

STORAGE NAME: h0561.hr.doc
DATE: January 23, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
HEALTH REGULATION
ANALYSIS**

BILL #: HB 561
RELATING TO: Disabled Parking Permits
SPONSOR(S): Representative(s) Ball
TIED BILL(S): None.

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

- (1) TRANSPORTATION YEAS 8 NAYS 0
- (2) HEALTH REGULATION
- (3) READY INFRASTRUCTURE COUNCIL
- (4)
- (5)

I. SUMMARY:

This bill expands the class of medical personnel who are authorized to certify a person as disabled for the purposes of proving eligibility for a disabled parking permit. Current law authorizes an allopathic, osteopathic, chiropractic, or podiatric physician, an optometrist, the Adjudication Office of the United States Department of Veterans Affairs, or a similarly licensed physician from another state (if certain conditions are met) to make certification of disability.

The bill includes among this class of medical personnel eligible to make this disability determination, an advanced registered nurse practitioner working in a facility operated by the U.S. Department of Veterans Affairs under the protocol of a licensed physician, or a physician assistant licensed under chapters 458 or 459, F.S., who work in a facility operated by the U.S. Department of Veterans Affairs.

This bill does not appear to have a fiscal impact on state or local government.

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:

- a. The inability to walk without an assistance device;
- b. The need to permanently use a wheelchair;
- c. Respiratory disease;
- d. The use of portable oxygen;
- e. Cardiac condition; or
- f. 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 by a physician, podiatrist, or an optometrist licensed in Florida, or by the Adjudication Office of the United States 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.

C. EFFECT OF PROPOSED CHANGES:

The bill amends s. 320.0848, F.S., to expand the class of medical personnel who may certify a person as disabled for the purposes of acquiring a parking permit for disabled persons. Under the bill the class includes not only licensed physicians (allopathic, osteopathic, chiropractic, or podiatric), optometrists, and members of the Adjudication Office of the United States Department of Veterans Affairs (VA), but also those advanced registered nurse practitioners and physician assistants who work in a facility operated by the Department of Veterans Affairs. In addition to working in a VA facility, a nurse practitioner would also have to be working under the protocol of a licensed physician to be authorized to certify disability.

Sections 458.347(2)(e) and 459.022(2)(e), F.S., define a physician assistant as “a person who is a graduate of an approved program or its equivalent or meets standards approved by the boards and is licensed to perform medical services delegated by the supervising physician.”

Section 464.003(6), F.S., defines an advanced registered nurse practitioner as “any person licensed in this state to practice professional nursing and certified in advanced or specialized nursing.”

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 320.0848(1)(b), F.S., to authorize physician assistants and advanced registered nurse practitioners who work in VA medical facilities to certify persons as disabled for the purposes of proving eligibility for a disabled parking permit.

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

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to expend funds or to take actions requiring the expenditure of funds.

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.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not expand or reduce the rulemaking authority of any state agency.

C. OTHER COMMENTS:

According to Disabled American Veterans, a proponent of the bill, patients of smaller VA clinics with limited physician staffing oftentimes are unable to see a licensed physician. Rather, these patients are cared for by a nurse practitioner or a physician assistant. The bill will allow these VA patients to be certified as disabled by health care practitioners who work for or with the licensed physician without the burden of waiting to be seen by the physician.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

William C. Garner

Staff Director:

Phillip B. Miller

AS REVISED BY THE COMMITTEE ON HEALTH REGULATION:

Prepared by:

Lucretia Shaw Collins

Staff Director:

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