

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 land used for commercial fishing and other  
 6 water related purposes based on 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, unless the provisions of  
48 paragraph (8) apply. Thereafter, the homestead shall be assessed  
49 as provided herein.

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

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

58 assessed as provided herein.

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

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

66 (8)a. A person who establishes a new homestead as of  
67 January 1, 2009, or January 1 of any subsequent year and who has  
68 received a homestead exemption pursuant to Section 6 of this  
69 Article as of January 1 of either of the two years immediately  
70 preceding the establishment of the new homestead is entitled to  
71 have the new homestead assessed at less than just value. If this  
72 revision is approved in January of 2008, a person who  
73 establishes a new homestead as of January 1, 2008, is entitled  
74 to have the new homestead assessed at less than just value only  
75 if that person received a homestead exemption on January 1,  
76 2007. The assessed value of the newly established homestead  
77 shall be determined as follows:

78 1. If the just value of the new homestead is greater than  
79 or equal to the just value of the prior homestead as of January  
80 1 of the year in which the prior homestead was abandoned, the  
81 assessed value of the new homestead shall be the just value of  
82 the new homestead minus an amount equal to the lesser of  
83 \$500,000 or the difference between the just value and the  
84 assessed value of the prior homestead as of January 1 of the  
85 year in which the prior homestead was abandoned. Thereafter, the  
86 homestead shall be assessed as provided herein.

87           2. If the just value of the new homestead is less than the  
88 just value of the prior homestead as of January 1 of the year in  
89 which the prior homestead was abandoned, the assessed value of  
90 the new homestead shall be equal to the just value of the new  
91 homestead divided by the just value of the prior homestead and  
92 multiplied by the assessed value of the prior homestead.  
93 However, if the difference between the just value of the new  
94 homestead and the assessed value of the new homestead calculated  
95 pursuant to this sub-subparagraph is greater than \$500,000, the  
96 assessed value of the new homestead shall be increased so that  
97 the difference between the just value and the assessed value  
98 equals \$500,000. Thereafter, the homestead shall be assessed as  
99 provided herein.

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

103           (d) The legislature may, by general law, for assessment  
104 purposes and subject to the provisions of this subsection, allow  
105 counties and municipalities to authorize by ordinance that  
106 historic property may be assessed solely on the basis of  
107 character or use. Such character or use assessment shall apply  
108 only to the jurisdiction adopting the ordinance. The  
109 requirements for eligible properties must be specified by  
110 general law.

111           (e) A county may, in the manner prescribed by general law,  
112 provide for a reduction in the assessed value of homestead  
113 property to the extent of any increase in the assessed value of  
114 that property which results from the construction or  
115 reconstruction of the property for the purpose of providing

116 living quarters for one or more natural or adoptive grandparents  
117 or parents of the owner of the property or of the owner's spouse  
118 if at least one of the grandparents or parents for whom the  
119 living quarters are provided is 62 years of age or older. Such a  
120 reduction may not exceed the lesser of the following:

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

123 (2) Twenty percent of the total assessed value of the  
124 property as improved.

125 (f) For all levies other than school district levies,  
126 assessments of residential real property, as defined by general  
127 law, which contains nine units or fewer and which is not subject  
128 to the assessment limitations set forth in subsections (a)  
129 through (c) shall change only as provided in this subsection.

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

134 (2) No assessment shall exceed just value.

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

140 (4) Changes, additions, reductions, or improvements to  
141 such property shall be assessed as provided for by general law;  
142 however, after the adjustment for any change, addition,  
143 reduction, or improvement, the property shall be assessed as  
144 provided in this subsection.

145 (g) For all levies other than school district levies,  
146 assessments of real property that is not subject to the  
147 assessment limitations set forth in subsections (a) through (c)  
148 and (f) shall change only as provided in this subsection.

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

153 (2) No assessment shall exceed just value.

154 (3) The legislature must provide that such property shall  
155 be assessed at just value as of the next assessment date after a  
156 qualifying improvement, as defined by general law, is made to  
157 such property. Thereafter, such property shall be assessed as  
158 provided in this subsection.

159 (4) The legislature may provide that such property shall  
160 be assessed at just value as of the next assessment date after a  
161 change of ownership or control, as defined by general law,  
162 including any change of ownership of the legal entity that owns  
163 the property. Thereafter, such property shall be assessed as  
164 provided in this subsection.

165 (5) Changes, additions, reductions, or improvements to  
166 such property shall be assessed as provided for by general law;  
167 however, after the adjustment for any change, addition,  
168 reduction, or improvement, the property shall be assessed as  
169 provided in this subsection.

170 (h)(1) The assessment of the following shall be based on  
171 the current use of the property:

172 a. land that is used predominantly for commercial fishing  
173 purposes;

174 b. land that is used predominantly for commercial or  
 175 industrial water-dependent activities that can be conducted only  
 176 on, in, over, or adjacent to waters that are navigable and which  
 177 require direct access to water and involve the use of water as  
 178 an integral part of such activities;

179 c. land used for vessel launches into navigable waters and  
 180 that is accessible to the public;

181 d. marinas and drystacks that are open to the public; and

182 e. water-dependent marine manufacturing facilities,  
 183 commercial fishing facilities, and marine vessel construction  
 184 and repair facilities and their support activities.

185 (2) The assessment benefit provided by this subsection is  
 186 subject to conditions and limitations and reasonable definitions  
 187 specified by the legislature by law.

188 ARTICLE XII

189 SCHEDULE

190 Assessment of working waterfront.--This section, and the  
 191 amendment to Section 4 of Article VII providing for the  
 192 assessment of working waterfront based on current use, shall  
 193 take effect upon approval by the electors and shall first apply  
 194 to assessments on January 1, 2010.

195  
 196 BE IT FURTHER RESOLVED that the following statement be  
 197 placed on the ballot:

198 CONSTITUTIONAL AMENDMENT

199 ARTICLE VII, SECTION 4

200 ARTICLE XII

201 ASSESSMENT OF WORKING WATERFRONT BASED ON CURRENT USE.--

202 This proposed amendment to the State Constitution provides that

203 certain working waterfront properties will be assessed for the  
204 purposes of ad valorem taxation based on their use, rather than  
205 at just value. The properties affected include land used for a  
206 variety of commercial water-dependent activities, including  
207 commercial fishing, vessel construction and repair, marinas, and  
208 land used for vessel launches which is accessible to the public.