

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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 94

INTRODUCER: Transportation Committee and Senator Joyner

SUBJECT: Disabled Parking Permits and License Plates

DATE: February 5, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Carey</u>	<u>Martin</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 94 authorizes the Department of Highway Safety and Motor Vehicles (the department) to renew a disabled parking permit without a certificate of disability from a physician.

The bill has no fiscal impact on state or local government revenues or expenditures.

The bill amends section 320.0848, Florida Statutes.

II. Present Situation:

The department issues disabled parking permits and disabled license plates to eligible persons with impaired mobility upon application and payment of any applicable fee.

Disabled Parking Permits

Section 320.0848, F.S., authorizes the department and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for up to a period of 4 years to any person with a long-term mobility impairment. Similarly, persons with a temporary

mobility impairment may be issued a temporary disabled parking permit for a period of up to 6 months. The fee for a temporary disabled parking permit is \$15.

Any person who unlawfully displays a disabled parking permit that belongs to a disabled person, while occupying a disabled parking space or aisle as defined in s. 553.5041, F.S., and not transporting a disabled person or is using a replica of such parking permit is guilty of a misdemeanor of the second degree.¹

In order to be issued a disabled parking permit a person 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 IV heart condition according to standards set by the American Heart Association; or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certificate of disability 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 Statutes. However, provisions are made to include certification by similarly-licensed physicians from other states. The certificate of disability 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;
- Justification for any additional parking permit issued;
- A statement on the application in bold letters, "A disabled parking permit may be issued only for a medical necessity that severely affects mobility.";
- Signatures of the applicant, physician or other certifying practitioner, parent or guardian; and
- The employee of the department's authorized agent responsible for processing of the application.

License plates for permanent disability

Any owner or lessee of a motor vehicle residing in Florida who qualifies for a disabled parking permit under s. 320.0848, F.S., may also apply to the department and, upon paying the license tax for a motor vehicle registration under s. 320.08, F.S, and other applicable fees., be issued a

¹ Section 320.0848(7), F.S.

license plate stamped with the international wheelchair user symbol after the serial number of the license plate². The license plate entitles the person all privileges afforded by a disabled parking permit. When more than one registrant is listed on the registration issued under this section, the eligible applicant will be noted on the registration certificate.

2012 Revisions

Chapter 2012-157, Laws of Florida, made several changes to the disabled parking permit provisions, including removing the requirement that all applications for renewal to be accompanied by a current certificate of disability. Other changes included:

- Revising the requirements for renewing or replacing a long-term disabled parking permit and including prohibitions for certain violations;
- Providing for random audits of disabled parking permit holders;
- Requiring the department to develop and implement a system to allow the reporting of abuses of disabled parking permits; and
- Requiring the review of the number of times a permit has been confiscated for fraud or reported stolen or lost.

The department was also required to develop and implement a public awareness campaign regarding how the abuse of disabled parking permits burdens disabled persons, and directed to develop and implement a telephone hotline and form that can be submitted online or by mail to report disabled parking permits abuse.

III. Effect of Proposed Changes:

The bill authorizes the department to renew disabled parking permits to any person certified as permanently disabled. A certificate signed by a physician is no longer necessary in order for permanently disabled persons to renew their parking permit.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

² Section 320.0843, F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Transportation on January 17, 2013:

The CS authorizes the department to renew a disabled parking permit of a person certified as permanently disabled on the application without certification from a physician.

B. Amendments:

None.