

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 573 Disabled Veterans
SPONSOR(S): Bilirakis and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1342

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Military & Veteran Affairs Committee</u>	<u>7 Y, 0 N</u>	<u>Marino</u>	<u>Cutchins</u>
2) <u>Local Government Council</u>	<u>8 Y, 0 N</u>	<u>Smith</u>	<u>Hamby</u>
3) <u>Finance & Tax Committee</u>	<u>9 Y, 0 N</u>	<u>Rice</u>	<u>Diez-Arguelles</u>
4) <u>State Administration Council</u>	<u></u>	<u>Marino</u>	<u>Bussey</u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Under current law, certain disabled veterans are exempt from local government license and permit fees associated with making a mobile home owned and occupied by the veteran wheelchair accessible.

House Bill 573 expands this exemption to include any dwelling owned and occupied by the veteran.

The Revenue Estimating Conference has not produced an estimate of this bill. The fiscal impact on local government revenues is expected to be negative and insignificant.

This bill takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes – House Bill 573 allows more 100-percent, service-connected permanently and totally disabled wheelchair-confined veterans to take advantage of an existing building permit fee exemption.

Safeguard individual liberty – This bill allows more 100-percent, service-connected permanently and totally disabled veterans confined to wheelchairs greater freedom to conduct their own affairs by reducing the cost to make their homes wheelchair habitable.

Empower families – This bill allows more 100-percent, service-connected permanently and totally disabled wheelchair-confined veterans improved family life by removing physical barriers that degrade their integration into their home.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Building Code

Section 553.79, F.S. requires that any person or organization seeking to construct, modify, or demolish a building in Florida must obtain a permit from the appropriate Florida Building Code enforcing agency. Local governments, under ss. 125.56, 166.222, and 553.80 are charged with regulating building construction and are authorized to charge reasonable permit fees to defray building regulation, enforcement, and administrative costs. In the case of remodeling permits, the fee structure generally includes a base or application fee, plus an additional amount based on the construction value of the remodeling project. The table below shows current remodeling permit fee valuations from a county and a municipality:

Remodeling Permit Fees			
Broward County	City of Tallahassee		
Minimum base permit fee \$111 added to a charge calculated at a rate of 1.60% of the remodeling job construction value.	Construction Value	Application Fee	Valuation Fee
	\$10,000 or less	\$60	\$14/\$1000
	50K or less	240	1.20/1000
	100K or less	288	0.38/1000
	Over 100K	326	0.38/1000

License and Fee Exemption

Section 295.16, F.S., allows veterans to be exempt from paying building license or permit fees to any county or municipality for wheelchair accessibility improvements made upon a mobile home, provided the following criteria are met:

- The veteran must be a resident of Florida;
- The veteran must be permanently and totally disabled and be able to show:
 - A valid identification card issued by the Florida Department of Veterans' Affairs under s. 295.17, F.S.;
 - A service-connected 100-percent disability rating for compensation as determined by the United States Department of Veterans' Affairs; or
 - A disability retirement pay receipt from any branch of the uniformed armed services for a 100-percent, service-connected disability rating;

- The veteran must be honorably discharged from the Armed Forces;
- The veteran must own and reside in the mobile home for which the improvements are being made; and
- The veteran may only make improvements to his or her mobile home such as adding ramps, widening doorways, and similar improvements for the purpose of making the mobile home wheelchair-habitable.

Typical improvements or alterations¹ that may need to be made in order to make a mobile home more habitable for an eligible wheelchair-confined veteran include, but are not limited to:

- Outside: ramps, railings, primary entrance with widened doorway into home;
- Inside: ramps, railings, widened doorways, lowered countertops, wheelchair turning space, wheelchair lifts, toilet and bathing facilities, clear floor space to reach appliances.

Section 295.16, F.S., does not appear to place restrictions on the number of wheelchair accessibility improvements allowed nor does it appear to place any restriction on the number of times improvements may be made to the mobile home. Additionally, it does not appear to remove the requirement for obtaining a permit for the improvements as in s. 553.79, F.S.

Disabled Veteran ID Card and License Plate

Section 295.17, F.S., provides that the Florida Department of Veterans' Affairs (DVA) may issue a photo-identification card to any veteran who is a permanent resident of the state and who has been determined by the U.S. Department of Veterans' Affairs (USDVA) or its predecessor to have a 100-percent, service-connected permanent and total disability rating for compensation, or who has been determined to have a service-connected disability rating of 100-percent and is in receipt of disability retirement pay from any branch of the uniformed armed services. The ID card eligible veteran may request the card in writing to the DVA, and, upon its receipt, the veteran may use the card as proof of identification for all benefits provided by state law for 100-percent, service-connected permanently and totally disabled veterans except for certain benefits relating to property tax exemptions.

It should be noted that not all 100-percent, service-connected, permanently and totally disabled veterans are confined to wheelchairs. For example, a veteran could be rated with a 100-percent permanent and total disability for post-traumatic stress disorder, yet not require a wheelchair. In addition, not all wheelchair-confined veterans are 100-percent, service-connected, permanently and totally disabled.

Under s. 320.084(2), F.S., a veteran who produces a DVA ID card, as provided for in s. 295.17, F.S., to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) shall be issued one free motor vehicle license plate for use on any motor vehicle owned or leased by the veteran. Since each veteran who receives this benefit is limited to one free license plate and each veteran who qualifies for this benefit is likely to use it, this statute provides a means to estimate the number of 100-percent, service-connected permanent and totally disabled veterans living in Florida. According to the DHSMV, as of January 11, 2006, there were 4,556 disabled veteran wheelchair license plates issued in the state².

Effect of Proposed Change:

House Bill 573 increases the type of residences eligible for the permit fee exemption in s. 295.16, F.S. In addition to mobile homes, eligible disabled veterans may also apply this exemption to any dwelling they own and occupy.

¹ Architectural and Transportation Barriers Compliance Board. ADA and ABA Accessibility Guidelines for Buildings and Facilities. Federal Register. July 23, 2004 and amended August 5, 2005.

² Communication with Steve Fielder of the Florida Department of Highway Safety and Motor Vehicles. January 13, 2006. Email on file with Committee on Military and Veteran Affairs.

In addition to dealing with physical, emotional, and possibly employment/income-related limitations, wheelchair bound veterans often face other financial restrictions as they transition back into family life and society. The provisions of this bill will enable a larger population of eligible, disabled veterans to take advantage of the existing fee exemption, reducing the costs that they are obligated to pay in order to make their homes wheelchair accessible. Providing this benefit to a broader population of veterans could assist in addressing the potential increase in needs resulting from continued military operations.

This bill does not appear to place any restrictions on the number of wheelchair accessibility improvements allowed nor does it appear to place any restrictions on the number of times improvements may be made to the dwelling. Additionally, it does not appear to remove the requirement for obtaining a permit for the improvements as in s. 553.79, F.S.

C. SECTION DIRECTORY:

Section 1. Amends s. 295.16, F.S., relating to disabled veterans; replacing “mobile home” with “dwelling”.

Section 2. Provides an effective date of July 1, 2006.

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:

The fiscal impact on local government revenues is expected to be negative and insignificant. The Revenue Estimating Conference has not met on this issue.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Although this bill reduces revenue-raising authority, the number of applicable veterans likely to utilize the license and permit fee exemptions is expected to be minimal. Therefore, the fiscal impact is expected to be insignificant and the bill is exempt from the mandates provision.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.