

STORAGE NAME: h3983s1z.tr
DATE: May 20, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3983 (Passed as CS/SB 1498)

RELATING TO: Disabled Persons/Motor Vehicle Use

SPONSOR(S): Committee on Transportation and Representatives Jacobs, Morse, Fasano, and others

COMPANION BILL(S): CS/SB 1498 (s), HB 3679 & SB 582 (c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 11 NAYS 0
- (2) COMMUNITY AFFAIRS (W/D)
- (3) ELDER AFFAIRS & LONG TERM CARE (W/D)
- (4) FINANCE & TAXATION (W/D)
- (5) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (W/D)

I. FINAL ACTION STATUS:

On April 30, 1998, CS/SB 1498, a companion measure to CS/HB 3983, was taken up, amended, and returned to the Senate. CS/SB 1498 was passed by the Senate on May 1, 1998, and became Chapter 98-xxx, Laws of Florida. The analysis that follows is applicable to CS/SB 1498.

II. SUMMARY:

The bill contains numerous changes to provisions of law relating to accessible parking for persons with disabilities. Substantive issues included in the bill address current problems with implementing and enforcing accessible parking laws. The bill:

- Authorizes out-of-state physicians to certify patients as disabled for purposes of completing the disabled parking permit application. Such an application must be accompanied by documentation of the physicians' licensure in the other state and a form signed by the out-of-state physician verifying his or her knowledge of Florida's eligibility guidelines.
- Provides that permanently disabled persons are not required to be recertified as being disabled when renewing their parking permit.
- Makes several changes to the enforcement of accessible parking laws, including authorizing law enforcement officers to confiscate a parking placard that is expired, defaced, reported lost or stolen, or does not display a personal identification number.
- Authorizes a motor vehicle owner or lessee, who qualifies for a disabled parking permit, to be issued an international wheelchair user symbol license plate, which entitles them to all the privileges afforded to a disabled parking permit holder. This provision will help to bring the Department of Highway Safety and Motor Vehicles (DHS&MV) into compliance with federal guidelines.

The provisions in the bill are expected to have minimal or no fiscal impact.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

In 1996 the Legislature addressed several issues concerning parking for persons who have disabilities (chapter 96-200, Laws of Florida). Most importantly, the Legislature consolidated requirements for such parking spaces, clarified the distribution of permit fees revenues, and increased enforcement and sanctions for illegally parking in designated spaces. The 1996 law has been in effect for approximately 18 months and several provisions require further revision.

Section 316.1955, F.S., provides that each state agency and political subdivision that has jurisdiction over street parking or publicly owned and operated parking facilities must provide a minimum number of parking spaces for individuals with disabilities who have been issued a disabled parking permit or a disabled license plate. Under Florida law, parking spaces for persons with disabilities must meet the specific requirements set forth in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) s. 4.1.

The section further provides that it is unlawful to stop, stand, or park in a parking place designated for persons who have disabilities unless the vehicle displays an exemption parking permit or disabled license plate. An exception is made for persons momentarily loading or unloading a disabled person.

Section 316.1958, F.S., provides for recognition of special license plates or parking permits for persons who have disabilities which are issued by other states or districts which are subject to the laws of the United States. The section provides that if an individual is required by law to have a Florida driver's license, a disabled parking placard or license plate from another state or jurisdiction is not valid for parking in spaces reserved for persons with disabilities. There is no such requirement for a Florida vehicle registration.

Section 316.1964, F.S., provides that when a parking meter restricts the duration of time a vehicle may be parked, a vehicle displaying a disabled parking permit may park for a maximum of four hours at no charge. However, a county or city may charge for parking in timed parking spaces except for vehicles with specialized equipment such as ramps and lifts, or foot or hand controls. The interpretation by cities and counties regarding the difference between metered parking and timed parking has led to differing enforcement ordinances.

Section 318.18, F.S., provides a penalty of \$100 for illegally parking in a space provided for disabled persons. This penalty is in addition to any penalty that may be assessed by a county or municipality for the same offense but may not to exceed a total fine of \$250. The section provides that the fine may be waived if the person provides proof of ownership of a valid disabled parking permit, and pays a \$5 dismissal fee to the clerk of the circuit court.

Section 320.0842, F.S., provides free license plates to veterans confined to wheel chairs. A person with a license plate issued pursuant to this section has the same exemption from penalties as the holder of a disabled parking permit.

Section 320.0843, F.S., provides for wheelchair license plates to persons permanently confined to wheelchairs on payment of the appropriate license tax. The National Highway Traffic Safety Administration's (NHTSA) Office of Civil Rights found the Florida Department of Highway Safety and Motor Vehicles in violation of the Uniform System of Handicapped Parking guidelines. The NHTSA found that:

Although Florida provides special license plates to certain groups for free or for the same fee as is charged for normal license plates, it does not make these plates available to all individuals with disabilities which limit or impair the ability to walk. Certain individuals whose disabilities limit or impair the ability to walk are denied the right to obtain a special plate. Rather, these individuals must obtain a disabled parking placard. Moreover, they must pay an additional fee for the placard in addition to the fee they pay for the normal license plate.

Section 320.0848, F.S., authorizes the DHS&MV, through the county tax collectors acting as their authorized agent, to issue an disabled parking permit for a period of 4 years to any person who has long term mobility problems, or a temporary parking permit for up to 1 year to any person with temporary mobility problems.

The section further provides descriptions of disabilities that would qualify the applicant for a permanent or temporary parking permit. A person may qualify for a disabled parking permit solely on the inability to walk 200 feet without stopping. Disabilities must be certified by a physician or podiatrist licensed in Florida, the Division of Blind Services of the Department of Labor and Employment Security, or by the Adjudication Office of the United States Department of Veterans Affairs.

Under current DHS&MV policy, the cost of replacing a lost permit is \$1. If the placard was stolen, and the permit holder produces a police report stating the permit was stolen, the permit is replaced free of charge. While this is DHS&MV's policy, it is authorized in current law.

B. EFFECT OF PROPOSED CHANGES:

The bill contains numerous changes to provisions of law relating to accessible parking for persons with disabilities. Substantive issues included in the bill address current problems with implementing and enforcing accessible parking laws. The bill:

- Authorizes out-of-state physicians to certify patients as disabled for purposes of completing the disabled parking permit application. Such an application must be accompanied by documentation of the physicians' licensure in the other state and a form signed by the out-of-state physician verifying his or her knowledge of Florida's eligibility guidelines.
- Provides that permanently disabled persons are not required to be recertified as being disabled when renewing their parking permit.
- Makes several changes to the enforcement of accessible parking laws, including authorizing law enforcement officers to confiscate a parking placard that is expired, defaced, reported lost or stolen, or does not display a personal identification number.

- Authorizes a motor vehicle owner or lessee, who qualifies for a disabled parking permit, to be issued an international wheelchair user symbol license plate, which entitles them to all the privileges afforded to a disabled parking permit holder. This provision will help to bring the DHS&MV into compliance with federal guidelines.

[See the *Section-by-Section Research* for more details.]

C. APPLICATION OF PRINCIPLES:

1. Less Government:

The bill requires signs at accessible parking spaces to be 84 inches above the ground.

2. Lower Taxes:

N/A

3. Personal Responsibility:

N/A

4. Individual Freedom:

The bill authorizes persons with disabilities to use physicians from out-of-state to certify their disability when applying for a placard.

5. Family Empowerment:

N/A

D. STATUTE(S) AFFECTED:

ss. 316.1955, 316.1958, 316.1964, 318.18, 320.0842, 320.0843, and 320.0848, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Section 316.1955, F.S., is amended to clarify that disabled parking access aisles are reserved for the exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp. The section also provides that signs designating disabled parking spaces must be 84 inches in height and that only a warning may be issued for unlawfully parking in a disabled parking space if there is no above grade sign.

Further, the section is amended to provide that obstructing a disabled parking space, curb cut, or access aisle carries the same penalties as imposed for illegally parking in an accessible parking space.

Section 2: Section 316.1958, F.S., is amended to provide that if an individual is required by law to have a Florida vehicle registration, a disabled parking permit or license plate from another state or jurisdiction is not valid in Florida.

Section 3: Section 316.1964, F.S., is amended to clarify that persons displaying a valid disabled parking permit may park in *on-street* metered parking spaces without charge for 4 hours, but may be charged for parking in a facility or lot that provides timed parking spaces.

Section 4: Section 318.18, F.S., is amended to provide that the fine may be waived if the person provides proof of compliance to the law enforcement agency which issued the citation.

Section 5: Section 320.0842, F.S., is amended to authorize the issuance of a free international wheelchair user symbol license plate to veterans who otherwise qualify for a disabled parking permit. Such a license plate entitles the holder to all the privileges afforded to disabled parking permit holders.

Section 6: Section 320.0843, F.S., is amended to provide that any owner or lessee of a motor vehicle, including motor vehicles weighing up to 8,000 pounds, who qualifies for a disabled parking permit, on payment of the applicable license tax, may be issued an international wheelchair user symbol license plate which entitles them to all the privileges afforded to disabled parking permit holders. This provision will help to bring the DHS&MV into compliance with the Uniform System of Handicapped Parking guidelines.

Section 7: Section 320.0848, F.S., is amended to authorize out-of-state physicians to certify patients as disabled on the disabled parking permit application. The bill further provides that persons certified as permanently disabled by a physician will not be required to show such certification on renewal.

The section is amended to provide a \$1 fee for the replacement of a lost or stolen disabled parking permit, and that the fee may be waived if the permit holder shows a police report demonstrating that the permit was stolen. The section provides that a person who qualifies for a disabled parking permit or a disabled veteran's license plate may be issued an international wheelchair user symbol license plate instead, which entitles the user to all the privileges afforded to disabled parking permit holders.

The section provides that any person who displays a disabled parking permit that belongs to another person while occupying a disabled parking space or an access aisle while the owner of the permit is not being transported is guilty of a second degree misdemeanor. The section provides that a law enforcement officer may confiscate a parking permit that is expired, defaced, reported lost or stolen, or does not display a personal identification number.

The bill provides that beginning April 1, 1999, permit numbers of all confiscated disabled parking permits must be submitted to the DHS&MV to be noted on the permit holder's record. If two permits issued to the same person have been confiscated, DHS&MV must refer the information to the Florida Abuse Hotline for an investigation of potential abuse, neglect, or exploitation of the owner.

Section 8: Provides that bill takes effect July 1, 1998, unless otherwise expressly provided for in the bill.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

The private sector may incur costs associated with implementing the sign requirements for accessible parking spaces.

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Provisions related to accessible parking space signs and requirements associated with the waiver of citations by law enforcement officers are excepted from the requirements of Article VII, s. 18 of the Florida Constitution, because all similarly situated persons are required to comply.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 2, 1998, the House Transportation Committee adopted a proposed committee substitute in place of HB 3983. The impact of the proposed committee substitute is included in this Bill Research & Economic Impact Statement.

VIII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Legislative Research Director:

Thomas E. Duncan

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PAGE 8

FINAL RESEARCH PREPARED BY COMMITTEE ON TRANSPORTATION:

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