

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 363 Disabled Parking Permits

SPONSOR(S): Watson

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 94

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	14 Y, 0 N	Kiner	Miller
2) Transportation & Economic Development Appropriations Subcommittee	12 Y, 0 N	Rayman	Davis
3) Economic Affairs Committee			

SUMMARY ANALYSIS

During the 2012 regular legislative session, the Florida Legislature passed CS/SB 226, which among other things, required the Department of Highway Safety and Motor Vehicles (DHSMV) to renew the disabled parking permit of any person certified as being permanently disabled on the application if the person provided a certificate of disability issued within the last 12 months.

House Bill 363 removes the provision that requires a person that is certified as being permanently disabled to provide a certificate of disability issued within the last 12 months upon renewing a disabled parking permit. Under the bill, a permanently disabled person – that has already been certified as permanently disabled on the original permit application – will no longer have to provide a recently issued certificate of disability upon renewing his or her disabled parking permit.

The bill has an insignificant fiscal impact which DHSMV states it can absorb within existing resources.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents to issue a disabled parking permit to a person with impaired mobility. The permit may be issued for a period of up to four years to any person with long-term mobility impairment. Similarly, a person with temporary mobility impairment may be issued a temporary disabled parking permit for a period of up to six months.

A person applying for a disabled parking permit must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- the inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- the need to permanently use a wheelchair;
- lung disease as measured within specified limits;
- use of portable oxygen;
- a Class III or Class IV heart condition; or
- a severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statute. However, provisions are made to encompass certification by similarly-licensed physicians from other states, as well. The certification must include:

- the disability of the applicant;
- the certifying practitioner's name, address, and certification number;
- the eligibility criteria for the permit;
- information concerning the penalty for falsification;
- the duration of the condition; and
- justification for any additional placard issued.

The disabled parking permit must be a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver license number or state identification card number along with a warning the applicant must have such identification at all times while using the parking permit.

Although a disabled parking permit must be renewed every four years, it does not expire under current law. DHSMV allows for online and mail-in renewals, as well as replacements in the case of stolen or damaged permits, for persons certified as having a long-term disability.

During the 2012 regular legislative session, the Florida Legislature passed CS/SB 226¹, which among other things, required DHSMV to renew the disabled parking permit of any person certified as being permanently disabled on the application if the person provided a certificate of disability issued within the last 12 months.

Effect of Proposed Change

¹ Ch. 2012-157, L.O.F.
STORAGE NAME: h0363d.TEDAS
DATE: 3/27/2013

The bill removes the provision that requires a person that is certified as being permanently disabled to provide a certificate of disability issued within the last 12 months upon renewing a disabled parking permit. Under the bill, a permanently disabled person – that has already been certified as permanently disabled on the original permit application – will no longer have to provide a recently issued certificate of disability upon renewing his or her disabled parking permit.

The bill has an effective date of July 1, 2013.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.0848(1) (d), F.S., to remove the requirement for an applicant to provide a certificate of disability issued within the last 12 months at the time of renewal.

Section 2: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Insignificant. See fiscal comment.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

The department states it can accommodate the 16 hours of programming costs within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither requires nor impacts rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The department states for consistency in requirements and implementation for disabled parking permit replacements, the bill does not address amending s. 320.0848(2)(e), F.S., and the requirement for a person to obtain a replacement for a disabled parking permit that has been lost or stolen. The person must provide a certificate of disability issued within the last 12 months pursuant to subsection (1).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES