

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 202

SPONSOR: Fiscal Policy Committee, Transportation Committee and Senator Clary

SUBJECT: Disabled Parking Permits

DATE: April 19, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>Hayes</u>	<u>Hadi</u>	<u>FP</u>	<u>Favorable/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

The bill eliminates the \$15 fee for permanent disabled parking permits. The bill creates a \$1.50 administrative assessment fee for each initial four year disabled parking permit or renewal permit and provides that the proceeds shall go to the tax collector in which the administrative assessment fee was collected. The bill increases the fee for a replacement disabled parking permit from \$1 to \$5. The bill further authorizes an advanced registered nurse practitioner in a facility operated by the United States Department of Veterans Affairs, under the protocol of a licensed physician, to certify a veteran disabled for the purposes of acquiring a disabled parking permit. The bill provides that a disabled veteran may purchase additional disabled veterans' license plates at the cost provided in statute.

The bill provides that certain revenues from the Sea Turtle License Plate shall be used for sea turtle conservation activities.

The bill provides that the revenues from the Share the Road License Plate shall be distributed to Bike Florida, Inc.

The bill amends ss. 320.08058, 320.084, and substantially amends section 320.0848, F.S.

## II. Present Situation:

Section 320.08058, F.S., authorizes several Speciality License Plates. Section 320.08058(19)(b) provides that the annual fees for the Sea Turtle License Plate shall be deposited in the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission. The first \$500,000 in annual revenue shall be used by the Florida Marine Turtle Protection Program to conduct sea turtle protection, research, and recovery programs. The remaining annual use proceeds shall be used by the commission for sea turtle conservation activities, except that up to 30 percent of the remaining annual use fee proceeds shall be annually disbursed through the marine turtle grants program as provided in s. 370.12(1)(h).

Section 320.084, F.S., provides that one free motor vehicle license number plate shall be issued by the department for use on any motor vehicle owned or leased by any disabled veteran who has been a resident of this state continuously for the preceding 5 years or has established a domicile in this state as provided by s. 222.17(1), (2), or (3), and who has been honorably discharged from the United States Armed Forces.

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

Fees for a disabled parking permit for persons with permanent mobility problems are \$15 for the initial permit and \$15 for each renewal thereafter. Additional parking permits are \$1 each. From these proceeds \$13.50 from each permit sold is deposited into the State Transportation Trust Fund, and the tax collector in the county in which the fee was generated receives \$1.50. The fee for an additional permit is \$1 all of which is distributed to the State Transportation Trust Fund.

Further, disabled veterans (50 percent service related disability rating or greater) may purchase an initial or renewal disabled parking permit for \$1.50, or \$1 for additional permits. Proceeds from permit sales to disabled veterans are distributed to the local tax collector. Individuals receiving supplemental social security income may purchase initial or renewal permits for \$9, of which \$6.75 is distributed to the State Transportation Trust Fund and \$2.25 is distributed to the local tax collector.

Florida currently offers the option of a free disabled parking license plate to all persons who qualify for a disabled parking permit. Section 320.0848 (2)(e) provides a person who qualifies for a permanent disabled parking permit may be issued an international wheelchair user symbol license plate under s. 320.0843, F.S., in lieu of the disabled parking permit. Pursuant to s. 320.0843, F.S., the international wheelchair user symbol license plate entitles the person to all privileges afforded by a permanent disabled parking permit. Thus, under current law, a person who qualifies for a disabled parking permit may receive all the privileges afforded by a permanent disability parking permit without the purchase of such a permit. However, according to the DHSMV, most disability parking permit qualifiers who choose to use an international wheelchair user symbol license plate will also purchase a disability parking permit since the permit may be used in any vehicle in which the disability qualifier is being transported.

Current law further authorizes the issuance of free disabled license plates to certain disabled veterans. These license plates entitle the veteran to all privileges afforded by a permanent disabled parking permit. Section 320.084, F.S., provides a free motor vehicle license plate displaying a "DV" to certain disabled veterans (100 percent service related disability rating). Section 320.0842, F.S., provides free license plates displaying the international symbol of accessibility to disabled veterans (100 percent service related disability rating) confined to wheel chairs.

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.*

There are also several court cases pending which challenge the disabled parking permit fee including Rendon v. DHSMV and FDOT in the 11th Circuit Court and Doughtery v. DHSMV in the 2nd Judicial Circuit. These cases are stayed until the United States Supreme Court decides Department of Corrections v. Dickson and Alsbrook v. City of Maumelie.

### III. Effect of Proposed Changes:

**Section 1:** Section 320.08058, F.S., is amended to provide that certain revenues from the Sea Turtle License Plate shall be used for sea turtle conservation activities and that revenues from the Share the Road License Plate shall be distributed to Bike Florida, Inc.

**Section 2:** Section 320.084, F.S., is amended to provide that a disabled veteran may purchase additional disabled veterans' license plates at the cost provided in section 320.06(1)(b).

**Section 3:** Section 320.0848, F.S., is amended to remove the \$15 fee for permanent disabled parking permits. The bill creates a \$1.50 administrative assessment fee for each initial four year disabled parking permit or renewal permit. The bill provides that the proceeds from the administrative assessment fee shall go to the tax collector in which the fee was collected. The bill increases the fee for a replacement disabled permit from \$1 to \$5. The bill authorizes an advanced registered nurse practitioner in a facility operated by the United States Department of Veterans Affairs, under the protocol of a licensed physician, to certify a veteran disabled for the purposes of acquiring a disabled parking permit.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

The bill eliminates the \$15 fee for permanent disabled parking permits. The bill increases the fee for a replacement disabled parking permit from \$1 to \$5.

**B. Private Sector Impact:**

Qualified disabled persons will no longer have to pay a \$15 fee for a permanent disabled parking permit. However, persons purchasing a replacement disabled parking permit would have a \$4 increase in cost.

**C. Government Sector Impact:**

Revenue generated from the sale of parking permits for distribution to the State Transportation Trust Fund during the past four (4) fiscal years was approximately:

FY 95-96	\$3.5 million
FY 96-97	\$2.2 million
FY 97-98	\$4.2 million
FY 98-99	\$2.3 million.

Therefore, elimination of these fees is expected to reduce state transportation trust fund revenues by approximately \$3 million annually (on average).

County tax collectors will no longer receive \$1.50 from the sale of each permanent disabled parking permit sold in their county. This will have a state-wide negative fiscal impact of approximately \$400,000 annually to county tax collectors.

The bill creates a \$1.50 administrative assessment fee for each initial four year disabled parking permit or renewal permit and provides that the proceeds shall go to the tax collector in which the fee was collected.

The bill provides an increase in the amount of funds which are distributed to the tax collector for issuing a replacement disabled parking permit from \$1 to \$5.

The bill provides that certain revenues generated from the sale of the Sea Turtle License Plate shall be used for sea turtle conservation activities.

The bill provides that the revenues from the Share the Road License Plate shall be distributed to Bike Florida, Inc.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

---

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

---