

ENROLLED  
CS/CS/HB 1141

2011 Legislature

1                   A bill to be entitled  
2           An act relating to an ad valorem tax exemption for  
3           deployed servicemembers; creating s. 196.173, F.S.;  
4           providing for certain servicemembers who receive a  
5           homestead exemption and who are deployed in certain  
6           military operations to receive an additional ad valorem  
7           tax exemption; designating military operations to receive  
8           the additional ad valorem tax exemption; requiring the  
9           Department of Revenue to notify property appraisers and  
10          tax collectors of the designated military operations;  
11          requiring the Department of Military Affairs to submit a  
12          report annually of military operations to the President of  
13          the Senate, the Speaker of the House of Representatives,  
14          and the tax committees of each house of the Legislature;  
15          specifying the calculation to be used in determining the  
16          exemption amount; requiring that a servicemember apply to  
17          the property appraiser to receive the exemption in the  
18          year following the year of a qualifying deployment;  
19          providing for the application forms to be prescribed by  
20          the Department of Revenue and furnished to an applicant by  
21          the property appraiser; authorizing certain persons to  
22          apply to the property appraiser to receive an exemption on  
23          behalf of a servicemember; requiring that a property  
24          appraiser consider applications for an exemption within a  
25          certain time; providing a definition; amending s. 194.011,  
26          F.S.; requiring a person appealing the denial of a  
27          deployed service member exemption to the value adjustment  
28          board to file the appeal within a certain time; amending

Page 1 of 7

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

hb1141-03-er

ENROLLED  
CS/CS/HB 1141

2011 Legislature

29 s. 196.011, F.S.; providing requirements for the forms  
30 used for claims for the exemption for deployed  
31 servicemembers; authorizing the Department of Revenue to  
32 adopt emergency rules; providing for application of the  
33 act to qualifying deployments in the 2010 calendar year;  
34 providing for the act to apply to tax rolls beginning in  
35 2011; providing an effective date.

36

37 Be It Enacted by the Legislature of the State of Florida:

38

39 Section 1. Section 196.173, Florida Statutes, is created  
40 to read:

41 196.173 Exemption for deployed servicemembers.-

42 (1) A servicemember who receives a homestead exemption may  
43 receive an additional ad valorem tax exemption on that homestead  
44 property as provided in this section.

45 (2) The exemption is available to servicemembers who were  
46 deployed during the preceding calendar year on active duty  
47 outside the continental United States, Alaska, or Hawaii in  
48 support of:

49 (a) Operation Enduring Freedom, which began on October 7,  
50 2001;

51 (b) Operation Iraqi Freedom, which began on March 19,  
52 2003, and ended on August 31, 2010; or

53 (c) Operation New Dawn, which began on September 1, 2010.

54

55 The Department of Revenue shall notify all property appraisers  
56 and tax collectors in this state of the designated military

ENROLLED  
CS/CS/HB 1141

2011 Legislature

57 | operations.

58 |       (3) By January 15 of each year, the Department of Military  
 59 | Affairs shall submit to the President of the Senate, the Speaker  
 60 | of the House of Representatives, and the tax committees of each  
 61 | house of the Legislature a report of all known and unclassified  
 62 | military operations outside the continental United States,  
 63 | Alaska, or Hawaii for which servicemembers based in the  
 64 | continental United States have been deployed during the previous  
 65 | calendar year. The report must include:

66 |           (a) The official and common names of the military  
 67 | operations;

68 |           (b) The general location and purpose of each military  
 69 | operation;

70 |           (c) The date each military operation commenced; and

71 |           (d) The date each military operation terminated, unless  
 72 | the operation is ongoing.

73 |       (4) The amount of the exemption is equal to the taxable  
 74 | value of the homestead of the servicemember on January 1 of the  
 75 | year in which the exemption is sought multiplied by the number  
 76 | of days that the servicemember was on a qualifying deployment in  
 77 | the preceding calendar year and divided by the number of days in  
 78 | that year.

79 |       (5) (a) An eligible servicemember who seeks to claim the  
 80 | additional tax exemption as provided in this section must file  
 81 | an application for exemption with the property appraiser on or  
 82 | before March 1 of the year following the year of the qualifying  
 83 | deployment. The application for the exemption must be made on a  
 84 | form prescribed by the department and furnished by the property

ENROLLED  
CS/CS/HB 1141

2011 Legislature

85 appraiser. The form must require a servicemember to include or  
86 attach proof of a qualifying deployment, the dates of that  
87 deployment, and other information necessary to verify  
88 eligibility for and the amount of the exemption.

89 (b) An application may be filed on behalf of an eligible  
90 servicemember by his or her spouse if the homestead property to  
91 which the exemption applies is held by the entireties or jointly  
92 with the right of survivorship, by a person who has been  
93 designated by the servicemember to take actions on his or her  
94 behalf pursuant to chapter 709, or by the personal  
95 representative of the servicemember's estate.

96 (6) The property appraiser shall consider each application  
97 for a deployed servicemember exemption within 30 days after  
98 receipt or within 30 days after receiving notice of the  
99 designation of qualifying deployments by the Legislature,  
100 whichever is later. A property appraiser who finds that the  
101 taxpayer is entitled to the exemption shall approve the  
102 application and file the application in the permanent records. A  
103 property appraiser who finds that the taxpayer is not entitled  
104 to the exemption shall send a notice of disapproval no later  
105 than July 1, citing the reason for disapproval. The original  
106 notice of disapproval shall be sent to the taxpayer and shall  
107 advise the taxpayer of the right to appeal the decision to the  
108 value adjustment board and shall inform the taxpayer of the  
109 procedure for filing such an appeal.

110 (7) As used in this section, the term "servicemember"  
111 means a member or former member of any branch of the United  
112 States military or military reserves, the United States Coast

ENROLLED  
CS/CS/HB 1141

2011 Legislature

113 Guard or its reserves, or the Florida National Guard.  
 114 Section 2. Paragraph (d) of subsection (3) of section  
 115 194.011, Florida Statutes, is amended to read:  
 116 194.011 Assessment notice; objections to assessments.—  
 117 (3) A petition to the value adjustment board must be in  
 118 substantially the form prescribed by the department.  
 119 Notwithstanding s. 195.022, a county officer may not refuse to  
 120 accept a form provided by the department for this purpose if the  
 121 taxpayer chooses to use it. A petition to the value adjustment  
 122 board shall describe the property by parcel number and shall be  
 123 filed as follows:  
 124 (d) The petition may be filed, as to valuation issues, at  
 125 any time during the taxable year on or before the 25th day  
 126 following the mailing of notice by the property appraiser as  
 127 provided in subsection (1). With respect to an issue involving  
 128 the denial of an exemption, an agricultural or high-water  
 129 recharge classification application, an application for  
 130 classification as historic property used for commercial or  
 131 certain nonprofit purposes, or a deferral, the petition must be  
 132 filed at any time during the taxable year on or before the 30th  
 133 day following the mailing of the notice by the property  
 134 appraiser under s. 193.461, s. 193.503, s. 193.625, s. 196.173,  
 135 or s. 196.193 or notice by the tax collector under s. 197.253.  
 136 Section 3. Paragraph (b) of subsection (1) of section  
 137 196.011, Florida Statutes, is amended to read:  
 138 196.011 Annual application required for exemption.—  
 139 (1)  
 140 (b) The form to apply for an exemption under s. 196.031,

ENROLLED  
CS/CS/HB 1141

2011 Legislature

141 s. 196.081, s. 196.091, s. 196.101, s. 196.173, or s. 196.202  
142 must include a space for the applicant to list the social  
143 security number of the applicant and of the applicant's spouse,  
144 if any. If an applicant files a timely and otherwise complete  
145 application, and omits the required social security numbers, the  
146 application is incomplete. In that event, the property appraiser  
147 shall contact the applicant, who may refile a complete  
148 application by April 1. Failure to file a complete application  
149 by that date constitutes a waiver of the exemption privilege for  
150 that year, except as provided in subsection (7) or subsection  
151 (8).

152 Section 4. The Department of Revenue is authorized, and  
153 all conditions are deemed met, to adopt emergency rules pursuant  
154 to ss. 120.536(1) and 120.54, Florida Statutes, to administer  
155 the provisions of this act. The emergency rules shall remain in  
156 effect for 6 months after the rules are adopted and the rules  
157 may be renewed during the pendency of procedures to adopt  
158 permanent rules addressing the subject of the emergency rules.

159 Section 5. Notwithstanding the application deadline in s.  
160 196.173(5), Florida Statutes, the deadline for an eligible  
161 servicemember to file a claim for an additional ad valorem tax  
162 exemption for a qualifying deployment during the 2010 calendar  
163 year is June 1, 2011. Any applicant who seeks to claim the  
164 additional exemption and who fails to file an application by  
165 June 1 must file an application for the exemption with the  
166 property appraiser on or before the 25th day following the  
167 mailing by the property appraiser of the notices required under  
168 s. 194.011(1), Florida Statutes. Upon receipt of sufficient

ENROLLED  
CS/CS/HB 1141

2011 Legislature

169 evidence, as determined by the property appraiser, demonstrating  
170 the applicant was unable to apply for the exemption in a timely  
171 manner or otherwise demonstrating extenuating circumstances  
172 judged by the property appraiser to warrant granting the  
173 exemption, the property appraiser may grant the exemption. If  
174 the applicant fails to produce sufficient evidence demonstrating  
175 the applicant was unable to apply for the exemption in a timely  
176 manner or otherwise demonstrating extenuating circumstances as  
177 judged by the property appraiser, the applicant may file,  
178 pursuant to s. 194.011(3), Florida Statutes, a petition with the  
179 value adjustment board requesting that the exemption be granted.  
180 Such petition must be filed during the taxable year on or before  
181 the 25th day following the mailing of the notice by the property  
182 appraiser as provided in s. 194.011(1), Florida Statutes.  
183 Notwithstanding the provisions of s. 194.013, Florida Statutes,  
184 the applicant must pay a nonrefundable fee of \$15 upon filing  
185 the petition. Upon reviewing the petition, if the applicant is  
186 qualified to receive the exemption and demonstrates particular  
187 extenuating circumstances judged by the value adjustment board  
188 to warrant granting the exemption, the value adjustment board  
189 may grant the exemption for the current year.

190 Section 6. This act shall take effect upon becoming a law,  
191 and first applies to ad valorem tax rolls for 2011.