

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HJR 211](#)

**TITLE:** Accrued Save-Our-Homes Property Tax Benefit for Non-school Property Tax

**SPONSOR(S):** Overdorf

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Select Committee on Property Taxes](#)  
24 Y, 10 N

[State Affairs](#)

[Ways & Means](#)

## SUMMARY

### Effect of the Bill:

The joint resolution proposes an amendment to Article VII, Section 4 of the Florida Constitution to allow the full amount (instead of the current limit of \$500,000) of any accrued Save Our Homes benefit (the difference between the assessed value and the just or fair market value of a homestead) to transfer to a new home and would remove the requirement that a homeowner's benefit amount be reduced if the owner is downsizing to a smaller home. This change would apply to all ad valorem taxes **other** than school taxes.

The joint resolution also proposes a new Section 7 of Article VIII of the Florida Constitution to prohibit local governments from reducing funding for law enforcement services below a specified base year.

Subject to approval by 60 percent of voters during the 2026 general election, the amendment proposed in the joint resolution will take effect on January 1, 2027. The joint resolution is not subject to the Governor's veto powers.

### Fiscal or Economic Impact:

The Revenue Estimating Conference (REC) estimated the bill to have a zero or negative indeterminate impact on local government revenues because the amendment requires voter approval. If approved by the voters, and assuming current millage rates, the REC estimated that the amendment will have a negative cash impact of \$42.7 million, and a negative recurring impact of \$336.8 million on local non-school property tax revenues in FY 2027-28.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The joint resolution proposes an amendment to Article VII, Section 4 of the Florida Constitution to allow the full amount of any accrued [Save Our Homes benefit](#) (the difference between the [assessed value](#) of a [homestead property](#) as limited by the Constitution and the just or fair market value) to transfer, or "[port](#)" to a new home. This change would apply to all [ad valorem taxes](#) **other** than school taxes. The effect of this would be to allow homestead owners to transfer more than \$500,000 of Save Our Homes benefit currently allowed to a new home for taxes levied by counties, cities, or special districts, and would remove the requirement that a homeowner's benefit amount be [reduced](#) if the owner is downsizing to a smaller home. These changes would not affect property taxes levied by school districts.

The joint resolution also proposes a new Section 7 of Article VIII of the Florida Constitution to prohibit local governments from reducing funding for law enforcement services below the funding provided for law enforcement services in either FY 2025-26 or FY 2026-27, whichever is higher.

**STORAGE NAME:** h0211a.SPT

**DATE:** 11/20/2025

Subject to approval by 60 percent of voters during the 2026 general election, the amendment proposed in the joint resolution will take effect on January 1, 2027. The joint resolution is not subject to the Governor's veto powers.

## FISCAL OR ECONOMIC IMPACT:

### LOCAL GOVERNMENT:

The Revenue Estimating Conference (REC) estimated the bill to have a zero or negative indeterminate impact on local government revenues because the constitutional amendment requires voter approval. If approved by the voters, and assuming current millage rates, the REC estimated that beginning in FY 2027-28, the amendment will have a negative cash impact of \$42.7 million, and a negative recurring impact of \$336.8 million on local non-school property tax revenues.<sup>1</sup>

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Save Our Homes Benefit](#)

The Florida Constitution<sup>2</sup> provides that, for those entitled to a homestead exemption, the assessed value of the homestead for all levies shall be changed annually on January 1<sup>st</sup> of each year. Those changes in assessments cannot exceed the lesser of three percent of the prior year's assessment or the percent change in the Consumer Price Index<sup>3</sup> for the preceding calendar year.<sup>4</sup> This cap on the allowable increase in the assessed value is colloquially called the Save Our Homes (SOH) assessment limitation, and the accumulated difference between the assessed value and the just value is frequently called the SOH benefit.<sup>5</sup>

#### [Assessed Value](#)

The assessed value of property is the annual determination of the value of a parcel of property for property tax purposes.<sup>6</sup> If it is newly acquired property, the assessed value is generally the just or fair market value of the property.<sup>7</sup> If the property is real property that has been owned for more than one year, then the assessed value is generally the value of the property from the prior year, adjusted for changes in just or fair market value, with assessment increases limited pursuant to assessment limitations found in the Florida Constitution (generally 3% or the change in the consumer price index for homestead property, or 10% for non-homestead property).<sup>8</sup> The Florida Constitution authorizes the Legislature to provide for assessment of certain property based on its particular use.<sup>9</sup> For example, property classified as agricultural is assessed based upon specific factors related to its agricultural use.<sup>10</sup>

#### [Homestead Property](#)

Homestead property is real estate (real property) for which a person, on January 1, has the legal or beneficial title and who in good faith makes the property his or her permanent residence (or the permanent residence of another legally or naturally dependent on him or her).<sup>11</sup> The property may be owned jointly, as tenancy by the entireties,

<sup>1</sup> The impact to local government revenues adopted by the REC for HJR 211 is available on the Office of Economic and Demographic Research's [website](#), and includes the impact by county (each county's impact is the total impact to the county government, all municipal governments, and all special districts within that county).

<sup>2</sup> As amended by Constitutional Amendment 10 (1992), commonly referred to as the "Save Our Homes" initiative.

<sup>3</sup> Specifically, the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports.

<sup>4</sup> FLA. CONST. art. VII, s. 4(d)(1), implemented by section [193.155, F.S.](#)

<sup>5</sup> See Fla. Dept. of Revenue, Save Our Homes Assessment Limitation and Portability Transfer Brochure, <http://floridarevenue.com/property/Documents/pt112.pdf> (last visited November 1, 2025).

<sup>6</sup> [S. 192.001\(2\), F.S.](#)

<sup>7</sup> [S. 192.001\(2\)\(a\), F.S.](#)

<sup>8</sup> [S. 192.001\(2\)\(b\), F.S.](#)

<sup>9</sup> FLA. CONST. art. VII, s. 4(a), (b) and (c)

<sup>10</sup> [S. 193.461, F.S.](#)

<sup>11</sup> FLA. CONST. art. VII, s. 6(a) and [s. 196.031\(1\)\(a\), F.S.](#)

or otherwise in common with others, and can be apportioned among such shared owners.<sup>12</sup> Only one homestead exemption is allowed to any one person or on any one dwelling house.<sup>13</sup> Individual condominium owners, however, can each qualify for a separate homestead designation.<sup>14</sup>

### Portability

If there is a change in ownership<sup>15</sup> and a new homestead is established, the property must be assessed at just value as of January 1 of the year following the change unless the new owner transfers a SOH benefit from a previous homestead to the new homestead.<sup>16</sup> The ability to transfer the SOH benefit is known as portability. A homestead property owner may transfer up to \$500,000 of the SOH benefit to the new homestead if the owner received a homestead exemption as of January 1 in any of the immediately preceding three years.<sup>17</sup> If the just value of the new homestead property is less than the just value of the previous homestead property, the amount of SOH benefit that may be ported is proportionally reduced.<sup>18</sup>

### Ad Valorem Taxes

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The Florida Constitution reserves to local governments the authority to levy ad valorem taxes on real and tangible personal property.<sup>19</sup> Ad valorem taxes are levied annually by local governments based on the value of real and tangible personal property as of January 1 of each year.<sup>20</sup>

The Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes,<sup>21</sup> and provides for specified assessment limitations, property classifications, and exemptions.<sup>22</sup> After the property appraiser considers any assessment limitation or use classification affecting the just value of a parcel of real property, an assessed value is produced. The assessed value is then reduced by any exemptions to produce the taxable value.<sup>23</sup>

Unless expressly exempted from taxation, all real and personal property and leasehold interests in the state are subject to taxation.<sup>24</sup> The Florida Constitution limits the Legislature’s authority to grant an exemption or assessment limitation from taxes,<sup>25</sup> and any modifications to existing ad valorem tax exemptions or limitations must be consistent with the constitutional provision authorizing the exemption or limitation.<sup>26</sup>

### Reduction of Portability Benefit

<sup>12</sup> [S. 196.031\(1\)\(a\), F.S.](#)

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> A change of ownership is any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person. *See* [s. 193.155\(3\), F.S.](#)

<sup>16</sup> FLA. CONST. art. VII, s. 4(d)(3)

<sup>17</sup> FLA. CONST. art. VII, s. 4(d)(8)(a); [s. 193.155\(8\), F.S.](#) The three-year timeframe is calculated from the time the old homestead exemption is abandoned and not the sale of the old homestead.

<sup>18</sup> [S. 193.155\(8\)\(b\), F.S.](#)

<sup>19</sup> FLA. CONST. art. VII, ss. 1(a), 9(a)

<sup>20</sup> Section [192.001\(12\), F.S.](#), defines “real property” as land, buildings, fixtures, and all other improvements to land. The terms “land,” “real estate,” “realty,” and “real property” may be used interchangeably. [S. 192.001\(11\)\(d\), F.S.](#), defines “tangible personal property” as all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in Art. VII, s. 1(b) of the Florida Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>21</sup> FLA. CONST. art. VII, s. 4

<sup>22</sup> FLA. CONST. art. VII, ss. 3, 4, and 6

<sup>23</sup> [S. 196.031, F.S.](#)

<sup>24</sup> [S. 196.001, F.S.](#); *see also Sebring Airport Authority v. McIntyre*, 642 So. 2d 1072, 1073 (Fla. 1994), noting exemptions are strictly construed against the party claiming them.

<sup>25</sup> *Archer v. Marshall*, 355 So. 2d 781, 784 (Fla. 1978).

<sup>26</sup> *Sebring Airport Auth. v. McIntyre*, 783 So. 2d 238, 248 (Fla. 2001); *Archer v. Marshall*, 355 So. 2d 781, 784 (Fla. 1978); *Am Fi Inv. Corp v. Kinney*, 360 So. 2d 415 (Fla. 1978); *see also Sparkman v. State*, 58 So. 2d 431, 432 (Fla. 1952).

If the just value of the newly purchased home is lower than the just value of the original home from which the SOH benefit is being transferred, then the amount of benefit that may be ported to the new homestead is reduced proportionately to the reduction in just value.<sup>27</sup>

## BILL HISTORY

| COMMITTEE REFERENCE                                    | ACTION     | DATE       | STAFF<br>DIRECTOR/<br>POLICY CHIEF | ANALYSIS<br>PREPARED BY |
|--------------------------------------------------------|------------|------------|------------------------------------|-------------------------|
| <a href="#">Select Committee on Property<br/>Taxes</a> | 24 Y, 10 N | 11/20/2025 | Aldridge                           | Berg                    |
| <a href="#">State Affairs Committee</a>                |            |            |                                    |                         |
| <a href="#">Ways &amp; Means Committee</a>             |            |            |                                    |                         |

<sup>27</sup> FLA. CONST. art. VII, s. 4(d)(8)2.; [s. 196.155\(8\)\(b\), F.S.](#)