

1 Resolution of the Taxation and Budget Reform Commission
2 A resolution proposing an amendment to Sections 3 and 4 of
3 Article VII and the creation of a new section in Article
4 XII of the State Constitution, to prohibit the
5 consideration of storm-hardening improvements and the
6 installation of renewable energy source devices in the
7 determination of the assessed value of residential real
8 property and to provide an effective date if such
9 amendment is adopted.

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

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13 That the following amendment to Sections 3 and 4 of Article
14 VII and the creation of a new section in Article XII of the
15 State Constitution is agreed to and shall be submitted to the
16 electors of this state for approval or rejection at the next
17 general election or at an earlier special election specifically
18 authorized by law for that purpose:

19 ARTICLE VII

20 FINANCE AND TAXATION

21 SECTION 3. Taxes; exemptions.--

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

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

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

59 (d) By general law and subject to conditions specified
60 therein, there may be granted an ad valorem tax exemption to a
61 renewable energy source device and to real property on which
62 such device is installed and operated, to the value fixed by
63 general law not to exceed the original cost of the device, and
64 for the period of time fixed by general law not to exceed ten
65 years.

66 (d)(e) Any county or municipality may, for the purpose of
67 its respective tax levy and subject to the provisions of this
68 subsection and general law, grant historic preservation ad
69 valorem tax exemptions to owners of historic properties. This
70 exemption may be granted only by ordinance of the county or
71 municipality. The amount or limits of the amount of this
72 exemption and the requirements for eligible properties must be
73 specified by general law. The period of time for which this
74 exemption may be granted to a property owner shall be determined
75 by general law.

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

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

83 (b) Pursuant to general law tangible personal property
84 held for sale as stock in trade and livestock may be valued for
85 taxation at a specified percentage of its value, may be
86 classified for tax purposes, or may be exempted from taxation.

87 (c) All persons entitled to a homestead exemption under

88 Section 6 of this Article shall have their homestead assessed at
89 just value as of January 1 of the year following the effective
90 date of this amendment. This assessment shall change only as
91 provided herein.

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

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

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

102 (2) No assessment shall exceed just value.

103 (3) After any change of ownership, as provided by general
104 law, homestead property shall be assessed at just value as of
105 January 1 of the following year. Thereafter, the homestead shall
106 be assessed as provided herein.

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

110 (5) Changes, additions, reductions, or improvements to
111 homestead property shall be assessed as provided for by general
112 law; provided, however, after the adjustment for any change,
113 addition, reduction, or improvement, the property shall be
114 assessed as provided in this section herein.

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

117 (7) The provisions of this amendment are severable. If any
118 of the provisions of this amendment shall be held
119 unconstitutional by any court of competent jurisdiction, the
120 decision of such court shall not affect or impair any remaining
121 provisions of this amendment.

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

130 (e) A county may, in the manner prescribed by general law,
131 provide for a reduction in the assessed value of homestead
132 property to the extent of any increase in the assessed value of
133 that property which results from the construction or
134 reconstruction of the property for the purpose of providing
135 living quarters for one or more natural or adoptive grandparents
136 or parents of the owner of the property or of the owner's spouse
137 if at least one of the grandparents or parents for whom the
138 living quarters are provided is 62 years of age or older. Such a
139 reduction may not exceed the lesser of the following:

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

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

144 (f) The legislature, by general law and subject to
145 conditions specified therein, may prohibit the consideration of

the following in the determination of the assessed value of real property used for residential purposes:

(1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.

(2) The installation of a renewable energy source device.

ARTICLE XII

SCHEDULE

Limitation on the assessed value of real property used for residential purposes.--

(a) The amendment to Section 4 of Article VII, prohibiting an increase in the assessed value of real property used for residential purposes as the result of improving the property's resistance to wind damage or installing a renewable energy source device, shall take effect January 1, 2009.

(b) The repeal of the renewable energy source property tax exemption in Section 3 of Article VII shall take effect upon approval by the voters.

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

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ARTICLE XII

IMPROVEMENTS NOT AFFECTING THE ASSESSED VALUE OF RESIDENTIAL REAL PROPERTY.--Under this proposed amendment to the State Constitution, the Legislature may prohibit the consideration of storm-hardening improvements and the installation of renewable energy source devices to determine assessed value of residential real property for the purposes of ad valorem taxation. The amendment also repeals a property tax

CS for CP0004

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175 exemption relating to renewable energy source devices that is
176 not in effect.