

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/SB 202

SPONSOR: Transportation Committee and Senator Clary

SUBJECT: Disabled Parking Permits

DATE: March 28, 2000 **REVISED:** _____

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

I. Summary:

The CS removes all fees for permanent disabled parking permits. The bill increases the fee for a temporary disabled parking permit from \$15 to \$17.50, as well as the fee for a replacement disabled permit from \$1 to \$5. The CS 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 CS substantially amends section 320.0848 of the Florida Statutes.

II. Present Situation:

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:

The CS removes all fees for permanent disabled parking permits. The bill increases the fee for a temporary disabled parking permit from \$15 to \$17.50, as well as the fee for a replacement disabled permit from \$1 to \$5. The CS 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.

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 increases the fee for a temporary disabled parking permit from \$15 to \$17.50, as well as 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 temporary disabled parking permit would have a \$2.50 increase in cost for a permit, and any person 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 CS provides an increase in the amount of funds which are distributed to the tax collector for issuing a temporary disabled parking permit from \$2.50 to \$5 which would increase revenue to the tax collectors state wide by approximately \$55,000 annually.

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.
