

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 Appropriations

BILL: CS/SB 4-F

INTRODUCER: Appropriations Committee and Senator Avila and others

SUBJECT: Property Tax Administration

DATE: June 1, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Khan</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 4-F amends the method used to determine the maximum millage rate that may be levied pursuant to a majority vote by a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district. Rather than the calculation used in current law to determine the maximum millage rate, the bill requires use of the rolled-back rate used to comply with notice requirements.

The bill allows a ballot summary to exceed the statutorily established 75-word limit if a joint resolution is proposing an amendment or revision to Article VII, sections 4, 6, and 9 of the State Constitution, which is to be submitted to the electors at the general election to be held on November 3, 2026.

The Revenue Estimating Conference has not reviewed the bill. See Section V, Fiscal Impact Statement.

The bill is effective upon becoming a law.

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 a 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

Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by the State Constitution.⁴

County, Municipal, Special District, and School Millage

Ad valorem taxes, excluding taxes levied for the payment of bonds and taxes levied for periods not longer than two years, approved by vote of the electors, may not be levied in excess of the following millages:

- For all county or municipal purposes, ten mills;
- For all school purposes, ten mills;
- For water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill, and for water management purposes for the remaining portions of the state, 1.0 mill; and
- For all other special districts, a millage authorized by law approved by vote of the electors.

A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

Method of Fixing Millage

Upon completion of the assessment of all property, the property appraiser certifies to each taxing authority the taxable value within the jurisdiction of the taxing authority.⁵

The form used by property appraisers to certify the value within a jurisdiction must include instructions to that taxing authority explaining how to compute the “rolled-back rate.”⁶ The rolled-back rate is the millage rate that would provide the taxing authority the same ad valorem tax revenue as was raised the previous year, excluding certain value such as the value of new construction, additions, deletions, and increases in the value of improvements that have

¹ Both real property and tangible personal property are 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, e.g., Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

³ *See* ss. 192.001(2) and (16), F.S.

⁴ FLA. CONST. Art. VII, s. 9(a).

⁵ Section 200.065(1), F.S.

⁶ *Id.*

undergone a substantial rehabilitation which increased the assessed value of such improvements by at least 100 percent.⁷

The taxing authority must prepare a tentative budget and compute the millage rate necessary to fund the tentative budget.⁸ The taxing authority gives public notice, holds public hearings regarding a proposed millage rate, and ultimately adopts a millage rate.⁹ If the proposed millage exceeds the rolled-back rate, the taxing authority must notify taxpayers of a proposed tax increase.¹⁰

Maximum Millage Rate

In 2007, the Legislature restricted the ad valorem tax levies of counties, municipalities, dependent and independent special districts, and municipal service taxing units and set a maximum rate that could be levied based on revenue collections and personal income growth.¹¹

Since 2009, these local governments calculate the maximum millage that they may levy by increasing the previous year's maximum millage rate through a formula based on the growth of per capita Florida personal income.¹² The maximum millage rate is a type of rolled-back rate, but is different from the rolled-back rate that is calculated under s. 200.065(1), F.S., for the purpose of determining whether a notice of proposed tax increase must be mailed. A millage rate up to this maximum rate, or the previous year's adopted millage rate if higher, may be adopted by simple majority.

A higher rate may be adopted only under the following conditions:

- A rate of not more than 110 percent of the rolled-back rate based on the previous year's maximum millage rate, adjusted for change in per capita Florida personal income, may be adopted if approved by a two-thirds vote of the membership of the governing body of the county, municipality, or independent district; or
- A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the membership of the governing body of the county, municipality, or independent district; by a three-fourths vote of the membership of the governing body if the governing body has nine or more members; or if the rate is approved by a referendum.¹³

Ballot Statements for Constitutional Amendments Proposed by the Legislature

The Florida Constitution specifies the methods through which a constitutional amendment may be proposed and adopted,¹⁴ but it is the Florida Election Code¹⁵ that specifies the content that appears on the ballot when a proposed amendment is put before the electorate.¹⁶ For

⁷ *Id.*

⁸ Section 200.065(2), F.S.

⁹ *See* s. 200.065(2) and (3), F.S.

¹⁰ Section 200.065(3), F.S.

¹¹ Chapter 2007-321, Laws of Fla.

¹² Section 200.065(5), F.S.

¹³ *Id.*

¹⁴ *See* FLA. CONST. Art. XI.

¹⁵ Chapters 97 through 106, F.S., are known as the Florida Election Code. [Section 97.011, F.S.](#)

¹⁶ [Section 101.161, F.S.](#)

constitutional amendments proposed by the Legislature, the Florida Election Code requires that the joint resolution¹⁷ proposing the amendment must include at least one ballot statement.¹⁸ A ballot statement is what appears on the ballot itself and it consists of two parts: a ballot title and a ballot summary.¹⁹ A ballot title is the name by which the measure is commonly referred to and it is limited to 15 words. A ballot summary is a description of “the chief purpose of the amendment...in clear and unambiguous language.”²⁰ Unlike constitutional amendments proposed through other methods,²¹ amendments proposed by the Legislature may contain multiple ballot statements for a single amendment.²² A joint resolution with multiple ballot statements must list the statements in an order that indicates their priority.²³ While only one statement will appear on the ballot, if the Legislature includes more than one and a court later holds that a particular ballot statement is unconstitutional, any additional ballot statements can be substituted for the defective statement ahead of the election (unless all statements are held to be constitutionally deficient). The ballot summary within the first ballot statement of a legislatively proposed amendment is limited to 75 words.²⁴ If the joint resolution contains only one statement, the ballot summary within that statement is subject to the 75-word limit. Any additional ballot summaries are not subject to a word limit.

Once the Legislature passes a joint resolution proposing a constitutional amendment by the required vote-threshold, the amendment is filed with the Secretary of State (secretary).²⁵ The secretary then designates the proposed amendment with a number²⁶ and provides the appropriate ballot statement (according to the order of priority) to the supervisor of elections of each county.²⁷ A legal challenge to one or more ballot statements in a joint resolution must be filed within 30 days after the resolution is filed with the secretary.²⁸ Unless otherwise provided in a joint resolution, if a court finds that all ballot statements are defective and further appeals are declined, abandoned, or exhausted, the Attorney General must, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court.²⁹ The 75-word limitation does not apply to any ballot summary revised by the Attorney General. The Department of State then sends the revised title or summary to each supervisor of elections for placement on the ballot.³⁰ Any legal challenge to a revised ballot title or ballot summary must be filed within 10 days after the revised ballot title or ballot summary is submitted to the Department of State.³¹

¹⁷ See FLA. CONST. Art. XI, s. 1.

¹⁸ [Section 101.161\(3\)\(a\), F.S.](#)

¹⁹ *Id.*

²⁰ *Id.* The Florida Supreme Court has held that the “clear and unambiguous” language in [s. 101.161, F.S.](#), is a codification of the Florida Constitution’s implicit requirement that ballot statements “be *accurately* represented on the ballot.” *Armstrong v. Harris*, 773 So. 2d 7, 12 (Fla. 2000)(emphasis in original).

²¹ See [s. 101.161\(1\), F.S.](#)

²² [Section 101.161\(3\)\(a\), F.S.](#)

²³ *Id.*

²⁴ *Id.*

²⁵ FLA. CONST. Art. XI, s. 5(a).

²⁶ [Section 101.161\(3\)\(b\), F.S.](#); see also Fla. Admin. Code R. 1S-2.0011(1)(c).

²⁷ [Section 101.161\(3\)\(b\), F.S.](#)

²⁸ Section 101.161(3)(c)1., F.S.

²⁹ Section 101.161(3)(c)2., F.S.

³⁰ *Id.*

³¹ *Id.*

III. Effect of Proposed Changes:

The bill (Section 2) amends the method used to determine the maximum millage rate that may be levied pursuant to a majority vote by a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district. Rather than the calculation used in current law to determine the maximum millage rate, the bill uses the rolled-back rate that taxing authorities must already calculate for the purpose of complying with notice of tax increase requirements. Rather than using the maximum millage rate as the baseline for a taxing authority to determine if a supermajority vote is required to adopt a higher rate, under the bill, a two-thirds vote will be required if the specified taxing authority wants to adopt a millage rate of not more than 110 of the rolled-back rate. The taxing authority may adopt a rate above 110 percent of the rolled-back rate and up to the constitutional or statutory millage limit by a unanimous vote of the membership of the governing body; by a three-fourths vote of the membership if the governing body has nine or more members; or pursuant to a referendum.

The bill (Sections 1, 2, 3, 4, 5, and 6) amends and reenacts several statutes to conform with changes to the maximum millage rate calculations. For purposes of the maximum millage rate calculation, the bill repeals a provision that allows for the exclusion of revenue that is required to be contributed to the county public general hospital in a county that was authorized to levy the county public hospital surtax in 2007.

Furthermore, the bill (Section 7) allows a ballot summary to exceed the statutorily established 75-word limit³² if the joint resolution is proposing an amendment or revision to Art. VII, ss. 4, 6, and 9 of the State Constitution that is to be submitted to the electors at the general election to be held on November 3, 2026.

Section 8 of the bill provides for incorporation of other amendments enacted in other sessions this year to statutes amended by this bill to be incorporated.

The bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³² Section 101.161(3)(a), F.S.

D. State Tax or Fee Increases:

This bill does not create or raise a state tax or fee. Therefore, the requirements of Art. VII, s. 19 of the State Constitution do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not reviewed the bill.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

SB 2-F, entitled Save our Homes from Excessive Property Taxes, is a joint resolution to propose an amendment to the State Constitution to which the exception to the statutory word limitation on the ballot summary provided under this bill would likely apply.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 200.001, 200.065, and 200.068.

The bill re-enacts the following sections of the Florida Statutes: 218.12, 218.125, and 218.136.

The bill creates undesignated sections of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Appropriations on June 1, 2026:

The committee substitute removes the following provisions:

- Requirements for property appraisers to send notices to property taxpayers regarding proposed constitutional amendments or revisions related to property taxes and specifying requirements for the contents and formatting of such notices;
- Requirements for the Department of Revenue to establish a website relating to proposed constitutional amendments or revisions related to property taxes; and
- An appropriation for reimbursement for the costs of notices sent by property appraisers to property taxpayers.

B. Amendments:

None.