

## Amendment No. 1

Commissioner Lacasa offered the following:

**Amendment (with ballot statement and title amendments)**

Remove line(s) 15-321 and insert:

That the following amendments to Sections 3, 4, and 6 and the creation of Section 19 of Article VII and the creation of Section 27 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:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.-

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

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28 (c) Any county or municipality may, for the purpose of its  
29 respective tax levy and subject to the provisions of this  
30 subsection and general law, grant community and economic  
31 development ad valorem tax exemptions to new businesses and  
32 expansions of existing businesses, as defined by general law.  
33 Such an exemption may be granted only by ordinance of the county  
34 or municipality, and only after the electors of the county or  
35 municipality voting on such question in a referendum authorize  
36 the county or municipality to adopt such ordinances. An  
37 exemption so granted shall apply to improvements to real  
38 property made by or for the use of a new business and  
39 improvements to real property related to the expansion of an  
40 existing business and shall also apply to tangible personal  
41 property of such new business and tangible personal property  
42 related to the expansion of an existing business. The amount or  
43 limits of the amount of such exemption shall be specified by  
44 general law. The period of time for which such exemption may be  
45 granted to a new business or expansion of an existing business  
46 shall be determined by general law. The authority to grant such  
47 exemption shall expire ten years from the date of approval by  
48 the electors of the county or municipality, and may be renewable  
49 by referendum as provided by general law.

50 (d) By general law and subject to conditions specified  
51 therein, there may be granted an ad valorem tax exemption to a  
52 renewable energy source device and to real property on which  
53 such device is installed and operated, to the value fixed by  
54 general law not to exceed the original cost of the device, and

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55 for the period of time fixed by general law not to exceed ten  
56 years.

57 (e) Any county or municipality may, for the purpose of its  
58 respective tax levy and subject to the provisions of this  
59 subsection and general law, grant historic preservation ad  
60 valorem tax exemptions to owners of historic properties. This  
61 exemption may be granted only by ordinance of the county or  
62 municipality. The amount or limits of the amount of this  
63 exemption and the requirements for eligible properties must be  
64 specified by general law. The period of time for which this  
65 exemption may be granted to a property owner shall be determined  
66 by general law.

67 (f) By general law and subject to conditions specified  
68 therein, twenty-five thousand dollars of the assessed value of  
69 property subject to tangible personal property tax shall be  
70 exempt from ad valorem taxation.

71 (g) By general law and subject to conditions specified  
72 therein, improved residential real property the owner of which  
73 is not receiving the exemption set forth in Section 6 shall be  
74 entitled to an exemption for 2009 equal to twenty-five percent  
75 (25%) of the just value of such property and for 2010 and  
76 thereafter equal to        percent (    %) of the just value of such  
77 property. However, in any year such property shall receive only  
78 the exemption provided in this subsection or the application of  
79 the cumulative assessment limitation calculated pursuant to  
80 subsection (f) of Section 4, whichever provides the lower  
81 taxable value.

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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 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

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110 general law, homestead property shall be assessed at just  
111 value as of January 1 of the following year, unless the  
112 provisions of paragraph (8) apply. Thereafter, the homestead  
113 shall be assessed as provided herein.

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

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

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

126 (7) The provisions of this amendment are severable. If any  
127 of the provisions of this amendment shall be held  
128 unconstitutional by any court of competent jurisdiction, the  
129 decision of such court shall not affect or impair any remaining  
130 provisions of this amendment.

131 (8)a. A person who establishes a new homestead as of  
132 January 1, 2009, or January 1 of any subsequent year and who has  
133 received a homestead exemption pursuant to Section 6 of this  
134 Article as of January 1 of either of the two years immediately  
135 preceding the establishment of the new homestead is entitled to  
136 have the new homestead assessed at less than just value. If this  
137 revision is approved in January of 2008, a person who

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138 establishes a new homestead as of January 1, 2008, is entitled  
139 to have the new homestead assessed at less than just value only  
140 if that person received a homestead exemption on January 1,  
141 2007. The assessed value of the newly established homestead  
142 shall be determined as follows:

143 1. If the just value of the new homestead is greater than  
144 or equal to the just value of the prior homestead as of January  
145 1 of the year in which the prior homestead was abandoned, the  
146 assessed value of the new homestead shall be the just value of  
147 the new homestead minus an amount equal to the lesser of  
148 \$500,000 or the difference between the just value and the  
149 assessed value of the prior homestead as of abandoned.

150 Thereafter, the homestead shall be assessed as provided herein.

151 2. If the just value of the new homestead is less than the  
152 just value of the prior homestead as of January 1 of the year in  
153 which the prior homestead was abandoned, the assessed value of  
154 the new homestead shall be equal to the just value of the new  
155 homestead divided by the just value of the prior homestead and  
156 multiplied by the assessed value of the prior homestead.

157 However, if the difference between the just value of the new  
158 homestead and the assessed value of the new homestead calculated  
159 pursuant to this sub-subparagraph is greater than \$500,000, the  
160 assessed value of the new homestead shall be increased so that  
161 the difference between the just value and the assessed value  
162 equals \$500,000. Thereafter, the homestead shall be assessed as  
163 provided herein.

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

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

175       (e) A county may, in the manner prescribed by general law,  
176       provide for a reduction in the assessed value of homestead  
177       property to the extent of any increase in the assessed value of  
178       that property which results from the construction or  
179       reconstruction of the property for the purpose of providing  
180       living quarters for one or more natural or adoptive grandparents  
181       or parents of the owner of the property or of the owner's spouse  
182       if at least one of the grandparents or parents for whom the  
183       living quarters are provided is 62 years of age or older. Such a  
184       reduction may not exceed the lesser of the following:

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

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

189       ~~(f) For all levies other than school district levies,~~  
190       ~~assessments of residential real property, as defined by general~~  
191       ~~law, which contains nine units or fewer and which is not subject~~

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~~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 (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~~



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219 ~~13 shall be assessed at just value as of the next assessment~~  
220 ~~date after a qualifying improvement, as defined by general law,~~  
221 ~~is made to such property. Thereafter, such property shall be~~  
222 ~~assessed as provided in this subsection.~~

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

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

234 (f) Assessments of real property that is not subject to  
235 the assessment limitations set forth in subsections (a) and (c)  
236 shall change only as provided in this subsection.

237 (1) Assessments subject to this subsection shall be  
238 changed annually on the date of assessment provided by law, but  
239 those changes in assessments shall not exceed five percent (5%)  
240 of the assessment for the prior year.

241 (2) No assessment shall exceed just value.

242 (3) Such property shall be assessed at just value as of  
243 the next assessment date after a qualifying improvement, as  
244 defined by general law, is made to such property or after a  
245 change in ownership or control, as defined by general law,  
246 including any change of ownership of the legal entity that owns

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247 the property. The legislature may provide for specified classes  
248 of property to be assessed at just value only after a change in  
249 ownership of such property or after a qualifying improvement is  
250 made to such property. Thereafter, such property shall be  
251 assessed as provided in this subsection.

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

## SECTION 6. Homestead exemptions.--

258 (a) Every person who has the legal or equitable title to  
259 real estate and maintains thereon the permanent residence of the  
260 owner, or another legally or naturally dependent upon the owner,  
261 shall be exempt from taxation thereon, except assessments for  
262 special benefits, up to the assessed valuation of twenty-five  
263 thousand dollars and, ~~for all levies other than school district~~  
264 ~~levies, on the assessed valuation greater than fifty thousand~~  
265 ~~dollars and up to seventy five thousand dollars,~~ upon  
266 establishment of right thereto in the manner prescribed by law.  
267 The real estate may be held by legal or equitable title, by the  
268 entireties, jointly, in common, as a condominium, or indirectly  
269 by stock ownership or membership representing the owner's or  
270 member's proprietary interest in a corporation owning a fee or a  
271 leasehold initially in excess of ninety-eight years. The  
272 ~~exemption shall not apply with respect to any assessment roll~~  
273 ~~until such roll is first determined to be in compliance with the~~  
274 ~~provisions of section 4 by a state agency designated by general~~

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275 ~~law. This exemption is repealed on the effective date of any~~  
276 ~~amendment to this Article which provides for the assessment of~~  
277 ~~homestead property at less than just value.~~

278 (b) Not more than one exemption shall be allowed any  
279 individual or family unit or with respect to any residential  
280 unit. No exemption shall exceed the value of the real estate  
281 assessable to the owner or, in case of ownership through stock  
282 or membership in a corporation, the value of the proportion  
283 which the interest in the corporation bears to the assessed  
284 value of the property.

285 (c) By general law and subject to conditions specified  
286 therein, each person who is entitled to receive the homestead  
287 exemption provided in subsection (a) is also entitled to an  
288 additional homestead exemption for 2009 in an amount equal to  
289 twenty-five percent (25%) of the just value of the homestead and  
290 for 2010 and each year thereafter in an amount equal to  
291 percent ( %) of the just value of the homestead. The additional  
292 exemption shall apply only after the first fifty thousand  
293 dollars of just value of the homestead property. However, in any  
294 year, such person shall receive only the exemption provided in  
295 this subsection or the application of the cumulative assessment  
296 limitation calculated pursuant to subsection (c) of Section 4,  
297 whichever provides the lower taxable value. The exemption shall  
298 not apply with respect to any assessment roll until such roll is  
299 first determined to be in compliance with the provisions of  
300 Section 4 by a state agency designated by general law. This  
301 exemption is repealed on the effective date of any future

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amendment to this constitution which provides for the assessment of homestead property at less than just value.

~~(d)~~~~(e)~~ By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

~~(e)~~~~(d)~~ The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

~~(f)~~~~(e)~~ Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon

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330 separation from military service. The discount shall be in a  
331 percentage equal to the percentage of the veteran's permanent,  
332 service-connected disability as determined by the United States  
333 Department of Veterans Affairs. To qualify for the discount  
334 granted by this subsection, an applicant must submit to the  
335 county property appraiser, by March 1, proof of residency at the  
336 time of entering military service, an official letter from the  
337 United States Department of Veterans Affairs stating the  
338 percentage of the veteran's service-connected disability and  
339 such evidence that reasonably identifies the disability as  
340 combat related, and a copy of the veteran's honorable discharge.  
341 If the property appraiser denies the request for a discount, the  
342 appraiser must notify the applicant in writing of the reasons  
343 for the denial, and the veteran may reapply. The Legislature  
344 may, by general law, waive the annual application requirement in  
345 subsequent years. This subsection shall take effect December 7,  
346 2006, is self-executing, and does not require implementing  
347 legislation.

348 SECTION 19. Temporary sales and use tax increase.--

349 (a) Beginning July 1, 2009, and terminating at midnight,  
350 June 30, 2012, the tax imposed on any transaction or use  
351 currently or hereafter subject to taxation pursuant to the  
352 provisions of chapter 212, Florida Statutes, is increased by  
353 adding one percentage point to the tax rate. Exemptions from  
354 such tax adopted by general law shall apply to the tax increase  
355 imposed by this section.

356 (b) The proceeds of the tax increase imposed by this  
357 section shall be set aside for distribution to school districts

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358 and used to replace the annual loss of property tax revenues to  
359 school districts resulting from the amendments to Sections 3, 4,  
360 and 6 of Article VII of this constitution providing an exemption  
361 for nonhomestead improved residential property, providing an  
362 additional homestead exemption, and limiting annual assessment  
363 increases for nonhomestead real property. Tax revenues collected  
364 in excess of those needed to replace the loss to school  
365 disctricts shall be distributed to other local governments as  
366 provided by general law.

## ARTICLE XII

## SCHEDULE

369 SECTION 27. Property tax exemptions, property assessment  
370 increase limitation, and temporary sales tax increase.--The  
371 amendments to Sections 3, 4, and 6 and the creation of Section  
372 19 of Article VII providing an exemption for nonhomestead  
373 residential property, providing an additional homestead  
374 exemption, providing a limitation on assessment increases for  
375 nonhomestead real properties, and providing for a temporary  
376 increase in the state sales and use tax, and this section, if  
377 submitted to the electors of this state for approval or  
378 rejection at the general election held in November of 2008,  
379 shall take effect January 1, 2009.

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

385 Remove line(s) 324-336 and insert:

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386 CONSTITUTIONAL AMENDMENT  
387 ARTICLE VII, SECTIONS 3, 4, 6, AND 19  
388 ARTICLE XII, SECTION 27  
389 PROPERTY TAX EXEMPTIONS; NONHOMESTEAD PROPERTY ASSESSMENT  
390 INCREASE LIMITATION; TEMPORARY SALES TAX INCREASE.--This  
391 revision proposes changes to the State Constitution to provide  
392 an exemption for nonhomestead improved residential property  
393 equal to a percentage of the property's just value, provide an  
394 additional homestead exemption equal to a percentage of the  
395 homestead's just value above \$50,000, limit annual increases in  
396 assessments of real property that is not homestead property, and  
397 provide for a temporary increase in the state sales and use tax.

398

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

400 Remove line(s) 1-11 and insert:

401 Resolution of the Taxation and Budget Reform Commission  
402 A resolution proposing amendments to Sections 3, 4, and 6 and  
403 the creation of Section 19 of Article VII and the creation of  
404 Section 27 of Article XII of the State Constitution, to provide  
405 an exemption for nonhomestead improved residential property, to  
406 provide an additional homestead exemption, to limit annual  
407 assessment increases for nonhomestead real property, to provide  
408 for a temporary increase in the state sales tax rate, and to  
409 provide an effective date if such amendments are adopted.

410