

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 Transportation

BILL: CS/SB 132

INTRODUCER: Transportation Committee and Senators Joyner and Dean

SUBJECT: Disabled Parking Permits

DATE: February 5, 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>FP</u>	_____

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.

II. Present Situation:

Disabled Parking Permits

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for a period of up to four 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 six months. A fee may be charged for the permit. However, no person may be charged a fee more frequently than once every 12 months. An applicant for a disabled parking permit must submit either in person or by mail an application and certificate of disability to their local tax collector.

The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number

along with a warning that the applicant must have such identification at all times while using the parking permit.

A person applying for a disabled parking permit 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, or without the assistance of another person;
- 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 Statute. 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 placard issued.

To renew a long-term disabled parking permit, the permit holder is required to recertify his or her eligibility for the permit by providing a certificate of disability issued within the last 12 months. Recertification of a disability is also required when obtaining a replacement for a disabled parking permit that has been lost or stolen. Long-term disabled parking permits do not require a renewal fee and the fee for obtaining a replacement permit is \$1.

Service-Disabled Veterans

The U.S. Department of Veterans Affairs (USDVA) assigns disability ratings to veterans who suffer from service-related injuries and seek USDVA benefits. A veteran's disability rating ranges from 0-percent to 100-percent and is illustrative of the severity and impact of the injury or injuries suffered by the individual. The USDVA's rating schedule is intended to reflect the average losses in earning stemming from certain medical conditions.¹ The USDVA determines the disability level for an eligible veteran, and Congress sets the compensation rates for veterans based on ratings.

In some cases, the degree of a veteran's service-connected disability is determined to be total and permanent. A total disability (100 percent) is one where there is present any impairment of mind

¹ Congressional Budget Office. Veterans' Disability Compensation: Trends and Policy Options. August 2014. Available at: http://www.cbo.gov/sites/default/files/45615-VADisability_2.pdf

or body which is sufficient to render it impossible for the average person to follow substantially gainful occupation.² The disability is classified as permanent and total when the total disability is reasonably certain to continue throughout the life of the disabled person.³ Federal law identifies a permanent total veteran disability as the permanent loss or loss of use of both hands, or of both feet, or of one hand and one foot, or of the sight of both eyes, or becoming permanently helpless or bedridden.⁴ Further, diseases and injuries which are totally incapacitating are regarded as permanently and totally disabling when the probability of permanent improvement under treatment is remote.⁵

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.⁶ The USDVA is authorized to reexamine veterans receiving compensation benefits at any time, with some exceptions. These exceptions include, among others, a disability that is established as static and in cases of veterans over the age of 55.⁷

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

According to the Florida Department of Veterans Affairs, the USDVA issues the VAFL 27-333 to a veteran to certify the veteran is “permanently and totally” disabled due to a service-connected disability.⁸ 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.⁹

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.

The bill deletes paragraph (2)(d) from s. 320.0848, F.S., as it is no longer needed.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

² 38 C.F.R. s. 3-340(a)(1)

³ 38 C.F.R. s. 3-340(b)

⁴ *Id.*

⁵ *Id.*

⁶ 38 C.F.R. s. 3-327(a)

⁷ *Id.*

⁸ 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)

⁹ *Id.*

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 with existing resources.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 320.0848 of the Florida Statutes.

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;

¹⁰ DHSMV Agency Analysis. 2015 Regular Session, HB 51. (Identical to SB 132)

- 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.

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