

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Community Affairs Committee

**BILL:** CS/SB 780

**INTRODUCER:** Transportation Committee and Senator Ring

**SUBJECT:** Airport Parking Fees

**DATE:** January 15, 2012      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	<b>Fav/CS</b>
2.	Toman	Yeatman	CA	<b>Pre-meeting</b>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This CS amends s. 316.1964(7), F.S., to add “vehicles with attachments to transport power mobility devices, as defined in 42 C.F.R. s. 410.38” to the list of those vehicles which specifically must be granted free parking by the governing bodies of publicly owned or publicly operated airports.

This CS substantially amends s. 316.1964, F.S.

**II. Present Situation:**

Currently, the governing body of a publicly owned or operated airport may choose whether or not to charge disabled drivers for parking at airports within their jurisdiction except that they must “grant free parking to any vehicle with specialized equipment, such as ramps, lifts, foot or hand controls, or for utilization by a person who has a disability or whose vehicle is displaying the Florida Toll Exemption permit.”<sup>1</sup> This grant of local control has caused some airports in the

<sup>1</sup> s. 316.1964(7), F.S.

state to charge for parking for certain vehicles which are not specifically exempted, while other airports in the state would not charge for parking those same vehicles.

### III. Effect of Proposed Changes:

**Section 1** amends s. 316.1964(7), F.S., to add “vehicles with attachments to transport power mobility devices, as defined in 42 C.F.R. s. 410.38”<sup>2</sup> to the list of those vehicles which specifically must be granted free parking by the governing bodies of publicly owned or publicly operated airports.

**Section 2** provides an effective date of July 1, 2012.

### IV. Constitutional Issues:

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

Section 18(b), Article VII, of the State Constitution requires any general law that reduces a local government’s authority to raise revenues in the aggregate, to be passed by a two-thirds vote of the membership of each house of the Legislature. This CS mandates that publicly owned or operated airports must now offer free parking to a new class of vehicles thus reducing the revenue-raising authority of the airports.

Section 18(d), Article VII, of the State Constitution provides an exemption for laws determined to have an “insignificant impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times \$0.10 (\$1.88 million for FY 2010-2011).

If the revenue loss for publicly owned or operated airports is greater than \$1.88 million, the law may require a two-thirds vote of each house of the Legislature.

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

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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<sup>2</sup> Power mobility device means a covered item of durable medical equipment that is in a class of wheelchairs that includes a power wheelchair (a four-wheeled motorized vehicle whose steering is operated by an electronic device or a joystick to control direction and turning) or a power-operated vehicle (a three or four-wheeled motorized scooter that is operated by a tiller) that a beneficiary uses in the home.

**B. Private Sector Impact:**

Private individuals with “vehicles with attachments to transport power mobility devices, as defined in 42 C.F.R. s. 410.38” would be able to park for free at publicly owned or publicly operated airports that may have charged for such parking previously.

**C. Government Sector Impact:**

Some publicly owned or operated airports may lose an indeterminate amount of revenue because they must now offer free parking to a new class of vehicles. However, some airports currently offer this form of free parking, including Miami International Airport and Melbourne International Airport,<sup>3</sup> and, as such, would be unaffected.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on January 9, 2012:**

The CS changed the term “motorized scooter” to the term “power mobility device”, which is defined in 42 C.F.R. s. 410.38, in order to correct a technical deficiency.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>3</sup> As per an email conversation with Bill Johnson, Florida Airports Council, *Executive Director*, (December 22, 2011), on file with the Senate Committee on Transportation.