

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: SB 2230

INTRODUCER: Senator Wise

SUBJECT: Accessible Parking Spaces

DATE: April 21, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CA	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires a facility with five or more accessible parking spaces to set aside at least 20 percent of those spaces for the temporary exclusive use of persons who have a disabled parking permit and require extra room to deploy a mobility device or other device to exit or enter the vehicle. These spaces must be posted with a yellow sign bearing a wheelchair emblem and stating "VANS OR VEHICLES WITH ATTACHED WHEELCHAIR DEVICES" and stating the penalty for illegal use of the space. This bill provides that a person without a disabled permit who illegally parks in a space temporarily reserved for vehicles with attached wheelchair devices is subject to a fine of \$250.

This bill amends section 553.5041 of the Florida Statutes.

II. Present Situation:

Section 553.5041, F.S., provides the criteria for parking spaces for persons who have disabilities. If parking spaces are provided as self-parking for employees or visitors, accessible spaces must be included in these parking areas.¹ These accessible spaces shall be designed and marked for the exclusive use of individuals who have a severe physical disability and have permanent or temporary mobility problems and who have been issued a disabled parking permit.² The number of accessible parking spaces must comply with the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) 4.1 and include:

¹ Section 553.5041(3), F.S.

² Section 553.5041(3), F.S.

- One accessible parking space in the immediate vicinity of a publicly-owned or leased building that houses a governmental entity if public parking is not provided on the premises.
- One accessible parking space for each 150 metered on-street parking spaces provided by state agencies and political subdivisions.
- Additional parking spaces for persons with disabilities based on a demonstrated and documented need.³

Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to a building.⁴ Each accessible parking space must be no less than 12 feet wide and must be located on an accessible route that is no less than 44 inches wide so that users do not have to walk or wheel behind parked vehicles.⁵ Also, each parking space is required to be prominently outlined with blue paint to be clearly distinguishable as a parking space designated for persons who have disabilities.⁶ These spaces must also be posted with a permanent sign at least 84 inches above the ground to the bottom of the sign. The sign shall display the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." A sign erected after October 1, 1996, must also state the penalty for illegal use of the space.⁷ These signs must also comply with ADAAG 4.30.

The federal ADAAG requires one in every eight accessible spaces to be "van accessible."⁸ These spaces must provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to the space.⁹ These spaces must be marked with a sign that displays the symbol of accessibility and the caption "Van-Accessible."¹⁰ The ADAAG Appendix 4.6.3 discusses the width specifications for van accessible parking spaces. The increasing use of vans with side-mounted lifts or ramps by persons with disabilities resulted in revisions in specifications for parking spaces and adjacent access aisles. Typically, an accessible parking space is 8 feet wide with an adjacent 5 feet-wide access aisle. These measurements are not sufficient to permit lifts or ramps to be deployed and still leave room for a person using a wheelchair or other mobility aid to exit the lift platform or ramp. The "van accessible" parking space in the ADAAG requires an 8 foot-wide space with an 8-foot wide adjacent access aisle which is wide enough to maneuver and exit from a side mounted lift. The federal ADAAG states that a sign is needed to alert van users to the presence of the wider aisle, but the space is not intended to be restricted only to vans.¹¹ The ADAAG does not supersede state or local laws that provide greater or equal benefit to individuals with disabilities.

³ Section 553.5041(4), F.S.

⁴ Section 553.5041(5)(c)1., F.S.

⁵ Section 553.5041(5), F.S.

⁶ Section 553.5041(6), F.S.

⁷ Section 553.5041(6), F.S.

⁸ See ADAAG 4.1.2(5)(b).

⁹ See ADAAG 4.6.5.

¹⁰ See ADAAG 4.6.4.

¹¹ See ADAAG Appendix 4.6.3

III. Effect of Proposed Changes:

The bill amends s. 553.5041, F.S., to require a facility with five or more accessible parking spaces to set aside at least 20 percent of those spaces for the temporary exclusive use of persons who have a disabled parking permit and require extra room to deploy a mobility device or other device to exit or enter the vehicle. These spaces that provide extra room must be posted with a yellow sign bearing a wheelchair emblem and stating "VANS OR VEHICLES WITH ATTACHED WHEELCHAIR DEVICES" and stating the penalty for illegal use of the space. This bill provides that a person without a disabled parking permit who illegally parks in a space temporarily reserved for vehicles with attached wheelchair devices is subject to a fine of \$250.

The bill takes effect October 1, 2007.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

There may be costs associated with configuring parking spaces designated for persons with disabilities to accommodate a larger space(s) for vans or vehicles with attached wheelchair devices.

C. Government Sector Impact:

Some governmental entities may incur costs associated with configuring parking spaces designated for persons with disabilities to accommodate a larger space(s) for vans or vehicles with attached wheelchair devices.

The bill may increase fine revenues collected by state and local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Board of Directors of the Governor's Working Group on the Americans with Disabilities Act has expressed concern with this bill. According to this group, the certification that the State of Florida received from the Department of Justice was a lengthy process. As the result of this process, Florida requires specifications above the Federal Code. "Any alterations to the Florida Building Code or to the accessible parking spaces could jeopardize the entire Florida building code not just the accessible parking. Any changes to the code without the Department of Justice's consent could require the entire code's recertification."¹²

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

¹² Email received from Barbara S. Cain, CIRS, CIRS-A, Director, Clearinghouse on Disability Information, on April 16, 2007.

VIII. Summary of Amendments:

None.

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