

Tab 1	SJR 886 by Brandes ; (Similar to CS/H 00717) Homestead Tax Exemption/Surviving Spouse of a Veteran
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Tab 2	SB 888 by Brandes ; (Similar to CS/H 00719) Homestead Property Tax Discount
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

MILITARY AND VETERANS AFFAIRS AND SPACE
Senator Wright, Chair
Senator Cruz, Vice Chair

MEETING DATE: Wednesday, March 13, 2019
TIME: 10:00 a.m.—12:00 noon
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Wright, Chair; Senator Cruz, Vice Chair; Senators Broxson, Gainer, Harrell, Pizzo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SJR 886 Brandes (Similar CS/HJR 717, Compare CS/H 719, Linked S 888)	Homestead Tax Exemption/Surviving Spouse of a Veteran; Proposing amendments to the State Constitution to provide that the homestead property tax discount for certain veterans who had permanent, combat-related disabilities carries over to the benefit of the veteran's surviving spouse under certain circumstances until he or she remarries or sells or otherwise disposes of the property, to provide that the discount for the surviving spouse is transferrable to another homestead under certain circumstances, and to provide an effective date, etc. MS 03/13/2019 Favorable FT AP	Favorable Yeas 7 Nays 0
2	SB 888 Brandes (Similar CS/H 719, Compare CS/HJR 717, Linked SJR 886)	Homestead Property Tax Discount; Providing that if certain conditions are met, the homestead property tax discount for certain disabled veterans carries over to the benefit of the veteran's surviving spouse until the surviving spouse remarries or sells or otherwise disposes of the homestead property; providing that if the surviving spouse sells the property, the discount may be transferred to his or her new primary residence, subject to certain conditions, etc. MS 03/13/2019 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs and Space

BILL: SJR 886

INTRODUCER: Senator Brandes

SUBJECT: Homestead Tax Exemption/Surviving Spouse of a Veteran

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Favorable
2.			FT	
3.			AP	

I. Summary:

SJR 886 proposes an amendment to Section 6, Article VII, and creates a new section in Article XII, of the State Constitution. The proposed amendment provides for the homestead property tax discount afforded to veterans with permanent, combat-related disabilities to carry over to a surviving spouse in certain circumstances, provided that the veteran had applied for and received the discount.

The joint resolution would require approval by a three-fifths vote of the membership of each house of the Legislature for passage.

If approved by the voters, the joint resolution provides that the amendment would take effect January 1, 2021.

The Department of State estimates a total cost of approximately \$8,363.70 for two publications of the ballot title and summary in a newspaper of general circulation in each county before the election, as is required by the State Constitution.

The Revenue Estimating Conference (REC) has not yet adopted an impact for this bill. The REC has, however, reviewed similar legislation in 2019 House Bills HJR 717, and HB 719. The REC determined that the impact of the bill is indeterminate because it requires voter approval. If approved by the voters, the bill would reduce aggregate local property taxes by \$1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$5.4 million per fiscal year.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31. The State Constitution prohibits the state from levying ad valorem taxes,⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the State Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida’s aquifers, land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Exemptions and Discounts on Homestead Property

Although all real and personal property in Florida is subject to taxation, a person may apply for an exemption in certain circumstances.¹¹

If a person is entitled to an exemption from taxation, he or she must file an application on or before March 1 requesting the exemption with the appropriate county property appraiser.¹² The Department of Revenue prescribes the forms upon which the application is made.¹³

¹ Both real property and tangible personal property can be subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See *Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4, 9 (Fla. 1973).

³ See s. 192.001(3) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ Section 196.001(1), F.S.

¹² Section 196.011(1)(a), F.S.

¹³ *Id.*

An exemption on homestead property applies to all homeowners in the state on one permanent residence¹⁴ per individual or family.¹⁵ Application of this provision exempts from taxation both up to the assessed value of \$25,000 on the residence and contiguous real property, and an additional exemption of up to \$25,000 on the assessed valuation greater than \$50,000 and up to \$75,000 for all levies other than school district levies.¹⁶

In addition to the exemption provided in s. 6, Article VII, of the State Constitution, and s. 196.031, F.S., which is available to all permanent resident homeowners in the state on a homestead property, other exemptions and discounts on taxation apply to certain homeowners of homestead property. Persons eligible for these exemptions include qualifying disabled persons, first responders, and veterans.¹⁷ Other than in instances in which the homestead property is totally exempt from taxation, the general exemption applies first, followed by the others in the order that results in the lowest taxable value.¹⁸

Exemptions on Homestead Property for Veterans

Florida law currently provides five discounts on, or exemptions from, ad valorem taxes on homestead property for the benefit of a qualifying veteran or his or her surviving spouse.

Specifically, an exemption or discount is available to a:

- Disabled veteran, age 65 or older, provided that the disability is combat-related, in an amount based on the percent of disability;¹⁹
- Veteran disabled 10 percent or more by misfortune or during wartime service, or a surviving spouse, in an amount of up to \$5,000;²⁰
- Veteran with a service-connected total disability that confines him or her to a wheelchair, or a surviving spouse, provided as a total exemption from all homestead property taxes;²¹
- Veteran with a totally and permanently service-connected disability, or a surviving spouse, provided as a total exemption from all homestead property taxes;²² and
- Surviving spouse of a veteran who died while on active duty, provided as a total exemption from all homestead property taxes.²³

Qualification Requirement on the Tax Discount on Homestead Property for a Combat-disabled Veteran

Of the exemptions listed above, only the tax discount on homestead property for disabled veterans, aged 65 or older does not carry over to a surviving spouse.²⁴ This discount, provided in

¹⁴ Section 196.012(17), F.S., defines a permanent residence as the place where a person makes his or her true, fixed, and permanent home and principal establishment to which, when he or she is absent, intends to return.

¹⁵ Section 6, Art. VII of the State Constitution; s. 196.031, F.S.

¹⁶ Section 196.031(1)(a) and (b), F.S.

¹⁷ Chapter 196, F.S.

¹⁸ Section 196.031(7), F.S.

¹⁹ Section 196.082, F.S.

²⁰ Section 196.24, F.S.

²¹ Section 196.091, F.S.

²² Section 196.081(1)-(3), F.S.

²³ Section 196.081(4), F.S.

²⁴ Chapter 2007-36, L.O.F.

s. 196.082, F.S., authorizes a tax discount on homestead property for a veteran who is partially or totally permanently disabled.

To qualify for the tax discount, the veteran must:

- Have become disabled through military combat;
- Have been a resident of Florida at the time of entering United States military service; and
- Have received an honorable discharge.²⁵

In addition to filing an application with the county tax appraiser for the discount, an eligible veteran must also provide to the tax appraiser by March 1:

- An official letter from the United States Department of Veterans Affairs which includes the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;
- A copy of the veteran's honorable discharge; and
- Proof of age as of January 1 of the year to which the discount will apply.²⁶

The applied discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.²⁷

III. Effect of Proposed Changes:

SJR 886 proposes an amendment to Section 6, Article VII, of the State Constitution and creates a new section in Article XII, of the State Constitution. The proposed amendment provides for the homestead property tax discount afforded to a veteran with a permanent, combat-related disability to carry over to a surviving spouse, provided that the veteran applied for and received the discount.

To receive the property tax discount, the surviving spouse must permanently reside at, and hold legal or beneficial title to the homestead property. The surviving spouse is eligible for the discount until he or she:

- Remarries;
- Sells the property; or
- Otherwise disposes of the property.

After selling the property, however, a surviving spouse may carry over the discount to a new, permanent residence as long as he or she remains unmarried. The amount of the discount is the dollar amount granted from the most recent ad valorem tax roll of the original property.

If approved by the voters in the general election held November 2020 or at an earlier special election specifically authorized by law for that purpose, the amendment would take effect January 1, 2021.

²⁵ Section 196.082(1), F.S.

²⁶ Section 196.082(3), F.S.

²⁷ Section 196.082(2), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate provisions in Article VII, section 18 of the State Constitution, do not apply to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article XI, section 1, of the State Constitution, authorizes the Legislature to propose amendments to the State Constitution by joint resolution approved by a three-fifths vote of the membership of each house. The amendment must be placed before the electorate at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Article XI, section 5(a) of the State Constitution, and s. 101.161(1), F.S., require constitutional amendments submitted to the electors to be printed in clear and unambiguous language on the ballot. In determining whether a ballot title and summary are in compliance with the accuracy requirement, Florida courts utilize a two-prong test, asking “first, whether the ballot title and summary ‘fairly inform the voter of the chief purpose of the amendment,’ and second, ‘whether the language of the title and summary, as written, misleads the public.’”²⁸

Article XI, section 5(e), of the State Constitution, requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date specified in the amendment.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference (REC) has not yet adopted an impact for this bill. The REC has, however, reviewed similar legislation in 2019 House Bills HJR 717, and HB 719. The REC determined that the impact of the bill is indeterminate because it requires voter approval. If approved by the voters, the bill would reduce local property

²⁸ *Roberts v. Doyle*, 43 So. 3d 654, 659 (Fla. 2010), citing *Florida Dep’t of State v. Slough*, 992 So. 2d 142, 147 (Fla. 2008).

taxes by \$1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$5.4 million per fiscal year.

B. Private Sector Impact:

A qualifying surviving spouse of a veteran who had received the tax discount on homestead property would be eligible for the same discount on either that homestead property or a new homestead property, thereby financially benefitting from the bill.

C. Government Sector Impact:

Section 5(d), Art. XI, of the State Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county in which a newspaper is published.

The Division of Elections is required to twice advertise the full text of proposed constitutional amendments in English and Spanish in the newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with English and Spanish booklets or posters displaying the full text of proposed amendments, for each polling room or early voting area in each county, and to translate the amendments into Spanish. The average cost for Spanish translation, booklet printing and distribution, and newspaper advertising of constitutional amendments for the 2018 election cycle was \$92.93 per English word of the originating document.

Accurate cost estimates cannot be determined until the total number and length of amendments to be translated, printed, distributed, and advertised is known. At this time, no amendments have achieved ballot position for the 2020 election by either joint resolution of the Florida Legislature or by the initiative petition process.

However, the Division of Elections within the Department of State estimates the full publication costs for advertising the proposed amendment based on a rate of \$92.93 per word to be a total publishing cost of approximately \$115,697.85.²⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁹ Email correspondence with Florida Department of State staff (Mar. 6, 2019) (on file with the Senate Committee on Military and Veterans Affairs and Space). Total publishing cost is determined as follows: the number of words estimated in the amendment to be published, 1,245 words, multiplied by the cost per word of \$92.93, is \$115,697.85.

VIII. Statutes Affected:

The joint resolution amends Article VII, section 6, and creates a new section in Article XII, of the State Constitution.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Brandes

24-01624-19

2019886__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution to provide that the homestead property tax discount for certain veterans who had permanent, combat-related disabilities carries over to the benefit of the veteran's surviving spouse under certain circumstances until he or she remarries or sells or otherwise disposes of the property, to provide that the discount for the surviving spouse is transferrable to another homestead under certain circumstances, and to provide an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VII and the creation of a new section in 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 or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

24-01624-19

2019886__

special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

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

(c) 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.

(d) The legislature may, by general law, allow counties or

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24-01624-19

2019886__

59 municipalities, for the purpose of their respective tax levies
60 and subject to the provisions of general law, to grant either or
61 both of the following additional homestead tax exemptions:

62 (1) An exemption not exceeding fifty thousand dollars to a
63 person who has the legal or equitable title to real estate and
64 maintains thereon the permanent residence of the owner, who has
65 attained age sixty-five, and whose household income, as defined
66 by general law, does not exceed twenty thousand dollars; or

67 (2) An exemption equal to the assessed value of the
68 property to a person who has the legal or equitable title to
69 real estate with a just value less than two hundred and fifty
70 thousand dollars, as determined in the first tax year that the
71 owner applies and is eligible for the exemption, and who has
72 maintained thereon the permanent residence of the owner for not
73 less than twenty-five years, who has attained age sixty-five,
74 and whose household income does not exceed the income limitation
75 prescribed in paragraph (1).

76
77 The general law must allow counties and municipalities to grant
78 these additional exemptions, within the limits prescribed in
79 this subsection, by ordinance adopted in the manner prescribed
80 by general law, and must provide for the periodic adjustment of
81 the income limitation prescribed in this subsection for changes
82 in the cost of living.

83 (e) (1) Each veteran who is age 65 or older who is partially
84 or totally permanently disabled shall receive a discount from
85 the amount of the ad valorem tax otherwise owed on homestead
86 property the veteran owns and resides in if the disability was
87 combat related and the veteran was honorably discharged upon

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24-01624-19

2019886__

88 separation from military service. The discount shall be in a
89 percentage equal to the percentage of the veteran's permanent,
90 service-connected disability as determined by the United States
91 Department of Veterans Affairs. To qualify for the discount
92 granted by this subsection, an applicant must submit to the
93 county property appraiser, by March 1, an official letter from
94 the United States Department of Veterans Affairs stating the
95 percentage of the veteran's service-connected disability and
96 such evidence that reasonably identifies the disability as
97 combat related and a copy of the veteran's honorable discharge.
98 If the property appraiser denies the request for a discount, the
99 appraiser must notify the applicant in writing of the reasons
100 for the denial, and the veteran may reapply. The Legislature
101 may, by general law, waive the annual application requirement in
102 subsequent years. This subsection is self-executing and does not
103 require implementing legislation.

104 (2) If a veteran who is receiving the discount described in
105 paragraph (1) predeceases his or her spouse and if, upon the
106 death of the veteran, the surviving spouse holds the legal or
107 beneficial title to the homestead property and permanently
108 resides thereon, the discount carries over to the benefit of the
109 surviving spouse until he or she remarries, sells the property,
110 or otherwise disposes of the property. If the surviving spouse
111 sells the property, a discount not to exceed the dollar amount
112 granted from the most recent ad valorem tax roll may be
113 transferred to the surviving spouse's new homestead property, if
114 used as his or her permanent residence and he or she does not
115 remarry.

116 (f) By general law and subject to conditions and

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2019886__

117 limitations specified therein, the Legislature may provide ad
 118 valorem tax relief equal to the total amount or a portion of the
 119 ad valorem tax otherwise owed on homestead property to:

120 (1) The surviving spouse of a veteran who died from
 121 service-connected causes while on active duty as a member of the
 122 United States Armed Forces.

123 (2) The surviving spouse of a first responder who died in
 124 the line of duty.

125 (3) A first responder who is totally and permanently
 126 disabled as a result of an injury or injuries sustained in the
 127 line of duty. Causal connection between a disability and service
 128 in the line of duty shall not be presumed but must be determined
 129 as provided by general law. For purposes of this paragraph, the
 130 term "disability" does not include a chronic condition or
 131 chronic disease, unless the injury sustained in the line of duty
 132 was the sole cause of the chronic condition or chronic disease.

133
 134 As used in this subsection and as further defined by general
 135 law, the term "first responder" means a law enforcement officer,
 136 a correctional officer, a firefighter, an emergency medical
 137 technician, or a paramedic, and the term "in the line of duty"
 138 means arising out of and in the actual performance of duty
 139 required by employment as a first responder.

ARTICLE XII

SCHEDULE

142 Ad valorem tax discount for surviving spouses of certain
 143 deceased veterans who had permanent, combat-related
 144 disabilities.-This section and the amendment to Section 6 of
 145 Article VII, providing for the ad valorem tax discount for

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24-01624-19

2019886__

146 certain deceased veterans who had permanent, combat-related
 147 disabilities to carry over to the benefit of their surviving
 148 spouses, shall take effect January 1, 2021.

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

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

ARTICLE XII

154 AD VALOREM TAX DISCOUNT FOR SPOUSES OF CERTAIN DECEASED
 155 VETERANS WHO HAD PERMANENT, COMBAT-RELATED DISABILITIES.-
 156 Provides that the homestead property tax discount for certain
 157 veterans who had permanent, combat-related disabilities carries
 158 over to the benefit of the veteran's surviving spouse, if
 159 certain conditions are met, until he or she remarries or sells
 160 or otherwise disposes of the property. If the surviving spouse
 161 sells the property, the discount is transferrable to another
 162 homestead used as a permanent residence if he or she remains
 163 unmarried. This amendment takes effect January 1, 2021.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/13/19
Meeting Date

SSR 886
Bill Number (if applicable)

Topic Homestead Tax Exemption/ Surviving Spouse of Vet

Amendment Barcode (if applicable)

Name Washington SANCHEZ

Job Title Col. US Army

Address 2229 Gates Dr.
Street

Phone 850-322-8455

Tallahassee FL 32312
City State Zip

Email WJSANV4@Gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tallahassee Veterans Legal Collaborative

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

3/13/2019

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 886

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name DANNY BURGESS

Job Title Executive Director

Address The Capitol, Suite 2105

Phone (850) 487-1533

Street

Tallahassee FL 32399

Email exdir@fdva.state.fl.us

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Department of Veterans' Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/13/19
Meeting Date

SB 886
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Loren Levy

Job Title Propert Appraisers' Assn of Fla

Address 1828 Riggs Rd
Street

Phone 850-219-0220

Tallahassee FL 32308
City State Zip

Email levelf@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Propert Appraisers Assn of Fla.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



The Florida Senate

Committee Agenda Request

To: Senator Tom A. Wright
Committee on Military and Veterans Affairs and
Space

Subject: Committee Agenda Request

Date: February 19, 2019

I respectfully request that **Senate Joint Resolution #886**, relating to **Homestead Tax Exemption/Surviving Spouse of a Veteran**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

Brown, Cindy

From: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Sent: Wednesday, March 6, 2019 12:21 PM
To: Brown, Cindy
Subject: FW: Request

Cindy:

Per your request, this is the boilerplate language we insert in requests for budget analyses regardless of the nature of the amendment – The \$XXXX is based on the English word and wrapping roughly the translation, printing, distribution and newspaper.

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish* twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with English and Spanish booklets or posters displaying the full text of proposed amendments, for each polling room or early voting area in each county. The Division is also responsible for translating the amendments into Spanish. The average cost for Spanish translation, booklet printing and distribution, and newspaper advertising of constitutional amendments for the 2018 election cycle was \$92.93 per English word of the originating document.

Using 2018 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets in English and in Spanish for the 2020 general election could be \$XXXXXX, at a minimum. Accurate cost estimates cannot be determined until the total number and length of amendments to be translated, printed, distributed, and advertised is known. At this time, no amendments have achieved ballot position for the 2020 election by either joint resolution of the Florida Legislature or by the initiative petition process.

*The requirement to provide these publications in Spanish stems from Section 203 of the federal Voting Rights act.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520

Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

From: Matthews, Maria I.
Sent: Wednesday, March 6, 2019 11:34 AM
To: Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>
Subject: Request



2019 AGENCY LEGISLATIVE BILL ANALYSIS DEPARTMENT OF REVENUE

BILL INFORMATION

BILL NUMBER:	SJR 886
BILL TITLE:	Homestead Tax Exemption/Surviving Spouse of a Veteran
BILL SPONSOR:	Senator Brandes
EFFECTIVE DATE:	January 1, 2021, if approved by voters

DL
B

COMMITTEES OF REFERENCE

1) Military and Veterans Affairs and Space
2) Finance and Tax
3) Appropriations
4)
5)

CURRENT COMMITTEE

Military and Veterans Affairs and Space

SIMILAR BILLS

BILL NUMBER:	HJR 717, Similar
SPONSOR:	Representative Killebrew

IDENTICAL BILLS

BILL NUMBER:	N/A
SPONSOR:	

PREVIOUS LEGISLATION

YEAR BILL NUMBER/SPONSOR/LAST ACTION: 2018 SB 1000/Senator Grimsley/Died in Military and Veterans Affairs, Space, and Domestic Security 2016 SB 816/Senator Altman/Died in Appropriations 2016 HB 813/Representative Plakon/ Died in Finance and Tax Committee 2015 HB 527/Representative Magar/Died in Local, Federal and Veterans Affairs Subcommittee

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	February 22, 2019
LEAD AGENCY ANALYST:	Debbie Longman (850) 617-8324

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.

Article VII, Section 6. Homestead Exemptions (pp. 1-5):

PRESENT SITUATION

Article VII, Section 6, currently states that the legislature may allow counties or municipalities to grant either or both of the following extra homestead exemptions:

- An exemption of up to \$50,000 to a person aged 65 or older, with legal or equitable title to real estate which is his or her permanent residence and whose household income is \$20,000 or less.
- An exemption equal to the assessed value of the property of a person aged 65 or older, with a just value of less than \$250,000 as determined in the first tax year the owner applies. The owner must have maintained permanent residence on the property for at least 25 years and household income is \$20,000 or less.

A veteran aged 65 or older who is partially or totally permanently disabled shall receive a discount from ad valorem tax owed on homestead property which the veteran owns and resides in. The disability must be combat related and the veteran must have been honorably discharged from military service. The discount is a percentage equal to the percentage of the veteran's permanent, service-connected disability, which is determined by the United States Department of Veterans Affairs.

EFFECT OF THE BILL

This joint resolution adds language to Article VII, Section 6., to allow the discount from ad valorem tax a deceased veteran received to carry over to the veteran's spouse if the spouse holds the legal or beneficial title to the homestead and permanently resides there. The spouse will benefit from the discount until he or she remarries or sells or otherwise disposes of the property. If the spouse is not remarried and sells the property, a discount that isn't more that the amount granted from the latest tax roll may be transferred to the spouse's new home. The discount will continue to be in force as long as the new home is the spouse's primary residence and the spouse does not remarry.

Article XII, Schedule (pp. 5-6): A statement will be placed on the ballot proposing an amendment to the State Constitution authorizing the surviving spouse of a deceased veteran to carry over certain discounts on property taxes on homestead property until the surviving spouse remarries or disposes of the property. The discount is transferable to another permanent residence if the surviving spouse remains unmarried. At the time of the veteran's death, he or she must have had permanent, combat-related disabilities. The provision takes effect January 1, 2021.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES?

YES NO

If yes, explain:	
Rule(s) impacted (provide references to F.A.C., etc.):	

3. **WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?** N/A
4. **DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS?** YES NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

5. **ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?** YES NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

6. **DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.
7. **DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?**

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: <i>(only expenditure impacts on the Department are identified)</i>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES, BUT INSIGNIFICANT <input type="checkbox"/> UNABLE TO DETERMINE See Additional Comments section below if it is determined there is a significant operational impact to the Department.
Does the legislation contain an appropriation to the Department?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

8. **DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?** The Department of Revenue does not conduct this analysis.
9. **DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.

TECHNOLOGY IMPACT

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. STATUTE(S) AFFECTED: Section 196.082, F.S.

11. HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION? YES NO

If no, go to #12. If yes:

A. Identify bill number or source.

B. Were issues/problems identified? YES NO

a. If yes, have they been resolved? YES NO If no, briefly explain.

C. Are new issues/problems created? YES NO If yes, briefly identify.

12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT? YES NO

13. OTHER:

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs and Space

BILL: CS/SB 888

INTRODUCER: Committee on Military and Veterans Affairs and Space and Senator Brandes

SUBJECT: Homestead Property Tax Discount

DATE: March 13, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 888 is the implementing legislation for SJR 886. The bill establishes a new ad valorem tax exemption on homestead property. Current law provides a tax discount on homestead property for a permanently combat-disabled veteran aged 65 or older who received an honorable discharge from military service. This bill extends the same property tax exemption, upon the death of the veteran, to a surviving spouse, provided that the veteran had applied for and received the exemption.

To receive the homestead exemption, the surviving spouse must permanently reside at, and hold legal or beneficial title to the homestead property. The surviving spouse is eligible for the discount until he or she:

- Remarries;
- Sells the property; or
- Otherwise disposes of the property.

However, after selling the property, a surviving spouse may carry over the discount to a new, permanent residence as long as he or she remains unmarried.

To enable the Department of Revenue to timely incorporate the new exemption on its benefits forms, the bill provides the department emergency rulemaking authority. Emergency rulemaking authority expires January 1, 2022.

The Revenue Estimating Conference (REC) has not yet adopted an impact for this bill. The REC has, however, reviewed similar legislation in 2019 House Bills HJR 717, and HB 719. The REC determined that the impact of the bill is indeterminate because it requires voter approval. If approved by the voters, the bill would reduce in the aggregate local property taxes by \$1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$5.4 million per fiscal year.

The bill takes effect on the effective date of the amendment to the State Constitution proposed by SJR 886, if voters approve the amendment at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31. The State Constitution prohibits the state from levying ad valorem taxes,⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the State Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida’s aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

¹ Both real property and tangible personal property can be subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art. VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See *Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4, 9 (Fla. 1973).

³ See s. 192.001(3) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

Exemptions and Discounts on Homestead Property

Although all real and personal property in Florida is subject to taxation, a person may apply for an exemption in certain circumstances.¹¹

If a person is entitled to an exemption from taxation, he or she must file an application on or before March 1 requesting the exemption with the appropriate county property appraiser.¹² The Department of Revenue prescribes the forms upon which the application is made.¹³

An exemption on homestead property applies to all homeowners in the state on one permanent residence¹⁴ per individual or family.¹⁵ Application of the provision exempts from taxation both up to the assessed value of \$25,000 on the residence and contiguous real property, and an additional exemption of up to \$25,000 on the assessed valuation greater than \$50,000 and up to \$75,000 for all levies other than school district levies.¹⁶

In addition to the exemption provided in s. 6, Article VII of the State Constitution, and s. 196.031, F.S., which is available to all permanent resident homeowners in the state on a homestead property, other exemptions and discounts on taxation apply to certain homeowners of homestead property. Persons eligible for these exemptions include qualifying disabled persons, first responders, and veterans.¹⁷ Other than in instances in which the homestead property is totally exempt from taxation, the general exemption applies first, followed by the others in the order that results in the lowest taxable value.¹⁸

Exemptions on Homestead Property for Veterans

Florida law currently provides five discounts on, or exemptions from, ad valorem taxes on homestead property to a qualifying veteran or his or her surviving spouse.

Specifically, an exemption or discount is available to a:

- Disabled veteran, age 65 or older, provided that the disability is combat-related, in an amount based on the percent of disability;¹⁹
- Veteran disabled 10 percent or more by misfortune or during wartime service, or a surviving spouse, in an amount of up to \$5,000;²⁰
- Veteran with a service-connected total disability that confines him or her to a wheelchair, or a surviving spouse, provided as a total exemption from all homestead property taxes;²¹

¹¹ Section 196.001(1), F.S.

¹² Section 196.011(1)(a), F.S.

¹³ *Id.*

¹⁴ Section 196.012(17), F.S., defines a permanent residence as the place where a person makes his or her true, fixed, and permanent home and principal establishment to which, when he or she is absent, intends to return.

¹⁵ Section 6, Art. VII of the State Constitution; s. 196.031, F.S.

¹⁶ Section 196.031(1)(a) and (b), F.S.

¹⁷ Chapter 196, F.S.

¹⁸ Section 196.031(7), F.S.

¹⁹ Section 196.082, F.S.

²⁰ Section 196.24, F.S.

²¹ Section 196.091, F.S.

- Veteran with a totally and permanently service-connected disability, or a surviving spouse, provided as a total exemption from all homestead property taxes;²² and
- Surviving spouse of a veteran who died while on active duty, provided as a total exemption from all homestead property taxes.²³

Qualification Requirements on the Tax Discount on Homestead Property for a Combat-disabled Veteran

Of the exemptions listed above, only the tax discount on homestead property for combat-disabled veterans, aged 65 or older, does not carry over to a surviving spouse.²⁴ This discount, provided in s. 196.082, F.S., authorizes a tax discount on homestead property for a veteran who is partially or totally permanently disabled.

To qualify for the tax discount, the veteran must:

- Have become disabled through military combat;
- Have been a resident of Florida at the time of entering United States military service; and
- Have received an honorable discharge.²⁵

In addition to filing an application with the county tax appraiser for the discount, an eligible veteran must also provide to the tax appraiser by March 1:

- An official letter from the United States Department of Veterans Affairs which includes the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;
- A copy of the veteran's honorable discharge; and
- Proof of age as of January 1 of the year to which the discount will apply.²⁶

The applied discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.²⁷

III. Effect of Proposed Changes:

CS/SB 888 establishes a new ad valorem tax exemption on homestead property. Current law provides a tax discount on homestead property for a permanently combat-disabled veteran aged 65 or older, provided that he or she received an honorable discharge from military service. This bill extends the same property tax discount, upon the death of the veteran, to a surviving spouse, provided that the veteran applied for, and received the discount.

To receive the property tax discount, the surviving spouse must permanently reside at, and hold legal or beneficial title to the homestead property. The surviving spouse is eligible for the discount until he or she:

- Remarries;

²² Section 196.081(1)-(3), F.S.

²³ Section 196.081(4), F.S.

²⁴ Chapter 2007-36, L.O.F.

²⁵ Section 196.082(1), F.S.

²⁶ Section 196.082(3), F.S.

²⁷ Section 196.082(2), F.S.

- Sells the property; or
- Otherwise disposes of the property.

However, after selling the property, a surviving spouse may carry over the discount to a new, permanent residence as long as he or she remains unmarried. The amount of the discount is based on the latest tax roll of the original property.

The bill extends, from the veteran to the surviving spouse, the authority to file a petition to the value adjustment board if the petitioner fails to timely file an application for the discount.

The bill provides the Department of Revenue with emergency rulemaking authority.²⁸ Emergency rules adopted would be effective for 6 months, subject to renewal until the department adopts permanent rules. Emergency rulemaking authority expires January 1, 2022.

The bill is linked to SJR 886, which provides ballot language to amend the constitution to add the benefit for a qualifying surviving spouse.

The bill takes effect on the effective date of the amendment to the State Constitution proposed by SJR 886, if voters approve the amendment at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²⁸ The Department of Revenue stated that if the bill becomes law, and voters approve the constitutional amendment, the department would need to amend two forms. Specifically, the department would need to include in the benefits chart a category for a qualifying surviving spouse of a combat-disabled veteran. If the constitutional amendment provided in linked bill SJR 886 is on the November 2020 ballot and if it passes, the provisions of the bill would take effect January 1, 2021. Therefore, the department requests legislative authority to initiate emergency rulemaking. Department of Revenue, *2019 Agency Legislative Bill Analysis, SB 888* (Feb. 22, 2019) (on file with the Senate Committee on Military and Veterans Affairs and Space).

E. Other Constitutional Issues:

None identified.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) has not yet adopted an impact for this bill. The REC has, however, reviewed similar legislation in 2019 House Bills HJR 717, and HB 719. The REC determined that the impact of the bill is indeterminate because it requires voter approval. If approved by the voters, the bill would reduce local property taxes by \$1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$5.4 million per fiscal year.

B. Private Sector Impact:

A qualifying surviving spouse of a veteran who had received the tax discount on homestead property would be eligible for the same discount on either that homestead property or a new homestead property, thereby financially benefitting from the bill.

C. Government Sector Impact:

None.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 196.082, Florida Statutes.

IX. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs and Space on March 13, 2019:

- Provided emergency rulemaking authority to the Department of Revenue.
- Identified by number the Senate Joint Resolution.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



920854

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2019	.	
	.	
	.	
	.	

The Committee on Military and Veterans Affairs and Space
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 103 - 104

and insert:

Section 2. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer this act. Notwithstanding any other law, emergency rules adopted pursuant to this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt



920854

11 permanent rules addressing the subject of the emergency rules.

12 This section expires January 1, 2022.

13 Section 3. This act shall take effect on the effective date
14 of the amendment to the State Constitution proposed by SJR 886

15

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

17 And the title is amended as follows:

18 Delete line 15

19 and insert:

20 procedures for applications and petitions; authorizing

21 the Department of Revenue to adopt emergency rules;

22 providing for expiration of that authorization;

23 providing a

By Senator Brandes

24-01622-19

2019888__

A bill to be entitled

An act relating to a homestead property tax discount; amending s. 196.082, F.S.; providing that if certain conditions are met, the homestead property tax discount for certain disabled veterans carries over to the benefit of the veteran's surviving spouse until the surviving spouse remarries or sells or otherwise disposes of the homestead property; providing that if the surviving spouse sells the property, the discount may be transferred to his or her new primary residence, subject to certain conditions; authorizing a qualified applicant who fails to file an application by a specified date to apply for the discount and file a petition with the value adjustment board; specifying procedures for applications and petitions; providing a contingent effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 196.082, Florida Statutes, is amended to read:

196.082 Discounts for disabled veterans; carryover for surviving spouses.-

(1) Each veteran who is age 65 or older and is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property that the veteran owns and resides in if:

- (a) The disability was combat-related; and
- (b) The veteran was honorably discharged upon separation

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

24-01622-19

2019888__

from military service.

(2) The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs.

(3) To qualify for the discount granted under this section, an applicant must submit to the county property appraiser by March 1:

(a) An official letter from the United States Department of Veterans Affairs which states the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;

(b) A copy of the veteran's honorable discharge; and

(c) Proof of age as of January 1 of the year to which the discount will apply.

Any applicant who is qualified to receive a discount under this section and who fails to file an application by March 1 may file an application for the discount and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the discount be granted. Such application and petition shall be subject to the same procedures as for exemptions set forth in s. 196.011(8).

(4) If a veteran receiving the discount under this section predeceases his or her spouse and if, upon the death of the veteran, the surviving spouse holds the legal or beneficial title to the homestead and permanently resides thereon as specified in s. 196.031, the discount that the veteran received under this section carries over to the benefit of the veteran's

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

24-01622-19 2019888__
 59 surviving spouse until such time as he or she remarries, sells
 60 the property, or otherwise disposes of the property. If the
 61 surviving spouse sells the property, a discount not to exceed
 62 the amount granted from the most recent ad valorem tax roll may
 63 be transferred to his or her new residence as long as it is used
 64 as his or her primary residence and he or she does not remarry.
 65 Any applicant who is qualified to receive a discount pursuant to
 66 this subsection and who fails to file an application by March 1
 67 may file an application for the discount and may file, pursuant
 68 to s. 194.011(3), a petition with the value adjustment board
 69 requesting that the discount be granted. Such application and
 70 petition are subject to the same procedures as for exemptions
 71 set forth in s. 196.011(8).

72 (5) If the property appraiser denies the request for a
 73 discount, the appraiser must notify the applicant in writing,
 74 stating the reasons for denial, on or before July 1 of the year
 75 for which the application was filed. The applicant may reapply
 76 for the discount in a subsequent year using the procedure in
 77 this section. All notifications must specify the right to appeal
 78 to the value adjustment board and the procedures to follow in
 79 obtaining such an appeal under s. 196.193(5).

80 ~~(6)-(5)~~ The property appraiser shall apply the discount by
 81 reducing the taxable value before certifying the tax roll to the
 82 tax collector.

83 (a) The property appraiser shall first ascertain all other
 84 applicable exemptions, including exemptions provided pursuant to
 85 local option, and deduct all other exemptions from the assessed
 86 value.

87 (b) The percentage discount portion of the remaining value

24-01622-19 2019888__
 88 which is attributable to service-connected disabilities shall be
 89 subtracted to yield the discounted taxable value.

90 (c) The resulting taxable value shall be included in the
 91 certification for use by taxing authorities in setting millage.

92 (d) The property appraiser shall place the discounted
 93 amount on the tax roll when it is extended.

94 ~~(7)-(6)~~ An applicant for the discount under this section may
 95 apply for the discount before receiving the necessary
 96 documentation from the United States Department of Veterans
 97 Affairs or its predecessor. Upon receipt of the documentation,
 98 the discount shall be granted as of the date of the original
 99 application, and the excess taxes paid shall be refunded. Any
 100 refund of excess taxes paid shall be limited to those paid
 101 during the 4-year period of limitation set forth in s.
 102 197.182(1)(e).

103 Section 2. This act shall take effect on the effective date
 104 of the amendment to the State Constitution proposed by SJR ____
 105 or a similar joint resolution having substantially the same
 106 specific intent and purpose, if such amendment to the State
 107 Constitution is approved at the general election held in
 108 November 2020 or at an earlier special election specifically
 109 authorized by law for that purpose.



The Florida Senate

Committee Agenda Request

To: Senator Tom A. Wright
Committee on Military and Veterans Affairs and
Space

Subject: Committee Agenda Request

Date: February 19, 2019

I respectfully request that **Senate Bill #888**, relating to **Homestead Property Tax Discount**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE
APPEARANCE RECORD

3/13/2019

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 888

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DANNY BURGESS

Job Title EXECUTIVE DIRECTOR

Address The Capitol, Suite 2105

Phone (850) 487-1533

Street Tallahassee

City FL

State 32399

Zip

Email exdir@fdva.state.fl.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Department of Veterans' Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



2019 AGENCY LEGISLATIVE BILL ANALYSIS DEPARTMENT OF REVENUE

BILL INFORMATION

BILL NUMBER:	SB 888
BILL TITLE:	Homestead Property Tax Discount
BILL SPONSOR:	Senator Brandes
EFFECTIVE DATE:	On the effective date of the amendment to the State Constitution proposed by SJR 886 or a similar joint resolution, if approved at the general election in November 2020.

DL
for

COMMITTEES OF REFERENCE

- 1) Military and Veterans Affairs and Space
- 2) Finance and Tax
- 3) Appropriations
- 4)
- 5)

CURRENT COMMITTEE

Military and Veterans Affairs and Space

SIMILAR BILLS

BILL NUMBER:	HB 719
SPONSOR:	Killebrew

IDENTICAL BILLS

BILL NUMBER:	N/A
SPONSOR:	

PREVIOUS LEGISLATION

YEAR BILL NUMBER/SPONSOR/LAST ACTION:

2018 SB 1000/Senator Grimsley/Died in Military and Veterans Affairs, Space, and Domestic Security
2016 SB 816/Senator Altman/Died in Appropriations
2016 HB 813/Representative Plakon/ Died in Finance and Tax Committee
2015 HB 527/Representative Magar/Died in Local, Federal and Veterans Affairs Subcommittee

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	February 22, 2019
LEAD AGENCY ANALYST:	Debbie Longman (850) 617-8324

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.

Section 1. Discounts for Disabled Veterans (pp. 1-4):

PRESENT SITUATION

Section 196.082, F.S., states that a veteran age 65 or older and partially or totally permanently disabled shall receive a discount from the amount of ad valorem tax otherwise owed on homestead property the veteran owns and resides in if:

- The disability is combat-related
- The veteran was honorably discharged from military service

EFFECT OF THE BILL

This bill adds language which allows the discount from ad valorem tax the veteran received to carry over to the veteran's spouse if the spouse holds the legal or beneficial title to the homestead and permanently resides there. The spouse will continue to benefit from the discount until he or she remarries or sells or otherwise disposes of the property. If the spouse is not remarried and sells the property, a discount that isn't more than the amount granted from the latest tax roll may be transferred to the spouse's new home. The discount will continue to be in force as long as the new home is the spouse's primary residence and the spouse does not remarry. Anyone who is qualified to receive the discount under this section and fails to file an application by March 1 may file an application for the discount and may file a petition with the value adjustment board to request that the discount be granted.

Section 2. Effective date (p. 4): This act is effective on the effective date of the amendment to the State Constitution proposed by HJR 886 or a similar joint resolution, if the amendment to the State Constitution is approved at the general election held in November 2020 or an earlier special election specifically authorized by law for that purpose.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES?

YES NO

If yes, explain:	Page 3 of Form DR-501, Original Application for Homestead and Related Tax Exemptions, will need to be amended to include surviving spouse of disabled veteran age 65 in the benefits chart. Page 2 of DR-501DV, Application for Homestead Tax Discount, has copy of s. 196.082, F.S. which would have to be changed to reflect revision of s. 196.082, F.S.
Rule(s) impacted (provide references to F.A.C., etc.):	Rule 12D-16.002, F.A.C.

3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A

4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS?

YES NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? YES NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.
7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: <i>(only expenditure impacts on the Department are identified)</i>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES, BUT INSIGNIFICANT <input type="checkbox"/> UNABLE TO DETERMINE See Additional Comments section below if it is determined there is a significant operational impact to the Department.
Does the legislation contain an appropriation to the Department?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

8. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? The Department of Revenue does not conduct this analysis.
9. DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.

TECHNOLOGY IMPACT

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. STATUTE(S) AFFECTED: Section 196.082, F.S.

11. HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION? YES NO
If no, go to #12. If yes:

A. Identify bill number or source.

B. Were issues/problems identified? YES NO

a. If yes, have they been resolved? YES NO **If no, briefly explain.**

C. Are new issues/problems created? YES NO **If yes, briefly identify.**

12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT? YES NO

Because the election is in November 2020 and the bill becomes effective January 1, 2021 the Department requests emergency rulemaking to amend DR-501 and DR-501DV. Page 3 of Form DR-501, Original Application for Homestead and Related Tax Exemptions, will need to be amended to include surviving spouse of disabled veteran age 65 in the benefits chart. Page 2 of DR-501DV, Application for Homestead Tax Discount, has copy of s. 196.082, F.S. which would have to be changed to reflect revision of s. 196.082, F.S.

13. OTHER:

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Military and Veterans Affairs and Space

Judge:

Started: 3/13/2019 10:00:42 AM

Ends: 3/13/2019 10:14:30 AM

Length: 00:13:49

10:00:40 AM Meeting called to order by Chair Wright
10:00:55 AM CAA Lois Graham calls the roll
10:01:00 AM Quorum announced
10:01:11 AM Pledge of Allegiance
10:01:32 AM Chair Wright with opening comments
10:02:02 AM Tab 1-SJR 886 Homestead Tax Exemption/Surviving Spouse by Senator Brandes
10:02:12 AM Senator Brandes presents the Joint Resolution
10:03:20 AM Senator Harrell with question
10:03:35 AM Senator Brandes responds
10:04:37 AM Senator Harrell with follow-up
10:04:49 AM Senator Brandes responds
10:06:04 AM Staff Cindy Brown responds
10:06:54 AM Senator Pizzo with question
10:07:30 AM Senator Cruz with question
10:08:17 AM Senator Brandes responds
10:08:27 AM Senator Broxson with question
10:08:44 AM Senator Brandes responds
10:08:59 AM Senator Broxson with follow-up
10:09:38 AM Senator Torres with question
10:09:55 AM Senator Brandes responds
10:10:10 AM Appearance Cards - Colonel Washington Sanchez, Tallahassee Veterans Legal Collaborative waives in support
10:10:28 AM Danny Burgess, Executive Director, Florida Department of Veterans' Affairs (FDVA) speaks in support
10:10:59 AM Loren Levy, Property Appraisers Association of Florida waives in support
10:11:17 AM Senator Brandes waives close
10:11:23 AM Roll call on SJR 886
10:11:31 AM SJR 886 reported favorably
10:11:47 AM Tab 2 - SB 888 Homestead Property Tax Discount by Senator Brandes
10:11:52 AM Senator Brandes presents the bill
10:12:08 AM Amendment Barcode 920854 by Senator Brandes
10:12:16 AM Senator Brandes explains the amendment
10:12:38 AM Chair Wright clarifies Amendment Barcode
10:12:49 AM Appearance Form - Danny Burgess, Executive Director FDVA waives in support
10:12:56 AM Amendment adopted
10:13:22 AM Appearance Forms
10:13:31 AM Danny Burgess, Executive Director (FDVA) waives in support
10:13:40 AM Senator Brandes waives close
10:13:44 AM Roll call CS/SB 888
10:13:52 AM Bill reported favorably
10:14:13 AM Senator Harrell moves to adjourn
10:14:20 AM Meeting adjourned