

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 63 Disabled Parking Permits
SPONSOR(S): Simmons
TIED BILLS: **IDEN./SIM. BILLS:**

<u>REFERENCE</u>	<u>ACTION</u>	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>
1) <u>Transportation Committee</u>	<u>15 Y, 0 N, w/CS</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Military & Veteran Affairs Committee</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
3) <u>State Infrastructure Council</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
4) <u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
5) <u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

SUMMARY ANALYSIS

Under current law certain persons with disabilities are eligible for a disabled parking permit. The permit may be issued only to a person who is certified as being legally blind or who has certain disabilities that render him or her unable to walk 200 feet without stopping to rest. Current law authorizes physicians, optometrists, and similarly licensed physicians from out of state (who meet certain criteria) to make certification of disability. Also authorized to make disability certification are advanced registered nurse practitioners within a facility operated by the United States Department of Veterans Affairs under protocol of a licensed physician and physician assistants licensed in a facility operated by the United States Department of Veterans Affairs.

HB 63 w/ CS expands the class of medical personnel who are authorized to certify a person as disabled for the purposes of proving eligibility for a disabled parking permit. The bill provides that all advanced registered nurse practitioners licensed under chapter 464, F.S., under the protocol of a licensed physician, and all physician assistants licensed under chapters 458 or 459, F.S., are eligible to make the disability determination. The bill also provides for disciplinary actions against advanced registered nurse practitioners who violate the provisions governing disabled parking permits.

This bill has no fiscal impact on the state or local governments, and takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLE ANALYSIS:

Safeguard Individual Liberty—The bill increases the certification options for individuals seeking disabled parking permits, as further described below.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Under section 320.0848, F.S., certain persons with disabilities are eligible for a disabled parking permit. The Department of Highway Safety & Motor Vehicles may issue a disabled parking permit for a period of up to 4 years to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed 6 months to any person who has a temporary mobility impairment. The permit may be issued only to a person who is certified as being legally blind or who has certain listed disabilities that render him or her unable to walk 200 feet without stopping to rest. These disabilities include:

- a. The inability to walk without an assistance device;
- b. The need to permanently use a wheelchair;
- c. Respiratory disease;
- d. The use of portable oxygen;
- e. Cardiac condition; or
- f. Arthritic, neurological, or orthopedic condition.

For a person with such a disability to be eligible for the permit, his or her disability must first be certified to the Department of Highway Safety and Motor Vehicles by a physician (including osteopathic, chiropractic and podiatric physicians), or by an optometrist licensed in Florida. In addition, the certification may be made by an advanced registered nurse practitioner in a facility operated by the U.S. Department of Veterans Affairs under the protocol of a licensed physician, or by a physician's assistant in a facility operated by the U.S. Department of Veterans Affairs or operated by the Adjudication Office of the U.S. Department of Veterans Affairs. Out-of-state physicians may certify patients as disabled if the application for a disabled parking permit is accompanied by documentation of the physician's licensure in the other state and a form signed by the physician verifying knowledge of Florida's disabled parking permit eligibility guidelines.

Currently it is a first degree misdemeanor to make false or misleading statements in an application or certification for disabled parking permits, punishable as provided in s. 775.082 or s. 775.083 F.S. Physicians (including osteopathic, chiropractic and podiatric physicians) licensed in Florida are subject to disciplinary action for violation of the provisions governing disabled parking permits under s. 458.331, s. 459.015, s. 460.413, or s. 461.013. Physician's assistants are subject to disciplinary action for violation of the provisions governing disabled parking permits under s. 458.331, and s. 459.015 F.S.

Effect of Proposed Changes

HB 63 W/CS expands the class of medical personnel who are authorized to certify a person as disabled for the purposes of proving eligibility for a disabled parking permit. The bill provides that all advanced registered nurse practitioners licensed under chapter 464, F.S., under the protocol of a licensed physician, and all physician assistants licensed under chapters 458 or 459, F.S., are eligible to make disability determinations for parking permits.

By expanding the class of medical personnel who can certify disabilities, the bill may make it easier for some persons with disabilities to obtain a disabled parking permit. For example, if a disabled person is a patient at a clinic or other medical facility which is not affiliated with the U.S. Department of Veterans

Affairs, the certification for a disabled parking permit could be made by an advanced registered nurse practitioner or physician assistant instead of by a medical doctor or other physician. This bill also provides for disciplinary actions against advanced registered nurse practitioners under s. 464.018 F.S. if they violate the disabled parking permit provisions of s. 348.0848 F.S.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.0848(1)(b), F.S., to authorize all advanced registered nurse practitioners and all physician assistants to certify persons as disabled for the purposes of proving eligibility for a disabled parking permit. Also provides for disciplinary actions against advanced registered nurse practitioners who violate the provisions governing disabled parking permits.

Section 2. Provides that this bill takes effect upon becoming law.

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:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

By expanding the class of medical personnel who can certify disabilities, the bill may make it less costly for some persons with disabilities to obtain a disabled parking permit. The amount of cost savings for such individuals is unknown.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Current law [s. 320.0848(1)(b)2., F.S.] authorizes optometrists licensed under chapter 463, F.S., to certify a person as disabled for the purpose of obtaining a disabled parking permit. Subsection (9) of s. 320.0848, F.S., provides for disciplinary actions against various medical physicians pursuant to their licensing statutes for violations of disabled parking permit violations. However, the optometrist disciplinary section of law (s. 463.016, F.S.) is not included in subsection (9). This health care regulatory issue could be addressed by further amendment to the bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January, 25 2005 the Committee on Transportation amended HB 63 to provide for disciplinary actions against advanced registered nurse practitioners under s. 464.018 F.S. if they violate the disabled parking permit provisions of s. 348.0848 F.S. The committee then voted 15-0 to report the bill favorably with committee substitute.