

STORAGE NAME: h1653s1.ca

DATE: April 15, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: CS/HB 1653

RELATING TO: Disabled Parking Permits

SPONSOR(S): Committee on Transportation and Representative Futch

TIED BILL(S): None

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

- (1) TRANSPORTATION (EDC) YEAS 10 NAYS 0
 - (2) COMMUNITY AFFAIRS (PRC)
 - (3) FINANCE & TAXATION (FRC)
 - (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (FRC)
 - (5)
-

I. SUMMARY:

Currently, the Department of Highway Safety and Motor Vehicles may issue a disabled parking permit for a period of up to four years to a person with a long-term mobility impairment, or a temporary disabled parking permit, not to exceed one year, to a person with a temporary mobility impairment. There is a \$15 fee for each initial four year permit or renewal permit and for each temporary permit.

The bill eliminates the fees associated with the disabled parking permit for persons with long-term mobility impairments. Therefore, no fee would be assessed for the issuance or renewal of the four year parking permit. The bill, however, increases the fee for the temporary parking permit from \$15 to \$17.50. The amount from each fee collected for a temporary parking permit to be distributed to the tax collector is increased from \$2.50 to \$5.

The bill also authorizes a licensed, advanced registered nurse practitioner who practices under the United States Department of Veterans Affairs to provide a certificate of disability for a disabled veteran.

The bill has an effective date of July 1, 2000.

The bill has a significant fiscal impact to the state and local governments and the private sector. See III. **FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT.**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government Yes No N/A

2. Lower Taxes Yes No N/A

The fee for a four-year permit would be eliminated, however, the fee for a temporary parking permit would be increased.

3. Individual Freedom Yes No N/A

4. Personal Responsibility Yes No N/A

5. Family Empowerment Yes No N/A

B. PRESENT SITUATION:

Section 320.0848, F.S. provides that the Department of Highway Safety and Motor Vehicles may issue a disabled parking permit for a period of up to four years to a person with a long-term mobility impairment, or a temporary disabled parking permit, not to exceed one year, to a person with a temporary mobility impairment.

This section provides for a \$15 fee for each initial four year permit or renewal permit. Of each fee collected, \$13.50 is to be distributed to the State Transportation Trust Fund and \$1.50 is to be distributed to the tax collector of the county in which the fee was collected.

An applicant who is a disabled veteran, is a resident of the state, was honorably discharged, and can show proof of a service connected disability tied to disability retirement pay and a signed physician statement, pays a reduced fee of \$1.50 for the initial or renewal four-year permit, and \$1 for each additional initial or renewal four-year permit. The tax collector of the county in which the fee was collected retains the funds.

An applicant who presents to the department a statement from the Federal Government or the State of Florida indicating that he or she is a recipient of supplemental security income pays a fee of \$9 for the initial four-year permit or renewal permit. Of each fee collected, \$6.75 is distributed to the State Transportation Trust Fund and \$2.25 is distributed to the tax collector of the county in which the fee was collected.

Florida currently offers the option of a free disabled parking license plate to all persons who qualify for a disabled parking permit. Section 320.0848 (2)(e) provides a person who qualifies for a permanent disabled parking permit may be issued an international wheelchair user symbol license plate under s. 320.0843, F.S., in lieu of the disabled parking permit. Pursuant to s. 320.0843, F.S., the international wheelchair user symbol license plate entitles the person to all privileges afforded by a permanent disabled parking permit. Thus, under current law, a person who qualifies for a disabled parking permit may receive all the privileges afforded by a permanent disability parking permit without the purchase of such a permit. However, according to the DHSMV, most disability parking permit qualifiers who choose to use an international wheelchair user symbol license plate

will also purchase a disability parking permit since the permit may be used in any vehicle in which the disability qualifier is being transported.

Current law further authorizes the issuance of free disabled license plates to certain disabled veterans. These license plates entitle the veteran to all privileges afforded by a permanent disabled parking permit. Section 320.084, F.S., provides a free motor vehicle license plate displaying a "DV" to certain disabled veterans (100 percent service related disability rating). Section 320.0842, F.S., provides free license plates displaying the international symbol of accessibility to disabled veterans (100 percent service related disability rating) confined to wheel chairs.

The National Highway Traffic Safety Administration's (NHTSA) Office of Civil Rights found the Florida Department of Highway Safety and Motor Vehicles in violation of the Uniform System of Handicapped Parking guidelines. The NHTSA found that:

Although Florida provides special license plates to certain groups for free or for the same fee as is charged for normal license plates, it does not make these plates available to all individuals with disabilities which limit or impair the ability to walk. Certain individuals whose disabilities limit or impair the ability to walk are denied the right to obtain a special plate. Rather, these individuals must obtain a disabled parking placard. Moreover, they must pay an additional fee for the placard in addition to the fee they pay for the normal license plate.

There are also several court cases pending which challenge the disabled parking permit fee including *Rendon v. DHSMV and FDOT* in the 11th Circuit Court and *Doughtery v. DHSMV* in the 2nd Judicial Circuit. These cases are stayed until the United States Supreme Court decides *Department of Corrections v. Dickson* and *Alsbrook v. City of Maumelie*.

C. EFFECT OF PROPOSED CHANGES:

The bill amends s. 320.0848, F.S. to eliminate the fees associated with the disabled parking permit for persons with long-term mobility impairments. Therefore, no fee would be assessed for the issuance or renewal of the four year parking permit. The bill, however, increases the fee for the temporary parking permit from \$15 to \$17.50. The amount from each fee collected for a temporary parking permit to be distributed to the tax collector is increased from \$2.50 to \$5.

The bill provides that a licensed, advanced registered nurse practitioner who practices under the United States Department of Veterans Affairs may provide a certificate of disability for a disabled veteran in order to obtain a permanent disabled parking permit.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Section 320.0848, F.S., is amended. Subsection (1)(b)2. Is amended to provide that a licensed, advanced registered nurse practitioner who practices under the United States Department of Veterans Affairs may provide a certificate of disability for a disabled veteran in order to obtain a permanent disabled parking permit. Subsection (2)(c)1. a. and b. are deleted to eliminate fees associated with the disabled parking permit for persons with long-term mobility impairments. Subsection (2)(c)2. is redesignated as (c) and amended to delete provisions made obsolete by the repeal of fees associated with the disabled parking permit for persons with long-term mobility impairments. Subsection (2)(d) is amended to increase from \$1 to \$5 the fee to obtain a replacement disabled parking

permit. Subsection (3)(c) is amended to increase the fee for the temporary parking permit from \$15 to \$17.50. Subsection (3)(b) is amended to increase from \$2.50 to \$5 the amount from each fee collected for a temporary parking permit that is distributed to the tax collector.

Section 2. An effective date of July 1, 2000, is provided.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the Department of Highway Safety and Motor Vehicles, the loss of the four-year permit fee could result in a total revenue loss of approximately \$12.2 million over a four year period to the Department of Transportation's State Transportation Trust Fund.

2. Expenditures:

This bill does not effect state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

County tax collectors will no longer receive \$1.50 from the sale of each permanent disabled parking permit sold in their county. This will have a state-wide negative fiscal impact of approximately \$400,000 annually to county tax collectors. The CS provides an increase in the amount of funds which are distributed to the tax collector for issuing a temporary disabled parking permit from \$2.50 to \$5 which would increase revenue to the tax collectors state wide by approximately \$55,000 annually.

2. Expenditures:

This bill does not affect local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Qualified disabled persons will no longer have to pay a \$15 fee for a permanent disabled parking permit. However, persons purchasing a temporary disabled parking permit would have a \$2.50 increase in cost for a permit, and any person purchasing a replacement disabled parking permit would have a \$4 increase in cost.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority existed on February 1, 1989..

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

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Transportation considered this bill on April 10, 2000 and adopted one amendment which provides that an advanced registered nurse practitioner, practicing within a facility of the United States Department of Veteran Affairs and under the supervision of a licensed physician, may provide a certificate of disability.

The bill was reported favorably as a Committee Substitute.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

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PAGE 6

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