



Government Efficiency & Accountability Council

**Wednesday, January 23, 2008
3:15 PM – 5:00 PM
Morris Hall (17 HOB)**

**Marco Rubio
Speaker**

**Frank Attkisson
Chair**

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Government Efficiency & Accountability Council

Start Date and Time: Wednesday, January 23, 2008 03:15 pm

End Date and Time: Wednesday, January 23, 2008 05:00 pm

Location: Morris Hall (17 HOB)

Duration: 1.75 hrs

Consideration of the following proposed council bill(s):

PCB GEAC 08-02 -- Right of Taxpayers to Challenge Governmental Assessments

PCB GEAC 08-03 -- Property Tax Exemptions for Educational Institutions

PCB GEAC 08-04 -- Ad Valorem Tax Relief for Deployed Military

Presentation and discussion regarding use of the Return for Transfers of Interest in Real Property (Form DR-219) by the Florida Department of Revenue.

Presentation regarding issues relating to the Florida Retirement System by the Florida Department of Management Services.

NOTICE FINALIZED on 01/16/2008 15:43 by MXE

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GEAC 08-02 Right of Taxpayers to Challenge Governmental Assessments
SPONSOR(S): Government Efficiency & Accountability Council
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Government Efficiency & Accountability Council		Levin <i>JLL</i>	Cooper <i>[Signature]</i>
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Chapter 194, F.S., is entitled Administrative and Judicial Review of Property Taxes. Pursuant to s. 194.301, F.S., in any administrative or judicial action in which a taxpayer seeks to challenge an ad valorem tax assessment valuation, the property appraiser's assessment is entitled to a presumption of correctness. If the presumption of correctness is retained, taxpayers have the burden of proving by clear and convincing evidence that the appraiser's valuation is in excess of just value. Because of, in part, the presumption of correctness and the burden of proof placed upon taxpayers, most taxpayers do not prevail in a challenge of ad valorem tax assessments made by property appraisers.

PCB GEAC 08-02, through a joint resolution, amends the Taxpayers' Bill of Rights contained in Article I, section 25 of the Florida Constitution to add the entitlement to a full and fair opportunity to challenge the government's assessment of the valuation of property for purposes of all taxation. It also: specifically removes the property appraiser's presumption of correctness; places the burden of proof by a preponderance of the evidence upon the property appraiser in an assessment challenge; finds evidence that an assessment is based upon an appraisal practice different from those applied to comparable property within the state to be relevant to the determination of just valuation; and provides for reasonable attorneys fees and costs incurred in the assessment challenge under appropriate circumstances to be specified by general law.

The PCB requires both the joint resolution and the implementing legislation concerning assessment challenges to have an effective date no later than January 1, 2009.

Pursuant to Article XI, section 1 of the Florida Constitution, joint resolutions must be approved by a three-fifths vote of each house of the Legislature. Article XI, section 5(e) of the Florida Constitution requires constitutional amendments to be approved by vote of at least sixty percent of the electors voting on the measure.

If the joint resolution is approved by the voters, local governments may receive less ad valorem revenue as a result of more taxpayers prevailing in challenges of assessments made by property appraisers. Because property appraisers will need to prove the correctness of their assessments in valuation challenges, they may incur additional expenditures. This PCB has not been considered by a Revenue Estimating Impact Conference.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Lower Taxes – This bill would provide taxpayers a practical way to challenge governmental assessments of valuation.

B. EFFECT OF PROPOSED CHANGES:

Currently in any administrative or judicial action in which a taxpayer seeks to challenge an ad valorem tax assessment valuation, the property appraiser's assessment is entitled to a presumption of correctness pursuant to s. 194.301, F.S. If the presumption of correctness is retained, taxpayers have the burden of proving by clear and convincing evidence that the appraiser's valuation is in excess of just value. Because, in part, of the presumption of correctness and the burden of proof placed upon taxpayers, most taxpayers do not prevail in a challenge of ad valorem tax assessments by property appraisers.

PCB GEAC 08-02, through a joint resolution, amends the Taxpayers' Bill of Rights contained in Article I, section 25 of the Florida Constitution to add the entitlement to a full and fair opportunity to challenge the government's assessment of the valuation of property for purposes of all taxation. It also: specifically removes the property appraiser's presumption of correctness; places the burden of proof by a preponderance of the evidence upon the property appraiser in an assessment challenge; finds evidence that an assessment is based upon an appraisal practice different from those applied to comparable property within the state to be relevant to the determination of just valuation; and provides for reasonable attorneys fees and costs incurred in the assessment challenge under appropriate circumstances to be specified by general law.

The PCB requires both the joint resolution and the implementing legislation concerning assessment challenges to have an effective date no later than January 1, 2009.

Pursuant to Article XI, section 1 of the Florida Constitution, joint resolutions must be approved by a three-fifths vote of each house of the Legislature. Article XI, section 5(e) of the Florida Constitution requires constitutional amendments to be approved by vote of at least sixty percent of the electors voting on the measure.

C. SECTION DIRECTORY:

If this PCB is approved by the council, it will become a House Joint Resolution. A section directory is not applicable to a Joint Resolution. Accordingly, this PCB has no sections. The PCB would: amend Article I, section 25, Florida Constitution, to expand the Taxpayers' Bill of Rights; contain a Ballot Summary; and provide for an effective date no later than January 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

If approved by the voters, local governments may receive less ad valorem revenue as a result of more taxpayers prevailing in challenges to assessments made by the property appraiser. The PCB has not been to a Revenue Estimating Impact Conference.

2. Expenditures:

If approved by the voters, property appraisers will need to prove the correctness of their assessments in valuation challenges. This may result in additional expenditures by the property appraisers to prove valuation. The PCB has not been to a Revenue Estimating Impact Conference.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Taxpayers are likely to prevail more often in challenges to valuation assessments and thereby reduce the assessed value of their property.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision of the Florida Constitution does not apply to Joint Resolutions.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

PCB GEAC ⁰⁸~~09~~-02

ORIGINAL

YEAR

1
2 A joint resolution proposing an amendment to Section 25 of
3 Article I of the State Constitution to add a person's full
4 and fair opportunity to challenge the government's
5 assessment of the value of property for purposes of all
6 taxation.

7
8 Be It Resolved by the Legislature of the State of Florida:

9
10 That the following amendment to Section 25 of Article I of
11 the State Constitution is agreed to and shall be submitted to
12 the electors of this state for approval or rejection at the next
13 general election or at an earlier special election specifically
14 authorized by law for that purpose:

15 ARTICLE I

16 DECLARATION OF RIGHTS

17 SECTION 25. Taxpayers' Bill of Rights.—

18 (a) By general law the legislature shall prescribe and
19 adopt a Taxpayers' Bill of Rights that, in clear and concise
20 language, sets forth taxpayers' rights and responsibilities and
21 government's responsibilities to deal fairly with taxpayers
22 under the laws of this state. ~~This section shall be effective~~
23 ~~July 1, 1993.~~

24 (b) Every taxpayer or other person contesting the
25 assessment of any tax is entitled to a full and fair opportunity
26 to challenge the government's assessment of the value of the
27 property for purposes of all taxation. In any challenge to an

PCB GEAC ⁰⁸~~09~~-02

ORIGINAL

YEAR

28 assessment brought by the taxpayer or person contesting the
 29 assessment:

30 (1) the property appraiser's assessment shall enjoy no
 31 presumption of correctness and the appraiser shall bear the
 32 burden of proving by a preponderance of the evidence that its
 33 assessment does not exceed the property's just value;

34 (2) evidence that an assessment is based upon appraisal
 35 practices that differ from those applied to comparable property
 36 within the state shall be relevant in determining whether the
 37 assessment exceeds just value; and

38 (3) the taxpayer or other person contesting the assessment
 39 shall be entitled to receive its reasonable attorney's fees and
 40 costs incurred in the challenge under appropriate circumstances
 41 to be specified by general law.

42 Following voter approval of this measure, the legislature shall
 43 adopt legislation implementing this section and having an
 44 effective date no later than January 1, 2009.

45

46 BE IT FURTHER RESOLVED that the following statement be
 47 placed on the ballot:

48

CONSTITUTIONAL AMENDMENT

49

ARTICLE I, SECTION 25

50

51

52

53

54

TAX PAYERS' BILL OF RIGHTS.--Proposing an amendment to the
 State Constitution to place in the constitution a requirement
 that in a challenge to the government's assessment of the value
 of property for purposes of taxation, the property appraiser's
 assessment enjoys no presumption of correctness; in such an

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

PCB GEAC ⁰⁸~~09~~-02

ORIGINAL

YEAR

55 | action, the property appraiser shall have the burden of proving
56 | by a preponderance of the evidence that its assessment does not
57 | exceed the property's just value; and to schedule the amendment
58 | to take effect upon approval by the voters and operate no later
59 | than January 1, 2009.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Lower Taxes – the bill clarifies that educational institutions using property predominantly for educational purposes are exempt from paying taxes on the educational use of the property.

B. EFFECT OF PROPOSED CHANGES:

Pursuant to Article VII, section 3(a) of the Florida Constitution, the Legislature is authorized to provide an exemption from the property tax for property used predominantly for educational purposes. The Legislature has done this by enacting ss. 196.192 and 196.198, F.S. These sections provide, in part:

196.192 Exemptions from ad valorem taxation.—Subject to the provisions of this chapter:

(1) All property owned by an exempt entity and used exclusively for exempt purposes shall be totally exempt from ad valorem taxation.

(2) All property owned by an exempt entity and used predominantly for exempt purposes shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the nonexempt use...

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes shall be exempt from taxation.....Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property. If legal title to property is held by a governmental agency that leases the property to a lessee, the property shall be deemed to be owned by the governmental agency and used exclusively for educational purposes if the governmental agency continues to use such property exclusively for educational purposes pursuant to a sublease of other contractual agreement with that lessee...

In March 2007 the Attorney General issued his Advisory Legal Opinion AGO 2007 – 20 to the Broward County Property Appraiser, which interpreted these two sections of statute to mean that an educational institution may only receive an ad valorem tax exemption pursuant to s. 196.198, F.S., and that to qualify for such an exemption, the property must be used exclusively for educational purposes.

In reaching this conclusion, the Attorney General rejected the holding in *Walden v. University of South Florida Foundation*, 328 So.2d 460 (Fla. 2DCA 1976), cert. denied 336 So. 2d 605. In that case the court directed that a ratio of predominant use to non-exempt use be applied in determining the exemption from taxation of a 30 acre tract owned by the foundation when five of the acres were planted in oranges which produced income for the foundation. The Attorney General premised his rejection of the holding in *Walden* upon the Legislature's 1988 change to s. 196.192, which added the words, "subject to the provisions of this chapter."

One rule of statutory construction provides that when the Legislature enacts a material amendment to a statute, the Legislature is presumed to have intended to alter the law unless the contrary is made clear. *Carlile v. Game & Fresh Water Fish Comm'n*, 354 So.2d 362 (Fla.1977). A different rule of statutory construction states that once a court has construed a statutory provision, subsequent reenactment of

that provision may be considered legislative approval of the judicial interpretation. *Seddon v. Harpster*, 403 So.2d 409 (Fla.1981).

The existence of these competing rules of statutory construction may be considered to render the application of ss. 196.192 and 196.198, F.S., to property owned and predominantly used by educational institutions for exempt purposes ambiguous. Although it might be reasonable to conclude that the Legislature intended to eliminate the ad valorem exemption for educational property used substantially for exempt purposes by its 1988 amendment to s. 196.192, F.S., any such conclusion must be harmonized with the recognition that the Legislature reenacted the predominant use language of s. 196.192 in each year from the decision in *Walden* until 1988. Accordingly, the Legislature must be presumed to have continued its approval of the court's construction of the language in *Walden* to permit the predominant, but not exclusive, use of educational property to be exempt from taxation to the extent of the ratio of predominant use to the non-exempt use.

This conclusion is bolstered by subsequent case law. In *Daniel v. T.M. Murrell Co.*, 445 So.2d 587 (Fla. 2DCA 1984) the Second District Court held that use rather than ownership of the property controlled the granting of the tax exemption. That the Legislature found this holding to be in conflict with its intent that ownership be considered in determining exemption can be inferred from its amendment of s. 196.192, F.S., in 1988 to add the language "subject to the provisions of this chapter."

Moreover, in 1997 the Florida Supreme Court in *Leon County Educational Facilities Authority v. Hartsfield*, 698 So. 2d 526 at 528-529 (Fla. 1997) stated:

We cannot agree that the 1988 amendment which added the words "owned by an exempt entity" to section 196.192(1) precludes the Authority from obtaining a tax exemption. **The Senate Staff Analysis reflects that this amendment was intended to overrule the effect of such cases as *Daniel v. T.M. Murrell Co.*, 445 So.2d 587 (Fla. 2d DCA 1984) [emphasis added]**, which held that use rather than ownership of the property controlled the granting of a tax exemption. *Daniel* was a case like *Mastroianni* in which a private party had leased property to an exempt entity. We do not believe that in enacting the 1988 amendment to section 196.192(1), the legislature intended to preclude an equitable owner who otherwise qualified from receiving a tax exemption.

The amendments to s. 196.192, F.S., made by the PCB are intended to make clear that the Legislature has provided for educational property owned by and used predominantly by an educational institution to receive an exemption from ad valorem taxation computed with reference to the ratio of the exempt use to the non-exempt use.

The PCB is effective upon enactment.

C. SECTION DIRECTORY:

Section 1. Amends s. 196.192, F.S., to specifically include educational institutions as exempt entities eligible for exemption when educational property is used exclusively or predominantly for educational purposes.

Section 2. Effective upon enactment.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Because this bill clarifies present law, it has no impact on local government revenues.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C.. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

PCB GEAC 08-03

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to educational property tax exemption;
 3 amending s.196.192; clarifying the exemption for
 4 educational property used exclusively or predominantly for
 5 educational purposes; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Section 196.192, Florida Statutes, is amended
 10 to read:

11 196.192 Exemptions from ad valorem taxation.--Subject to
 12 the provisions of this chapter:

13 (1) All property owned by an exempt entity, including
 14 educational institutions, and used exclusively for exempt
 15 purposes shall be totally exempt from ad valorem taxation.

16 (2) All property owned by an exempt entity, including
 17 educational institutions, and used predominantly for exempt
 18 purposes shall be exempted from ad valorem taxation to the
 19 extent of the ratio that such predominant use bears to the
 20 nonexempt use.

21 (3) All tangible personal property loaned or leased by a
 22 natural person, by a trust holding property for a natural
 23 person, or by an exempt entity to an exempt entity for public
 24 display or exhibition on a recurrent schedule is exempt from ad
 25 valorem taxation if the property is loaned or leased for no
 26 consideration or for nominal consideration.

27

PCB GEAC 08-03

ORIGINAL

YEAR

28 | For purposes of this section, each use to which the property is
 29 | being put must be considered in granting an exemption from ad
 30 | valorem taxation, including any economic use in addition to any
 31 | physical use. For purposes of this section, property owned by a
 32 | limited liability company, the sole member of which is an exempt
 33 | entity, shall be treated as if the property were owned directly
 34 | by the exempt entity. This section does not apply in determining
 35 | the exemption for property owned by governmental units pursuant
 36 | to s. 196.199.

37 | Section 2. This act shall take effect upon enactment.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GEAC 08-04 Ad Valorem Tax Relief for Deployed Military
SPONSOR(S): Government Efficiency & Accountability Council
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Orig. Comm.: Government Efficiency & Accountability Council, Camechis, Cooper. Rows 2-5 are empty.

SUMMARY ANALYSIS

This joint resolution proposes an amendment to the State Constitution to provide a credit against future ad valorem taxes owed on homestead property to every person who is a member of the United States military, the military reserves, or the Florida National Guard and who qualifies for the homestead exemption provided in Section 6(a) of Article VII at the time he or she is deployed on active duty outside the continental United States, Alaska, or Hawaii.

Implementation of the credit is subject to requirements enacted in general law regarding definitions, conditions, and procedures. The proposed amendment does not, however, limit the Legislature's authority to enact general laws addressing issues other than definitions, conditions, and procedures.

The proposed amendment will be submitted to the electors at the general election in 2008 or at an earlier special election specifically authorized by law for that purpose. If approved by 60 percent of the voters, the proposed amendment will take effect January 6, 2009.

This joint resolution appears to have a minimal negative fiscal impact on state government related to the cost of publishing the proposed amendment as required by the state constitution. If deployed military personnel own homestead property, local government entities that levy ad valorem taxes on that property will experience an indeterminate negative fiscal impact.

This joint resolution must be approved by a three-fifths vote of both houses of the Legislature.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes: This joint resolution proposes a constitutional amendment to provide an ad valorem tax credit to certain deployed members of the military who own homestead property in Florida. The amount of the credit is determined by the number of days those members are deployed on active duty outside the continental United States, Alaska, and Hawaii in designated military operations.

B. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Property Taxation in Florida

The ad valorem tax or "property tax" is an annual tax levied by local governments based on the value of real and tangible personal property as of January 1 of each year. The taxable value of real and tangible personal property is the fair market value of the property adjusted for any exclusions, differentials, or exemptions. Tax bills are mailed in November of each year based on the previous January 1st valuation, and payment is due by the following March 31.

The property tax is the largest single tax revenue source for government in Florida, with \$30.5 billion levied in FY 2006–07. Property taxes levied in Florida have grown rapidly in recent years from \$15.3 billion in FY 2000–01 to \$30.5 billion in FY 2006–07, an increase of 99%. For the same period, Florida personal income has increased 44% and growth measured by population and inflation has increased by 31%.

The Florida Constitution grants property tax relief in the form of valuation differentials,¹ assessment limitations,² and exemptions,³ including the homestead exemptions. The Constitution does not, however, grant tax relief to military personnel who are deployed on active duty outside the United States, Alaska, and Hawaii on military operations.

Deployed Military Personnel

The number of deployed military personnel is continually changing; however, according to the most recent data provided by the Florida Department of Military Affairs, approximately 25,190 military personnel who claim Florida as their home of record are currently deployed on active duty:

Florida National Guard	364	Army	12,735
Army Reserves	730	Air Force	2,319
Coast Guard Reserves	122	Marines	3,361
Air Force Reserves	53	Navy	0
Marines Reserves	74	Coast Guard	5,432
Navy Reserves	0		
TOTAL		25,190	

Although the table above indicates the number of military personnel who claim Florida as their home of record and who are currently "deployed", the total number of military personnel who are deployed outside the continental United States, Alaska, or Hawaii, and who own homestead property in Florida, is unknown.

¹ Article VII, s. 4 of the Florida Constitution, authorizes valuation differentials.

² Article VII, s. 4(c) of the Florida Constitution, authorizes the "Save Our Homes" property assessment limitation.

³ Article VII, s. 3 of the Florida Constitution, provides authority for property tax exemptions.

EFFECT OF PROPOSED CHANGES

This joint resolution proposes an amendment to the State Constitution to provide a credit against future ad valorem taxes owed on homestead property to every person who is a member of the United States military, the military reserves, or the Florida National Guard and who qualifies for the homestead exemption provided in Section 6(a) of Article VII at the time he or she is deployed on active duty outside the continental United States, Alaska, or Hawaii. The credit is based upon the number of days in a calendar year that the person is deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. Future ad valorem taxes owed on the person's homestead property will be reduced by the amount of the credit until the credit is exhausted.

The proposed amendment requires the Legislature to enact general laws to implement the credit, and subjects the credit to the definitions, conditions, and procedures enacted in general law. The proposed amendment does not, however, limit the Legislature's authority to enact general laws addressing issues other than definitions, conditions, and procedures.

C. SECTION DIRECTORY: Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures: The state constitution requires publication of a proposed amendment or revision to the constitution in one newspaper of general circulation in each county in which a newspaper is published, once in the tenth week and once in the sixth week immediately preceding the week in which the election is held. The Department of State, Division of Elections, estimates that the non-recurring cost of compliance will be approximately \$60,000 in FY2007-08. Due to the length of the summary, it is probable that the cost of compliance will exceed \$60,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: This bill will result in an indeterminate reduction in ad valorem tax revenues of local government entities that levy ad valorem taxes on homestead property of certain deployed members of the military. Currently, approximately 25,190 Florida military personnel are deployed; however, the number of military personnel who are deployed outside the continental United States, Alaska, and Hawaii, and who own homestead property, is unknown.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: This bill will provide an ad valorem tax credit to certain deployed members of the military who own homestead property based upon the number of days those members are deployed on active duty outside the continental United States, Alaska, and Hawaii in designated military operations.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The mandates provisions of Article VII, section 18 of the Florida Constitution do not apply to joint resolutions.

2. Other: Article XI, Section 1 of the State Constitution, authorizes the Legislature to propose amendments to the State Constitution by joint resolution approved by three-fifths 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's office or may be placed at a special election held for that purpose.

Article XI, Section 5(e) of the State Constitution, requires 60 percent voter approval for a constitutional amendment to pass.

B. RULE-MAKING AUTHORITY: This resolution does not require any agency to adopt administrative rules pursuant to ch. 120, F.S., the Florida Administrative Procedure Act; however, it may be necessary for future implementing legislation to require rulemaking by the Florida Department of Revenue.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

D. STATEMENT OF THE SPONSOR: None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A

PCB GEAC 08-04

YEAR

House Joint Resolution

A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution to provide certain members of the military a credit for property taxes paid on homestead property.

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

That the following amendment to Section 3 of Article VII of the State Constitution is 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

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions; credits.--

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled,

PCB GEAC 08-04

YEAR

30 property to the value fixed by general law not less than five
31 hundred dollars.

32 (c) Any county or municipality may, for the purpose of its
33 respective tax levy and subject to the provisions of this
34 subsection and general law, grant community and economic
35 development ad valorem tax exemptions to new businesses and
36 expansions of existing businesses, as defined by general law.
37 Such an exemption may be granted only by ordinance of the county
38 or municipality, and only after the electors of the county or
39 municipality voting on such question in a referendum authorize
40 the county or municipality to adopt such ordinances. An
41 exemption so granted shall apply to improvements to real
42 property made by or for the use of a new business and
43 improvements to real property related to the expansion of an
44 existing business and shall also apply to tangible personal
45 property of such new business and tangible personal property
46 related to the expansion of an existing business. The amount or
47 limits of the amount of such exemption shall be specified by
48 general law. The period of time for which such exemption may be
49 granted to a new business or expansion of an existing business
50 shall be determined by general law. The authority to grant such
51 exemption shall expire ten years from the date of approval by
52 the electors of the county or municipality, and may be renewable
53 by referendum as provided by general law.

54 (d) By general law and subject to conditions specified
55 therein, there may be granted an ad valorem tax exemption to a
56 renewable energy source device and to real property on which
57 such device is installed and operated, to the value fixed by
58 general law not to exceed the original cost of the device, and

PCB GEAC 08-04

YEAR

59 for the period of time fixed by general law not to exceed ten
60 years.

61 (e) Any county or municipality may, for the purpose of its
62 respective tax levy and subject to the provisions of this
63 subsection and general law, grant historic preservation ad
64 valorem tax exemptions to owners of historic properties. This
65 exemption may be granted only by ordinance of the county or
66 municipality. The amount or limits of the amount of this
67 exemption and the requirements for eligible properties must be
68 specified by general law. The period of time for which this
69 exemption may be granted to a property owner shall be determined
70 by general law.

71 (f) By general law and subject to definitions, conditions,
72 and procedures specified therein, each person who is a member of
73 the United States military, the military reserves, or the
74 Florida National Guard and who has received the homestead
75 exemption provided in Section 6(a) of this Article at the time
76 he or she is deployed on active duty outside the continental
77 United States, Alaska, or Hawaii shall receive a credit for
78 property taxes paid on the person's homestead property based
79 upon the number of days in a calendar year that the person is
80 deployed on active duty outside the continental United States,
81 Alaska, or Hawaii in support of military operations designated
82 by the legislature. Future ad valorem taxes owed on the person's
83 homestead property shall be reduced by the amount of the credit
84 until the credit is exhausted.

85 BE IT FURTHER RESOLVED that the following statement be
86 placed on the ballot:

87 CONSTITUTIONAL AMENDMENT

PCB GEAC 08-04

YEAR

88 ARTICLE VII, SECTION 3
 89 FUTURE HOMESTEAD AD VALOREM TAX CREDIT FOR DEPLOYED
 90 MILITARY PERSONNEL.--Proposing an amendment to the State
 91 Constitution to authorize as provided by general law a credit
 92 for property taxes paid on homestead property owned by each
 93 person who is a member of the United States military, the
 94 military reserves, or the Florida National Guard and who has
 95 received the homestead exemption provided in s. 6(a), Art. VII
 96 of the State Constitution at the time he or she is deployed on
 97 active duty outside the continental United States, Alaska, or
 98 Hawaii, based upon the number of days in a calendar year that
 99 the person is deployed on active duty outside the continental
 100 United States, Alaska, or Hawaii in support of military
 101 operations designated by the Legislature, and provide for
 102 reduction of future ad valorem taxes on such homestead property
 103 by the amount of any credit remaining. Future ad valorem taxes
 104 owed on the person's homestead property will be reduced by the
 105 amount of the credit until the credit is exhausted.

DR 219 – Original Purpose DOR

- Documentary Stamp Tax Audits
- Property Tax Administration
 - Independent Sale Database
 - Provide information to DOR regarding Conditions and Circumstances of the Transaction
- Confidential Tax Return
 - Retention requirements

DR 219 – Current Administration

- **Form Completed by Parties to Real Estate Transaction**
 - **Usually Closing Agent**
- **Form filed with County Clerk of Court**
- **Clerk of Court Provides Form Copies to Property Appraiser and Department of Revenue**

Promise of DR-219 Never Realized

- Volume of Filings
 - Split outs, Easements, Etc.
- Evolution of Independent Data Sources
 - Access to Deed Information on the Internet
 - Enhanced Access to Realtor Multiple Listing Service

2008 Department of Revenue

Legislative Concept

- **REPEAL DR-219 FILING REQUIREMENTS WITH THE DEPARTMENT OF REVENUE**
- **STATUTORY REFERENCE:** s. 201.022(1) and (3), F.S.
- **CURRENT SITUATION:** When any deed transferring real property is filed in Florida a return that is known as a “DR-219” is required to be filed with the Department and the Property Appraiser. The Department has determined that the DR-219 form does not effectively serve as an independent source of reliable information for our analysis of county property tax rolls nor is it the best source of information for identifying underpayments of documentary stamp taxes. As a result, the Department stopped processing the data on DR-219 forms on July 1, 2007.
- **PROPOSED CHANGE:** This proposal would repeal the requirement that the Clerk of the Court file the DR-219 form with the Department.

Policy Considerations for the Florida Legislature

- State investment in the DR-219
 - 1% of Documentary Stamp Tax retained by Clerk of Court for Processing
 - Estimated \$11.6 Million in 2008-09 and \$15.6 Million in 2009-10
- DOR Survey of Property Appraiser Use of DR-219

FLORIDA DEPARTMENT OF REVENUE
DR-219, Return Transfers of Interest in Real Property
Instructions for Completing and Printing the Internet Version
of the DR-219

This 4-page document creates a DOR-approved version of the DR-219 form. It is designed to be filled out and printed on your computer in Adobe Acrobat 5.0. Earlier versions of Acrobat will not work properly.

- Page 1. Instructions for completing and printing the Internet DR-219
- Page 2. General Information about the DR-219
- Page 3. The original form you complete on your computer
- Page 4. A copy of the form to be submitted with the original

Please read this page and page 2, General Information, in their entirety.

Entering Date on Page 3

To begin entering the data, left click on the first field on Line 1, anywhere in the red boxes. Type in the information requested. If you don't know the parcel number for the property, call the local property appraiser. Addresses and phone numbers for Florida Property Appraisers are available on our Internet site at <http://www.myflorida.com/dor/property/appraisers.html>.

Tab to move to the next field and shift-tab to return to the previous field. Or you may left-click on any field where you want to enter data.

To enter or erase an "X" in a box, use the space bar or "Enter" key, or left-click on the box.

The data you enter on Page 3 is automatically copied to Page 4. If you need to alter any data it must be done on page 3. No data should be entered on Page 4.

Printing and Submitting the DR-219

When you have completed the form, print pages 3 and 4. (Please print "full screen." Do not shrink to fit the page.) Sign both copies and make any additional copies for your files.

Submit the original printouts of pages 3 and 4, with your signature, to your local Clerk of the Circuit Court (exception: in Orange County please submit to the Comptroller's Office). Addresses and phone numbers for Florida Clerks of Court are available on our Internet site at <http://www.flclerks.com/>.

GENERAL INFORMATION

THE FLORIDA DEPARTMENT OF REVENUE IS REQUIRED, BY LAW, TO PERIODICALLY REVIEW COUNTY ASSESSMENT ROLLS. AS A PART OF THIS REVIEW, THE DEPARTMENT COLLECTS DATA AND INFORMATION RELATING TO REAL ESTATE TRANSACTIONS FOR ESTIMATES OF MARKET VALUE. THE DATA PROVIDED WILL BE USED IN THE ROLL REVIEW PROCESS.

AS A CONDITION OF RECORDATION OF ANY DEED TRANSFERRING AN INTEREST IN REAL PROPERTY, THIS RETURN MUST BE COMPLETED BY THE GRANTOR, GRANTEE OR GRANTEE'S AGENT, PURSUANT TO SECTION 201.022, FLORIDA STATUTES, AND ACCOMPANY EACH DOCUMENT TRANSFERRING AN INTEREST IN FLORIDA REAL PROPERTY WHEN PRESENTED TO THE CLERK OF THE CIRCUIT COURT FOR RECORDATION. TAX IS COMPUTED AT THE RATE OF 70¢ PER \$100.00 CONSIDERATION ROUNDED UP TO THE NEAREST HUNDRED.

THIS RETURN SHALL NOT BE RECORDED, AND SHALL NOT BECOME A PUBLIC RECORD. IT SHALL BE CONFIDENTIAL AS PROVIDED BY S. 193.074, FLORIDA STATUTES.

PENALTY AND INTEREST

A PENALTY IS IMPOSED UNDER s. 201.17(2)(b), FLORIDA STATUTES, EQUAL TO 10 PERCENT OF ANY UNPAID TAX IF THE FAILURE IS NOT MORE THAN 30 DAYS, WITH AN ADDITIONAL AMOUNT OF 10 PERCENT FOR EACH ADDITIONAL 30 DAYS OR FRACTION THEREOF, UP TO 50 PERCENT OF THE UNPAID TAX. INTEREST OF 1 PERCENT PER MONTH SHALL BE CHARGED BASED UPON THE AMOUNT OF TAX DUE FROM THE DATE OF RECORDATION UNTIL THE TAX IS PAID.

GENERAL INSTRUCTIONS BY LINE NUMBER

1. **PARCEL IDENTIFICATION NUMBER:** This number is assigned to property by the local county Property Appraiser. If unable to locate PARCEL ID number on a notice of Proposed Property Taxes or a Tax Bill call the County Property Appraiser's Office. The Department of Revenue does not have access to PARCEL ID Numbers.
2. **MULTI-PARCEL TRANSACTION:** Means there was more than one (1) parcel included in the transaction. Only one (1) PARCEL ID number is required for line 1. **SPLIT/CUTOUT** - is transfer/sale a portion of another parcel. **IMPROVED PROPERTY:** Is property that includes items like buildings, wells, septic tanks, paving, fences, pools, etc.
3. **GRANTOR:** Person(s) relinquishing interest in the property. If there are multiple names, list one name then use "ET. AL."
4. **GRANTEE:** Person(s) gaining interest in property as a result of sale/transfer. If there are multiple names, list one name then use "ET. AL".
5. **DATE OF SALE/TRANSFER:** Date Transaction took place
SALE/TRANSFER PRICE: To be computed below

COUNTY CODES TO BE USED IN QUESTION 5.

ALACHUA	11	HAMILTON	34	OKEECHOBEE ..	57
BAKER	12	HARDEE	35	ORANGE	58
BAY	13	HENDRY	36	OSCEOLA	59
BRADFORD	14	HERNANDO	37	PALM BEACH ...	60
BREVARD	15	HIGHLANDS	38	PASCO	61
BROWARD	16	HILLSBOROUGH ..	39	PINELLAS	62
CALHOUN	17	HOLMES	40	POLK	63
CHARLOTTE	18	INDIAN RIVER ...	41	PUTNAM	64
CITRUS	19	JACKSON	42	ST. JOHNS	65
CLAY	20	JEFFERSON	43	ST. LUCIE	66
COLLIER	21	LAFAYETTE	44	SANTA ROSA ...	67
COLUMBIA	22	LAKE	45	SARASOTA	68
DADE	23	LEE	46	SEMINOLE	69
DE SOTO	24	LEON	47	SUMTER	70
DIXIE	25	LEVY	48	SUWANNEE	71
DUVAL	26	LIBERTY	49	TAYLOR	72
ESCAMBIA	27	MADISON	50	UNION	73
FLAGLER	28	MANATEE	51	VOLUSIA	74
FRANKLIN	29	MARION	52	WAKULLA	75
GADSDEN	30	MARTIN	53	WALTON	76
GILCHRIST	31	MONROE	54	WASHINGTON ...	77
GLADES	32	NASSAU	55		
GULF	33	OKALOOSA	56		

FOR USE BY TAXPAYER IN DETERMINING SALE PRICE	
1. Cash or Down Payment	\$ _____
2. New Or Existing Mortgages or agreements or contracts for deeds	\$ _____
3. Any Other Consideration given or exchanged	\$ _____
4. Total Consideration Paid or to Be Paid (Line 5 Front)	\$ _____
5. If taxable consideration is \$100 or less or if the transaction is exempt, please explain briefly. _____	

6. **TYPE OF DOCUMENT:** Please mark the box that applies to the type of deed or document used in transaction. "Other" needs no explanation.
7. **MORTGAGES:** Self Explanatory
8. **UNUSUAL CIRCUMSTANCES OR CONDITIONS:** Unusual to mean any transaction that is not a straight sale without duress to either party.
9. **WAS SALE/TRANSFER FINANCED?** Self Explanatory.
10. **PROPERTY TYPE AT TIME OF SALE:** Self Explanatory. If in doubt call County Property Appraiser's office. Check all those that apply.
11. **UNUSUAL PERSONAL PROPERTY INCLUDED IN THE SALE:** Any items other than appliances, floor coverings, window dressings which are normally sold with a residence. If actual value not known please estimate.
12. **AMOUNT OF DOCUMENTARY STAMPS AFFIXED TO DOCUMENT:** Documentary Stamp Tax is computed at the rate of 70¢ per \$100.00 of Sale/Transaction price rounded up to the nearest hundred. Clerks office will affix stamps. (Dade County is 60¢)

13. **EXEMPTION** under s. 201.02(6) F.S., includes governmental entities, water management districts and non-profit organizations whose purpose is the preservation of Natural Resources and who is exempt from Federal Income tax.

****BE SURE RETURN IS SIGNED.**
****DR-219 AND DEED ARE TO BE SUBMITTED TO THE RECORDING SECTION OF THE CLERK OF THE CIRCUIT COURT'S OFFICE. DO NOT SEND TO THE DEPARTMENT OF REVENUE.**
****IF YOU HAVE ANY QUESTIONS REGARDING THE COMPLETION OF THIS FORM, PLEASE CALL THE DEPARTMENT OF REVENUE AT 1-800-FLA-DOR1 (1-800-352-3671) OR (850)922-4826.**



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)

FDOR10240300
 DR-219
 R. 07/98

Enter numbers as shown below.

If typing, enter numbers as shown below.

1. Parcel Identification Number **0 1 2 3 4 5 6 7 8 9** **0123456789**
 (If Parcel ID not available please call County Property Appraiser's Office) →
2. Mark (x) all that apply
 Multi-parcel transaction? → Transaction is a split or cutout from another parcel? → Property was improved with building(s) at time of sale/transfer? →

3. Grantor (Seller):
 Last First MI Corporate Name (if applicable)
 Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):
 Last First MI Corporate Name (if applicable)
 Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer
 Month Day Year Sale/Transfer Price
 \$. 0 0 Property Located In 0 County Code
 (Round to the nearest dollar.)

6. Type of Document Contract/Agreement for Deed Other 7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: YES NO
 Warranty Deed Quit Claim Deed (Round to the nearest dollar.) \$. 0 0

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage. YES NO

9. Was the sale/transfer financed? YES NO If "Yes", please indicate type or types of financing:
 Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type: Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare
 Mark (x) all that apply

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) YES NO \$ \$. 0 0

12. Amount of Documentary Stamp Tax \$ 0.00

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes? YES NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent _____ Date _____

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

To be completed by the Clerk of the Circuit Court's Office	Clerks Date Stamp
This copy to Department of Revenue	
O. R. Book and Page Number and File Number	
Date Recorded	
Month Day Year	

This copy to Department of Revenue

**Department of Revenue
2008 Legislative Concept**

DOCUMENTARY STAMPS

**REPEAL DR-219 FILING REQUIREMENTS WITH THE
DEPARTMENT OF REVENUE**

STATUTORY REFERENCE: s. 201.022(1) and (3), F.S.

CURRENT SITUATION: When any deed transferring real property is filed in Florida a return that is known as a "DR-219" is required to be filed with the Department and the Property Appraiser. The Department has determined that the DR-219 form does not effectively serve as an independent source of reliable information for our analysis of county property tax rolls nor is it the best source of information for identifying underpayments of documentary stamp taxes. As a result, the Department stopped processing the data on DR-219 forms on July 1, 2007.

PROPOSED CHANGE: This proposal would repeal the requirement that the Clerk of the Court file the DR-219 form with the Department.

Return for Transfers of Interest in Real Property (Form DR-219)

Bob McKee
Deputy Executive Director
Florida Department of Revenue

Presentation to
House Government Efficiency and Accountability Council
Meeting
January 23, 2008



DEPARTMENT OF

MANAGEMENT SERVICES

ADMINISTRATIVE AGENCY FOR FLORIDA GOVERNMENT

Retirement Clean Up Bill

Sarabeth Snuggs

Government Efficiency & Accountability Council

January 23, 2008

Retirement Clean Up Legislation

- Amend chapter 121, F.S., to specifically require the use of Social Security numbers for reporting and restrict the use of Social Security Numbers only to official business.

Social Security numbers have always been required for reporting by Florida Retirement System (FRS) employers and reporting of retirement income and tax deductions to the Internal Revenue Service; but there is no specific statutory authority for this department's use of Social Security numbers prior to retirement.

Retirement Clean Up Legislation

- Amend chapter 121, F.S., to clarify the definition of “employer” by stating that FRS employers are not agents of the department. Create a requirement that any promotional materials or advertisements which refer to the Florida Retirement System or the FRS, either directly or indirectly, shall contain a disclaimer that the information is not approved or endorsed by the Florida Retirement System.

Better statutory authority is needed for challenges resulting from our position that misinformation provided by the employer to the Division and by the employer to their employees about the benefits available under the FRS are not binding upon the department. The General Counsel’s Office has requested more statutory authority to assist with the pursuit of any cease-and-desist orders for advertisements or promotional materials misrepresenting the FRS.

Retirement Clean Up Legislation

- **Clarification of service eligible to be claimed under the out-of-state, in-state, and past service provisions of the Florida Retirement System.**
 - Only “active” military service is creditable under the out-of-state service provisions and that service for which an employer-paid benefit or pension is received or will be received cannot be claimed under the FRS out-of-state service provision.
 - In-state service may not be purchased if a member has or will receive an employer-funded benefit for that service.
 - Past service may not be purchased if the member has or will receive any employer-funded contributions or benefits.

Retirement Clean Up Legislation

Limiting service covered by the Florida Retirement System to public service.

- Clarify that the purchase of past service is public service so that it meets participation criteria under the FRS and federal law.
- Clarify that participation in the FRS of a public entity by virtue of a merger, consolidation, or transfer of function must be a governmental agency to a governmental agency, to restrict participation in the FRS of a public entity under a leasing agreement with co-employer relationship, and to allow the employer to pay for the purchase of past service for its employees at the time of merger into the FRS but to preclude the purchase of past service for co-employer time. [Note: Co-employment is employed in a single position simultaneously covered and reported by both a public employer and a private employer.]

Retirement Clean Up Legislation

- Clarify that suspension of benefits for reemployment restrictions after retirement in prohibited employment during the 2nd through 12th months of retirement or after DROP participation affects only the months of prohibited employment.**

A strict interpretation of the current provision could result in retirement benefits being suspended for the entire remaining period during this limitation period instead of only during the months of prohibited employment. For example, a retiree returns to work as a poll worker for one week during the second month after retirement and never works again; instead of having the retirement benefit suspended only for one month benefits would be suspended for 11 months.

Retirement Clean Up Legislation

- Clarify the definition of “normal retirement date” in chapter 121, F.S.
 - Normal retirement date can be reached based upon reaching 30 years of service before age 62 for all classes except the Special Risk Class which is 25 years of service before age 55. Otherwise, if vested, the member reaches normal retirement upon attaining age 62 or 55 (depending upon class of membership).
 - Since service credit is earned for the entire month, normal retirement becomes effective the month after completing 30 or 25 years of service. If retiring based upon an attaining age 62 or 55 and vested, age is calculated on month and year so normal retirement begins in the month the member is age 62 or 55.
 - Clarification of a current procedure.

Retirement Clean Up Legislation

- **Clarify and consolidate Deferred Retirement Option Program (DROP) and reemployment provisions.**
 - Clarify chapter 121, F.S., about the finalization of the DROP application process to establish an effective retirement date to begin DROP participation.
 - This change would repeal certain extended DROP participation provisions and reemployment exceptions created without specific statutory reference and placed by the statute editors as new sections under chapters 121 and 238, F.S., and reenact identical provisions under the sections of these chapters that pertain to DROP and reemployment after retirement.

Retirement Clean Up Legislation

- **Create specific statutory authority to accept rollovers and to make direct payments of benefits to alternate payees required by a qualified domestic relations order (QDRO).**
 - Add specific authority for the department to accept rollovers from qualified plans for payments to establish service credit and upgrade existing service credit.
 - Provide for direct payment to alternate payees resulting from a QDRO.

Retirement Clean Up Legislation

□ Clarify provisions concerning the State Retirement Commission.

- Repeal the State Retirement Commission's quorum requirements for panels reviewing the Division's denial of disability benefits under the FRS. Panels have a quorum requirement of 2 members which is insufficient to resolve a tie vote. This change would retain the current 3 member requirement for all State Retirement Commission processes.
- Create conforming requirements that the review process of disability retirement denials include "permanent impairment" and "competent medical evidence" and other disability requirements that the department must use in evaluating an application for disability retirement benefits.

Retirement Clean Up Legislation

- **Update member annual statements requirements.**
 - Amend chapter 121, F.S., to clarify that the member annual statement contain information related to member benefits under the defined benefit plan of the Florida Retirement System.

Retirement Clean Up Legislation

Repeal obsolete provisions and a conflicting provision.

- Section 121.1905, F.S., establishes the Division of Retirement's mission statement by law. This was created when the Division was an independent entity.
- Section 121.45, F.S., was the enabling legislation that created the study of interstate portability of retirement benefits. The outcome of the study resulted in the enactment out-of-state service provisions in s. 121.1115, F.S., in 1994.
- Section 1012.33(8), F.S., restricts regular retirement employees of district school boards from renewing membership in a retirement system created under chapter 121 or 238, F.S. Chapter 238, F.S., was closed to new members when the Florida Retirement System was created effective December 1, 1970. Chapter 121, F.S., was amended in 1990 to specifically create renewed membership eligibility for retirement plans and exceptions to reemployment restrictions that cover district school board personnel.