

**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.)

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Prepared By: The Professional Staff of the Committee on Finance and Tax

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BILL: SJR 1686

INTRODUCER: Senator Collins

SUBJECT: Ad Valorem Tax

DATE: February 12, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Shuler</u>	<u>Khan</u>	<u>FT</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>AP</u>	_____

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## I. Summary:

SJR 1686 proposes an amendment to the Florida Constitution to replace the current ad valorem tax discount for partially or totally permanently disabled veterans over 65 with a discount available to any partially or totally permanently disabled veteran who has received the Purple Heart medal. An eligible veteran will receive a discount in a percentage equal to the percentage of the veteran’s disability.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2025.

## 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.<sup>1</sup> The property appraiser annually determines the “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and

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<sup>1</sup> 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.

<sup>2</sup> 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).

exemptions to determine the property's "taxable value."<sup>3</sup> Property tax bills are mailed in November of each year based on the previous January 1 valuation.<sup>4</sup> If a taxpayer furnishes the outstanding taxes within 30 days after the tax collector mailed the tax notice, the taxpayer will receive a 4 percent discount on the total amount of taxes due.<sup>5</sup> The full amount of taxes is due by March 31 of the following year.<sup>6</sup>

The Florida Constitution prohibits the state from levying ad valorem taxes<sup>7</sup> and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>8</sup>

### **Homestead Exemptions**

The Florida Constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person's primary residence, with an exemption from taxes.<sup>9</sup> Second, the homestead provisions protect the homestead from forced sale by creditors.<sup>10</sup> Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.<sup>11</sup>

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>12</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.<sup>13</sup>

### ***Annual Application***

Each person or organization meeting the criteria for an ad valorem tax exemption may claim the exemption if the claimant held legal title to the real or personal property subject to the exemption on January 1.<sup>14</sup> The application for exemption must be filed with the property appraiser on or before March 1, and failure to make an application constitutes a waiver of the exemption for that year.<sup>15</sup> The application must list and describe the property for which the exemption is being

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<sup>3</sup> See ss. 192.001(2) and (16), F.S.

<sup>4</sup> Section 197.322, F.S.; see also Florida Department of Revenue, Florida Property Tax Calendar, available at <https://floridarevenue.com/property/Documents/taxcalendar.pdf> (last visited Feb. 7, 2024).

<sup>5</sup> Section 197.162, F.S.; see also Florida Department of Revenue, Tax Collector Calendar, available at <https://floridarevenue.com/property/Documents/tccalendar.pdf> (last visited Feb. 7, 2024).

<sup>6</sup> Section 197.333, F.S.

<sup>7</sup> FLA. CONST. art. VII, s. 1(a).

<sup>8</sup> See FLA. CONST. art. VII, s. 4.

<sup>9</sup> FLA. CONST. art. VII, s. 6.

<sup>10</sup> FLA. CONST. art. X, s. 4.

<sup>11</sup> *Id.* at (c).

<sup>12</sup> FLA. CONST. art. VII, s. 6(a).

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

<sup>14</sup> Section 196.011(1)(a), F.S.

<sup>15</sup> Section 196.011(1), F.S. But see s. 196.011(7) and (8) for conditions when the exemption may be granted if an application is filed after March 1.

claimed and certify the ownership and use of the property.<sup>16</sup> The claimant must reapply for the exemption on an annual basis unless the property appraiser (subject to approval by a vote of the governing body of the county) has waived the annual application requirement for a property after an initial application is made and the exemption granted.<sup>17</sup>

### **Exemption for Veterans with Total and Permanent Service-Connected Disability**

The homestead property of a veteran who was honorably discharged with a service-connected total and permanent disability is exempt from taxation.<sup>18</sup> To qualify for this exemption, the veteran must be a permanent resident of the state on January 1 of the tax year for which exemption is being claimed or must have been a permanent resident of this state on January 1 of the year the veteran died.<sup>19</sup> If the veteran predeceases their spouse, the spouse may continue to receive the exemption as long as the property remains the homestead property of the spouse, and the spouse is unmarried.<sup>20</sup>

A totally and permanently disabled veteran, or his or her surviving spouse, who acquires legal or beneficial title to property between January 1 and November 1, may receive a prorated refund of the ad valorem taxes paid for the newly acquired property as of the date of the property transfer provided they were eligible for and granted the exemption on another homestead property in the previous tax year.<sup>21</sup>

### **Tax Discount on Homestead Property for a Combat-disabled Veteran**

In addition to the property tax exemptions described above, certain combat-disabled veterans are entitled to a discount on their homestead property taxes.<sup>22</sup> The discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.<sup>23</sup> The discount is applied as a reduction to the taxable value of the homestead property.<sup>24</sup>

To qualify for the tax discount, the veteran must:

- Be aged 65 or older;
- Be partially or totally disabled with combat-related disabilities; and
- Have received an honorable discharge.<sup>25</sup>

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;

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<sup>16</sup> Section 196.011(1)(a), F.S.

<sup>17</sup> Section 196.011(5) and (9)(a), F.S.

<sup>18</sup> Section 196.081(1), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 196.081(3), F.S.

<sup>21</sup> Section 196.081(1)(b), F.S.

<sup>22</sup> FLA. CONST. art. VII, s. 6(e);, s. 196.082, F.S.

<sup>23</sup> Section 196.082(2), F.S.

<sup>24</sup> Section 196.082(6), F.S.

<sup>25</sup> Section 196.082(1), F.S.

- 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.<sup>26</sup>

### **Purple Heart Medal**

The Purple Heart was first established by George Washington during the Revolutionary War, and brought into its modern form in 1932.<sup>27</sup> It is a medal awarded to any member of the Armed Forces of the United States who, during service, has been wounded, was killed, or died of wounds received in any action or as the result of an act of any hostile foreign force.<sup>28</sup> Rather than being recommended for the honor, as with all other military decorations, a servicemember is entitled to the Purple Heart after meeting the set criteria.<sup>29</sup>

### **III. Effect of Proposed Changes:**

The joint resolution proposes an amendment to the Florida Constitution to replace the current ad valorem tax discount for partially or totally permanently disabled veterans over 65 with a discount available to any partially or totally disabled veteran who has received the Purple Heart medal. An eligible veteran will receive a discount in a percentage equal to the percentage of the veteran’s disability.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2025

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

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

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>26</sup> Section 196.082(4), F.S.

<sup>27</sup> United States Army Human Resources Command, *Purple Heart*, Nov. 08, 2023, <https://www.hrc.army.mil/content/Purple%20Heart> (last visited Feb. 7, 2024).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election<sup>30</sup> 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. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.<sup>31</sup>

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida 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 as may be specified in the amendment.

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

The Revenue Estimating Conference has not yet reviewed this bill.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

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<sup>30</sup> Section 97.021(17), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

<sup>31</sup> Section 101.161(1), F.S.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,<sup>32</sup> typically paid from non-recurring General Revenue funds.<sup>33</sup> Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The replacement of the constitutional language providing for a discount for partially or totally disabled veterans who are age 65 or older would likely require similar revisions to s. 196.082, F.S. to ensure the statutory language adheres to constitutional requirements.

**VIII. Statutes Affected:**

This resolution substantially amends section 6, Article VII of the Florida Constitution.

This resolution also creates a new section in Article XII of the Florida 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.

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

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<sup>32</sup> Pursuant to *Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)*.

<sup>33</sup> *See, e.g., Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.*