

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 51 Disabled Parking Permits
SPONSOR(S): Highway & Waterway Safety Subcommittee and Murphy
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 132

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	11 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	12 Y, 0 N	Davis	Davis
3) Economic Affairs Committee		Whittaker	Creamer

SUMMARY ANALYSIS

The bill authorizes that a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew or replace his or her disabled parking permit.

The bill has an insignificant, negative impact on state trust funds associated with department programming costs.

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, F.S., 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 his 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 Servicemembers 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 U.S. Government Publishing Office, *Electronic Code of Federal Regulations*, http://www.ecfr.gov/cgi-bin/text-idx?SID=4a2fb98e3f523491f7ef4f734c8ece1c&node=se38.1.4_115&rgn=div8 (last viewed 12/31/14)

² United States Department of Veterans Affairs, *Glossary*, www.va.gov/vetdata/Glossary.asp (last viewed 12/31/14)

³ U.S. Department of Veterans Affairs, *Office of Public and Intergovernmental Affairs*, http://www.va.gov/opa/publications/benefits_book/benefits_chap02.asp (last viewed 12/31/14)

United States Department of Veterans Affairs Form Letter 27-333

The VAFL 27-333 letter is issued by the United States Department of Veterans Affairs certifying that a veteran is "totally and permanently" disabled due to a service-connected disability and is a form acceptable by a property appraiser in determining the eligibility of a veteran for the exemption afforded by s. 196.081(1), Florida Statutes.⁴

Proposed Changes:

The bill amends s. 320.0848(1)(d), F.S., authorizing a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew his or her disabled parking permit.

This bill amends s. 320.0848(2)(d) and (e), F.S., authorizing a veteran who has been previously evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability in order to replace his or her disabled parking permit.

B. SECTION DIRECTORY:

- Section 1 Amends s. 320.0848, F.S., authorizing veterans to provide the Department of Highway Safety and Motor Vehicles with alternative documentation for renewal or replacement of a disabled parking permit.
- 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 an insignificant, negative impact on state trust funds associated with department programming costs. The department indicates these costs, approximately \$4,000, would be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

⁴ Florida Office of the Attorney General, *Advisory Legal Opinion – AGO 2012-16*, <http://www.myfloridalegal.com/ago.nsf/Opinions/9C9FEA065D3722EB852579EB007504A4> (last viewed 2/4/15)

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

On February 4, 2015, The Highway & Waterway Safety Subcommittee adopted one amendment to HB 51 and reported the bill favorably as a committee substitute. The amendment provided:

- Authorizing a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew or replace his or her disabled parking permit.

This analysis is drafted to the committee substitute as reported by the Highway & Waterway Safety Subcommittee.