

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 235 Parking for Disabled Veterans

**SPONSOR(S):** Roberson and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 222

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	11 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee	13 Y, 0 N	Whittaker	Pitts

### SUMMARY ANALYSIS

The bill clarifies that the exemption for a state, county, municipality, or any agency thereof to not charge a parking fee, only applies when the vehicle is transporting the person who has a disability and to whom the disabled parking permit or disabled license plate was issued.

A provision is removed by the bill allowing an airport that owns, operates, or leases parking facilities, or any other parking facility, used for the purpose of air travel, to charge for parking a vehicle displaying a:

- Disabled Veteran license plate;
- Disabled Veteran license plate stamped with the international wheelchair symbol; or
- Paralyzed Veterans of America license plate.

The bill provides that the governing body of each publicly owned or publicly operated airport must grant free parking to a vehicle displaying a:

- Disabled Veterans license plate;
- Disabled Veteran license plate stamped with the international wheelchair symbol; or
- Paralyzed Veterans of America license plate.

The bill also adds vehicles displaying the Disabled Veteran license plate stamped with the international wheelchair symbol or the Paralyzed Veterans of America license plate to the list of vehicles that *may not* be charged for parking by a county, municipality, or any agency thereof, in a facility or lot that provides timed parking spaces outside of certain conditions.

The bill does not appear to have an impact on state funds, but may have a negative but indeterminate fiscal impact on local governments' revenues.

The county/municipality mandates provision of Article VII, section 18, of the Florida Constitution may apply to this bill. The bill may reduce the authority of counties and municipalities to raise revenues because it prohibits counties or municipalities as well as the governing body of each publicly owned or operated airport from charging for parking for vehicles displaying certain types of licenses plates. However, an exemption may apply if the bill has an insignificant fiscal impact on counties and municipalities. If no exemption applies and the bill qualifies as a mandate, final passage must be approved by a two-thirds vote of the membership of each house of the Legislature.

An effective date of July 1, 2016 is provided in the bill.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### **Parking Fee Exemptions for the Disabled**

A state agency, county, municipality, or any agency thereof, may not charge a fee for parking on the public streets or highways or in any metered parking spaces if the vehicle displays any of the following disabled parking permits or disabled license plates:

- out of state or out of country disabled license plate or disabled parking permit as recognized under s. 316.1958, F.S.;
- disabled parking permit issued under s. 320.0848, F.S.;
- Disabled Veteran license plate issued under s. 320.084, F.S.;
- Disabled Veteran license plate stamped with the international wheelchair symbol issued under s. 320.0842, F.S.;
- license plate stamped with the international wheelchair user symbol issued under s. 320.0843, F.S.; or
- Paralyzed Veterans of America license plate issued under s. 320.0845, F.S.

This only applies when the vehicle is transporting the person who has the disability and to whom the disabled parking permit or license plate was issued.<sup>1</sup>

When an on-street parking meter restricts the duration of time that a vehicle may be parked, a vehicle properly displaying a disabled parking permit is allowed a maximum of four hours at no charge. However, local governments may extend such time by local ordinance.<sup>2</sup>

The driver of a vehicle, as provided above, that is parked on the public streets or highways or in any metered parking space may not be penalized except in clearly defined:

- bus loading zones;
- fire zones;
- access aisles adjacent to the parking spaces for persons who have disabilities;
- areas posted as “No Parking” zones or as emergency vehicle zones; or
- for parking in excess of the posted time limit.<sup>3</sup>

A parking facility that restricts the number of consecutive days that a vehicle may be parked can impose the same restriction on a vehicle that displays a disabled parking permit.<sup>4</sup>

##### **Exceptions to Parking Fee Exemptions**

Several exceptions are provided in current law for when a parking fee may be charged to a vehicle displaying a disabled parking permit or a disabled license plate.

A parking fee may be charged when a state, county, or municipal parking facility or lot is being used for an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium.<sup>5</sup>

A parking fee may be charged in a parking facility that leases a parking space for more than one week.<sup>6</sup>

A parking fee may be charged by an airport that owns, operates, or leases parking facilities, or any other parking facilities that are used for air travel to vehicles displaying:

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

<sup>2</sup> s. 316.1964(5), F.S.

<sup>3</sup> s. 316.1964(2), F.S.

<sup>4</sup> s. 316.1964(4), F.S.

<sup>5</sup> s. 316.1964(3), F.S.

<sup>6</sup> s. 316.1964(6), F.S.

- a disabled parking permit;
- an out of state or out of country disabled license plate or disabled parking permit;
- a Disabled Veteran license plate;
- a Disabled Veteran license plate stamped with the international wheelchair symbol;
- a license plate stamped with the international wheelchair symbol; or
- a Paralyzed Veterans of America license plate.

However, the governing body of each publicly owned or publicly operated airport must grant free parking for a vehicle with specialized equipment, such as a ramp, lift, or foot or hand controls for utilization by a person who has a disability or whose vehicle displays the Florida Toll Exemption permit.<sup>7</sup>

A parking fee may be charged by a county, municipality, or any agency thereof, to any vehicle that displays a disabled parking permit for parking in a facility, or lot that provides timed parking spaces. However, any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, vehicles displaying the Disabled Veteran “DV” license plate issued under s. 320.084, F.S., or a Florida Toll Exemption permit are exempt from any parking fees.<sup>8</sup>

### **Disabled Veterans License Plate**

To become eligible for one free Disabled Veterans license plate displaying a “DV” designation, a veteran must have been a Florida resident for the preceding five years or has established a domicile in the state, and have been honorably discharged from the U.S. Armed Forces upon application, accompanied by proof that:

- a vehicle was initially acquired through financial assistance by the U.S. Department of Veterans Affairs or its predecessor specifically for the purchase of an automobile;
- the applicant has been determined by the U.S. Department of Veterans Affairs or the predecessor to have a service-connected 100% disability rating for compensation; or
- the applicant has been determined to have a service-connected disability rating of 100% and is in receipt of disability retirement pay from any branch of the U.S. Armed Forces.<sup>9</sup>

Currently, there are 41,435 active Disabled Veteran license plates in Florida.<sup>10</sup>

### **Disabled Veterans License Plate with the International Wheelchair Symbol**

If a disabled veteran is eligible for the Disabled Veteran license plate and offers proof that, due to the service-connected disability, he or she permanently uses a wheelchair then that veteran is eligible for a free license plate that displays the international symbol of accessibility. This plate is similar in all respects to the Disabled Veteran license plate except the “DV” designation is replaced by the international symbol of accessibility.<sup>11</sup>

Currently, there are 11,509 active Disabled Veteran Wheelchair license plates in Florida.<sup>12</sup>

### **Paralyzed Veterans of America License plate**

Anyone who owns or leases a vehicle that resides in Florida and is a member of the Paralyzed Veterans of America can apply for a Paralyzed Veterans of America license plate, by paying the appropriate fees along with proof of membership.<sup>13</sup>

To become a member of the Paralyzed Veterans of America, an individual must:

- be a citizen of the United States;
- a veteran of the U.S. Armed Forces whose discharge was other than dishonorable; and

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

<sup>8</sup> s. 316.1964(8), F.S.

<sup>9</sup> s. 320.084(1), F.S.

<sup>10</sup> Email from the Department of Highway Safety and Motor Vehicles on file with the Economic Affairs Committee.

<sup>11</sup> s. 320.0842, F.S.

<sup>12</sup> DHSMV Email, *supra* note 10.

<sup>13</sup> s. 320.0845, F.S.

- have suffered a spinal cord injury as a result of trauma or disease, which results in paralysis of more than one limb (the injury or disease onset could have occurred after discharge/retirement from military service).<sup>14</sup>

Currently, there are 59 active Paralyzed Veterans of America license plates in Florida.<sup>15</sup>

### **Effect of Proposed Changes**

The bill clarifies that the exemption for a state, county, municipality, or any agency thereof to not charge a parking fee, only applies when the vehicle is transporting the person who has a disability and to whom the disabled parking permit or disabled license plate was issued.

The bill removes a provision that allows an airport that owns, operates, or leases parking facilities, or any other parking facility, used for the purpose of air travel, to charge for parking a vehicle displaying a:

- Disabled Veteran license plate;
- Disabled Veteran license plate stamped with the international wheelchair symbol; or
- Paralyzed Veterans of America license plate.

The bill provides that the governing body of each publicly owned or publicly operated airport must grant free parking to a vehicle displaying a:

- Disabled Veterans license plate;
- Disabled Veteran license plate stamped with the international wheelchair symbol; or
- Paralyzed Veterans of America license plate.

The bill also adds vehicles displaying the Disabled Veteran license plate stamped with the international wheelchair symbol or the Paralyzed Veterans of America license plate to the list of vehicles that may not be charged for parking by a county, municipality, or any agency thereof, in a facility or lot that provides timed parking spaces outside of certain conditions.

#### **B. SECTION DIRECTORY:**

Section 1: Amends s. 316.1964, F.S., requiring the governing body of each publicly owned or publicly operated airport to grant free parking to any vehicle displaying specified license plates for disabled veterans; clarifying that such license plates, rather than “DV” license plates, are exempt from certain parking fees charged by a county, municipality, or an agency thereof; making technical changes.

Section 2: Provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None

##### **2. Expenditures:**

None

<sup>14</sup> Paralyzed Veterans of America, *Membership Information*,

[http://www.pva.org/site/c.ajIRK9NJLcJ2E/b.6305541/k.57F9/Membership\\_Information.htm](http://www.pva.org/site/c.ajIRK9NJLcJ2E/b.6305541/k.57F9/Membership_Information.htm) (last visited October 9, 2015)

<sup>15</sup> DHSMV Email, *supra* note 10.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill could have a negative but indeterminate fiscal impact on local governments' revenues. Given the provisions of this bill, there are a total of 53,003 individuals who possess plates that would allow them to park at publicly owned or operated airports, without paying a parking fee. Additionally, those individuals would be allowed to park in parking lots and facilities owned by counties, municipalities, or agencies thereof, without paying a parking fee. The fee schedules for the various lots and facilities vary throughout the state and the total number of individuals who could take advantage of the new provisions cannot be quantified.

2. Expenditures:

None

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

A vehicle displaying a disabled veterans license plate, disabled veteran license plate stamped with the international wheelchair symbol, or Paralyzed Veterans of America license plate may not be charged for parking in an airport facility and may not be charged a fee for parking in a county or municipality parking facility or lot that provides timed parking spaces outside of certain conditions.

**D. FISCAL COMMENTS:**

None

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Article VII, section 18, of the Florida Constitution may apply to this bill. The bill may reduce the authority of counties and municipalities to raise revenues because it prohibits counties or municipalities as well as the governing body of each publicly owned or operated airport from charging for parking for vehicles displaying certain types of license plates. However, an exemption may apply if the bill has an insignificant fiscal impact on counties and municipalities. If no exemption applies and the bill qualifies as a mandate, final passage must be approved by a two-thirds vote of the membership of each house of the Legislature.

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

None

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None