

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 Committee on Fiscal Policy

BILL: SB 222

INTRODUCER: Senator Detert

SUBJECT: Parking for Disabled Veterans

DATE: January 13, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	Favorable
2.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	Pre-meeting

I. Summary:

SB 222 prohibits the governing body of each publicly owned or publicly operated airport from charging parking fees to vehicles displaying certain disabled veteran license plates.

The bill prohibits a local government from charging parking fees in a facility or lot that provides timed parking spaces to vehicles displaying the disabled veteran plate stamped with the international accessibility symbol and the Paralyzed Veterans of America license plate.

The Revenue Estimating Conference estimated that the bill will have a negative \$600,000 recurring fiscal impact on local governments and publicly owned or publicly operated airports.

The bill has no impact on state funds.

II. Present Situation:

A state agency, county, municipality, or any agency thereof, is prohibited from charging a fee for parking on the public streets or highways or in any *metered* parking spaces if the vehicle displays a:¹

- Disabled parking permit;²
- Out of state or out of country disabled license plate or disabled parking permit;³
- Disabled veteran license plate;⁴
- Disabled veteran license plate stamped with the international accessibility symbol;⁵

¹ Section 316.1964, F.S.

² Issued under s. 320.0848, F.S.

³ Recognized under s. 316.1958, F.S.

⁴ Issued under s. 320.084, F.S.

⁵ Issued under s. 320.0842, F.S.

- License plate stamped with the international accessibility symbol;⁶ or
- Paralyzed Veterans of America license plate.⁷

A local government is prohibited from charging parking fees to vehicles with specialized equipment, such as ramps, lifts, or foot or hand controls for utilization by a person who has a disability, or any vehicle displaying the disabled veteran license plate,⁸ or the Florida Toll Exemption permit.⁹

However, a local government may charge a parking fee to vehicles displaying disabled parking permits in a facility or lot that provides *timed* parking spaces for parking.

The governing body of a publicly owned and operated airport is prohibited from charging parking fees to vehicles with specialized equipment, such as ramps, lifts, or foot or hand controls for utilization by a person who has a disability or whose vehicle is displaying the Florida Toll Exemption permit.¹⁰

However, an airport that owns, operates, or leases parking facilities, or any other parking facilities that are used for the purpose of air travel, *may* charge parking fees for vehicles that display a:

- Disabled parking permit;¹¹
- Out of state or out of country disabled license plate or disabled parking permit;¹²
- Disabled veteran license plate;¹³
- Disabled veteran license plate stamped with the international accessibility symbol;¹⁴
- License plate stamped with the international accessibility symbol;¹⁵ or
- Paralyzed Veterans of America license plate.¹⁶

Disabled Veteran “DV” License Plate

A disabled veteran is eligible for one free disabled veteran license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-connected 100 percent disability rating for compensation; or

⁶ Issued under s. 320.0843, F.S.

⁷ Issued under s. 320.0845, F.S.

⁸ Issued under s. 320.084, F.S.

⁹ Section 316.1964(8), F.S.

¹⁰ Section 316.1964(7), F.S.

¹¹ Issued under s. 320.0848, F.S.

¹² Recognized under s. 316.1958, F.S.

¹³ Issued under s. 320.084, F.S.

¹⁴ Issued under s. 320.0842, F.S.

¹⁵ Issued under s. 320.0843, F.S.

¹⁶ Issued under s. 320.0845, F.S.

- Has been determined to have a service-connected disability rating of 100 percent and receives disability retirement pay from any branch of the United States Armed Forces.¹⁷

The Department of Highway Safety and Motor Vehicles provided that as of October 9, 2015, there were 41,435 active disabled veteran license plates.¹⁸

Disabled Veteran License Plate with the International Accessibility Symbol

A disabled veteran is eligible for a free disabled veteran license plate stamped with the international symbol of accessibility if he or she is eligible for both the disabled veteran license plate and proves that due to a service-connected disability he or she permanently uses a wheelchair or otherwise qualifies for a disabled parking permit.¹⁹

The Department of Highway Safety and Motor Vehicles provided that as of October 9, 2015, there were 11,509 active disabled veteran license plates with the International Accessibility symbol.²⁰

Paralyzed Veterans of America License Plate

A Florida resident who is a member of the Paralyzed Veterans of America,²¹ upon proof of membership, application, and payment of appropriate license taxes and fees, is eligible for a “Paralyzed Vets of America” license plate.²²

The Department of Highway Safety and Motor Vehicles provided that as of October 9, 2015, there were 59 active Paralyzed Veterans of America license plates.²³

III. Effect of Proposed Changes:

The bill removes provisions allowing an airport that owns, operates, or leases parking facilities, or any other parking facilities that are used for the purposes of air travel, from charging parking fees to a vehicle displaying:

- A disabled veteran license plate;
- A disabled veteran license plate stamped with the international accessibility symbol; or
- A Paralyzed Veterans of America license plate.

The bill prohibits the governing body of each publicly owned or operated airport from charging parking fees to a vehicle displaying:

¹⁷ Section 320.084(1), F.S.

¹⁸ See email from the Florida Department of Highway Safety and Motor Vehicles, October 9, 2015 (on file with the Senate Fiscal Policy Committee).

¹⁹ Section 320.0842, F.S.

²⁰ *Supra* note 18.

²¹ Paralyzed Veterans of America is a national organization that offers membership to veterans with spinal cord injuries or diseases affecting the spinal cord. See Paralyzed Veterans of America, PVA Membership Information, available at http://www.pva.org/site/c.ajIRK9NJLcJ2E/b.6305539/k.4AC/PVA_Membership_Information_PVA_Applications_Contact.htm (last visited December 15, 2015).

²² Section 320.0845, F.S.

²³ *Supra* note 18.

- A disabled veteran license plate;
- A disabled veteran license plate stamped with the international accessibility symbol; or
- A Paralyzed Veterans of America license plate.

The bill adds, in addition to vehicles displaying the disabled veteran license plate, vehicles displaying the disabled veteran plate stamped with the international accessibility symbol and the Paralyzed Veterans of America license plate to the list of vehicles that may not be charged by a local government for parking in a facility or lot that provides timed parking spaces.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill may reduce the authority of counties and municipalities to raise revenues because it would eliminate their ability to charge the operator of a vehicle displaying a disabled veteran plate for parking in a facility that provides timed parking spaces, or at a publicly owned or publicly operated airport. Article VII, s. 18(b) of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature in order to enact a general law that reduces the authority of municipalities and counties to raise revenues in the aggregate. Article VII, s. 18(d) of the Florida Constitution provides an exemption if the law is determined to have an insignificant fiscal impact.

The Revenue Estimating Conference met on December 11, 2015 and adopted a negative \$600,000 recurring fiscal impact on local governments and publicly owned or publicly operated airports.²⁴

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference met on December 11, 2015 and adopted a negative \$600,000 recurring fiscal impact on local governments and publicly owned or publicly operated airports.²⁵

²⁴ The Florida Legislature, Office of Economic and Demographic Research, Revenue Estimating Conference, Impact Conference, Revenue Impact Results, HB 235/SB 222 (December 11, 2015).

²⁵ *Id.*

B. Private Sector Impact:

Individuals who qualify for the exemption from parking fees may experience a positive fiscal impact.

C. Government Sector Impact:

See above, Tax/Fee Issues. The bill has no impact on state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.1964 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.