

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 Military Affairs and Community Affairs Committee

BILL: SB 644

INTRODUCER: Senators Fasano and Baker

SUBJECT: Veterans

DATE: March 26, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>Skelton</u>	<u>MS</u>	Favorable
2.	<u>Murphy</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>HE</u>	_____
4.	_____	_____	<u>WPSC</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 644 removes the requirement that an honorably discharged 100-percent service connected disabled veteran must be confined to a wheelchair in order to qualify for an exemption from county or municipality license or permit fees. The bill authorizes a fee exemption for improvements that would make the residence safe for the veteran.

The bill removes the cap on revenues deposited in the State Homes for Veterans Trust Fund from the sale of special license plates.

Finally, the bill authorizes deferment of tuition and fees for veterans and other students receiving benefits from the Post 9/11 GI Bill if the benefits are delayed in transmission under circumstances beyond the students' control.

This bill substantially amends the following sections of the Florida Statutes: s. 295.16, s. 320.089, and s. 1009.27.

II. Present Situation:

Section 295.16, F.S., currently provides an exemption from payment of county and municipality property improvement license or permit fees for honorably discharged 100-percent service connected disabled veterans who are confined to wheelchairs. Such improvements are limited to ramps, widening of doors, and similar improvements.

The latest available Department of Revenue data indicates that in 2007, there were 228 parcels of real property that claimed the Disabled Veteran Wheelchair ad valorem tax exemption.¹ This figure may give an indication of the current size of the population eligible for the benefit currently provided by s. 295.16, F.S. United States Department of Veterans Affairs data indicates that 19,406 Florida veterans received 100-percent rated service connected disability compensation in 2007.² It is unknown how many of these disabled veterans own homes in Florida.

Section 320.089, F.S., places a cap on the amount of additional general revenue that is deposited in the State Homes for Veterans Trust Fund from the sale of certain special motor vehicle license plates. Special license plates are issued by the Department of Highway Safety and Motor vehicles based on certain qualifying criteria and include the National Guard, Armed Forces Reserves, POW, Survivor of Pearl Harbor, Purple Heart Recipient, Operation Iraqi Freedom, and Operation Enduring Freedom plates.

The first \$100,000 of revenues from the sales of these plates are deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act. Any additional revenues, up to \$100,000, are deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans. Any surplus beyond the first \$200,000 is deposited into the Department of Transportation State Transportation Trust Fund. The amount of surplus currently deposited into the State Transportation Trust Fund is approximately \$250,000.

Section 1009.27, F.S., authorizes school districts, community colleges, and state universities to defer tuition and fees for students receiving federal or state financial assistance when the aid is delayed in transmission to the student under circumstances beyond the student's control. Failure to make a timely application is not considered a sufficient reason for deferral. Students receiving financial aid under the following programs may be eligible for the deferment:

- All Volunteer Force Educational Assistance Program;³
- Training and Rehabilitation for Veterans with Service connected Disabilities;⁴
- Post-Vietnam Era Veterans Education Assistance;⁵
- Veterans Educational Assistance;⁶
- Survivors and Dependents Educational Assistance;⁷ or
- Educational Assistance for Members of the Selected Reserve.⁸

Congress passed the Post 9/11 Veterans Education Assistance Act of 2008.⁹ This act, known as the Post 9/11 GI Bill, takes effect on August 1, 2009. The act provides the following benefits:

¹ Florida Department of Revenue, 2007 Parcel Count By Exemption Type Part 2, at <http://dor.myflorida.com/dor/property/07FLpropdata.pdf>.

² U. S. Department of Veterans response to a committee staff request for information.

³ 38 U.S.C. ch. 30.

⁴ 38 U.S.C. ch. 31.

⁵ 38 U.S.C. ch. 32.

⁶ 38 U.S.C. ch. 34.

⁷ 38 U.S.C. ch. 35.

⁸ 10 U.S.C. ch 106.

⁹ PL 110-252.

- Cost of tuition and fees, not to exceed the most expensive in-state undergraduate tuition at a public institution of higher education (paid to the institution);
- Monthly housing allowance equal to the basic allowance for housing payable to a military E-5 with dependents, in the same zip code as the veteran's school (paid to the veteran);
- Yearly books and supplies stipend of up to \$1,000 (paid to veteran); and
- A one-time payment of \$500 paid to certain individuals relocating from highly rural areas.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 295.16, F.S., to allow all honorably discharged 100-percent service connected disabled veterans an exemption from county and municipality license or permit fees when making improvements to their residence in order to make the dwelling habitable or safe. The bill removes a statutory provision limiting such exemptions solely to veterans confined to wheelchairs.

Section 2 of the bill amends s. 320.089, F.S., to remove the cap on revenues deposited into the State Homes for Veterans Trust Fund from the sale of certain special license plates. These special license plates include the National Guard, Armed Forces Reserves, POW, Survivor of Pearl Harbor, Purple Heart Recipient, Operation Iraqi Freedom, and Operation Enduring Freedom plates.

Section 3 of the bill amends s. 1009.27, F.S., to incorporate the newly adopted federal Post 9/11 GI Bill by reference. The effect of this change grants a student who is receiving veterans' educational benefits under the federal Post 9/11 GI Bill a deferral of tuition and fees when financial aid is delayed in transmission to the student under circumstances beyond the student's control.

Section 4 of the bill provides an effective date of July 1, 2009 in amending ss. 295.16 and 320.089, F.S., and an effective date of August 1, 2009 in amending s. 1009.27, F.S.

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:

Expanding the population of 100-percent disabled veterans eligible for an exemption from building permit fees may result in additional allowable residence improvements. This may have some small positive impact on the construction industry and building material sales.

Providing a deferment on tuition and fees in the event of delayed receipt of Post 9/11 GI Bill benefits may provide an additional motivator to veterans to seek further education. The deferment is revenue neutral and enhances the student's ability to pursue an education under less stressful circumstances.

C. Government Sector Impact:

With respect to the exemption of license and permit fees for dwelling improvements, the Department of Veterans' Affairs believes the fiscal impact on county and municipal governments to be indeterminate but likely negligible. The population of veterans confined to wheelchairs who currently might qualify for this exemption is very small in comparison to the total population of 100-percent disabled veterans. The department does not anticipate a great need for additional residence improvements from the newly eligible population of 100-percent disabled veterans. However, the language of the bill expands not only the eligible population but also the allowable improvements criteria to make the dwelling "safe" for the veteran. It is unknown how this language may be interpreted in granting future fee exemptions to the expanded population.

Removal of the cap on funds deposited in State Homes for Veterans Trust Fund will shift approximately \$250,000 annually from the Department of Transportation to the Department of Veterans' Affairs.

The inclusion of the Post 9/11 GI Bill in s. 1009.27, F.S. will have no long-term fiscal impact on school districts, community colleges, and universities. Tuition and fees due these educational institutions are only deferred until the student receives his or her program financial assistance.

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.

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