

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 51 Disabled Parking Permits

SPONSOR(S): Murphy

TIED BILLS: **IDEN./SIM. BILLS:** SB 132

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill prohibits the Department of Highway Safety and Motor Vehicles from requiring a veteran previously evaluated and certified by the United States Department of Veterans Affairs as permanently and totally disabled from a service connected disability to resubmit a certificate of disability in order to renew his or her disabled parking permit.

The bill has a negative, but insignificant impact on state funds.

The bill will take effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Disabled Parking Permits

Section 320.0848 authorizes the Department of Highway Safety and Motor Vehicles or its authorized agents, upon application and payment, to issue a disabled parking permit, valid for up to four years in which the period ends on the applicant's birthday, to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed six months, if a temporary mobility impairment exists. No person is required to pay a fee for a parking permit for disabled persons more than once in a 12-month period.

A person applying for a disabled parking permit must be currently certified as being legally blind or as having any of the following disabilities that render him or her unable to walk 200 feet without stopping to rest:

- The inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person.
- The need to permanently use a wheelchair.
- Restriction by lung disease as measured within specified limits.
- The use of portable oxygen.
- Restriction by cardiac condition when classified in severity as Class III or Class IV.
- The severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification of disability must be provided by a licensed 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. Provisions are also provided for certification by similarly-licensed physicians from other states. The certification must include:

- The disability of the applicant.
- The certifying practitioner's name, address, and certification number.
- The eligibility criteria for the permit.
- The penalty for falsification by either the certifying practitioner or the applicant.
- The duration of the condition that entitles the person to the permit.
- The statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility."
- The signatures of the certifying physician, the applicant, and the authorized department employee who is processing the application.

To renew a long-term disabled parking permit, the permit holder is required to recertify her or her eligibility 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.

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and is usually hung from the rear-view mirror. Each side of the placard has the international symbol of accessibility in a contrasting color in the center so as to be visible on each side of the parking placard. On one side of the placard is the applicant's driver license number or state identification card number and a warning that the applicant must have such identification at all times while using the placard, and on the other side is the month and year of expiration. Validation stickers must be of the size specified

by the department and be affixed to the disabled parking permits. The disabled parking permits use the same color (lemon yellow) decal as license plate validations.

The department may not issue an additional disabled parking permit unless the applicant states that he or she is a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization under certain conditions.

Permanent Total Disability Rating

The ability to overcome the handicap of disability varies widely among individuals. The rating, however, is based primarily upon the average impairment in earning capacity, that is, upon the economic or industrial handicap which must be overcome and not from individual success in overcoming it.

However, full consideration must be given to unusual physical or mental effects in individual cases, to peculiar effects of occupational activities, to defects in physical or mental endowment preventing the usual amount of success in overcoming the handicap of disability and to the effect of combinations of disability. Total disability will be considered to exist when there is present any impairment of mind or body which is sufficient to render it impossible for the average person to follow a substantially gainful occupation; provided that permanent total disability shall be taken to exist when the impairment is reasonably certain to continue throughout the life of the disabled person. The following will be considered to be permanent total disability:

- the permanent loss of the use of both hands;
- the permanent loss of the use of both feet;
- the permanent loss of the use of one hand and one foot;
- the permanent loss of the sight of both eyes; or
- becoming permanently helpless or permanently bedridden.¹

Service Connected Disability

The United States Department of Veterans Affairs defines a “service connected disability” as veterans who are disabled by an injury or illness that was incurred or aggravated during active military service.²

Veterans and Service members must be determined eligible to receive compensation for permanent and total service-connected disability due to one of the following:

- The loss, or loss of use of both lower extremities, which so affects the functions of balance or propulsion to preclude ambulating without the aid of braces, crutches, canes or a wheelchair.
- The loss, or loss of use of both upper extremities at or above the elbow.
- Blindness in both eyes, having only light perception, plus loss or loss of use of one lower extremity.
- The loss, or loss of use of one lower extremity together with either residuals of organic disease or injury, or the loss, or loss of use of one upper extremity which so affects the functions of balance or propulsion as to preclude locomotion without the use of braces, canes, crutches or a wheelchair.
- Severe burn injuries, which are defined as full thickness or subdermal burns that have resulted in contractures with limitation of motion of two or more extremities or of at least one extremity and the trunk.
- The loss, or loss of use of one or more lower extremities due to service on or after Sept. 11, 2001, which so affects the functions of balance or propulsion as to preclude ambulating without the aid of braces, crutches, canes, or a wheelchair.³

¹ http://www.ecfr.gov/cgi-bin/text-idx?SID=4a2fb98e3f523491f7ef4f734c8ece1c&node=se38.1.4_115&rgn=div8 (last viewed 12/31/14)

² www.va.gov/vetdata/Glossary.asp (last viewed 12/31/14)

³ http://www.va.gov/opa/publications/benefits_book/benefits_chap02.asp (last viewed 12/31/14)

Proposed Changes:

This bill prohibits the Department of Highway Safety and Motor Vehicles from requiring a veteran previously evaluated and certified by the United States Department of Veterans Affairs as permanently and totally disabled from a service connected disability to resubmit a certificate of disability in order to renew his or her disabled parking permit.

B. SECTION DIRECTORY:

Section 1 Amends s. 322.0848, F.S., related to persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.

Section 2 Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has a negative, but insignificant impact on state funds.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise

revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES