

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.

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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.

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.

106 ARTICLE XII

107 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:

114 CONSTITUTIONAL AMENDMENT

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## 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.