

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 471 Disabled Parking

SPONSOR(S): DuBose

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N, As CS	Whittaker	Smith
2) Economic Affairs Committee	17 Y, 0 N	Whittaker	Creamer

SUMMARY ANALYSIS

The bill exempts a vehicle displaying a Disabled Veteran "DV" license plate issued under s. 320.084, F.S., from paying parking fees charged by a county, municipality, or any agency thereof, in a facility or lot that provides timed parking spaces outside of certain conditions.

The bill has no fiscal impact on state funds.

This bill will become effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A state agency, county, municipality, or any agency thereof, may not charge a fee for parking in metered parking spaces or on the public streets or highways if the vehicle displays any of the below disabled parking permits or disabled license plates.

- Out of state or out of country disabled license plate or disabled parking permit as recognized under s. 316.1958, F.S..
- Disabled parking permit issued under s. 320.0848, F.S.
- Disabled veteran license plate issued under s. 320.084, F.S.
- Disabled veteran license plate stamped with the international wheelchair user symbol issued under s. 320.0842.
- License plate stamped with the international wheelchair user symbol issued under s. 320.0843, F.S.
- Paralyzed Veterans of America license plate issued under s. 320.0845, F.S.¹

This only applies to vehicles transporting the person who has a disability and to whom the disabled parking permit or license plate was issued.

The driver of a vehicle, as provided above, that is parked on the public streets or highways or in any metered parking space may not be penalized except in clearly defined:

- bus loading zones;
- fire zones;
- access aisles adjacent to the parking spaces for persons who have disabilities;
- areas posted as “No Parking” zones or as emergency vehicle zones; or
- for parking in excess of the posted time limit.²

Several exceptions are provided in current law for when a parking fee may be charged to a vehicle displaying a disabled parking permit. They are:

- When a state, county, or municipal parking facility or lot is being used for an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium.³
- In a parking facility that leases a parking space for more than one week.⁴
- An airport that owns, operates, or leases parking facilities, or any other parking facilities that are used for air travel. However, the governing body of each publicly owned or publicly operated airport must grant free parking for a vehicle with specialized equipment, such as a ramp, lift, or foot or hand controls, or for utilization by a person who has a disability or whose vehicle displays the Florida Toll Exemption permit.⁵
- A county, municipality, or any agency thereof, may charge for parking in a facility or lot that provides timed parking spaces for any vehicle that displays a disabled parking permit. An exemption is made for any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or vehicles displaying the Florida Toll Exemption permit.⁶

¹ s. 316.1964(1), F.S.

² s. 316.1964(2), F.S.

³ s. 316.1964(3), F.S.

⁴ s. 316.1964(6), F.S.

⁵ s. 316.1964(7), F.S.

⁶ s. 316.1964(8), F.S.

When an on-street parking meter restricts the duration of time that a vehicle may be parked, a vehicle properly displaying a disabled parking permit is allowed a maximum of four hours at no charge. However, local governments may extend such time by local ordinance.⁷

A parking facility that restricts the number of consecutive days that a vehicle may be parked can impose the same restriction on a vehicle that displays a disabled parking permit.⁸

Effect of Proposed Changes

The bill amends s. 316.1964(8), F.S., exempting a vehicle that displays a Disabled Veteran “DV” license plate issued under s. 320.084, F.S., from paying parking fees charged by a county, municipality, or any agency thereof, in a facility or lot that provides timed parking spaces outside of certain conditions.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.1964(8), F.S., excluding vehicles displaying a DV license plate from payment of parking fees in certain facilities or lots that provide timed parking spaces.

Section 2 Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A vehicle displaying a Disabled Veteran “DV” license plate may not be charged a fee for parking in a county or municipality parking facility or lot that provides timed parking spaces outside of certain conditions.

D. FISCAL COMMENTS:

None

⁷ s. 316.1964(5), F.S.

⁸ s. 316.1964(4), F.S.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 4, 2015, The Highway & Waterway Safety Subcommittee adopted one amendment to HB 471 and reported the bill favorably as a committee substitute. The amendment provided:

- that a county, municipality, or any agency thereof may charge for parking in a facility or lot that provides timed parking spaces if the vehicle displays a disabled parking permit, but provides an exemption from paying the parking fee for any vehicle displaying the Disabled Veteran "DV" license plate.

This analysis is drafted to the committee substitute as reported by the Highway & Waterway Safety Subcommittee.