

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 Committee on Fiscal Policy

BILL: CS/SB 132

INTRODUCER: Transportation Committee and Senators Joyner and Dean

SUBJECT: Disabled Parking Permits

DATE: February 18, 2015 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------------|-----------------|-----------|--------------------|
| 1. | <u>Sanders/Ryon</u> | <u>Ryon</u> | <u>MS</u> | Favorable |
| 2. | <u>Jones</u> | <u>Eichin</u> | <u>TR</u> | Fav/CS |
| 3. | <u>Jones</u> | <u>Hrdlicka</u> | <u>FP</u> | Pre-meeting |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 132 allows a permanently and totally disabled veteran to provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, in lieu of a certificate of disability to renew or replace a disabled parking permit.

The Department of Highway Safety and Motor Vehicles estimates the bill will require \$4,000 in programming revisions which can be absorbed within existing resources.

II. Present Situation:

Disabled Parking Permits

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents to issue disabled parking permits to persons with impaired mobility. Upon application and receipt of the fee,¹ a person with a long-term mobility impairment is issued a disabled parking permit for a period of up to four years. Similarly, a person with a temporary mobility impairment is issued a temporary disabled parking permit for a period of up to six months.²

¹ No person will be required to pay a fee for a disabled parking permit more than once in a 12-month period. s. 320.0848(1)(a), F.S.

² Section 320.0848(1)(a), F.S.

A person applying for a disabled parking permit must be 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:

- Inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person;
- The need to permanently use a wheelchair;
- A restriction by lung disease;³
- The use of portable oxygen;
- A restriction by cardiac condition;⁴ or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.⁵

A certificate of disability is required for a disabled parking permit and must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state.⁶ The certificate of disability must include the:

- Disability of the applicant;
- Certifying practitioner's name, address, and certification number;
- Eligibility criteria for the permit;
- Penalty for falsification by either the certifying practitioner or applicant;
- Duration of the condition that entitles the applicant for the permit;
- Justification for any additional placard issued;
- Statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility;" and
- Signatures of the applicant's physician or other certifying practitioner, applicant and employee of DHSMV's authorized agent which is processing the application.⁷

To renew or replace a disabled parking permit that has been lost or stolen, the DSHMV requires an applicant to provide a certificate of disability issued within the last 12 months.⁸

Service-Disabled Veterans

The United States Department of Veterans Affairs (USDVA) evaluates disabilities resulting from all types of diseases and injuries as a result of or incident to military service and assigns a

³ The restriction must be "to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest." s. 320.0848(1)(b)c., F.S.

⁴ The restriction must be "to the extent that person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association." s. 320.0848(1)(b)e., F.S.

⁵ Section 320.0848(1)(b)1., F.S.

⁶ If a certification of disability is provided by a similarly licensed physician from another state, the application must also include documentation of the physician's licensure in the other state and a form signed by the out-of-state physician verifying their knowledge of Florida's eligibility guidelines. s. 320.0848(1)(b)2., F.S.

⁷ Section 320.0848(1)(c), F.S.

⁸ Section 320.0848(2)(e), F.S.

disability rating.⁹ The USDVA's rating schedule is intended to reflect the average losses in earning stemming from certain medical conditions.¹⁰

In some cases, the degree of a veteran's service-connected disability is determined to be total and permanent.¹¹ A total disability exists when any impairment of mind or body is present and is sufficient to render it impossible for the average person to have a substantially gainful occupation.¹² A disability is also classified as permanent and total when the total disability is reasonably certain to continue throughout the life of the disabled person.¹³

Disability ratings can change if there is evidence that a disability has improved, or if evidence indicates there has been a material change in a disability or that the current rating may be incorrect.¹⁴

United States Department of Veterans Affairs Form Letter 27-333 (VAFL 27-333)

The USDVA issues the VAFL 27-333 to a veteran to certify that the veteran is "permanently and totally" disabled due to a service-connected disability.¹⁵ This form is also accepted to determine eligibility for the real estate tax exemptions for "total and permanent" disabled veterans afforded by s. 196.081(1), F.S.¹⁶

III. Effect of Proposed Changes:

The bill amends s. 320.0848, F.S., to allow a permanently and totally disabled veteran, as determined by the USDVA or any branch of the United States Armed Forces, to provide a VAFL 27-333 issued within the last 12 months in lieu of the certificate of disability in order to renew or replace a disabled parking permit.

Currently, when applying for a disabled parking permit all applicants must provide a certificate of disability. The bill repeals s. 320.0848(2)(d), F.S., which reiterates that a disabled veteran must also provide a certificate of disability when applying for a disabled parking permit.

The bill provides an effective date of July 1, 2015.

⁹ 38 C.F.R. s. 4-1 (1976).

¹⁰ The USDVA determines the disability level for an eligible veteran, and Congress sets the compensation rates for veterans based on ratings. Congressional Budget Office, *Veterans' Disability Compensation: Trends and Policy Options*, (August 2014), p. 7, available at http://www.cbo.gov/sites/default/files/45615-VADisability_2.pdf (last visited on Feb. 16, 2015).

¹¹ See 38 C.F.R. s. 3-340 (1981).

¹² 38 C.F.R. s. 3-340(a)(1) (1981).

¹³ Specifically, a permanent total disability is the permanent loss or loss of use of both hands, both feet, one hand and one foot, or the sight of both eyes, or becoming permanently helpless or bedridden. Diseases and injuries which are totally incapacitating are regarded as permanently and totally disabling when the probability of permanent improvement under treatment is unlikely. 38 C.F.R. s. 3-340(b) (1981).

¹⁴ The USDVA is authorized to reexamine veterans at any time to ensure that the disability is accurately rated. 38 C.F.R. s. 3-327(a) (1995).

¹⁵ Email from Douglas Walton, Executive Assistant, Benefits and Assistance Division, Florida Department of Veterans Affairs (Feb. 2, 2015) (on file with the Senate Committee on Transportation).

¹⁶ *Id.*

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 DHSMV estimates \$4,000 in programming costs to update original, renewal, and replacement permit application forms to comply with the provisions in the bill. According to DHSMV, this cost can be absorbed within existing resources.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill amends section 320.0848 of the Florida Statutes.

¹⁷ DHSMV 2015 Agency Legislative Bill Analysis, SB 132 (Dec. 15, 2014).

IX. 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 February 5, 2014:

The CS modifies the bill by:

- Requiring a permanently and totally disabled veteran who is not providing a certificate of disability, to renew a disabled parking permit by providing a VAFL 27-333, or its equivalent, issued within the last 12 months;
- Allowing a permanently and totally disabled veteran to provide a VAFL 27-333, or its equivalent, issued within the last 12 months for a disabled parking permit replacement; and
- Deleting paragraph (2)(d) of s. 320.0848, F.S., as it is no longer needed.

- B. **Amendments:**

None.