

**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 Committee on Transportation

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BILL: SB 172

INTRODUCER: Senator Brandes

SUBJECT: License Plates for Persons with Disabilities

DATE: November 8, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	<b>Favorable</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 172 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to create a Purple Heart license plate stamped with the international symbol of accessibility. The plate is available to persons who qualify for both the Purple Heart military license plate and the Disabled Veteran license plate with the international symbol of accessibility. The plate will be issued to the disabled veteran without payment of the license tax. The eligible registrant is entitled to the same benefits available to individuals with the Disabled Veteran license plate.

It is unknown how many individuals qualify for and will apply for the plate. DHSMV estimates program and implementation of the plate will cost \$7,680.

The bill takes effect July 1, 2018.

**II. Present Situation:**

Currently, there are 21 special military license plates authorized in s. 320.089, F.S., available to military service members or veterans.<sup>1</sup> Special military license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special plate issued, and a likeness of the related campaign medal, ribbon, or badge appears on the plate.<sup>2</sup> None of these plates are stamped with the international symbol of accessibility.

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<sup>1</sup> The 21 military special plates currently offered in s. 320.089, F.S., include plates available for the following types of service: Veteran or Woman Veteran of the U.S. Armed Forces; World War II, Korean War, or Vietnam War Veteran; Navy Submariner; Active or retired National Guard member or U.S. Reservists; Pearl Harbor survivor; recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, or Purple Heart; former Prisoner of War; and service members or veterans of Operation Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom.

<sup>2</sup> For plate samples, see DHSMV, *Military License Plates*, available at <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited Nov. 3, 2017).

### **Disabled Veteran (DV) License Plate**

A disabled veteran is eligible for one free DV license plate if he or she has been a resident of Florida for the preceding five years or has established a domicile in this state, has been honorably discharged from the U.S. Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-connected 100 percent disability rating for compensation; or
- Has been determined to have a service-connected disability rating of 100 percent and receives disability retirement pay from any branch of the U.S. Armed Forces.<sup>3</sup>

Section 316.1964, F.S., prohibits a state agency, county, municipality, or any agency thereof from charging a person with a DV license plate, from parking fees on public streets, or in timed or metered parking if the vehicle is transporting the person to whom the plate was issued. Additionally, a publicly owned or publicly operated airport must also grant free parking to a vehicle displaying a DV license plate.

### ***DV License Plate with the International Symbol of Accessibility***

Section 320.0842, F.S., provides that a disabled veteran is eligible for a free DV license plate stamped with the international symbol of accessibility if he or she is eligible for both the DV license plate and proves that due to a service-connected disability he or she permanently uses a wheelchair or otherwise qualifies for a disabled parking permit.

A person must be certified by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state<sup>4</sup>, 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 to qualify for a disabled parking permit:

- Inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person;
- The need to permanently use a wheelchair;
- A restriction by lung disease;<sup>5</sup>
- The use of portable oxygen;
- A restriction by cardiac condition;<sup>6</sup> or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.<sup>7</sup>

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<sup>3</sup> Section 320.084(1), F.S.

<sup>4</sup> If a certification of disability is provided by a similarly licensed physician from another state, the application must also include documentation of the physician's licensure in the other state and a form signed by the out-of-state physician verifying their knowledge of Florida's eligibility guidelines; s. 320.0848(1)(b)2., F.S.

<sup>5</sup> The restriction must be "to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest"; s. 320.0848(1)(b)1.c., F.S.

<sup>6</sup> The restriction must be "to the extent that person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association"; s. 320.0848(1)(b)1.e., F.S.

<sup>7</sup> Section 320.0848(1)(b)1., F.S.

As of October 9, 2017, there were 13,248 active plate registrations for the DV plate stamped with the international symbol of accessibility. It is unknown how many of these registrants would also qualify for the Purple Heart license plate.<sup>8</sup>

### **Purple Heart License Plate and Medal**

The Purple Heart license plate is available to an owner or lessee of a private use vehicle who is a Florida resident and has received the Purple Heart medal.<sup>9</sup> The plate is also available to a Florida resident who is the unremarried surviving spouse of a Purple Heart medal recipient.<sup>10</sup>

Section 320.089(1), F.S., provides that an applicant for the Purple Heart license plate who also qualifies for a DV license plate shall be issued the plate without payment of the license tax.

The Purple Heart is one of the oldest and most recognized American military medals, awarded to service members who were killed or wounded by enemy action. The Purple Heart differs from all other decorations in that an individual is not “recommended” for the decoration; rather he or she is entitled to it upon meeting specific criteria.<sup>11</sup>

The award is given in the name of the President of the United States to a member of the U.S. Armed Forces who, while serving under component authority in any capacity after April 5, 1917, was wounded or killed:

- In any action against an enemy of the U.S;
- In any action with an opposing armed force of a foreign country in which the Armed Forces of the U.S. are, or have been engaged;
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party;
- As a result of an act of any such enemy of opposing armed forces;
- As the result of an act of any hostile foreign force;
- As a result of an international terrorist attack against the U.S. or a foreign nation friendly to the U.S; or
- As a result of military operations while serving outside the territory of the U.S. as part of the peacekeeping force.<sup>12</sup>

As of October 9, 2017, there were 11,752 active Purple Heart plate registrations in Florida. Of those, 2,038 of the plates were issued to individuals who also qualify for a DV license plate.<sup>13</sup> Of the 2,038, the number of those who qualify for the DV license plate stamped with the symbol of accessibility is unknown.

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<sup>8</sup> DHSMV, *2018 Agency Legislative Bill Analysis – SB 172* (Nov. 6, 2017) (on file with the Senate Committee on Transportation).

<sup>9</sup> Section 320.089(1)(a), F.S.

<sup>10</sup> Section 320.089(3), F.S.

<sup>11</sup> Paragraph 1-17(d), Army Regulation 600-8-22 (June 25, 2015).

<sup>12</sup> Paragraph 2-8(a), Army Regulation 600-8-22 (June 25, 2015).

<sup>13</sup> DHSMV Analysis, *supra* note 8.

**III. Effect of Proposed Changes:**

The bill requires the DHSMV to create a Purple Heart license plate stamped with the term “Combat-wounded Veteran” and the international symbol of accessibility. The plate is available to persons who qualify for both the Purple Heart military license plate and the Disabled Veteran license plate stamped with the international symbol of accessibility. The plate is issued to the disabled veteran without payment of a license tax, and the eligible applicant must be noted on the registration certificate if the registration lists more than one registrant. Additionally, the eligible registrant is entitled to the same benefits available to individuals with a DV license plate.

The bill takes effect July 1, 2018.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The bill may reduce the authority of counties and municipalities to raise revenues because it would eliminate their ability to charge the operator of a vehicle displaying a Purple Heart Disabled Veteran license plate for parking in certain facilities. 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. It is likely this bill will have an insignificant fiscal impact to local government.

**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:**

The bill may have a positive impact on individuals who qualify for both plates, but choose to display a Purple Heart license plate, which does not entitle them to the same free parking benefits as the DV license plate.

**C. Government Sector Impact:**

It is unknown how many individuals qualify for and will apply for the plate. DHSMV estimates program and implementation of the plate will cost \$7,680.<sup>14</sup>

The bill may have a negative, but likely insignificant, impact on local governments who are required to grant free parking in certain circumstances to individuals displaying such license plate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 320.0842 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.

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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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<sup>14</sup> DHSMV Analysis, *supra* note 8.