

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 Community Affairs

BILL: SB 788

INTRODUCER: Senator Sobel

SUBJECT: Disabled Parking

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.	Wagoner	Yeatman	CA	Favorable
3.			FP	

I. Summary:

SB 788 prohibits a city or county from charging the operator of any vehicle displaying a certain disabled veteran license plate for parking in a facility that provides timed parking spaces.

II. Present Situation:

Section 316.1964, F.S., prohibits any state agency, county, or municipality from charging any fee for parking on public streets or highways or in any *metered*¹ parking space any vehicle that displays a disabled parking permit or certain license plates, if the vehicle is transporting the person who has a disability and to whom the permit or plate was issued. Generally, the prohibition applies if a vehicle displays one of the following:

- Out of state vehicles displaying a special license plate or parking permit issued by any other state or district subject to United States law, or by a foreign country that issues permits displaying the international symbol of accessibility, under certain conditions;²
- A permanent or temporary disabled parking permit;³
- A disabled veteran license plate;⁴
- A wheelchair-bound disabled veteran license plate;⁵
- A long-term mobility-impaired license plate;⁶ or
- A Paralyzed Veterans of America license plate.⁷

¹ Emphasis added.

² Section 316.1958, F.S.

³ Section 320.0848, F.S.

⁴ Section 320.084, F.S.

⁵ Section 320.0842, F.S.

⁶ Section 320.0843, F.S.

⁷ Section 320.0845, F.S.

Notwithstanding the prohibition, a county or city may charge for parking in a facility that provides *timed*⁸ parking spaces any vehicle that displays a disabled parking permit. However, no charge may be assessed for any vehicle displaying such a permit and having specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability; or for any vehicle displaying the Florida Toll Exemption permit.⁹

III. Effect of Proposed Changes:

Section 1 amends s. 316.1945(8), F.S., to include a vehicle displaying a disabled veteran license plate issued under s. 320.084, F.S., in the prohibition against a county or city charging for parking in a facility that provides timed parking spaces.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill reduces the authority of counties and municipalities to raise revenues because it would eliminate their ability to charge the operator of any vehicle displaying a certain disabled veteran license plate for parking in a facility that provides timed parking spaces. Article VII, section 18(b) of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature in order to enact a general law that reduces the authority of municipalities and counties to raise revenues in the aggregate. Article VII, section 18(d) of the Florida Constitution provides an exemption if the law is determined to have an insignificant fiscal impact. The fiscal impact of this bill is indeterminate.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁸ But, presumably, not *metered*. A distinction appears to exist between a *metered* parking space, which is obviously timed, and a *timed* parking space, which is also timed but not necessarily metered. See s. 316.1964(8), F.S.

⁹ See s. 338.155(3), F.S., authorizing exemption from toll payment for any handicapped person with a valid driver license operating a vehicle specially equipped for use by a handicapped person who is certified as being severely physically disabled and having permanent upper limb mobility or dexterity impairments which substantially impair the persons' ability to deposit coins in toll baskets.

B. Private Sector Impact:

Individuals qualifying for the exemption from parking fees will experience an indeterminate positive fiscal impact.

C. Government Sector Impact:

Cities and counties prohibited from charging the parking fees will experience an indeterminate negative fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.1964 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.

B. Amendments:

None.