

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 Fiscal Policy

BILL: SB 788

INTRODUCER: Senator Sobel

SUBJECT: Disabled Parking

DATE: April 14, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Eichin</u>	<u>TR</u>	Favorable
2.	<u>Wagoner</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Goedert</u>	<u>Hrdlicka</u>	<u>FP</u>	Pre-meeting

I. Summary:

SB 788 exempts vehicles displaying the disabled veteran license plate issued under s. 320.084, F.S., from any parking fees charged by the city or county 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 a fee for parking on public streets, highways, or in *metered* parking spaces if the vehicle displays a disabled parking permit or a certain license plate, and the vehicle is transporting the person who has a disability and was issued the permit or plate. Generally, the prohibition applies if a vehicle displays one of the following:

- Out of state or country disabled license plate or disabled parking permit under certain conditions;¹
- A disabled parking permit;²
- A disabled veteran license plate;³
- A disabled veteran license plate stamped with the international wheelchair user symbol;⁴
- A license plate stamped with the international wheelchair user symbol;⁵ or
- A Paralyzed Veterans of America license plate.⁶

¹ Section 316.1958, F.S.

² Section 320.0848, F.S. The permit may be temporary or permanent.

³ Section 320.084, F.S.

⁴ Section 320.0842, F.S.

⁵ Section 320.0843, F.S.

⁶ Section 320.0845, F.S.

Notwithstanding the prohibition, a county or municipality may charge, for parking in a facility that provides *timed*⁷ parking spaces, any vehicle that displays a disabled parking permit, unless the vehicle has specialized equipment, such as ramps, lifts, or foot or hand controls, or displays the Florida Toll Exemption permit.⁸

III. Effect of Proposed Changes:

Section 1 amends s. 316.1964(8), F.S., to exempt vehicles displaying a disabled veteran license plate issued under s. 320.084, F.S., from county or city charges 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, s. 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, s. 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.

⁷ 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. See also Bill Analysis for CS/SB 1498 by the Senate Committee on Transportation (March 26, 1998), available at <http://archive.flsenate.gov/data/session/1998/Senate/bills/analysis/pdf/SB1498.tr.pdf> (last visited April 8, 2015).

⁸ Section 316.1964(8), F.S.; see also 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 person's 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.