

**STORAGE NAME:** h0445.ca

**DATE:** February 21, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
ANALYSIS**

**BILL #:** HB 445

**RELATING TO:** Ad Valorem Tax Exemption

**SPONSOR(S):** Representative Kelly

**COMPANION BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS
  - (2) FINANCE AND TAXATION
  - (3) GENERAL GOVERNMENT APPROPRIATIONS
  - (4)
  - (5)
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I. SUMMARY:

House Bill 445 removes statutory provisions which impose a residency requirement and income limitation with respect to the ad valorem tax exemption for the homestead of a quadriplegic, paraplegic, hemiplegic or other totally and permanently disabled person.

The bill has been submitted to the Revenue Impact Conference.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Currently, section 196.101, Florida Statutes provides a complete homestead exemption from ad valorem taxes for any person who is quadriplegic, paraplegic, hemiplegic, or other totally and permanently disabled person, who must use a wheelchair for mobility or who is legally blind.

The person applying for homestead must meet the following requirements:

1. They must submit a certificate of disability from two licensed doctors of this state or from the United States Department of Veterans Affairs or its predecessor to the property appraiser of the county wherein the property lies, as prima facie evidence of the fact that he or she is entitled to such exemption.
2. They must be a permanent resident of this state and submit an affidavit that is prima facie proof of such residency. Furthermore, the gross income of all persons residing in or upon the homestead for the prior year can not exceed \$14,500. (Adjusted annually since January 1, 1990, according to the consumer price index)
3. They are required to submit a sworn statement of gross income and the filing of such statement must be accompanied by copies of federal income tax returns for the prior year, wage and earnings statements (W-2 forms), and other documents deemed necessary, for each member of the household.

B. EFFECT OF PROPOSED CHANGES:

House Bill 445 removes statutory provisions which impose a residency requirement and income limitation with respect to the ad valorem tax exemption for the homestead of a quadriplegic, paraplegic, hemiplegic or other totally and permanently disabled person.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

The bill removes income limitation requirements to all disabled persons owning a home within the State of Florida, as a qualifying criteria for the exemption.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**D. STATUTE(S) AFFECTED:**

Section 196.101, and section 196.011, 1998 Supplement, Florida Statutes.

**E. SECTION-BY-SECTION ANALYSIS:**

SECTION 1: Amends subsections (1) and (2) 196.101, Florida Statutes, by combining said subsections; renumbers section (3) as (2); Removes subsection, 196.101, (4), Florida Statutes which imposes a residency requirement and income limitation with respect to the ad valorem tax exemption for the homestead of a quadriplegic, paraplegic, hemiplegic or other totally and permanently disabled person; removes requirement of submission of certain documents related to said income limitation.

SECTION 2: Repeals paragraph, 196.011(9)(b) Florida Statutes, to conform.

SECTION 3: This act takes effect January 1, 2000.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

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3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

Indeterminate. The bill has been submitted to the Revenue Impact Conference.

2. Recurring Effects:

See B1.

3. Long Run Effects Other Than Normal Growth:

See B1.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

**D. FISCAL COMMENTS:**

Indeterminate. The bill has been submitted to the Revenue Impact Conference.

**IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

**A. APPLICABILITY OF THE MANDATES PROVISION:**

The bill will require counties to expend funds to implement the ad valorem tax exemption, but it does not require municipalities to spend funds or take action requiring the expenditure of funds.

**B. REDUCTION OF REVENUE RAISING AUTHORITY:**

The bill reduces the authority that local governments have to raise revenues in the aggregate. The fiscal impact is indeterminate and the bill has been submitted to the Revenue Impact Conference.

**C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

The bill does not reduce the percentage of state tax shared with local governments.

**V. COMMENTS:**

The Tri-state chapter of the Paralyzed Veterans of America and other veterans' groups have been contacted and are supportive of the bill.

The Florida Association of Counties has some concerns related to the bill. The Florida League of cities were contacted and did not respond prior to publication of the analysis.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

The sponsor is considering an amendment which will address the concerns of the Florida Association of Counties.

**VII. SIGNATURES:**

**COMMITTEE ON COMMUNITY AFFAIRS:**

Prepared by:

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