

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 94

INTRODUCER: Senator Joyner

SUBJECT: Disabled Parking Permits and License Plates

DATE: January 15, 2013

REVISED: \_\_\_\_\_

|    | ANALYST  | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|----------|----------------|-----------|--------------------|
| 1. | Everette | Eichin         | TR        | <b>Pre-meeting</b> |
| 2. |          |                | ATD       |                    |
| 3. |          |                | AP        |                    |
| 4. |          |                |           |                    |
| 5. |          |                |           |                    |
| 6. |          |                |           |                    |

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**I. Summary:**

The bill authorizes the Department of Highway Safety and Motor Vehicles (the department), to automatically renew and issue a license plate or parking permit at no cost to persons with severe and irreversible mobility impairment.

This bill amends sections 320.0843 and 320.0848, and deletes a cross-reference in section 316.1955, Florida Statutes:

**II. Present Situation:**

The department issues disabled parking permits and disabled license plates to eligible persons with impaired mobility upon application and payment of the license tax for a vehicle registration.

*Disabled Parking Permits*

Section 320.0848, F.S., authorizes the department and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for up to 4 years to any person with a long-term mobility impairment. Similarly, persons with a temporary mobility impairment may be issued a temporary disabled parking permit for a period of up to 6 months. A fee may be charged for the permit.

In order to be issued a disabled parking permit a person must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- The inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- The need to permanently use a wheelchair;
- Lung disease as measured within specified limits;
- Use of portable oxygen;
- A Class III or IV heart condition; or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statutes. However, provisions are made to encompass certification by similarly-licensed physicians from other states, as well. The certification must include:

- The disability of the applicant;
- The certifying practitioner's name, address, and certification number;
- The eligibility criteria for the permit;
- Information concerning the penalty for falsification;
- The duration of the condition; and
- Justification for any additional parking permit issued.

On the application for the disabled parking permit, in bold letters, "A disabled parking permit may be issued only for a medical necessity that severely affects mobility." Also, required on the application and certificate, are signatures of applicant, physician or other certifying practitioner, parent or guardian, and the employee of the department or authorized agent responsible for processing of the application.

#### *License plates for permanent disability*

Section 320.0843, F.S., allows any owner or lessee of a motor vehicle residing in Florida who qualifies for a disabled parking permit under s. 320.0848, F.S., may apply to the department and, upon paying the license tax for a motor vehicle registration under s. 320.08(2), F.S., be issued a license plate as provided by s. 320.06, F.S., and stamped with the international wheelchair user symbol after the serial number of the license plate. The license plate entitles the person all privileges afforded by a parking permit issued under s. 320.0848, F.S. When more than one registrant is listed on the registration issued under this section, the eligible applicant will be noted on the registration certificate.

#### *2012 Revisions*

In 2012 the Legislature made several changes to the disabled parking permit and license plate provisions, requiring all renewals be accompanied by a current certificate of disability. Other changes included:

- revising the requirements for renewing or replacing a long-term disabled parking permit and including prohibitions for certain violations;
- providing for random audits of disabled parking permit holders;
- requiring the department to develop and implement a system to allow the reporting of abuses of disabled parking permits; and

- requiring the review of the number of times a permit has been confiscated for fraud or reported stolen or lost.

The bill also required the department to develop and implement a public awareness campaign regarding how such abuse burdens disabled persons, and directed the department to develop and implement a telephone hotline and form that can be submitted online or by mail to report disabled parking permits abuse.

### **III. Effect of Proposed Changes:**

Generally, the bill authorizes the department to automatically renew and reissue the disabled license plate or parking permit of persons whose impaired mobility has been deemed severe and irreversible by a health care practitioner.

Section 1 amends s. 320.0843, F.S., allowing the department to automatically renew and issue a long-term disability license plate when a health care practitioner identified in s. 320.0848(1)(b) certifies that a license holder or applicant's mobility impairment is severe and irreversible. Such renewal and reissuance occurs every 10 years at no additional cost to the vehicle owner or lessee.

Section 2 amends 320.0848(1), F.S., to provide that if a health care practitioner identified in s. 320.0848(1)(b), certifies that the person's mobility impairment is severe and irreversible and that person qualifies for a disabled parking permit, the department shall automatically renew and issue such parking permit every 4 years at no cost.

Section 3 corrects a cross-reference.

Section 4 establishes an effective date of July 1, 2013.

### **IV. Constitutional Issues:**

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

None.

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

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The department estimates that approximately 210 hours of non-recurring programming modifications will be needed to implement the bill's provisions. These hours can be incorporated into the department's normal workload and require no additional appropriation.

**VI. Technical Deficiencies:**

On lines 37-39: the bill states that the department shall automatically renew and issue the license plate every 10 years at no additional cost to the registrant. All Florida motorists are required to renew vehicle registrations every year; this includes disabled license plate registrants as well. Since no additional fee above the normal vehicle registration fee is charged for the disabled parking plate, it is unclear whether the disabled license plate will be renewed and issued at no cost whatsoever to the registrant.

**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.)

None.

**B. Amendments:**

None.