

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: SB 1558

INTRODUCER: Senator Abruzzo

SUBJECT: Parking Permits for Persons with Mobility Impairment

DATE: April 8, 2014

REVISED: \_\_\_\_\_

|    | ANALYST         | STAFF DIRECTOR | REFERENCE  | ACTION             |
|----|-----------------|----------------|------------|--------------------|
| 1. | <u>Everette</u> | <u>Eichin</u>  | <u>TR</u>  | <u>Favorable</u>   |
| 2. | <u>Carey</u>    | <u>Martin</u>  | <u>ATD</u> | <u>Pre-meeting</u> |
| 3. | _____           | _____          | <u>AP</u>  | _____              |

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**I. Summary:**

SB 1558 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to design and issue a disabled parking sticker (decal) displaying the international symbol of accessibility to affix to the upper left corner of a registration license plate, including special or specialty license plates, issued under ch. 320, F.S. The sticker may be issued in lieu of the disabled parking permit (placard) to persons with long-term mobility impairment and shall have equal privileges.

The bill will have an insignificant fiscal impact to the DHSMV which can be absorbed within existing resources.

**II. Present Situation:**

**Disabled parking permits and license plates; general requirements**

In order to be issued a disabled parking permit or license plate 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 ability 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.

### *Disabled parking license plate*

Section 320.0843, F.S., provides that any owner or lessee of a motor vehicle residing in the state and qualifying for a disabled parking permit, under s. 320.0848(2), F.S., upon application and payment of the license tax for the motor vehicle shall be issued a license plate with the international wheelchair user symbol after the serial number of the plate.

Section 320.084, F.S., authorizes the DHSMV to issue one free motor vehicle license plate to be used on any motor vehicle owned or leased by a disabled veteran who has been a Florida resident continuously for five preceding years, or has established domicile in this state, and has been honorably discharged from the U.S. Armed Forces upon application and proof that:

- A vehicle was initially acquired through financial assistance by the U.S. Department of Veterans Affairs or its predecessor specifically for the purchase of an automobile;
- The applicant has been determined by the U. S. Department of Veterans Affairs or its predecessor to have a service-connected 100 percent disability rating for compensation; or
- The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the U.S. Armed Services.

Section 320.0841, F.S., provides that the DHSMV may issue, free of charge, to any state agency or individual, a sufficient number of motor vehicle license plates for use on vehicles owned and operated by members of the Seminole and Miccosukee Indian Tribes.

Section 320.0845, F.S., provides that members of the Paralyzed Veterans of America who reside in the state and provide proof of such membership, may, upon application and payment, be issued a motor vehicle license plate with the name of the organization, if space permits on the license plate.

All disabled license plates under the aforementioned sections are valid for:

- Enforcement of parking requirements for persons who have disabilities;<sup>1</sup>
- Exemption of vehicles transporting certain persons who have disabilities from payment of parking fees and penalties;<sup>2</sup> and
- Self-service gasoline stations, attendants, and regulations.<sup>3</sup>

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<sup>1</sup> [Section 316.1955, F.S.](#)

<sup>2</sup> [Section 316.1964, F.S.](#)

<sup>3</sup> [Section 526.141, F.S.](#)

***Disabled parking permit; persons with long-term mobility***

Currently, s. 320.0848(1)(a), F.S., authorizes the DHSMV, or its authorized agents, upon application and payment, to issue a disabled parking permit for up to four years to any person who has long-term mobility impairment. A temporary disabled parking permit may be issued for up to six months, if a temporary mobility impairment exists. A disabled parking permit is valid for a 12-month period from the date of the prior fee payment.

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and is usually hung from the rear-view mirror. Each side of the placard has the international symbol of accessibility in a contrasting color in the center so as to be visible on each side of the parking placard. On one side of the placard is the applicant's driver license number, or state identification card number, and a warning that the applicant must have such identification at all times while using the placard, and on the other side is the month and year of expiration. Validation stickers must be of the size specified by the department and be affixed to the disabled parking permit. The disabled parking permit uses the same color (lemon-yellow) decal as the license plate.

The DHSMV may not issue an additional disabled parking permit unless the applicant states that he or she is a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant, more than two disabled parking permits, except to an organization under certain conditions.

***The International Uniform System<sup>4</sup>***

In 1988, Congress passed legislation requiring the United States Department of Transportation (USDOT) to create a "uniform system" of parking privileges for people with disabilities. However, Congress never required states comply with the Uniform System, nor authorized penalties for non-compliance. Nevertheless, the federal government has a strong advisory role, but leaves ultimate regulation of parking privileges to the states.

The Uniform System provides model definitions and rules regarding eligibility, application procedures, and issuance of special license plates and placards. It does not contain model rules regarding enforcement, nor does it provide model rules specifying lengths of time after which special plates or placards must be renewed, or address whether eligible individuals must be primary users of vehicles with special license plates. Instead, it contains basic definitions and samples that the department encourages states to utilize as part of their own, more detailed, parking privilege system.

Under the Uniform System, special license plates and placards "shall be the only recognized means of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities which limit or impair the ability to walk." The system delineates two types of windshield placards: removable windshield placards and temporary removable windshield placards, and provide samples of each type of windshield placard. The sample placards display the "international symbol of access," which was adopted by the disability rights organization Rehabilitation International in 1969.<sup>5</sup>

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<sup>4</sup> Research.policyarchive.org (CRS Report for Congress, November 10, 2008) (last visited 3/31/14)

<sup>5</sup> 23 C.F.R. § 1235.2(a) (2008).

The U.S.D.O.T's Uniform System promotes increased uniformity in state laws. Many states utilize uniform sample placards and have enacted statutes requiring reciprocal privileges for individuals bearing placards issued by other states. Nonetheless, the state systems differ in many aspects of parking privilege administration.

### **III. Effect of Proposed Changes:**

The bill amends s. 320.0848, F.S., directing the department to design and issue a sticker displaying the international symbol of accessibility which may be affixed to the upper left corner of a registration license plate, including special and specialty license plates. The sticker may be issued in lieu of the disabled parking permit (placard) to persons with long-term mobility problems and shall be valid for the same parking and other privileges as a placard issued under this section.

Passage of this bill will allow disabled persons with mobility impairments flexibility in license plate choice. The disabled placard or the wheelchair license plate will not be the only choices available to the mobility impaired. An example is the veteran Purple Heart recipient that may choose the Purple Heart special license plate. If he or she has a mobility problem the disabled placard is the only available disabled parking permit option. Passage of this bill will allow that person to choose the Purple Heart special plate, a specialty plate, or a regular Florida plate, and affix the disabled parking sticker (decal) to the license plate.

The bill will take effect July 1, 2014.

### **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:**

Citizens with mobility impairment will be afforded an unlimited choice of Florida license plates as the international symbol of accessibility parking permit sticker (decal) can be affixed to any plate of choice and used in lieu of a disabled parking permit placard.

**C. Government Sector Impact:**

The DHSMV Office of Information Systems Administration will require a one-time cost of \$16,200 to implement the provisions of SB 1558 utilizing existing staff and outside contractors for programming changes. The costs can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The DHSMV has expressed a number of concerns:<sup>6</sup>

- The bill does not specify the size or color or the information to be placed on the decal (driver license number, parking permit number, month/year of expiration);
- The current yellow decal would not meet the nationally recognized standard color (blue/white);
- A small decal may not be sufficient space to accommodate the international symbol of accessibility, the expiration date, DL or ID number, and parking permit number;
- Visibility of the decal from a law enforcement perspective may be difficult;
- Parking permit decal recipients may mistakenly place a decal over a vehicle revalidation decal on the upper right side of the license plate, as current license plates do not have the word decal printed in the upper left-hand corner;
- Theft of parking permit decals affixed to the license plate may occur;
- The bill does not address whether or not a recipient can obtain permit decals for multiple vehicles; and
- Other states may not recognize a parking permit decal.

**VIII. Statutes Affected:**

This bill substantially amends section 320.0848 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

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<sup>6</sup> Department of Highway Safety and Motor Vehicles Legislative Bill Analysis (On file in Senate Transportation Committee).

B. Amendments:

None.

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

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