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DATE: March 6, 2002

**HOUSE OF REPRESENTATIVES
COUNCIL FOR READY INFRASTRUCTURE
ANALYSIS**

BILL #: CS/HB 1525

RELATING TO: Temporary Parking Permits

SPONSOR(S): Council for Ready Infrastructure and Representative(s) Machek

TIED BILL(S): None

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

- (1) TRANSPORTATION YEAS 12 NAYS 0
 - (2) COUNCIL FOR READY INFRASTRUCTURE YEAS 17 NAYS 0
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

A temporary disabled parking permit is valid for the duration of the physician-certified disability as stated in the application for the permit. However, temporary disabled parking permits are valid for no more than 1 year. The bill shortens the maximum amount of time a temporary disabled parking permit may remain valid from 1 year to 6 months.

The bill may have a minimal fiscal impact on state and local governments. For details, see the FISCAL COMMENTS section of the analysis.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. PRESENT SITUATION:

Under current law, certain persons with disabilities are eligible for a disabled parking permit. The permit may be issued only to a person who is certified as being legally blind or who has certain listed disabilities that render him or her unable to walk 200 feet without stopping to rest. These disabilities include:

- The inability to walk without an assistance device;
- The need to permanently use a wheelchair;
- Respiratory disease;
- The use of portable oxygen;
- Cardiac condition; or
- Arthritic, neurological, or orthopedic condition.

For a person with such a disability to be eligible for the permit, his or her disability must first be certified to the Department of Highway Safety and Motor Vehicles (DHSMV) by a physician, podiatrist, or an optometrist licensed in Florida, or by the Adjudication Office of the U.S. Department of Veterans Affairs. Out-of-state physicians may certify patients as disabled if the application for a disabled parking permit is accompanied by documentation of the physician’s licensure in the other state and a form signed by the physician verifying knowledge of Florida’s disabled parking permit eligibility guidelines.

The document certifying disability must include:

- The disability of the applicant;
- The certifying physician’s name and address;
- The physician’s certification number;
- The eligibility criteria for the permit;
- The penalty for falsification by either the certifying physician or the applicant;
- The duration of the condition that entitles the person to the permit;
- Justification for subsequently issued placards (long term only);
- The statement in bold letters, “**A disabled parking permit may be issued only for a medical necessity that severely affects mobility**”; and
- The signatures of the physician, applicant, and the authorized application-processing agent of DHSMV.

Persons who have been certified as permanently disabled are entitled to an automatic renewal of the permit. Otherwise, permits are issued for 4 years to persons with a long-term mobility impairment or on a shorter basis not to exceed 1 year for persons with a temporary mobility impairment. If renewal is necessary, these persons are subject to renewal fees upon expiration of the validity period.

The long-term permit is a placard that can be placed in a motor vehicle to be visible from the front and rear of the vehicle. The international symbol of accessibility appears on both sides of the placard in a contrasting color. On one side of the placard, the applicant's driver's license or Florida identification number is displayed along with a statement warning that the owner of the placard must carry the card bearing the identification number at all times while using the placard. The placard must also bear a DHSMV-issued validation sticker showing the month and year of expiration on each side.

Like the long-term permit, the temporary parking permit is a placard but it is a different color than the long-term placard. The temporary placard must clearly display the date of expiration in large print and with color-coding. The long-term and temporary placards are identical in all other respects. Temporary permits are issued for the period of disability as stated by the certifying physician, but are not valid for more than 1 year. In the event that a person's actual period of disability exceeds the validity period of the temporary permit, that person would be required to re-apply for a new temporary permit and be re-certified as disabled by a physician.

The fee for a temporary disabled parking permit is \$15. DHSMV receives \$3.50 of the fee in its Operating Trust Fund for implementing the real-time disabled parking permit database and for administering the program. The tax collector performing a disabled parking permit transaction receives \$2.50 of the fee. The remaining \$9 is deposited into the Transportation Disadvantaged Trust Fund, and is distributed as follows:

- \$4.00 is used by the Florida Governor's Alliance for the Employment of Disabled Citizens to improve employment and training opportunities for disabled persons;
- \$5.00 is used to fund matching grants to counties for improving transportation of persons with disabilities.

Applications for all disabled parking permits, immediately below the signature line, include the statement: "Knowingly providing false information on this application is a misdemeanor of the first degree, punishable as provided in s. 775.082, Florida Statutes, or s. 775.083, Florida Statutes. The penalty is up to 1 year in jail or a fine of \$1,000, or both." Fraudulent use, unlawful display, or use of an unauthorized replica of disabled parking permit with the intent to deceive is a second-degree misdemeanor punishable by up to 60 days in jail or a fine of up to \$500. Law enforcement may confiscate any fraudulently obtained or unlawfully used permit

C. EFFECT OF PROPOSED CHANGES:

The bill shortens the maximum amount of time a temporary disabled parking permit may remain valid from 1 year to 6 months. The bill specifies that no person will be required to pay more than the original \$15 fee in a 12-month period. Thus, someone who renews the temporary disabled parking permit after 6 months for an additional 6 months will not have to pay an additional fee.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Shortens the maximum amount of time a temporary disabled parking permit may remain valid from 1 year to 6 months. Clarifies that no person will have to pay the fee for a disabled persons parking permit more than once in a year period.

Section 2. Provides an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See the FISCAL COMMENTS section.

2. Expenditures:

See the FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Portions of the \$15 fee for a temporary disabled parking permit are distributed to various Trust Funds. DHSMV's Operating Trust Fund receives \$3.50 for implementing the real-time database and operating the disabled parking permit program. Tax collectors receive \$2.50 for processing disabled parking permit transactions. The Transportation Disadvantaged Trust Fund receives \$9 to fund improvements in training and employment opportunities for the disabled and for funding matching grants to counties for improving transportation of the disabled. To the extent that the shortened maximum validity period for temporary disabled parking permits causes more permits to be sold, the bill may increase the revenues distributed to tax collectors, the DHSMV Operating Trust Fund, and the Transportation Disadvantaged Trust Fund. Since, as of the writing of this analysis, it is impossible to estimate the increase in the number of applications for temporary disabled parking permits, the amount of increased revenue is indeterminate.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

According to the Paralyzed Veterans Association in Fort Lauderdale, a proponent of the bill, 46 states currently have a temporary disabled parking permit issued for no more than 6 months. Florida is among the four states that still issue temporary permits for up to 1 year. Proponents argue that this bill, if enacted, will help combat fraudulent use and issue of temporary disabled parking permits.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 20, 2002, the Committee on Transportation adopted one amendment. The amendment provides that no person will be required to pay for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.

On February 26, 2002, the Council for Ready Infrastructure made this bill into a council substitute.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

William C. Garner

Staff Director:

Phillip B. Miller

AS REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

Prepared by:

Kim Fedele/Randy Havlicak

Council Director:

Thomas J. Randle