

**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 Committee on Transportation

**BILL:** CS/SB 94

**INTRODUCER:** Transportation Committee and Senator Joyner

**SUBJECT:** Disabled Parking Permits and License Plates

**DATE:** January 17, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			AP	
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 for Senate Bill 94 authorizes the Department of Highway Safety and Motor Vehicles (the department), to renew disabled parking permits without certification of a physician.

The bill amends section 320.0848, Florida Statutes.

This bill creates an effective date of July 1, 2013.

**II. Present Situation:**

The department issues disabled parking permits and disabled license plates to eligible persons with impaired mobility upon application and payment of the license tax for a vehicle registration.

*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 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. A fee may be charged for the permit.

Section 320.0848(7), F.S., states that 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.

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; 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 Statutes. 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 parking permit issued.

On the application for the disabled parking permit, in bold letters, "A disabled parking permit may be issued only for a medical necessity that severely affects mobility." Also, required on the application and certificate, are signatures of applicant, physician or other certifying practitioner, parent or guardian, and the employee of the department or authorized agent responsible for processing of the application.

#### *License plates for permanent disability*

Section 320.0843, F.S., allows 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 apply to the department and, upon paying the license tax for a motor vehicle registration under s. 320.08(2), F.S., be issued a license plate as provided by s. 320.06, F.S., and stamped with the international wheelchair user symbol after the serial number of the license plate. The license plate entitles the person all privileges afforded by a parking permit issued under s. 320.0848, F.S. 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*

In 2012 the Legislature made several changes to the disabled parking permit and license plate provisions, requiring all renewals 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 bill also required the department to develop and implement a public awareness campaign regarding how such abuse burdens disabled persons, and directed the department 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:**

CS/SB 94 removes a provision requiring certain applicants from providing certification for disabled parking permit renewal.

Specifically, the bill, deletes the portion requiring the disabled person to provide a certificate of disability issued within the last 12 months when applying for renewal of a disabled parking permit. Essentially, the department is authorized to renew disability 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.

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

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**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 that the department shall renew a disabled parking permit of a person certified as permanently disabled on the application without certification from a physician.

## B. Amendments: