

CS/SJR 312 by **JU, Simmons**; Rescinding and Withdrawing House Joint Resolution 381 (2011)

CS/SJR 314 by **JU, Simmons**; Ad Valorem Taxation

SPB 7182 by **BFT**; Taxation

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

BUDGET SUBCOMMITTEE ON FINANCE AND TAX

Senator Bogdanoff, Chair

Senator Altman, Vice Chair

MEETING DATE: Wednesday, January 25, 2012

TIME: 8:30 —10:00 a.m.

PLACE: 301 Senate Office Building

MEMBERS: Senator Bogdanoff, Chair; Senator Altman, Vice Chair; Senators Alexander, Gardiner, Margolis, Norman, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Workshop - Discussion and testimony only on the following (no vote to be taken):		
	CS/SJR 312 Judiciary / Simmons (Link CS/SJR 314)	Rescinding and Withdrawing House Joint Resolution 381 (2011); Rescinding and withdrawing House Joint Resolution 381 (2011), which relates to ad valorem taxation, contingent upon adoption of a joint resolution proposing alternative amendments to the State Constitution, etc. CA 11/14/2011 Favorable JU 12/07/2011 Fav/CS BFT 01/25/2012 Workshop-Discussed BC	Workshop-Discussed
	CS/SJR 314 Judiciary / Simmons (Link CS/SJR 312)	Ad Valorem Taxation; Proposing amendments to the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property, authorize the Legislature to adjust the amount of the exemption, provide that the additional exemption is to be reduced by the difference between the just value and the assessed value, delay a future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates, etc. CA 11/14/2011 Favorable JU 12/07/2011 Fav/CS BFT 01/25/2012 Workshop-Discussed BC	Workshop-Discussed

Continuation of Tuesday, January 24, 2012 meeting.

Consideration of proposed committee bill:

COMMITTEE MEETING EXPANDED AGENDA
Budget Subcommittee on Finance and Tax
Wednesday, January 25, 2012, 8:30 —10:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
2	SPB 7182	Taxation; Providing for the collection of allowances of the amount of tax due by persons who file returns only by electronic means and pay the amount due on such returns only by electronic means; adopting the 2012 version of the Internal Revenue Code for purposes of ch. 220, F.S.; specifying the date by which estimated tax payments must be made when the due date is a Saturday, Sunday, or legal holiday, etc.	Submitted as Committee Bill
3	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 Budget Subcommittee on Finance and Tax

BILL: CS/SJR 312

INTRODUCER: Judiciary Committee and Senator Simmons

SUBJECT: Rescinding and Withdrawing House Joint Resolution 381 (2011)

DATE: December 8, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	Favorable
2.	Munroe	Maclure	JU	Fav/CS
3.	Fournier	Diez-Arguelles	BFT	Pre-Meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The committee substitute for Senate Joint Resolution 312 (SJR 312) rescinds and withdraws House Joint Resolution 381 (2011) which proposes constitutional Amendment 4 on ad valorem taxation scheduled for the 2012 general election ballot. Amendment 4 reduces annual nonhomestead assessment limitations, allows the Legislature, by general law, to prohibit assessment value increases in any year when the market value of a property decreases, and authorizes an additional homestead exemption. The amendment also delays the future repeal of nonhomestead assessment limitations.

Senate Joint Resolution 312 is contingent upon adoption of Senate Joint Resolution 314 or similar legislation proposing alternative amendments to the Florida Constitution. If SJR 312 passes each house of Legislature by an affirmative three-fifths vote as required by s. 1, Article XI of the State Constitution, Amendment 4 will not appear on the 2012 ballot.

II. Present Situation:

House Joint Resolution 381: Proposed Amendment 4 (2012 General Election)

In 2011, the Legislature approved House Joint Resolution 381 (HJR 381) (2011), which relates to ad valorem taxation. House Joint Resolution 381 (2011) proposes amendments to Article VII, sections 4 and 6 and Article XII, section 27 of the Florida Constitution. It also proposes the creation of Article XII, sections 32 and 33 of the Florida Constitution. The ad valorem taxation provisions of HJR 381 (2011) comprise the following:

- Reducing the annual assessment limitation for specified nonhomestead property from 10 percent to 5 percent.
- Allowing the Legislature, by general law, to prohibit increases in the assessed value of a homestead property and certain nonhomestead property in any year where the market value of the property decreases.
- Providing an additional homestead exemption for persons who are entitled to a homestead exemption under Article VII, s. 6(a) of the Florida Constitution, and have not received a homestead exemption in the previous three years.
 - The additional homestead exemption would be equal to 50 percent of the just value of the homestead property, though the exemption may not exceed the median just value of all homestead property within the county.
 - The amount of the additional homestead exemption is reduced each year for five years by 20 percent of the initial exemption or by an amount equal to the difference between the just value and the assessed value, whichever is greater. The exemption is not available in the sixth and subsequent years after it is first received.
 - The exemption applies only to non-school property taxes.
- Delaying until 2023 the repeal, currently scheduled to take effect in 2019, of constitutional amendments that limit annual assessments for specified nonhomestead property.

If approved by voters at the 2012 general election, the assessment limitations and additional homestead exemption shall take effect January 1, 2013. The additional homestead exemption shall be available for properties purchased on or after January 1, 2012.

Rescinding a Proposed Amendment

A joint resolution is used by the Legislature to rescind a proposed amendment or revision of the State Constitution.¹ In Attorney General Opinion 070-21 (April 1970), the Florida Attorney General opined that the Legislature may rescind a proposed constitutional amendment and prevent it from appearing on the ballot by adopting a joint resolution at a subsequent session that is agreed to by the same percentage of the membership required to pass the original joint resolution.²

¹ The Florida Senate, *Manual for Drafting Legislation*, 130 (6th ed. 2009). See also *Crawford v. Gilchrist*, 59 So. 963, 968 (Fla. 1912) (“A right to reconsider action taken is an attribute of all deliberative bodies, and it is not forbidden to the Legislature by the Constitution.”).

² Attorney General Opinion 070-21 cites several examples of resolutions in 1962 and 1968 in which the Legislature exercised its authority to rescind a proposed constitutional amendment and prevent it from appearing on the ballot.

Article XI, section 1 of the Florida Constitution, authorizes the Legislature to propose amendments to the State Constitution by joint resolution approved by three-fifths vote of the membership of each house.

A recent example of a proposed constitutional amendment that was rescinded is SJR 2788 (2006), which removed a proposed constitutional amendment dealing with term limits from the 2006 general election ballot.

III. Effect of Proposed Changes:

The committee substitute for Senate Joint Resolution 312 (SJR 312) rescinds and withdraws House Joint Resolution 381 (2011), which proposes constitutional Amendment 4 on ad valorem taxation scheduled for the 2012 general election ballot. Amendment 4 reduces annual nonhomestead assessment limitations, allows the Legislature, by general law, to prohibit assessment value increases in any year when the market value of a property decreases, and authorizes an additional homestead exemption. The amendment also delays the future repeal of nonhomestead assessment limitations.

Senate Joint Resolution 312 takes effect only if SJR 314 or similar language is adopted by the Legislature. Senate Joint Resolution 314 proposes a constitutional amendment to revise requirements governing property assessments and ad valorem taxation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

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 once in the tenth week and again in the sixth week immediately preceding the week the election is held.

The Division of Elections within the Department of State estimated that the average cost per word to advertise an amendment to the State Constitution is \$106.14 for this fiscal year. The estimated cost for advertising Amendment 4 is \$376,903.14.³ While these costs will not be incurred if this joint resolution passes, similar costs will be required for SJR 314 or comparable legislation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

CS by Judiciary on December 7, 2011:

The committee substitute states that “this joint resolution shall take effect only if Senate Joint Resolution 314 or similar legislation is adopted by the Legislature.”

B. Amendments:

None.

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

³ Department of State, *SJR 314 Analysis* (Oct. 31, 2011) (on file with the Senate Committee on Community Affairs).

By the Committee on Judiciary; and Senator Simmons

590-01564-12

2012312c1

Senate Joint Resolution

A joint resolution rescinding and withdrawing House Joint Resolution 381 (2011), which relates to ad valorem taxation, contingent upon adoption of a joint resolution proposing alternative amendments to the State Constitution.

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

That House Joint Resolution 381, adopted in the 2011 Regular Session and entitled "A joint resolution proposing amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of Sections 32 and 33 of Article XII of the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and application and limitations with respect thereto, delay the future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates," is rescinded and withdrawn.

BE IT FURTHER RESOLVED that the proposed amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of Sections 32 and 33 of Article XII of the State Constitution not be submitted to the electors of this

Page 1 of 2

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

590-01564-12

2012312c1

state for approval or rejection at the 2012 presidential preference primary or the 2012 general election and the Secretary of State shall withhold House Joint Resolution 381 (2011) from the ballot.

BE IT FURTHER RESOLVED that this joint resolution shall take effect only if Senate Joint Resolution 314 or similar legislation is adopted by the Legislature.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Not Yet Noticed

Meeting Date

Topic Ad Valorem Taxation Constitutional Amendment Proposal

Bill Number CS/SJR 314
(if applicable)

Name Sara Cucchi

Amendment Barcode _____
(if applicable)

Job Title Citizen

Address 17603 Crawley Rd.

Phone 813-926-1045

Street

Odessa FL 33556

E-mail cucchi.sara@gmail.com

City

State

Zip

Speaking: For Against Information

Representing N/A

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/12

Meeting Date

Topic Property Tax

Bill Number _____
(if applicable)

Name Trey Price

Amendment Barcode _____
(if applicable)

Job Title Public Policy Rep.

Address 200 S. Monroe St

Phone 224-1400

Street

Tallahassee FL 32301

City

State

Zip

E-mail Trey.P@floridarealtors.org

Speaking: For Against Information

Representing Florida Realtors

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/25/12
Meeting Date

Topic Property Tax Reform

Bill Number SJR 312/314
(if applicable)

Name John Wayne Smith

Amendment Barcode _____
(if applicable)

Job Title Legislative Director

Address 300 S. Monroe St.

Phone 850-922-9300

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing FL ASSOCIATION OF COUNTIES

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

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

OP 1/25/2012
Meeting Date

Topic Property Tax

Bill Number SJR 314
(if applicable)

Name Scott Dudley

Amendment Barcode _____
(if applicable)

Job Title Legislative Affairs Director

Address P.O. Box 1757

Phone 850 222-9684

Tallahassee, FL 32302
City State Zip

E-mail sdudley@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

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

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

1-25

Meeting Date

Topic _____

Bill Number 314/312
(if applicable)

Name H. LEE MOFFITT

Amendment Barcode _____
(if applicable)

Job Title _____

Address 3327 NW PERIMETER

Phone 813 831-1500

Street

PALM CITY

E-mail MRSpeaker@AOL.com

City

State

Zip

Speaking: For Against Information

Representing BOMA (BUILDING OWNERS & MANAGERS)

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
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 Budget Subcommittee on Finance and Tax

BILL: CS/SJR 314

INTRODUCER: Judiciary Committee and Senator Simmons

SUBJECT: Ad Valorem Taxation

DATE: December 8, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Toman</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	<u>Munroe</u>	<u>Maclure</u>	<u>JU</u>	Fav/CS
3.	<u>Fournier</u>	<u>Diez-Arguelles</u>	<u>BFT</u>	Pre-Meeting
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This joint resolution proposes amendments to Article VII, section 4, of the Florida Constitution to permit the Legislature to prohibit increases in the assessed value of homestead and certain nonhomestead property if the just value of the property decreases. The joint resolution also reduces the limitation on annual assessment increases applicable to nonhomestead property from 10 percent to 7 percent. An amendment to Article VII, section 6, of the Florida Constitution is also proposed to create an additional homestead exemption. The Legislature is authorized to adjust the amount of the exemption.

This joint resolution delays the current automatic repeal of subsections (g) and (h) of section 4, Article VII, of the Florida Constitution,¹ relating to assessments of certain nonhomestead residential property by amending Article XII, section 27, of the Florida Constitution. Article XII

¹ The provisions relating to assessments of certain nonhomestead residential property were adopted in January 2008 and were originally designated as subsections (f) and (g) of section 4 of Article VII. Article XII, section 27, schedules these provisions for automatic repeal and currently refers to them as subsections (f) and (g). However, the provisions were redesignated in November 2008 as subsections (g) and (h). In addition to delaying the automatic repeal, this joint resolutions corrects the constitutional references in the repeal language to reflect subsections (g) and (h).

is further amended to create two new sections that provide that the amendments to Article VII, sections 4 and 6, of the Florida Constitution shall take effect on January 1, 2013.

This joint resolution will require approval by a three-fifths vote of the membership of each house of the Legislature for passage. Should this joint resolution be adopted, an additional joint resolution will be required to rescind and withdraw HJR 381 (2011), which is to go before the voters as Amendment 4 on the November 2012 ballot.

This joint resolution creates two undesignated sections in Article XII, of the Florida Constitution.

This joint resolution proposes amendments to sections 4 and 6, Article VII, and section 27, Article XII, of the Florida Constitution.

II. Present Situation:

Property Valuation in Florida

Just Value

Article VII, section 4, of the Florida Constitution, requires that all property be assessed at just value for ad valorem tax purposes. Just value has been interpreted by the courts to mean fair market value, or what a willing buyer would pay a willing seller for the property in an arm's length transaction.²

Assessed Value

The Florida Constitution authorizes certain exceptions to the just valuation standard for specific types of property.

- Agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes may be assessed solely on the basis of their character or use.³
- Livestock and tangible personal property that is held for sale as stock in trade may be assessed at a specified percentage of its value or totally exempt from taxation.⁴
- Counties and municipalities may authorize historic properties to be assessed solely on the basis of character and use.⁵
- Counties may also provide a reduction in the assessed value of property improvements on existing homesteads made to accommodate parents or grandparents who are 62 years of age or older.⁶
- The Legislature is authorized to prohibit the consideration of improvements to residential real property for purposes of improving the property's wind resistance or the installation of renewable energy source devices in the assessment of the property.⁷

² 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 (Fla. 1973).

³ Fla. Const. art. VII, s. 4(a).

⁴ Fla. Const. art. VII, s. 4(c).

⁵ Fla. Const. art. VII, s. 4(e).

⁶ Fla. Const. art. VII, s. 4(f).

⁷ Fla. Const. art. VII, s. 4(i).

- Certain working waterfront property is assessed based upon the property's current use.⁸

Taxable Value

The taxable value of real and tangible personal property is the assessed value minus any exemptions provided by the Florida Constitution or by the Florida Statutes. Such exemptions include, but are not limited to, homestead exemptions and exemptions for property used for educational, religious, or charitable purposes.⁹

Tax Exemptions and Assessment Limitations

Homestead Exemption

Article VII, section 6, of the Florida Constitution, as amended in January 2008, provides that every person with legal and equitable title to real estate and who maintains thereon the permanent residence of the owner is eligible for a \$25,000 homestead tax exemption applicable to all ad valorem tax levies including school districts. An additional \$25,000 homestead exemption applies to homesteads that have an assessed value greater than \$50,000 and up to \$75,000, excluding ad valorem taxes levied by schools.

Other Specific Exemptions

Article VII, section 3, of the Florida Constitution, provides for other specific exemptions from property taxes.

- Property owned by a municipality and used exclusively for municipal or public purposes is exempt, and portions of property used predominantly for educational, literary, scientific, religious, or charitable purposes may be exempted by general law.¹⁰
- Additional exemptions are provided for household goods and personal effects, widows and widowers, blind persons, and persons who are totally and permanently disabled.¹¹
- A county or municipality is authorized to provide a property tax exemption for new and expanded businesses, but only against its own millage and upon voter approval.¹²
- A county or municipality may also grant an historic preservation property tax exemption against its own millage to owners of historic property.¹³
- Tangible personal property is exempt up to \$25,000 of its assessed value.¹⁴
- There is an exemption for real property dedicated in perpetuity for conservation purposes.¹⁵
- In November 2010, voters approved a constitutional amendment that adds an additional exemption for military personnel deployed on active duty outside of the United States in support of military operations designated by the Legislature.¹⁶

⁸ Fla. Const. art. VII, s. 4(j).

⁹ Fla. Const. art. VII, ss. 3 and 6.

¹⁰ Fla. Const. art. VII, s. 3(a).

¹¹ Fla. Const. art. VII, s. 3(b).

¹² Fla. Const. art. VII, s. 3(c).

¹³ Fla. Const. art. VII, s. 3(d).

¹⁴ Fla. Const. art. VII, s. 3(e).

¹⁵ Fla. Const. art. VII, s. 3(f).

¹⁶ Fla. Const. art. VII, s. 3(g).

Homestead Assessment Limitation: Save Our Homes

The *Save Our Homes* assessment limitation was amended into the Florida Constitution in 1992. Article VII, section 4(d), of the Florida Constitution, limits the amount that a homestead's assessed value can increase annually to the lesser of 3 percent or the percentage change in the Consumer Price Index (CPI).¹⁷ In addition, no assessment may exceed just value.

In 2008, Florida voters approved an additional amendment to Article VII, section 4(d), of the Florida Constitution, to provide for the portability of the accrued *Save Our Homes* benefit. This amendment allows homestead property owners who relocate to a new homestead to transfer up to \$500,000 of the *Save Our Homes* accrued benefit to the new homestead.

Nonhomestead Assessment Limitations

Article VII, subsections 4(g) and (h), of the Florida Constitution, were created in January 2008, when Florida electors voted to provide an assessment limitation for nonhomestead residential real property containing nine or fewer units, and for all real property not subject to other specified classes or uses. For all levies, with the exception of school levies, the assessed value of property in each of these two categories may not be increased annually by more than 10 percent of the assessment in the prior year. However, nonhomestead residential real property containing nine or fewer units must be assessed at just value whenever there is a change in ownership or control. For the other real property subject to the limitation, the Legislature may provide that such property shall be assessed at just value after a change of ownership or control.¹⁸

Article XII, section 27, of the Florida Constitution, provides that subsections (f) and (g),¹⁹ Article VII (creating limitations on annual assessment increases of specified nonhomestead property) are repealed effective January 1, 2019, and that the Legislature must propose an amendment abrogating the repeal, which shall be submitted to the voters for approval or rejection on the general election ballot for 2018.

Rule 12D-8.0062, Florida Administrative Code (F.A.C.): Recapture Rule

In October 1995, the Governor and the Cabinet adopted rule 12D-8.0062, F.A.C., of the Department of Revenue, entitled *Assessments; Homestead; and Limitations*.²⁰ The administrative intent of this rule is to govern “the determination of the assessed value of property subject to the homestead assessment limitation under Article VII, Section 4(c),²¹ Florida Constitution and Section 193.155, F.S.”²²

¹⁷ Fla. Const. art. VII, s. 4(d).

¹⁸ Fla. Const. art. VII, s. 4(g) and (h).

¹⁹ See note 1, *supra*.

²⁰ While s. 193.155, F.S., did not provide specific rulemaking authority, the Department of Revenue adopted Rule 12D-8.0062, F.A.C., pursuant to its general rulemaking authority under s. 195.027, F.S. Section 195.027, F.S., provides that the Department of Revenue shall prescribe reasonable rules and regulations for the assessing and collecting of taxes, and that the Legislature intends that the department shall formulate such rules and regulations that property will be assessed, taxes will be collected, and that the administration will be uniform, just, and otherwise in compliance with the requirements of general law and the constitution.

²¹ This provision is the *Save Our Homes* assessment limitation that was amended into the Florida Constitution in 1992 and is currently designated as Article VII, section 4(d) of the Florida Constitution.

²² Rule 12D-8.0062(1), F.A.C.

Subsection (5) of Rule 12D-8.0062, F.A.C., is popularly known as the *Recapture Rule*. This provision requires property appraisers to increase the prior year assessed value of a homestead property by the lower of 3 percent or the percent increase in the CPI on all property **where the assessed value is lower than the just value**.

Under current law, this requirement applies even if the just value of the homestead property has decreased from the prior year. Therefore, homestead owners entitled to the *Save Our Homes* cap whose property is assessed at less than just value may see an increase in the assessed value of their home during years when the just market value of their property decreased.²³

Subsection (6) provides that if the change in the CPI is negative, then the assessed value shall be equal to the prior year's assessed value decreased by that percentage.

Markham v. Department of Revenue²⁴

On March 17, 1995, William Markham, the Broward County Property Appraiser, filed a petition challenging the validity of the Department of Revenue's proposed "recapture rule" within Rule 12D-8.0062, F.A.C. Markham alleged that the proposed rule was "an invalid exercise of delegated legislative authority and is arbitrary and capricious."²⁵ Markham also claimed that subsection (5) of the rule was at variance with the constitution – specifically that it conflicted with the intent of the ballot initiative and that a third limitation relating to market value or movement²⁶ should be incorporated into the language of the rule to make it compatible with the language in Article VII, section 4(c), of the Florida Constitution.

A final order was issued by the Division of Administrative Hearings on June 21, 1995, which upheld the validity of Rule 12D-8.0062, F.A.C., and the Department of Revenue's exercise of delegated legislative authority. The hearing officer determined that subsections (5) and (6) of the administrative rule were consistent with Article VII, section 4(c), of the Florida Constitution. The hearing officer also held that the challenged portions of the rule were consistent with the agency's mandate to adopt rules under s. 195.027(1), F.S., since the rule had a factual and logical underpinning, was plain and unambiguous, and did not conflict with the implemented law.²⁷

In response to the petitioner's assertion of a third limitation on market movement, the hearing officer concluded that the rule was not constitutionally infirm since there was no mention of "market movement" or "market value" in the ballot summary of the amendment nor did the petitioner present any evidence of legislative history concerning the third limitation.²⁸

²³ *Markham v. Dep't of Revenue*, Case No. 95-1339RP, 1995 WL 1053056 (Fla. DOAH 1995) (stating that "[s]ubsection (5) requires an increase to the prior year's assessed value in a year where the CPI is greater than zero").

²⁴ *Id.*

²⁵ *Id.* at *1.

²⁶ *Id.* at *6 (stating that "[t]his limitation, grounded on 'market movement,' would mean that in a year in which market value did not increase, the assessed value of a homestead property would not increase").

²⁷ *Id.* at *6.

²⁸ *Id.* at *6 -*7.

Amendment 3 Proposed for the November 2010 Ballot: SJR 532 (2009)

In 2009, the Legislature passed SJR 532, which was to go before the voters as Amendment 3 on the November 2010 ballot. Among the provisions of Amendment 3:

- Reduce the annual nonhomestead assessment limitation from 10 percent to 5 percent.
- Provide an additional homestead exemption for persons who have not owned a principal residence in the previous eight years.²⁹
 - The additional homestead exemption would have been equal to 25 percent of the just value of the homestead in the first year for all levies, up to \$100,000.
 - The amount of the additional homestead exemption was to decrease by 20 percent of the initial exemption during each of the succeeding five years, until it was no longer available in the sixth and subsequent years.³⁰

In August 2010, the Florida Supreme Court removed Amendment 3 from the 2010 Ballot, on the grounds that the ballot title and summary were misleading and failed to comply with the constitutional accuracy requirement implicitly provided in Article XI, section 5(a), of the Florida Constitution.³¹

Amendment 4 Proposed for the November 2012 Ballot: HJR 381 (2011)

In 2011, the Legislature approved HJR 381, which is to go before the voters as Amendment 4 on the November 2012 ballot. HJR 381 (2011) proposes amendments to Article VII, sections 4 and 6 and Article XII, section 27 of the Florida Constitution. It also proposes the creation of Article XII, sections 32 and 33 of the Florida Constitution. The ad valorem taxation provisions of HJR 381 (2011) comprise the following:

- Reducing the annual assessment limitation for specified nonhomestead property from 10 percent to 5 percent.
- Allowing the Legislature, by general law, to prohibit increases in the assessed value of a homestead property and certain nonhomestead property in any year where the market value of the property decreases.
- Providing an additional homestead exemption for persons who are entitled to a homestead exemption under Article VII, section 6(a) of the Florida Constitution, and have not received a homestead exemption in the previous three years.
 - The additional homestead exemption would be equal to 50 percent of the just value of the homestead property though the exemption may not exceed the median just value of all homestead property within the county.
 - The amount of the additional homestead exemption is reduced each year for five years by 20 percent of the initial exemption or by an amount equal to the difference between the just value and the assessed value, whichever is greater. The exemption is not available in the sixth and subsequent years after it is first received.
 - The exemption applies only to non-school property taxes.

²⁹ This was popularly referred to as a first-time homebuyer exemption.

³⁰ CS for SJR 532, 1st Eng. (2009 Reg. Session).

³¹ *Roberts v. Doyle*, 43 So. 3d 654 (Fla. 2010).

- Delaying the currently scheduled repeal of constitutional amendments that limit annual assessments for specified nonhomestead property from 2019 to 2023.

If approved by voters at the 2012 general election, the assessment limitations and additional homestead exemption shall take effect January 1, 2013. The additional homestead exemption shall be available for properties purchased on or after January 1, 2012.

III. Effect of Proposed Changes:

Assessment Limitation on Homestead and certain Nonhomestead Property: Recapture

The joint resolution proposes to amend paragraph (1) of subsections (d), (g), and (h) in section 4, Article VII, of the Florida Constitution, to authorize the Legislature to provide by general law that an assessment may not increase if the just value of the property is less than the just value of the property on the preceding January 1. This authority to limit increases in the assessed value of homestead and certain nonhomestead property does not apply to the assessment of changes, additions, reductions, or improvements to homestead property as provided by subsection (d)(5) in section 4, Article VII, of the Florida Constitution.

The joint resolution also deletes obsolete language provided in paragraph (8) of subsection (d) in section 4, Article VII, of the Florida Constitution.

Assessment Limitation on Specified Nonhomestead Property

The joint resolution proposes to amend paragraph (1) of subsections (g) and (h) in section 4, Article VII, to reduce the limitation on annual assessment increases applicable to nonhomestead property from 10 percent to 7 percent.

Additional Homestead Exemption

The joint resolution proposes to create subsection (f) in section 6, Article VII, of the Florida Constitution. This amendment allows individuals who establish a right to receive a homestead exemption under Article VII, section 6(a), of the Florida Constitution, to receive an additional homestead exemption for all non-school property taxes. This exemption is equal to 30 percent of the homestead property's just value in excess of \$75,000 but less than or equal to \$200,000, plus 15 percent of the homestead property's just value in excess of \$200,000 but less than or equal to \$400,000. The value of the additional homestead exemption shall be reduced by the difference between the just value of the property and the assessed value of the property determined under subsection (d) in section 4, Article VII of the Florida Constitution.

By general law, the Legislature may adjust the percent of just value or the maximum and minimum levels of just value used to calculate the additional homestead exemption, but may not reduce the value of the additional exemption below the value established in this subsection. The exemption does not apply to school levies. This provision would allow the Legislature to totally exempt homestead property from non-school property taxes.

Scheduled Repeal of Assessment Limitation on Specified Nonhomestead Property

The joint resolution amends Article XII, section 27 of the Florida Constitution, to delay until January 1, 2023, the repeal, currently scheduled to take effect January 1, 2019, of subsections (g) and (h) of section 4, of Article VII of the Florida Constitution. These subsections limit annual increases for specified nonhomestead real property. The joint resolution delays until 2022 the submission of an amendment proposing the abrogation of such repeal to the voters.

Article XII, section 27, of the Florida Constitution, is further amended to establish a schedule for authorizing the proposed property assessment and additional homestead exemption amendments of the joint resolution. Under the joint resolution, the amendments to Article VII, sections 4 and 6, of the Florida Constitution shall take effect January 1, 2013.

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.

D. Other Constitutional Issues:

Constitutional Amendments

Article XI, section 1, of the Florida Constitution, authorizes the Legislature to propose amendments to the State Constitution by joint resolution approved by three-fifths vote 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 or at a special election held for that purpose.

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 once in the tenth week and again in the sixth week immediately preceding the week the election is held. The Division of Elections within the Department of State estimated that the average cost per word to advertise an amendment to the State Constitution is \$106.14 for this fiscal year.

Article XI, section 5(e), of the Florida Constitution, requires a 60 percent voter approval for a constitutional amendment to take effect. An approved amendment becomes

effective on the first Tuesday after the first Monday in January following the election at which it is approved, or on such other date as may be specified in the amendment or revision.

Article XI, section 5(a), of the Florida 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.’”³²

Equal Protection Clause

The United States Constitution provides that “no State shall . . . deny to any person within its jurisdiction, the equal protection of law.”³³ In the past, taxpayers have argued that disparate treatment in real property tax assessments constitutes an equal protection violation.³⁴ In these instances, courts have used the rational basis test to determine the constitutionality of discriminatory treatment in property tax assessments.³⁵ Under the rational basis test, a court must uphold a state statute so long as the classification bears a rational relationship to a legitimate state interest.³⁶

It has been argued that the recapture rule provided in section (5) of Rule 12D-8.0062, F.A.C., diminishes the existing inequity between property assessments over time.³⁷ To the extent that this view is adopted, taxpayers may argue that the elimination of the recapture rule creates a stronger argument for an Equal Protection Clause violation. If this argument is made, the court would need to determine whether the components of this joint resolution are rationally related to a legitimate state interest.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

If approved by the voters, this joint resolution lowers the limit on increases in the assessed value of specified nonhomestead property from 10 percent to 7 percent, and

³² *Roberts*, 43 So. 3d at 659 (quoting *Florida Dep’t of State v. Slough*, 992 So. 2d 142, 147 (Fla. 2008)).

³³ U.S. CONST. amend. XIV, § 1. See also FLA. CONST. art. I, s. 2.

³⁴ *Reinish v. Clark*, 765 So. 2d 197 (Fla. 1st DCA 2000) (holding that the Florida homestead exemption did not violate the Equal Protection Clause, the Privileges and Immunities Clause, or the Commerce Clause). See also *Lanning v. Pilcher*, 16 So. 3d 294 (Fla. 1st DCA 2009) (holding that the Save Our Homes Amendment of the State Constitution did not violate a nonresident’s rights under the Equal Protection Clause). See also *Nordlinger v. Hahn*, 505 U.S. 1 (1992) (stating that the constitutional amendment in California that limited real property tax increases, in the absence of a change of ownership to 2 percent per year, was not a violation of the Equal Protection Clause).

³⁵ *Nordlinger*, 505 U.S. at 33-34 (stating that a “classification *rationality* furthers a state interest when there is some fit between the disparate treatment and the legislative purpose”).

³⁶ *Id.*

³⁷ Walter Hellerstein et al., LEGAL ANALYSIS OF PROPOSED ALTERNATIVES TO FLORIDA’S HOMESTEAD PROPERTY TAX LIMITATIONS: FEDERAL CONSTITUTIONAL AND RELATED ISSUES, at 83 (on file with the Senate Committee on Community Affairs).

provides an additional homestead exemption. It also gives authority to the Legislature to limit assessment increases for property whose just value has decreased in the preceding year.

B. Private Sector Impact:

Assessment Limitation on Homestead Property: Recapture

If approved by the voters and implemented by the Legislature, assessments will be lower for those taxpayers whose homesteads or specified nonhomestead properties are falling in value but still receive a benefit from Save Our Homes. The joint resolution will redistribute the tax burden. Nonhomestead and recently established homestead property will pay a larger proportion of the cost of local services. To the extent that local governments do not raise millage rates, taxpayers may experience a reduction in government and education services due to any reductions in ad valorem tax revenues.

Assessment Limitation on Nonhomestead Property

Under the current-law 10 percent limitation on assessment increases, owners of existing residential rental and commercial real property may experience property tax savings compared to new property. To the extent that local taxing authorities' budgets are not reduced and millage rates rise to offset losses in taxable value, the tax burden on other properties is higher to offset these tax losses. New properties or properties that have changed ownership or undergone significant improvements are assessed at just value, and are at a competitive disadvantage compared to older properties with respect to their tax burden. By reducing the assessment limitation from 10 percent to 7 percent, this proposed joint resolution exacerbates the redistribution of the tax burden from existing property to new property.

Additional Homestead Exemption

If approved by the voters, homestead owners whose just values are greater than \$75,000 may experience reductions in ad valorem taxes. Other property owners in the taxing jurisdiction will pay higher taxes if the jurisdiction adjusts the millage rate to offset the loss to the tax base. The Legislature is authorized by this amendment to increase the value of this additional homestead exemption, and potentially could totally exempt homestead property from non-school property taxes

C. Government Sector Impact:

The Revenue Estimating Conference (REC) has estimated the impacts of both SJR 314 and HJR 381 (2011). The figures in the tables below represent the loss in local government taxes that would occur if the voters approve either of the amendments, at the millage rates levied in 2011. The statewide average millage rate for non-school taxes used is 10.9 mills; the statewide average school millage rate is 7.8 mills.

SJR 314	FY 2013-2014	FY 2014-2015	FY 2015-2016
10% - 7% Limitation	-\$44.5	-\$82.5	-\$118.0
Homestead Exemption	-\$565.1	-\$576.0	-\$579.6
Homestead Recapture Limitation: Schools	-\$38.5	-\$63.0	-\$79.0
Homestead Recapture Limitation: Non-schools	-\$53.2	-\$87.1	-\$109.3
Nonhomestead Recapture Limitation	-\$14.8	-\$47.8	-\$55.7

HJR 381 (2011)	FY 2013-2014	FY 2014-2015	FY 2015-2016
10% - 5% Limitation	-\$82.3	-\$162.2	-\$243.0
Homestead Exemption	-\$36.0	-\$55.3	-\$77.7
Homestead Recapture Limitation: Schools	-\$38.5	-\$63.0	-\$79.0
Homestead Recapture Limitation: Non-schools	-\$53.2	-\$87.1	-\$109.3
Nonhomestead Recapture Limitation	-\$14.2	-\$33.5	-\$41.2

(All amounts are \$ millions.)

Technical Deficiencies:

None.

VI. Related Issues:

Senate Joint Resolution 312 rescinds and withdraws House Joint Resolution 381 (2011), which proposes constitutional Amendment 4 on ad valorem taxation scheduled for the 2012 general election ballot. The effective date of SJR 312 is contingent on the passage of SJR 314.

VII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on December 7, 2011:

The committee substitute revises the effective date for amendments to Article VII, sections 4 and 6, of the Florida Constitution and to Article XII, section 27, of the Florida Constitution within the joint resolution to provide that the amendments shall take effect on January 1, 2013.

- 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 the Committee on Judiciary; and Senator Simmons

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2012314c1

Senate Joint Resolution

A joint resolution proposing amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of two new Sections in Article XII of the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property, authorize the Legislature to adjust the amount of the exemption, provide that the additional exemption is to be reduced by the difference between the just value and the assessed value, delay a future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates.

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

That the following amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of two new Sections 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

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FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 ~~of this Article~~ shall have their homestead assessed at ~~just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as~~ provided in this subsection.

(1) Assessments subject to this subsection shall change ~~be changed~~ annually on January 1 ~~1st~~ of each year, ~~but those changes in assessments~~

a. A change in an assessment may ~~shall~~ not exceed the lower of the following:

1.a. ~~Three percent (3%)~~ of the assessment for the prior year.

2.b. ~~The percent change in the Consumer Price Index for all~~

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59 urban consumers, U.S. City Average, all items 1967=100, or a
 60 successor ~~index reports~~ for the preceding calendar year as
 61 initially reported by the United States Department of Labor,
 62 Bureau of Labor Statistics.

63 b. The legislature may provide by general law that, except
 64 for changes, additions, reductions, or improvements to homestead
 65 property assessed as provided in paragraph (5), an assessment
 66 may not increase if the just value of the property is less than
 67 the just value of the property on the preceding January 1.

68 (2) ~~An~~ ~~no~~ assessment may not ~~shall~~ exceed just value.

69 (3) After a ~~any~~ change of ownership, as provided by general
 70 law, homestead property shall be assessed at just value as of
 71 January 1 of the following year, unless the provisions of
 72 paragraph (8) apply. Thereafter, the homestead shall be assessed
 73 as provided in this subsection.

74 (4) New homestead property shall be assessed at just value
 75 as of January 1 ~~1st~~ of the year following the establishment of
 76 the homestead, unless the provisions of paragraph (8) apply.
 77 That assessment shall ~~only~~ change only as provided in this
 78 subsection.

79 (5) Changes, additions, reductions, or improvements to
 80 homestead property shall be assessed as provided for by general
 81 law, ~~provided~~. However, after the adjustment for any change,
 82 addition, reduction, or improvement, the property shall be
 83 assessed as provided in this subsection.

84 (6) In the event of a termination of homestead status, the
 85 property shall be assessed as provided by general law.

86 (7) The provisions of this ~~subsection amendment~~ are
 87 severable. If a provision ~~any of the provisions~~ of this

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88 subsection is amendment shall be held unconstitutional by a any
 89 court of competent jurisdiction, the decision of the such court
 90 ~~does shall~~ not affect or impair any remaining provisions of this
 91 subsection amendment.

92 (8)a. A person who ~~establishes a new homestead as of~~
 93 ~~January 1, 2009, or January 1 of any subsequent year and who~~ has
 94 received a homestead exemption pursuant to Section 6 ~~of this~~
 95 ~~Article~~ as of January 1 of either of the 2 ~~two~~ years immediately
 96 preceding the establishment of a ~~the~~ new homestead is entitled
 97 to have the new homestead assessed at less than just value. ~~If~~
 98 ~~this revision is approved in January of 2008, a person who~~
 99 ~~establishes a new homestead as of January 1, 2008, is entitled~~
 100 ~~to have the new homestead assessed at less than just value only~~
 101 ~~if that person received a homestead exemption on January 1,~~
 102 ~~2007.~~ The assessed value of the newly established homestead
 103 shall be determined as follows:

104 1. If the just value of the new homestead is greater than
 105 or equal to the just value of the prior homestead as of January
 106 1 of the year in which the prior homestead was abandoned, the
 107 assessed value of the new homestead shall be the just value of
 108 the new homestead minus an amount equal to the lesser of
 109 \$500,000 or the difference between the just value and the
 110 assessed value of the prior homestead as of January 1 of the
 111 year in which the prior homestead was abandoned. Thereafter, the
 112 homestead shall be assessed as provided in this subsection.

113 2. If the just value of the new homestead is less than the
 114 just value of the prior homestead as of January 1 of the year in
 115 which the prior homestead was abandoned, the assessed value of
 116 the new homestead shall be equal to the just value of the new

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117 homestead divided by the just value of the prior homestead and
 118 multiplied by the assessed value of the prior homestead.
 119 However, if the difference between the just value of the new
 120 homestead and the assessed value of the new homestead calculated
 121 pursuant to this sub-subparagraph is greater than \$500,000, the
 122 assessed value of the new homestead shall be increased so that
 123 the difference between the just value and the assessed value
 124 equals \$500,000. Thereafter, the homestead shall be assessed as
 125 provided in this subsection.

126 b. By general law and subject to conditions specified
 127 therein, the legislature shall provide for application of this
 128 paragraph to property owned by more than one person.

129 (e) The legislature may, by general law, for assessment
 130 purposes and subject to the provisions of this subsection, allow
 131 counties and municipalities to authorize by ordinance that
 132 historic property may be assessed solely on the basis of
 133 character or use. Such character or use assessment shall apply
 134 only to the jurisdiction adopting the ordinance. The
 135 requirements for eligible properties must be specified by
 136 general law.

137 (f) A county may, in the manner prescribed by general law,
 138 provide for a reduction in the assessed value of homestead
 139 property to the extent of any increase in the assessed value of
 140 that property which results from the construction or
 141 reconstruction of the property for the purpose of providing
 142 living quarters for one or more natural or adoptive grandparents
 143 or parents of the owner of the property or of the owner's spouse
 144 if at least one of the grandparents or parents for whom the
 145 living quarters are provided is 62 years of age or older. Such a

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146 reduction may not exceed the lesser of the following:

147 (1) The increase in assessed value resulting from
 148 construction or reconstruction of the property.

149 (2) Twenty percent of the total assessed value of the
 150 property as improved.

151 (g) For all levies other than school district levies,
 152 assessments of residential real property, as defined by general
 153 law, which contains nine units or fewer and which is not subject
 154 to the assessment limitations set forth in subsections (a)
 155 through (d) shall change only as provided in this subsection.

156 (1) Assessments subject to this subsection shall be changed
 157 annually on the date of assessment provided by law. However,
 158 ~~but~~ those changes in assessments may ~~shall~~ not exceed 7 ~~ten~~
 159 percent ~~(10%)~~ of the assessment for the prior year. The
 160 legislature may provide by general law that, except for changes,
 161 additions, reductions, or improvements to property assessed as
 162 provided in paragraph (4), an assessment may not increase if the
 163 just value of the property is less than the just value of the
 164 property on the preceding date of assessment provided by law.

165 (2) ~~An~~ ~~no~~ assessment may not ~~shall~~ exceed just value.

166 (3) After a change of ownership or control, as defined by
 167 general law, including any change of ownership of a legal entity
 168 that owns the property, such property shall be assessed at just
 169 value as of the next assessment date. Thereafter, such property
 170 shall be assessed as provided in this subsection.

171 (4) Changes, additions, reductions, or improvements to such
 172 property shall be assessed as provided for by general law. ~~+~~
 173 However, after the adjustment for any change, addition,
 174 reduction, or improvement, the property shall be assessed as

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175 provided in this subsection.

176 (h) For all levies other than school district levies,
177 assessments of real property that is not subject to the
178 assessment limitations set forth in subsections (a) through (d)
179 and (g) shall change only as provided in this subsection.

180 (1) Assessments subject to this subsection shall be changed
181 annually on the date of assessment provided by law. However,
182 ~~but~~ those changes in assessments may ~~shall~~ not exceed 7 ~~ten~~
183 percent ~~(10%)~~ of the assessment for the prior year. The
184 legislature may provide by general law that, except for changes,
185 additions, reductions, or improvements to property assessed as
186 provided in paragraph (5), an assessment may not increase if the
187 just value of the property is less than the just value of the
188 property on the preceding date of assessment provided by law.

189 (2) ~~An~~ An assessment may not ~~shall~~ exceed just value.

190 (3) The legislature must provide that such property shall
191 be assessed at just value as of the next assessment date after a
192 qualifying improvement, as defined by general law, is made to
193 such property. Thereafter, such property shall be assessed as
194 provided in this subsection.

195 (4) The legislature may provide that such property shall be
196 assessed at just value as of the next assessment date after a
197 change of ownership or control, as defined by general law,
198 including any change of ownership of the legal entity that owns
199 the property. Thereafter, such property shall be assessed as
200 provided in this subsection.

201 (5) Changes, additions, reductions, or improvements to such
202 property shall be assessed as provided for by general law.
203 However, after the adjustment for any change, addition,

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204 reduction, or improvement, the property shall be assessed as
205 provided in this subsection.

206 (i) The legislature, by general law and subject to
207 conditions specified therein, may prohibit the consideration of
208 the following in the determination of the assessed value of real
209 property used for residential purposes:

210 (1) Any change or improvement made for the purpose of
211 improving the property's resistance to wind damage.

212 (2) The installation of a renewable energy source device.

213 (j) (1) The assessment of the following working waterfront
214 properties shall be based upon the current use of the property:

215 a. Land used predominantly for commercial fishing purposes.

216 b. Land that is accessible to the public and used for
217 vessel launches into waters that are navigable.

218 c. Marinas and drystackes that are open to the public.

219 d. Water-dependent marine manufacturing facilities,
220 commercial fishing facilities, and marine vessel construction
221 and repair facilities and their support activities.

222 (2) The assessment benefit provided by this subsection is
223 subject to conditions and limitations and reasonable definitions
224 as specified by the legislature by general law.

225 SECTION 6. Homestead exemptions.-

226 (a) Every person who has the legal or equitable title to
227 real estate and maintains thereon the permanent residence of the
228 owner, or another legally or naturally dependent upon the owner,
229 shall be exempt from taxation thereon, except assessments for
230 special benefits, up to the assessed valuation of \$25,000
231 ~~twenty-five thousand dollars~~ and, for all levies other than
232 school district levies, on the assessed valuation greater than

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233 ~~\$50,000 fifty thousand dollars~~ and up to \$75,000 ~~seventy-five~~
 234 ~~thousand dollars~~, upon establishment of right thereto in the
 235 manner prescribed by law. The real estate may be held by legal
 236 or equitable title, by the entireties, jointly, in common, as a
 237 condominium, or indirectly by stock ownership or membership
 238 representing the owner's or member's proprietary interest in a
 239 corporation owning a fee or a leasehold initially in excess of
 240 98 ~~ninety-eight~~ years. The exemption shall not apply with
 241 respect to any assessment roll until such roll is first
 242 determined to be in compliance with the provisions of Section 4
 243 by a state agency designated by general law. This exemption is
 244 repealed on the effective date of any amendment to this Article
 245 which provides for the assessment of homestead property at less
 246 than just value.

247 (b) Not more than one exemption under subsection (a) and
 248 one exemption under subsection (f) shall be allowed any
 249 individual or family unit or with respect to any residential
 250 unit. No exemption shall exceed the value of the real estate
 251 assessable to the owner or, in case of ownership through stock
 252 or membership in a corporation, the value of the proportion
 253 which the interest in the corporation bears to the assessed
 254 value of the property.

255 (c) By general law and subject to conditions specified
 256 therein, the legislature may provide to renters, who are
 257 permanent residents, ad valorem tax relief on all ad valorem tax
 258 levies. Such ad valorem tax relief shall be in the form and
 259 amount established by general law.

260 (d) The legislature may, by general law, allow counties or
 261 municipalities, for the purpose of their respective tax levies

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262 and subject to the provisions of general law, to grant an
 263 additional homestead tax exemption not exceeding \$50,000 ~~fifty~~
 264 ~~thousand dollars~~ to any person who has the legal or equitable
 265 title to real estate and maintains thereon the permanent
 266 residence of the owner and who has attained age 65 ~~sixty-five~~
 267 and whose household income, as defined by general law, does not
 268 exceed \$20,000 ~~twenty thousand dollars~~. The general law must
 269 allow counties and municipalities to grant this additional
 270 exemption, within the limits prescribed in this subsection, by
 271 ordinance adopted in the manner prescribed by general law, and
 272 must provide for the periodic adjustment of the income
 273 limitation prescribed in this subsection for changes in the cost
 274 of living.

275 (e) Each veteran who is age 65 or older who is partially or
 276 totally permanently disabled shall receive a discount from the
 277 amount of the ad valorem tax otherwise owed on homestead
 278 property the veteran owns and resides in if the disability was
 279 combat related, the veteran was a resident of this state at the
 280 time of entering the military service of the United States, and
 281 the veteran was honorably discharged upon separation from
 282 military service. The discount shall be in a percentage equal to
 283 the percentage of the veteran's permanent, service-connected
 284 disability as determined by the United States Department of
 285 Veterans Affairs. To qualify for the discount granted by this
 286 subsection, an applicant must submit to the county property
 287 appraiser, by March 1, proof of residency at the time of
 288 entering military service, an official letter from the United
 289 States Department of Veterans Affairs stating the percentage of
 290 the veteran's service-connected disability and such evidence

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291 that reasonably identifies the disability as combat related, and
 292 a copy of the veteran's honorable discharge. If the property
 293 appraiser denies the request for a discount, the appraiser must
 294 notify the applicant in writing of the reasons for the denial,
 295 and the veteran may reapply. The legislature may, by general
 296 law, waive the annual application requirement in subsequent
 297 years. This subsection shall take effect December 7, 2006, is
 298 self-executing, and does not require implementing legislation.

299 (f) Every person who has established the right to receive
 300 the homestead exemption provided in subsection (a) is entitled
 301 to an additional homestead exemption for all levies other than
 302 school district levies in an amount equal to 30 percent of the
 303 homestead property's just value in excess of \$75,000 but less
 304 than or equal to \$200,000, plus 15 percent of the homestead
 305 property's just value in excess of \$200,000 but less than or
 306 equal to \$400,000. The value of the additional homestead
 307 exemption shall be reduced by the difference between the just
 308 value of the property and the assessed value of the property
 309 determined under Section 4(d). By general law, the legislature
 310 may adjust the percent of just value or the maximum and minimum
 311 levels of just value used to calculate the additional homestead
 312 exemption, but may not reduce the value of the additional
 313 exemption below the value established in this subsection.

ARTICLE XII

SCHEDULE

316 SECTION 27. Property tax exemptions and limitations on
 317 property tax assessments.—The amendments to Sections 3, 4, and 6
 318 of Article VII, providing a \$25,000 exemption for tangible
 319 personal property, providing an additional \$25,000 homestead

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320 exemption, authorizing transfer of the accrued benefit from the
 321 limitations on the assessment of homestead property, and this
 322 section, if submitted to the electors of this state for approval
 323 or rejection at a special election authorized by law to be held
 324 on January 29, 2008, shall take effect upon approval by the
 325 electors and shall operate retroactively to January 1, 2008, or,
 326 if submitted to the electors of this state for approval or
 327 rejection at the next general election, shall take effect
 328 January 1 of the year following such general election. The
 329 amendments to Section 4 of Article VII creating subsections (g)
 330 ~~(f)~~ and (h) ~~(g)~~ of that section, creating a limitation on annual
 331 assessment increases for specified real property, shall take
 332 effect upon approval of the electors and shall first limit
 333 assessments beginning January 1, 2009, if approved at a special
 334 election held on January 29, 2008, or shall first limit
 335 assessments beginning January 1, 2010, if approved at the
 336 general election held in November of 2008. Subsections (g) ~~(f)~~
 337 and (h) ~~(g)~~ of Section 4 of Article VII are repealed effective
 338 January 1, 2023 ~~2019~~; however, the legislature shall by joint
 339 resolution propose an amendment abrogating the repeal of
 340 subsections (g) ~~(f)~~ and (h) ~~(g)~~, which shall be submitted to the
 341 electors of this state for approval or rejection at the general
 342 election of 2022 ~~2018~~ and, if approved, shall take effect
 343 January 1, 2023 ~~2019~~.

344 Property assessments.—This section and the amendments to
 345 Section 4 of Article VII authorizing the legislature to prohibit
 346 increases in the assessed value of homestead property that has a
 347 declining just value and reducing the limit on the maximum
 348 annual increase in the assessed value of nonhomestead property

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

590-01563-12 2012314c1

349 from 10 percent to 7 percent shall take effect January 1, 2013.
 350 Additional homestead exemption.—This section and the
 351 amendment to Section 6 of Article VII providing for an
 352 additional homestead exemption shall take effect January 1,
 353 2013.

354 BE IT FURTHER RESOLVED that the following statement be
 355 placed on the ballot:

356 CONSTITUTIONAL AMENDMENT
 357 ARTICLE VII, SECTIONS 4, 6
 358 ARTICLE XII, SECTION 27

359 PROPERTY TAX LIMITATIONS; ADDITIONAL HOMESTEAD EXEMPTION.—

360 (1) In certain circumstances, the law requires the assessed
 361 value of real property to increase when the just value of the
 362 property is greater than its assessed value. This amendment
 363 authorizes the Legislature, by general law, to prohibit such
 364 increase in the assessment of property whose just value is less
 365 than its just value on the preceding assessment date. This
 366 amendment takes effect January 1, 2013.

367 (2) The State Constitution generally limits increases in
 368 the assessed value of nonhomestead real property for property
 369 tax purposes to 10 percent annually. This amendment reduces that
 370 limit to 7 percent. This amendment takes effect January 1, 2013.

371 (3) This amendment also provides owners of homestead
 372 property an additional homestead exemption for all levies other
 373 than school district levies in an amount equal to 30 percent of
 374 the homestead property's just value between \$75,000 and
 375 \$200,000, plus 15 percent of the homestead property's just value
 376 between \$200,000 and \$400,000. The Legislature may adjust the
 377 amount of the additional homestead exemption but may not reduce

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378 it below what is provided in this amendment. The value of the
 379 additional homestead exemption shall be reduced by the
 380 difference between the just value of the property and its
 381 assessed value. This amendment takes effect January 1, 2013.

382 (4) The State Constitution provides for the automatic
 383 repeal of the provisions that provide a general limit on annual
 384 increases in the assessed value of nonhomestead properties for
 385 the purposes of property taxes. This amendment delays until 2023
 386 the repeal of those provisions, which is currently scheduled to
 387 occur in 2019.

APPEARANCE RECORD

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

Not Yet Noticed

Meeting Date

Topic Ad Valorem Taxation Constitutional Amendment Proposal

Bill Number CS/SJR 314
(if applicable)

Name Sara Cucchi

Amendment Barcode _____
(if applicable)

Job Title Citizen

Address 17603 Crawley Rd.

Phone 813-926-1045

Street

Odessa FL 33556

E-mail cucchi.sara@gmail.com

City

State

Zip

Speaking: For Against Information

Representing N/A

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

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

1/25/12

Meeting Date

Topic Property Tax

Bill Number _____
(if applicable)

Name Trey Price

Amendment Barcode _____
(if applicable)

Job Title Public Policy Rep.

Address 200 S. Monroe St

Phone 224-1400

Street

Tallahassee FL 32301

City

State

Zip

E-mail Trey.P@floridarealtors.org

Speaking: For Against Information

Representing Florida Realtors

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

OP 1/25/2012
Meeting Date

Topic Property Tax

Bill Number SJR 314
(if applicable)

Name Scott Dudley

Amendment Barcode _____
(if applicable)

Job Title Legislative Affairs Director

Address P.O. Box 1757

Phone 850 222-9684

Tallahassee, FL 32302
Street City State Zip

E-mail sdudley@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

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

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

1-25

Meeting Date

Topic _____

Bill Number 314/312
(if applicable)

Name H. LEE MOFFITT

Amendment Barcode _____
(if applicable)

Job Title _____

Address 3327 NW PERIMETER

Phone 813 831-1500

Street

PALM CITY

E-mail MRSPEAKER@AOL.COM

City

State

Zip

Speaking: For Against Information

Representing BOMA (BUILDING OWNERS & MANAGERS)

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
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 Budget Subcommittee on Finance and Tax

BILL: SPB 7182

INTRODUCER: For consideration by the Budget Subcommittee on Finance and Tax

SUBJECT: Taxation

DATE: January 19, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fournier	Diez-Arguelles		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

This bill limits the dealer collection allowance to those tax dealers who file returns and pay taxes by electronic means. The dealer collection allowance compensates sales tax dealers up to \$30 per return for keeping records, filing timely tax returns and properly accounting and remitting taxes.

This bill updates the Florida Income Tax Code to reflect changes Congress made to the U.S. Internal Revenue Code of 1986 by adopting the Internal Revenue Code as in effect on January 1, 2012. The change will apply retroactively to January 1, 2012.

This bill also revises the date on which an estimated corporate tax payment is due. Currently estimated payments are due on the last day of the applicable month; if the last day of the month falls on a Saturday, Sunday, or legal holiday these payments are not credited to the state until the next business day. This bill provides that, effective July 1, 2012, if the estimated tax payment falls due on a Saturday, Sunday, or legal holiday these payments must be paid on or before the preceding day that is not a Saturday, Sunday, or holiday.

The bill has an effective date of upon becoming law and applies retroactively to January 1, 2012 unless otherwise provided.

The bill substantially amends ss. 212.12, 220.03, 220.13, 220.33, F.S., and reenacts s. 723.008, F.S.

II. Present Situation:

Dealer's Collection Allowance

Section 212.12, F.S., provides a credit, referred to as the dealer's collection allowance, against sales tax due, for the purpose of compensating sales tax remitters for keeping prescribed records, filing timely tax returns, and properly accounting and remitting taxes. The amount of the credit, which is taken as a deduction from taxes due, is 2.5 percent of the amount of tax due. However, no credit is allowed for any tax due that exceeds \$1,200, effectively capping the credit at \$30 per reporting period.

Section 213.755, F.S., authorizes the executive director of the Department of Revenue (department) to require certain taxpayers to file returns and remit payments by electronic means. If the taxpayer has paid a tax in the prior state fiscal year of at least \$20,000, including combined returns for two or more places of business, the taxpayer is subject to this requirement. The department may waive the requirement for a taxpayer who is unable to comply despite good faith efforts or due to circumstances beyond the taxpayer's control.

Corporate Income Tax

Section 220.11, F.S., imposes a 5.5 percent tax on the taxable income of corporations doing business in Florida. For simplicity's sake, the determination of taxable income for Florida tax purposes begins with the taxable income used for Federal income tax purposes. This means that a corporation paying taxes in Florida receives the same benefits from deductions allowed in determining its federal taxable income. With federal taxable income as a starting point, Florida law then requires a variety of additions and subtractions to reflect Florida-specific policies.

Florida maintains this relationship by each year adopting the Federal Internal Revenue Code as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income. The bill adopting the federal code is referred to as the "piggyback bill."

Section 220.24, F.S., requires each corporate income taxpayer to declare its estimated tax for the taxable year, if the amount payable as estimated tax can be expected to be more than \$2,500. Section 220.33, F.S., requires these taxpayers to pay estimated taxes in equal installments, depending upon when they are required to file their declarations of estimated taxes. The payments are due before the first day of specified months, including the 7th month of the taxable year, which for calendar-year corporations is also the first month of the state's fiscal year.

If the day on which an estimated payment due is a Saturday, Sunday, or legal holiday, payments made on that day will not be credited to the state until the following business day. Under this circumstance, estimated payments due before July 1 will fall into the next state fiscal year.

III. Effect of Proposed Changes:

The bill amends s. 212.12, F.S., to provide that the dealer's collection allowance applies to only those taxpayers who file returns and pay taxes due on those returns by electronic means. The bill also reenacts s. 723.008, F.S., which contains a reference to s. 212.12, F.S.

The bill updates the Florida Income Tax Code to reflect changes Congress made to the U.S. Internal Revenue Code of 1986 by adopting the Internal Revenue Code as in effect on January 1, 2012. The change will apply retroactively to January 1, 2012.

The bill also amends s. 220.33, F.S., to provide that if the estimated tax payment falls due on a Saturday, Sunday, or legal holiday these payments must be paid on or before the preceding day that is not a Saturday, Sunday, or holiday. This section takes effect July 1, 2012, and will have the effect of shifting corporate tax revenue from fiscal year 2013-14 to fiscal year 2012-13. It does not affect total tax revenue collected over the two years.

The department is granted emergency rulemaking authority in order to implement the provisions of the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The provision in this bill that eliminates the dealer's collection allowance for paper filers increases General Revenue by \$8.1 million in 2012-13. Local revenue increases by \$1.9 million in 2012-13, and EETF revenue decreases \$0.2 million in that period. All of these amounts are expected to decrease over time as additional taxpayers switch to electronic returns and payments.

This bill maintains the link between Florida's corporate income tax code and the current federal income tax code.

The provision in the bill that changes the filing date for corporate income tax estimated payments under certain circumstances increases General Revenue by \$100 million in FY 2012-13, and decreases FY 2013-14 General Revenue by \$100 million.

B. Private Sector Impact:

In FY 2010-11, 1.7 million sales tax paper tax returns were filed and the filers received \$16.7 million in collection allowance. It is estimated that passage of this bill will

encourage 30 percent of all paper returns to be switched to electronic filing in FY 2012-13, and the number will grow to 40 percent by FY 2014-14 and thereafter.

Paper filers collect mostly small amounts of tax; 1.3 million returns (of the 1.7 million total paper returns) received a collection allowance of less than \$15; almost 800,000 paper returns received a collection allowance of less than \$5.

This bill allows taxpayers to use their federal tax returns as the starting point for their Florida returns and simplifies filing and recordkeeping requirements for Florida corporations. It also requires estimated payments to be made on the preceding business day if the estimated tax payment falls due on a Saturday, Sunday, or legal holiday.

C. Government Sector Impact:

This bill encourages taxpayers to file tax returns and make payments electronically, which will improve efficiency and reduce costs for the department.

It also shifts \$100 million in General Revenue from FY 2013-14 to FY 2012-13.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Budget Subcommittee on Finance and Tax

593-01931-12

20127182__

1 A bill to be entitled
 2 An act relating to taxation; amending s. 212.12, F.S.;
 3 providing for the collection of allowances of the
 4 amount of tax due by persons who file returns only by
 5 electronic means and pay the amount due on such
 6 returns only by electronic means; deleting provisions
 7 that provide for the collection of such allowances by
 8 persons who file paper returns; defining the term
 9 "electronic means" for purposes of collecting
 10 allowances of the amount of tax due by persons who
 11 file sales and use tax returns; providing for
 12 applicability; amending s. 220.03, F.S.; adopting the
 13 2012 version of the Internal Revenue Code for purposes
 14 of ch. 220, F.S.; providing for retroactive operation;
 15 amending s. 220.33, F.S.; specifying the date by which
 16 estimated tax payments must be made when the due date
 17 is a Saturday, Sunday, or legal holiday; authorizing
 18 the Department of Revenue to adopt emergency rules;
 19 reenacting s. 723.008, F.S., relating to certain fees,
 20 penalties, and fines applicable to the "Florida Mobile
 21 Home Act," to incorporate the amendment made to s.
 22 212.12, F.S., in a reference thereto; providing
 23 effective dates.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Effective July 1, 2012, and applicative to
 28 returns due on or after that date, subsection (1) of section
 29 212.12, Florida Statutes, is amended to read:

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30 212.12 Dealer's credit for collecting tax; penalties for
 31 noncompliance; powers of Department of Revenue in dealing with
 32 delinquents; brackets applicable to taxable transactions;
 33 records required.-

34 (1) (a)1. Notwithstanding any other ~~provision of law~~ and for
 35 the purpose of compensating persons granting licenses for and
 36 the lessors of real and personal property taxed hereunder, for
 37 the purpose of compensating dealers in tangible personal
 38 property, for the purpose of compensating dealers providing
 39 communication services and taxable services, for the purpose of
 40 compensating owners of places where admissions are collected,
 41 and for the purpose of compensating remitters of any taxes or
 42 fees reported on the same documents utilized for the sales and
 43 use tax, as compensation for the keeping of prescribed records,
 44 filing timely tax returns, and the proper accounting and
 45 remitting of taxes by them, such seller, person, lessor, dealer,
 46 owner, and remitter (except dealers who make mail order sales)
 47 who files the return required pursuant to s. 212.11 only by
 48 electronic means and who pays the amount due on such return only
 49 by electronic means shall be allowed 2.5 percent of the amount
 50 of the tax due, ~~and~~ and accounted for, ~~and~~ and remitted to the
 51 department, ~~in the form of a deduction in submitting his or her~~
 52 ~~report and paying the amount due by him or her; the department~~
 53 ~~shall allow such deduction of 2.5 percent of the amount of the~~
 54 ~~tax to the person paying the same for remitting the tax and~~
 55 ~~making of tax returns in the manner herein provided, for paying~~
 56 ~~the amount due to be paid by him or her, and as further~~
 57 ~~compensation to dealers in tangible personal property for the~~
 58 ~~keeping of prescribed records and for collection of taxes and~~

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59 ~~remitting the same.~~ However, if the amount of the tax due and
 60 remitted to the department by electronic means for the reporting
 61 period exceeds \$1,200, ~~an allowance is not shall be~~ allowed
 62 for all amounts in excess of \$1,200. For purposes of this
 63 subparagraph, the term "electronic means" has the same meaning
 64 as provided in s. 213.755(2)(c).

65 2. The executive director of the department is authorized
 66 to negotiate a collection allowance, pursuant to rules
 67 promulgated by the department, with a dealer who makes mail
 68 order sales. The rules of the department shall provide
 69 guidelines for establishing the collection allowance based upon
 70 the dealer's estimated costs of collecting the tax, the volume
 71 and value of the dealer's mail order sales to purchasers in this
 72 state, and the administrative and legal costs and likelihood of
 73 achieving collection of the tax absent the cooperation of the
 74 dealer. However, in no event shall the collection allowance
 75 negotiated by the executive director exceed 10 percent of the
 76 tax remitted for a reporting period.

77 (b)(a) The Department of Revenue may deny the collection
 78 allowance if a taxpayer files an incomplete return or if the
 79 required tax return or tax is delinquent at the time of payment.

80 1. An "incomplete return" is, for purposes of this chapter,
 81 a return which is lacking such uniformity, completeness, and
 82 arrangement that the physical handling, verification, review of
 83 the return, or determination of other taxes and fees reported on
 84 the return may not be readily accomplished.

85 2. The department shall adopt rules requiring such
 86 information as it may deem necessary to ensure that the tax
 87 levied hereunder is properly collected, reviewed, compiled,

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88 reported, and enforced, including, but not limited to: the
 89 amount of gross sales; the amount of taxable sales; the amount
 90 of tax collected or due; the amount of lawful refunds,
 91 deductions, or credits claimed; the amount claimed as the
 92 dealer's collection allowance; the amount of penalty and
 93 interest; the amount due with the return; and such other
 94 information as the Department of Revenue may specify. The
 95 department shall require that transient rentals and agricultural
 96 equipment transactions be separately shown. Sales made through
 97 vending machines as defined in s. 212.0515 must be separately
 98 shown on the return. Sales made through coin-operated amusement
 99 machines as defined by s. 212.02 and the number of machines
 100 operated must be separately shown on the return or on a form
 101 prescribed by the department. If a separate form is required,
 102 the same penalties for late filing, incomplete filing, or
 103 failure to file as provided for the sales tax return shall apply
 104 to the said form.

105 (c)(b) The collection allowance and other credits or
 106 deductions provided in this chapter shall be applied
 107 proportionally to any taxes or fees reported on the same
 108 documents used for the sales and use tax.

109 (d)(e) 1. A dealer entitled to the collection allowance
 110 provided in this section may elect to forego the collection
 111 allowance and direct that the said amount be transferred into
 112 the Educational Enhancement Trust Fund. Such an election must be
 113 made with the timely filing of a return and may not be rescinded
 114 once made. If a dealer who makes such an election files a
 115 delinquent return, underpays the tax, or files an incomplete
 116 return, the amount transferred into the Educational Enhancement

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117 Trust Fund shall be the amount of the collection allowance
 118 remaining after resolution of liability for all of the tax,
 119 interest, and penalty due on that return or underpayment of tax.
 120 The Department of Education shall distribute the remaining
 121 amount from the trust fund to the school districts that have
 122 adopted resolutions stating that those funds will be used to
 123 ensure that up-to-date technology is purchased for the
 124 classrooms in the district and that teachers are trained in the
 125 use of that technology. Revenues collected in districts that do
 126 not adopt such a resolution shall be equally distributed to
 127 districts that have adopted such resolutions.

128 2. This paragraph applies to all taxes, surtaxes, and any
 129 local option taxes administered under this chapter and remitted
 130 directly to the department. This paragraph does not apply to a
 131 ~~any~~ locally imposed and self-administered convention development
 132 tax, tourist development tax, or tourist impact tax administered
 133 under this chapter.

134 3. Revenues from the dealer-collection allowances shall be
 135 transferred quarterly from the General Revenue Fund to the
 136 Educational Enhancement Trust Fund. The Department of Revenue
 137 shall provide to the Department of Education quarterly
 138 information about such revenues by county to which the
 139 collection allowance was attributed.

140

141 Notwithstanding any provision of chapter 120 to the contrary,
 142 the Department of Revenue may adopt rules to carry out the
 143 amendment made by chapter 2006-52, Laws of Florida, to this
 144 section.

145 Section 2. Effective upon this act becoming a law and

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146 operating retroactively to January 1, 2012, paragraph (n) of
 147 subsection (1) and subsection (2) of section 220.03, Florida
 148 Statutes, are amended to read:
 149 220.03 Definitions.—
 150 (1) SPECIFIC TERMS.—When used in this code, and when not
 151 otherwise distinctly expressed or manifestly incompatible with
 152 the intent thereof, the following terms shall have the following
 153 meanings:
 154 (n) "Internal Revenue Code" means the United States
 155 Internal Revenue Code of 1986, as amended and in effect on
 156 January 1, 2012 ~~2011~~, except as provided in subsection (3).
 157 (2) DEFINITIONAL RULES.—When used in this code and neither
 158 otherwise distinctly expressed nor manifestly incompatible with
 159 the intent thereof:
 160 (a) The word "corporation" or "taxpayer" shall be deemed to
 161 include the words "and its successors and assigns" as if these
 162 words, or words of similar import, were expressed;
 163 (b) Any term used in any section of this code with respect
 164 to the application of, or in connection with, the provisions of
 165 any other section of this code shall have the same meaning as in
 166 such other section; and
 167 (c) Any term used in this code shall have the same meaning
 168 as when used in a comparable context in the Internal Revenue
 169 Code and other statutes of the United States relating to federal
 170 income taxes, as such code and statutes are in effect on January
 171 1, 2012 ~~2011~~. However, if subsection (3) is implemented, the
 172 meaning of any term shall be taken at the time the term is
 173 applied under this code.

174 Section 3. Present subsection (7) of section 220.33,

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175 Florida Statutes, is redesignated as subsection (8), and a new
176 subsection (7) is added to that section, to read:

177 220.33 Payments of estimated tax.—A taxpayer required to
178 file a declaration of estimated tax pursuant to s. 220.24 shall
179 pay such estimated tax as follows:

180 (7) If an estimated tax payment required under this section
181 is due on a Saturday, Sunday, or legal holiday, the estimated
182 tax payment shall be made on or before the preceding day that is
183 not a Saturday, Sunday, or legal holiday.

184 Section 4. (1) The executive director of the Department of
185 Revenue is authorized to adopt emergency rules pursuant to ss.
186 120.536(1) and 120.54(4), Florida Statutes, for the purpose of
187 implementing section 3 of this act.

188 (2) Notwithstanding any other law, the emergency rules
189 adopted pursuant to this section shall remain in effect for 6
190 months after adoption and may be renewed during the pendency of
191 procedures to adopt permanent rules addressing the subject of
192 the emergency rules.

193 Section 5. For the purpose of incorporating the amendments
194 made by this act to section 212.12, Florida Statutes, in a
195 reference thereto, section 723.008, Florida Statutes, is
196 reenacted to read:

197 723.008 Applicability of chapter 212 to fees, penalties,
198 and fines under this chapter.—The same duties and privileges
199 imposed by chapter 212 upon dealers in tangible property
200 respecting the collection and remission of tax; the making of
201 returns; the keeping of books, records, and accounts; and the
202 compliance with the rules of the enforcing agency in the
203 administration of that chapter apply to and are binding upon all

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204 persons who are subject to the fee, penalty, and fine provisions
205 of this chapter. However, the provisions of s. 212.12(1) do not
206 apply to this chapter.

207 Section 6. Except as otherwise expressly provided in this
208 act and except for this section, which shall take effect upon
209 this act becoming a law, this act shall take effect July 1,
210 2012.

2012 Property Tax Workshop
Senate Finance & Tax Committee

01/25/2012

John Wayne Smith
Legislative Director



Amendment 4

Amendment 4 Provisions - Estimated Impacts on Non-School Ad Valorem Taxes

(\$Millions)

Amendment 4 Contains Three Main Provisions:

- 1) "First-time" Homesteader exemption – 50% of value phased-out over five years.
- 2) Non-homestead Assessment Cap – reduced from 10% to 5%.
- 3) Anti-Recapture for property with an assessment cap - if just value drops, assessed value does not go up by CPI or 3%; applies to both Save Our Homes and to the non-Homestead assessment caps.

Note: Only the Save Our Homes Anti-Recapture change affects school taxes.

FY	Amendment 4 Provisions - Estimated Tax Impacts				Total Tax Impacts @ 10.9 Mills	By Type of Jurisdiction		
	1st time Homesteaders	5% NHS Cap	Anti-Recapture* Homestead	Anti-Recapture* Non-Homestead		Counties	Cities	Indep. Dist.
2013-14	(36.0)	(82.3)	(53.2)	(14.2)	(185.7)	(117.0)	(26.9)	(3.8)
2014-15	(55.3)	(162.2)	(87.1)	(33.5)	(338.1)	(213.0)	(49.0)	(6.9)
2015-16	(77.7)	(243.1)	(109.3)	(41.2)	(471.3)	(296.9)	(68.3)	(9.6)
2016-17	(102.0)	(401.2)	(134.8)	(50.8)	(688.8)	(434.0)	(99.8)	(14.0)
4 Yr. Tot	(271.0)	(888.8)	(384.4)	(139.7)	(1,683.9)	(1,060.9)	(244.0)	(34.2)

* Anti-Recapture Provisions - Preliminary estimates, not yet adopted by REC. Would require legislative implementation

FY	Amendment 4 Provisions - Estimated Impacts on Taxable Value					
	Current Law County Taxable Value Estimates	Annual % Chg.	Amend. 4 Impacts on Taxable Value	% Change in Taxable Value Due to Amend. 4	New County Taxable Value Est.	New Annual % Chg.
2011-12	1,287,710.1	-4.1%			1,287,710.1	-4.1%
2012-13e	1,237,824.1	-3.9%			1,237,824.1	-3.9%
2013-14e	1,240,208.4	0.2%	(17,036.7)	-1.4%	1,223,171.7	-1.2%
2014-15e	1,274,729.9	2.8%	(31,018.3)	-2.4%	1,243,711.5	1.7%
2015-16e	1,322,080.6	3.7%	(43,238.5)	-3.3%	1,278,842.1	2.8%
2016-17e	1,381,902.5	4.5%	(63,193.8)	-4.6%	1,318,708.7	3.1%



SJR 314

SJR 314 Provisions - Estimated Impacts on Non-School Ad Valorem Taxes (\$Millions)

SJR 314 by Sen. Simmons - Three Main Provisions:

- 1) Super Homestead Exemption - 30% of just value between \$75k & \$200k, 15% of value up to \$400k
- 2) Non-homestead Assessment Cap – reduced from 10% to 7%.
- 3) Anti-Recapture for property with an assessment cap - If just value drops, assessed value does not go up by CPI or 7%; applies to both Save Our Homes and to the non-Homestead assessment caps.

Note: Only the Save Our Homes Anti-Recapture change affects school taxes.

FY	SJR 314 Provisions - Estimated Tax Impacts				Total Tax Impacts @ 10.9 Mills	By Type of Jurisdiction		
	Super Homestead	7% NHS Cap	Anti-Recapture Homestead	Anti-Recapture Non-Homestead		Counties	Cities	Indep. Dist.
2013-14	(565.1)	(44.5)	(53.2)	(14.8)	(677.6)	(426.9)	(98.2)	(13.7)
2014-15	(576.0)	(82.5)	(87.1)	(47.8)	(793.4)	(499.8)	(115.0)	(16.1)
2015-16	(579.6)	(118.0)	(109.3)	(55.7)	(862.6)	(543.4)	(125.0)	(17.5)
2016-17	(583.7)	(202.8)	(134.8)	(68.7)	(990.0)	(623.7)	(143.5)	(20.1)
4 Yr. Tot	(2,304.4)	(447.8)	(384.4)	(187.0)	(3,323.6)	(2,093.9)	(481.6)	(67.4)

FY	SJR Provisions - Estimated Impacts on Taxable Value					
	Current Law County Taxable Value Estimates	Annual % Chg.	SJR 314 Impacts on Taxable Value	% Change in Taxable Value Due to SJR 314	New County Taxable Value Est.	New Annual % Chg.
2011-12	1,287,710.1	-4.1%			1,287,710.1	-4.1%
2012-13e	1,237,824.1	-3.9%			1,237,824.1	-3.9%
2013-14e	1,240,208.4	0.2%	(62,165.1)	-5.0%	1,178,043.3	-4.8%
2014-15e	1,274,729.9	2.8%	(72,789.0)	-5.7%	1,201,940.9	2.0%
2015-16e	1,322,080.6	3.7%	(79,137.6)	-6.0%	1,242,943.0	3.4%
2016-17e	1,381,902.5	4.5%	(90,825.2)	-6.6%	1,291,077.3	3.9%



Change in Fiscal Impacts

Change in Fiscal Impacts - from Amendment 4 to Simmons' HJR 314
 (\$Millions) (Negative means that the estimated impact of HJR 314 is more negative)

FY	Changes in- Estimated Tax Impacts from Amd. 4 to SJR 314				Total Tax Impacts @ 10.9 Mills	By Type of Jurisdiction		
	Super vs. 1st Time	7% vs. 5%	Anti-Recapture* Homestead	Anti-Recap* Non- H5 7% vs. 5%		Counties	Cities	Indep. Dist.
2013-14	(529.1)	37.8	0.0	(0.6)	(491.9)	(309.9)	(71.3)	(10.0)
2014-15	(520.7)	79.7	0.0	(14.3)	(455.3)	(286.8)	(66.0)	(9.2)
2015-16	(501.9)	125.1	0.0	(14.5)	(391.3)	(246.5)	(56.7)	(7.9)
2016-17	(481.7)	198.4	0.0	(17.9)	(301.2)	(189.7)	(43.6)	(6.1)
4 Yr. Tot	(2,033.4)	441.0	0.0	(47.3)	(1,639.7)	(1,033.0)	(237.6)	(33.3)

* Anti-Recapture Provisions - Preliminary estimates, not yet adopted by REC. Would require legislative implementation

Changes In Estimated Impacts on Taxable Value from Amd. 4 to SJR 314						
FY	Current Law County Taxable Value Estimates	Annual % Chg.	Amd. 4 Impacts on Taxable Value	% Change In Taxable Value Due to Amd. 4	New County Taxable Value Est.	New Annual % Chg.
2011-12	0.0	0.0%			0.0	0.0%
2012-13e	0.0	0.0%			0.0	0.0%
2013-14e	0.0	0.0%	(45,128.4)	-3.6%	(45,128.4)	-3.6%
2014-15e	0.0	0.0%	(41,770.6)	-3.3%	(41,770.6)	0.3%
2015-16e	0.0	0.0%	(35,899.1)	-2.7%	(35,899.1)	0.6%
2016-17e	0.0	0.0%	(27,631.5)	-2.0%	(27,631.5)	0.8%

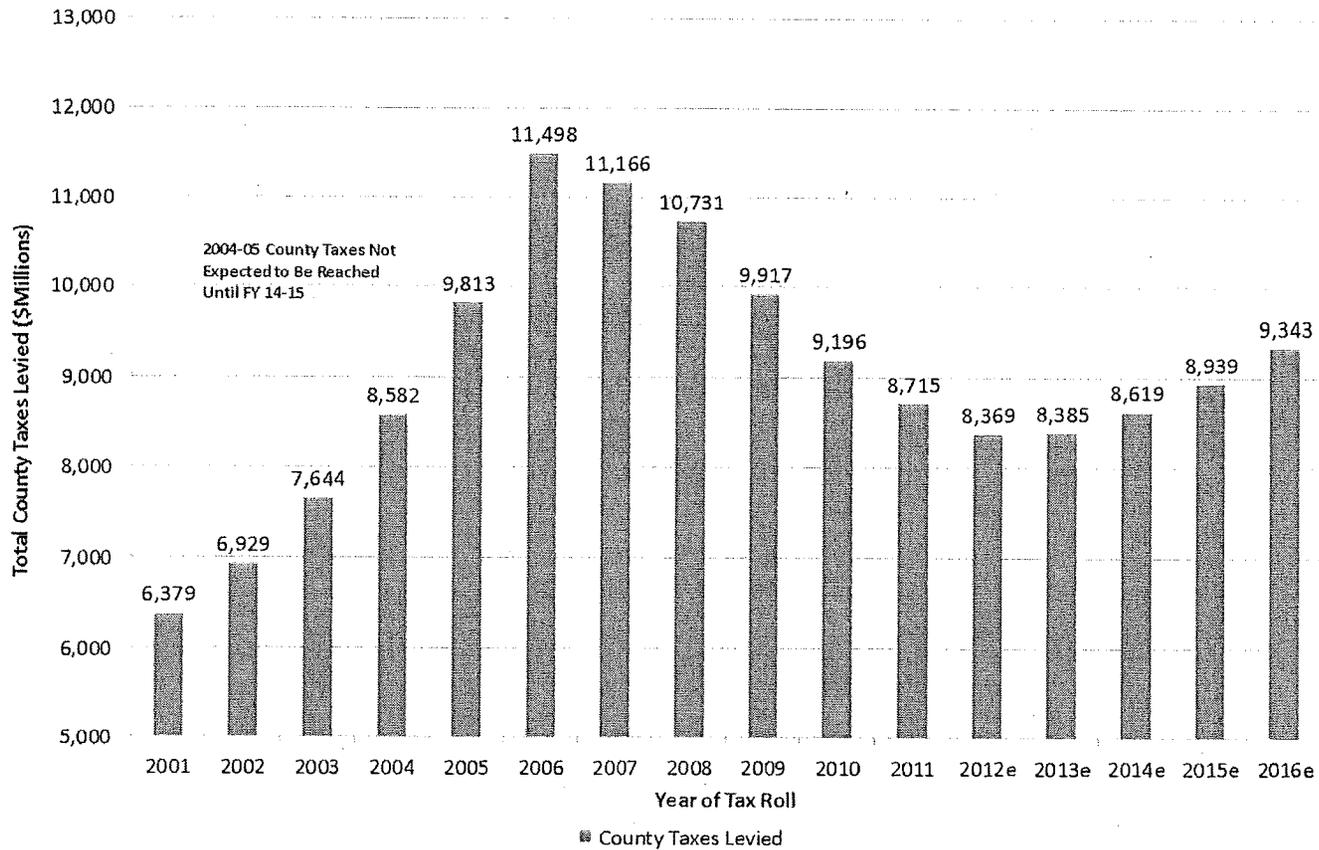


County Property Tax Summary – FY 2011-12

- FY 2011-12 - County Taxes Fall \$481 Million from FY 10-11
 - Represents a % Drop of 5.2%
 - Cumulative Decline in County Taxes Since FY 2006-07 Nears \$2.8 B, a Decline of Over 24%
- Next Year's Tax Roll Also Expected to Decline
 - Anticipated Drop in County Taxes is Another \$346 million or -4.0%
 - Cumulative Drop Will Exceed \$3.1 Billion or -27.2%
- The Tax Roll Estimate for FY 13-14 is Flat, Growth is Less Than 0.2%

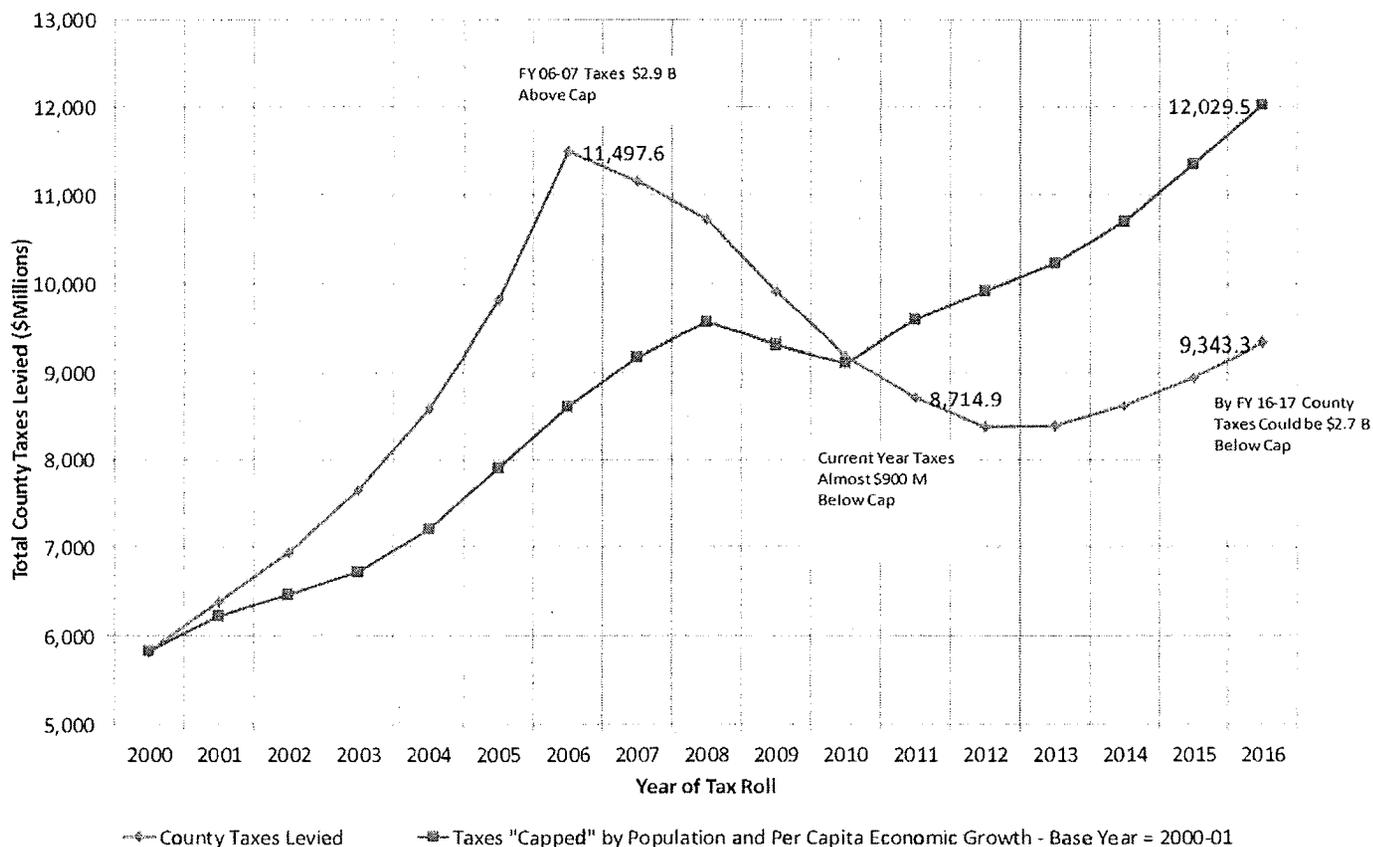
County Taxes Levied From FY 2001-2 to FY 11-12

Estimated Future Levies Based on REC Estimates of Tax Base

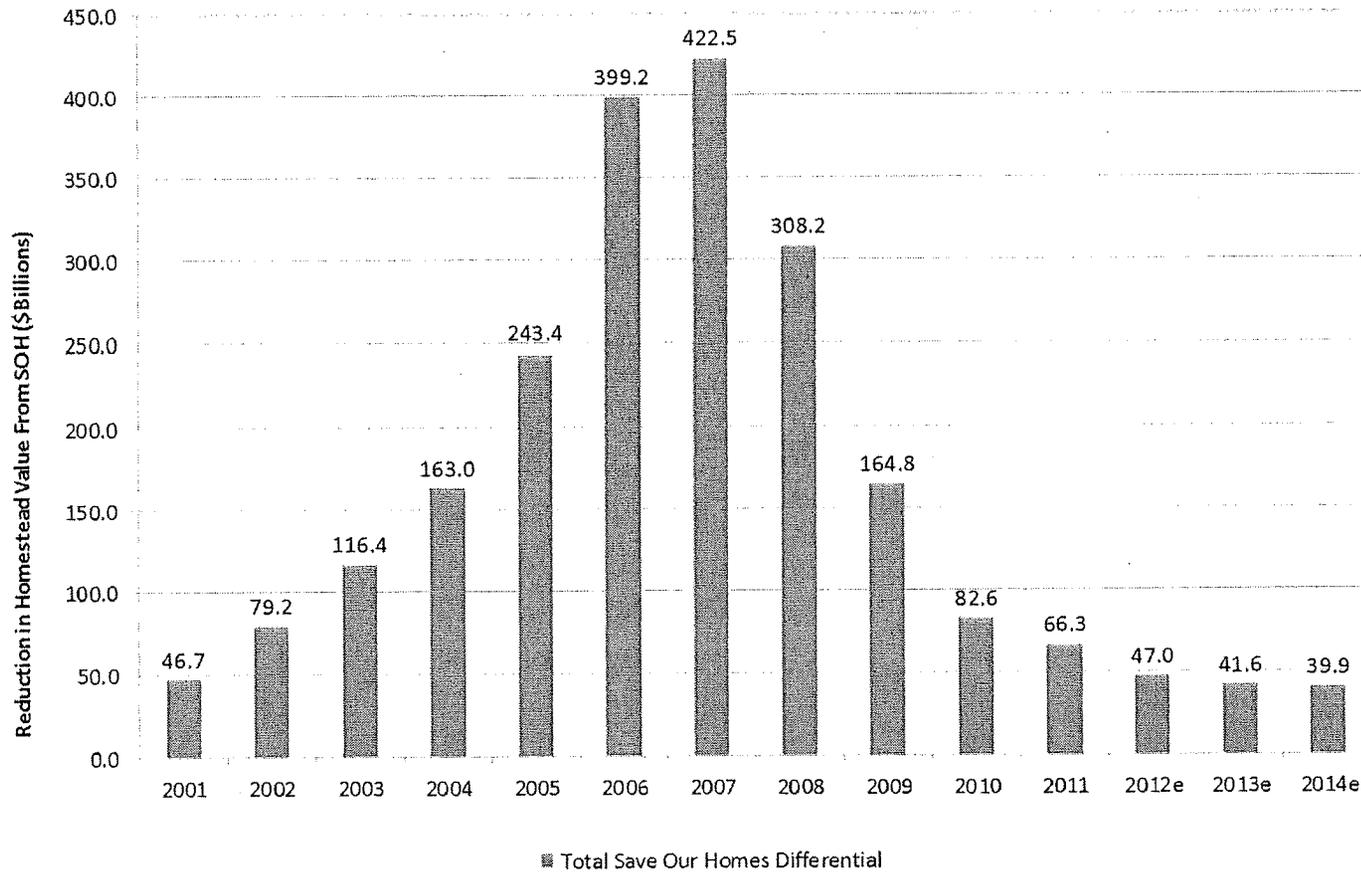


County Ad Valorem Tax Levies By Fiscal Year

Chart Shows Difference Between Actual Taxes Levied and "Capped" Levies
Cap Based on Population and Economic Growth After FY 2000-01



Save Our Homes



REC Impacts for SJR 314 and Amendment 4

Date of REC 11/10/2011	Amendment 4 (HJR 381 2011) First time homesteaders (3) (3) Should the electorate approve the proposal, the impact on non-school taxes would be <u>-\$36.0m in 2013-14, -\$55.3m in 2014-15, and -\$77.7m in 2015-16</u> , assuming a statewide average millage rate for non-school taxes of 10.9 mills.
11/10/2011	Non-homestead property cap, reduce from 10% to 5% (5) (5) Should the electorate approve the proposal, the impact on non-school taxes would be <u>-\$82.3m in 2013-14, -\$162.2m in 2014-15, and -\$243.0m in 2015-16</u> , assuming a statewide average millage rate for non-school taxes of 10.9 mills.
12/9/2011	Non-homestead Recapture Limitation, 10% to 5% (11) (11) Should the electorate approve the proposal and the legislature pass the implementing legislation, the projected impact on non-school taxes would be <u>-\$14.2m in 2013-14, -\$33.5m in 2014-15, and -\$41.2m in 2015-16</u> , assuming a statewide average millage rate of 10.9 mills.
12/9/2011	Homestead Recapture Limitation (9) (9) Should the electorate approve the proposal and the legislature pass the authorizing legislation, the projected impact on school taxes would be <u>-\$38.5m in 2013-14, -\$63.0m in 2014-15, and -\$79.0m in 2015-16</u> , assuming a statewide average millage rate of 7.8 mills.
	The projected impact on non-school taxes would be <u>-\$53.2m in 2013-14, -\$87.1m in 2014-15, and -\$109.3m in 2015-16</u> , assuming a statewide average millage rate of 10.9 mills.



REC Impacts for SJR 314 and Amendment 4

Date of REC 11/10/2011	SJR 314 Additional Homestead Exemption (2) (2) Should the electorate approve the proposal, the impact on non-school taxes would be - \$565.1m in 2013-14, -576.0m in 2014-15, and -\$570.6m in 2015-16, assuming a statewide average millage rate for non-school taxes of 10.9 mills.
11/10/2011	Non-homestead property cap, reduce from 10% to 7% (4) (4) Should the electorate approve the proposal, the impact on non-school taxes would be <u>-\$44.5 in 2013-14, -\$82.5m in 2014-15, and -\$118.0m in 2015-16</u> , assuming a statewide average millage rate for non-school taxes of 10.9 mills.
12/9/2011	Non-homestead Recapture Limitation, 10% to 7% (10) (10) Should the electorate approve the proposal and the legislature pass the implementing legislation, the projected impact on non-school taxes would be <u>-\$14.8m in 2013-14, -\$47.8m in 2014-15, and -\$55.7m in 2015-16</u> , assuming a statewide average millage rate of 10.9 mills.
12/9/2011	Homestead Recapture Limitation (9) (9) Should the electorate approve the proposal and the legislature pass the authorizing legislation, the projected impact on school taxes would be -\$38.5m in 2013-14, -\$63.0m in 2014-15, and -\$79.0m in 2015-16, assuming a statewide average millage rate of 7.8 mills.
	 The projected impact on non-school taxes would be <u>-\$53.2m in 2013-14, -\$87.1m in 2014-15, and -\$109.3m in 2015-16</u>, assuming a statewide average millage rate of 10.9 mills.



Thank You

Questions?



THE FLORIDA SENATE

APPEARANCE RECORD

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

1/25/12
Meeting Date

Topic _____

Bill Number 7182
(if applicable)

Name Frank Meiners

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 1633

Phone _____

Street
Toll FL 33501
City *State* *Zip*

E-mail _____

Speaking: For Against Information

Representing Assoc. Ind. of FL (AIF)

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

Tallahassee, Florida 32399-1100

COMMITTEES:
Communications, Energy, and Public Utilities,
Chair
Budget - Subcommittee on Finance and Tax
Judiciary
Reapportionment
Rules

SENATOR ANDY GARDINER

Majority Leader
9th District

January 25, 2012

The Honorable Ellyn Bogdanoff, Chair
Budget Subcommittee of Finance and Tax
207 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Bogdanoff,

I am writing to respectfully request that I be excused from the Finance and Tax meeting scheduled for today. I have a prior commitment and will not be able to attend.

If you have any questions regarding this request, please do not hesitate to call my office. Thank you for your time and consideration of this matter.

Sincerely,

Senator Andy Gardiner
District 09

AG: svc

REPLY TO:

- 1013 East Michigan Street, Orlando, Florida 32808 (407) 428-5800
- 330 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5047

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget, *Chair*
Rules, *Vice Chair*
Agriculture
Banking and Insurance
Budget - Subcommittee on Finance and Tax
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Education Pre-K - 12
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

SENATOR JD ALEXANDER

17th District

January 24, 2012

Senator Ellyn Setnor Bogdanoff (R), Chair
Committee On Budget Subcommittee on Finance and Tax
212 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Senator Bogdanoff,

I respectfully request permission to be absent from the Committee on Budget Subcommittee on Finance and Tax, tomorrow, January 25, 2012. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JD Alexander".

JD Alexander
Senator, District 17

Xc: Jose Diez-Arguelles

A handwritten signature in black ink, appearing to read "Jose Diez-Arguelles".

REPLY TO:

- 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (863) 679-4847
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Finance and Tax, *Chair*
Community Affairs
Health Regulation
Transportation
Ways and Means - Policy and Steering

JOINT COMMITTEES:
Legislative Sunset
Public Counsel Oversight

SENATOR THAD ALTMAN
24th District

January 24th, 2012

The Honorable Elyn Bogdanoff Chair
Senate Subcommittee on Finance and Tax
212 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Wise:

I respectfully request an excused absence for the meeting of the Committee on Subcommittee on Finance and Tax on January 25th, 2012 at 8:30 AM. Please contact me or my Legislative Assistant Kari Janzen if you have any questions.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Thad Altman".

Thad Altman/vc

CC: Jose Diez-Arguelles, Staff Director, 207 Capitol Building

REPLY TO:

- 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5053

Senate's Website: www.flsenate.gov

JEFF ATWATER
President of the Senate

MIKE FASANO
President Pro Tempore

CourtSmart Tag Report

Room: SB 301

Case:

Caption: Senate Budget Subcommittee on Finance and Tax

Type:

Judge:

Started: 1/25/2012 8:32:28 AM

Ends: 1/25/2012 9:59:35 AM

Length: 01:27:08

8:32:32 AM Sen. Bogdanoff calls meeting to order and roll call
8:32:46 AM Sen. Bogdanoff Continuation of SPB 7182
8:33:33 AM Frank Meiners, Associated Industries of Florida
8:34:15 AM Sen. Bogdanoff
8:34:28 AM Sen. Sachs
8:35:29 AM Sen. Bogdanoff - Sen. Sachs moves SPB 7182 be submitted for introduction as a committee bill
8:38:23 AM Recording Paused
8:42:26 AM Recording Resumed
8:42:29 AM Sen. Bogdanoff recognizes Sen. Simmons to present CS/SJR 312 and CS/SJR 314
8:42:59 AM Sen. Simmons
8:58:30 AM Sen, Margolis
9:00:20 AM Sen. Simmons
9:07:46 AM Sen Margolis
9:08:22 AM Sen. Norman
9:10:11 AM Sen. Simmons
9:10:57 AM Sen. Norman
9:11:00 AM Sen. Siimmons
9:12:59 AM Sen. Norman
9:14:05 AM Sen. Margolis
9:15:26 AM Sen. Simmons
9:18:59 AM Sen. Bogdanoff
9:19:14 AM Sen. Sachs
9:19:41 AM Sen. Simmons
9:24:50 AM Sen. Simmons
9:27:49 AM Sen. Bogdanoff
9:28:14 AM Sara Cucchi, Odessa, FL
9:30:12 AM Sen Bogdanoff
9:30:20 AM Sara Cucchi, Odessa, FL
9:31:47 AM Sen. Bogdanoff
9:31:52 AM Sara Cucchi
9:33:29 AM Sen. Bogdanoff
9:33:49 AM Sara Cucchi
9:34:59 AM Sen. Margolis
9:36:29 AM Sen. Bogdanoff
9:36:50 AM John Wayne Smith, Florida Association of Counties
9:42:20 AM Sen. Bogdanoff
9:42:24 AM Sen. Margolis
9:42:40 AM Sen. Bogdanoff recognizes Scott Dudley, Legislative Affairs Director, Florida League of Cities
9:42:53 AM Scott Dudley, Legislative Affairs Director, Florida League of Cities
9:46:17 AM Sen. Bogdanoff
9:46:29 AM Trey Price, Public Policy Rep, Florida Realtors
9:48:07 AM Sen. Bogdanoff
9:48:18 AM Trey Price, Public Policy Rep., Florida Realtors
9:48:47 AM Sen. Bogdanoff
9:49:01 AM Lee Moffett, Building Owners and Managers (BOMA)
9:51:42 AM Sen. Bogdanoff
9:52:06 AM Sen. Simmons
9:54:09 AM Sen. Bogdanoff
9:54:12 AM Sen. Simmons
9:59:19 AM Sen. Bogdanoff; Meeting adjourned