilities or to provide public access
to navigable waters. The amendment also permits the Legislature,
by supermajority vote, to expand the application of this
amendment to other water dependent facilities.