

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HJR 7095 PCB GEAC 07-22 Ad Valorem Tax Relief for Deployed Military Personnel
SPONSOR(S): Policy & Budget Council and Gardiner
TIED BILLS: _____ **IDEN./SIM. BILLS:** _____

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Government Efficiency & Accountability Council	12 Y, 0 N	Camechis	Cooper
1) Policy & Budget Council	24 Y, 0 N, As CS	Diez-Arguelles	Hansen
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This joint resolution proposes an amendment to the State Constitution to provide a credit against future ad valorem taxes owed on homestead property to every person who is a member of the United States military, the military reserves, or the Florida National Guard and who has received the homestead exemption provided in Section 6(a) of Article VII at the time he or she is deployed on active duty outside the continental United States, Alaska, or Hawaii. The credit is based on the property taxes paid on the homestead and the number of days in a calendar year that the person is deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature.

The proposed amendment requires the Legislature to enact general laws to implement the credit, and subjects the credit to the definitions, conditions, and procedures provided in general law. The proposed amendment does not, however, limit the Legislature's authority to enact general laws addressing issues other than definitions, conditions, and procedures.

The proposed amendment will be submitted to the electors at the general election in 2008 or at an earlier special election specifically authorized by law for that purpose. If approved by 60 percent of the voters, the proposed amendment will take effect January 2, 2009.

This joint resolution appears to have a minimal negative fiscal impact on state government related to the cost of publishing the proposed amendment as required by the state constitution. If deployed military personnel own homestead property, local government entities that levy ad valorem taxes on that property will experience an indeterminate negative fiscal impact.

This joint resolution must be approved by a three-fifths vote of both houses of the Legislature.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes: This joint resolution proposes a constitutional amendment to provide an ad valorem tax credit to certain deployed members of the military who own homestead property based upon the number of days those members are deployed on active duty outside the continental United States, Alaska, and Hawaii in designated military operations.

B. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Property Taxation in Florida

The ad valorem tax or “property tax” is an annual tax levied by local governments based on the value of real and tangible personal property as of January 1 of each year. The taxable value of real and tangible personal property is the fair market value of the property adjusted for any exclusions, differentials, or exemptions. Tax bills are mailed in November of each year based on the previous January 1st valuation, and payment is due by the following March 31.

The property tax is the largest single tax revenue source for government in Florida, with \$30.5 billion levied in FY 2006 – 07. Property taxes levied in Florida have grown rapidly in recent years from \$15.3 billion in 2000 to \$30.5 billion in 2006, an increase of 99%. For the same period, Florida personal income has increased 44% and growth measured by population and inflation has increased by 31%.

The Florida Constitution grants property tax relief in the form of valuation differentials,¹ assessment limitations,² and exemptions,³ including the homestead exemptions. The Constitution does not, however, grant tax relief to military personnel who are deployed on active duty outside the United States, Alaska, and Hawaii on military operations.

Deployed Military Personnel

The number of deployed military personnel is continually changing; however, according to the most recent data provided by the Florida Department of Military Affairs, approximately 22,150 military personnel who claim Florida as their home of record are currently deployed on active duty:

Florida National Guard	1,119	Army	9,321
Army Reserves	701	Air Force	4,459
Coast Guard Reserves	0	Marines	2,108
Air Force Reserves	110	Navy	4,066
Marines Reserves	174	Coast Guard	0
Navy Reserves	91		
TOTAL		22,149	

Although the table above indicates the number of military personnel who claim Florida as their home of record and who are currently “deployed”, the total number of military personnel who are deployed outside the continental United States, Alaska, or Hawaii, and who own homestead property in Florida, is unknown.

¹ Article VII, s. 4 of the Florida Constitution, authorizes valuation differentials.

² Article VII, s. 4(c) of the Florida Constitution, authorizes the “Save Our Homes” property assessment limitation.

³ Article VII, s. 3 of the Florida Constitution, provides authority for property tax exemptions.

EFFECT OF PROPOSED CHANGES

This joint resolution proposes an amendment to the State Constitution to provide a credit against future ad valorem taxes owed on homestead property to every person who is a member of the United States military, the military reserves, or the Florida National Guard and who has received the homestead exemption provided in Section 6(a) of Article VII at the time he or she is deployed on active duty outside the continental United States, Alaska, or Hawaii. The credit is based on the property taxes paid on the homestead and the number of days in a calendar year that the person is deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature.

The proposed amendment requires the Legislature to enact general laws to implement the credit, and subjects the credit to the definitions, conditions, and procedures enacted in general law. The proposed amendment does not, however, limit the Legislature's authority to enact general laws addressing issues other than definitions, conditions, and procedures.

C. SECTION DIRECTORY: Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: The state constitution requires publication of a proposed amendment or revision to the constitution in one newspaper of general circulation in each county in which a newspaper is published, once in the tenth week and once in the sixth week immediately preceding the week in which the election is held. The Department of State, Division of Elections, estimates that the non-recurring cost of compliance will be approximately \$60,000 in FY2007-08.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: This bill will result in an indeterminate reduction in ad valorem tax revenues of local government entities that levy ad valorem taxes on homestead property of certain deployed members of the military. Currently, approximately 22,150 Florida military personnel are deployed; however, the number of military personnel who are deployed outside the continental United States, Alaska, and Hawaii, and who own homestead property, is unknown.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: This bill will provide an ad valorem tax credit to certain deployed members of the military who own homestead property based upon the number of days those members are deployed on active duty outside the continental United States, Alaska, and Hawaii in designated military operations.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The mandates provisions of Article VII, section 18 of the Florida Constitution do not apply to joint resolutions.

2. Other: Article XI, Section 1 of the State Constitution, authorizes the Legislature to propose amendments to the State Constitution by joint resolution approved by three-fifths of the membership of each house. The amendment must be placed before the electorate at the next general election held after the proposal has been filed with the Secretary of State's office or may be placed at a special election held for that purpose.

Article XI, Section 5(e) of the State Constitution, requires 60 percent voter approval for a constitutional amendment to pass.

B. RULE-MAKING AUTHORITY: This resolution does not require any agency to adopt administrative rules pursuant to ch. 120, F.S., the Florida Administrative Procedure Act.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

D. STATEMENT OF THE SPONSOR: The sponsor did not submit a statement.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 13, 2007, the Policy and Budget Council adopted one amendment to make clear that a person must have received the homestead exemption prior to being deployed in order to qualify for the credit. Also, the amendment clarified what the credit is based on. This analysis reflects the changes made by the amendment.