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# **ECONOMIC AFFAIRS COMMITTEE**

## **MEETING PACKET**

**Thursday, December 3, 2015  
9:00 AM – 11:00 AM  
Reed Hall (102 HOB)**

**Steve Crisafulli  
Speaker**

**Jose Oliva  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Economic Affairs Committee

**Start Date and Time:** Thursday, December 03, 2015 09:00 am  
**End Date and Time:** Thursday, December 03, 2015 11:00 am  
**Location:** Reed Hall (102 HOB)  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 227 Specialty License Plates/Sun Sea Smiles by Rogers  
HB 235 Parking for Disabled Veterans by Roberson, K.

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Wednesday, December 2, 2015.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, December 2, 2015.

**NOTICE FINALIZED on 11/24/2015 1:05PM by Manning.Karen**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 227 Specialty License Plates/Sun Sea Smiles  
**SPONSOR(S):** Rogers  
**TIED BILLS:** IDEN./SIM. BILLS: SB 278

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

### SUMMARY ANALYSIS

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate designated as the Sun Sea Smiles license plate, with an annual use fee of \$25 to be distributed as follows:

- Five percent shall be distributed to the Florida Caribbean Charitable Foundation, Inc., strictly for marketing of the Sun Sea Smiles license plate.
- Thirty percent shall be distributed to the Florida Caribbean Charitable Foundation, Inc., and of this amount, up to five percent may be used for administrative expenses, and the remainder shall be used as follows:
  - Sixty percent shall be used for a college scholarship program.
  - Fifteen percent shall be used to promote health and wellness among Florida residents of Caribbean descent.
  - Twenty-five percent shall be used to promote awareness of Caribbean culture within the state.
- Twenty percent shall be distributed to the American Friends of Jamaica, Inc., a charitable, not for profit organization under s. 501 (c)(3) of the Internal Revenue Code registered with the Department of Agriculture and Consumer Services and incorporated in New York, for use as grants to promote social and community development among Florida residents. Of this amount, up to five percent may be used for administrative and marketing expenses.
- Ten percent shall be distributed to Haitian Neighborhood Center Sant La, Inc. to promote social and community development. Of this amount, up to five percent may be used for administrative expenses.
- Ten percent shall be distributed to Fanm Ayisyen Nan Miyami, Inc., to promote social and community development. Of this amount, up to 10 percent may be used for administrative expenses.
- Twenty percent shall be distributed to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state. Of this amount, up to five percent may be used for administrative expenses.
- Five percent shall be distributed to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state. Of this amount, up to five percent may be used for administrative expenses.

The new plate will display the word "Florida" at the top of the plate and the words "Sun Sea Smiles" at the bottom of the plate.

The bill authorizes the DHSMV to retain all annual use fees from the sale of Sun Sea Smiles specialty license plate until all startup costs for developing and issuing the plate have been recovered.

According to DHSMV, the bill will have a negative but insignificant fiscal impact to state expenditures. See fiscal comments.

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

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0227d.EAC.DOCX

DATE: 11/17/2015

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Specialty License Plates in General**

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and ten Florida collegiate plates. Today, there are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically \$25 annually.<sup>1</sup> The collected fees are distributed by the DHSMV to statutorily designated organizations in support of a particular cause or charity. Vehicles registered under the International Registration Plan, a commercial truck required to display two license plates, or truck tractors are not eligible for specialty license plates<sup>2</sup>.

Only the Legislature may create new specialty license plates. If a specialty license plate is created by law, the following requirements must then be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.
- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.

DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations falls below 1,000 plates (does not apply to collegiate license plates).<sup>3</sup>

Organizations in receipt of specialty license plate revenue must adhere to certain accountability requirements found in statute. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable statutes.<sup>4</sup>

A moratorium on the issuance of specialty license plates was imposed by lawmakers in 2008, originally set to expire in 2011; it has been extended to July 1, 2016.<sup>5</sup>

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<sup>1</sup> Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Sept. 15, 2015).

<sup>2</sup> s. 320.08056(2), F.S.

<sup>3</sup> s. 320.08056 (8)(a), F.S.

<sup>4</sup> s. 320.08062, F. S.

<sup>5</sup> Ch. 2008-176, Laws of Fla., as amended by Ch. 2010-223 and Ch. 2014-216, Laws of Fla.

## **Effect of Proposed Changes**

### **Sun Sea Smiles Specialty License Plate**

The bill directs the DHSMV to create a new specialty license plate designated as the Sun Sea Smiles license plate, with an annual use fee of \$25 to be distributed as follows:

- Five percent shall be distributed to the Florida Caribbean Charitable Foundation, Inc., strictly for marketing of the Sun Sea Smiles license plate.
- Thirty percent shall be distributed to the Florida Caribbean Charitable Foundation, Inc. and of this amount, up to five percent may be used for administrative expenses, and the remainder shall be used as follows:
  - Sixty percent shall be used for a college scholarship program;
  - Fifteen percent shall be used to promote health and wellness among Florida residents of Caribbean descent; and
  - Twenty-five percent shall be used to promote awareness of Caribbean culture within the state.
- Twenty percent shall be distributed to the American Friends of Jamaica, Inc., a charitable, not for profit organization under s. 501 (c)(3) of the Internal Revenue Code registered with the Department of Agriculture and Consumer Services and incorporated in New York, for use as grants to promote social and community development among Florida residents. Of this amount, up to five percent may be used for administrative and marketing expenses.
- Ten percent shall be distributed to Haitian Neighborhood Center Sant La, Inc. to promote social and community development. Of this amount, up to five percent may be used for administrative expenses.
- Ten percent shall be distributed to Fanm Ayisyen Nan Miyami, Inc., to promote social and community development. Of this amount, up to 10 percent may be used for administrative expenses.
- Twenty percent shall be distributed to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state. Of this amount, up to five percent may be used for administrative expenses.
- Five percent shall be distributed to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state. Of this amount, up to five percent may be used for administrative expenses.

The new plate will display the word "Florida" at the top of the plate, and the words "Sun Sea Smiles" at the bottom of the plate.

The bill authorizes the DHSMV to retain all annual use fees from the sale of Sun Sea Smiles specialty license plate until all startup costs for developing and issuing the plate have been recovered.

### **Receiving Organizations: Florida Caribbean, Haitian, and Jamaican Organizations**

*The Florida Caribbean Charitable Foundation, Inc.*, is a civic and social organization, located in North Miami Beach and established in 2007.<sup>6</sup>

*American Friends of Jamaica, Inc.*, founded in 1982, is a non-profit organization dedicated to supporting Jamaican charitable organizations and social initiatives targeted at improving the lives of Jamaicans through systematic development in the areas of education, healthcare, and economic development.<sup>7</sup>

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<sup>6</sup> The Florida Caribbean Charitable Foundation, Inc., <http://www.manta.com/c/mt9ny6n/florida-caribbean-charitable-foundation-inc> (last visited Nov. 6, 2015)

<sup>7</sup> The American Friends of Jamaica, *Our Mission & Vision*, <http://www.theamericanfriendsofjamaica.org/about/mission.html> (last visited Oct. 8, 2015).

*The mission of Haitian Neighborhood Center Sant La, Inc., is to empower, strengthen, and stabilize South Florida's Haitian community, through access for free services and resources, to ensure its successful integration.*<sup>8</sup>

*Fanm Ayisyen Nan Miyami, Inc., has a mission to empower Haitian women and their families socially, politically, and facilitate their adjustments to South Florida. The organization has provided counseling, outreach, education, and access to care and advocacy service to low and moderate-income families and children for the last 16 years.*<sup>9</sup>

*The Greater Caribbean American Cultural Coalition, Inc., is an umbrella organization serving the Caribbean people and other members of the community, by bringing together the various Caribbean countries and islands, and their rich cultural heritage. The coalition's mission is to enrich the cultural environment of the Caribbean people and other members of the community by fostering multicultural understanding through an appreciation of Caribbean cultures.*<sup>10</sup>

*Little Haiti Optimist Foundation, Inc., is a non-profit organization established in 2010 by a group of business, community and civic leaders to provide programs to the youth of Little Haiti. The mission is to make a difference in the lives of youth by providing education, mentorship, athletics, arts and cultural programming.*<sup>11</sup>

## B. SECTION DIRECTORY:

**Section 1** Amends s. 320.08056, F.S., establishing an annual use fee of \$25 for the Sun Sea Smiles specialty license plate.

**Section 2** Amends s. 320.08058, F.S., directing the Department of Highway Safety and Motor Vehicles to create a Sun Sea Smiles specialty license plate and provides for the distribution of the annual use fees collected.

**Section 3** Provides an effective date of October 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill authorizes DHSMV to retain the annual use fees until the startup costs have been recovered.

#### 2. Expenditures:

DHSMV estimates 244 programming hours would be required for implementation of a new specialty license plate, exclusive of planning and testing time. The 244 programming hours is estimated to

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<sup>8</sup> Haitian Neighborhood Center Sant La, *Mission and Vision*, [http://santla.org/index.php?option=com\\_content&view=article&id=32:about-us&catid=16:sant-la-articles&Itemid=165](http://santla.org/index.php?option=com_content&view=article&id=32:about-us&catid=16:sant-la-articles&Itemid=165) (last visited Oct. 8, 2015).

<sup>9</sup> Fanm Ayisyen nan Miyami, *About*, <http://www.fanm.org/index.php?page=About> (last visited Oct. 8, 2015).

<sup>10</sup> Unifest, *About GCACC*, <http://unifestlive.com/about-gcacc/> (last visited Oct. 8, 2015).

<sup>11</sup> Little Haiti Optimist Club, *Welcome*, <http://www.littlehaitioptimist.org/> (last visited Oct. 8, 2015).

have a fiscal impact of \$12,760 in FTE and contracted resources. (194 hours @ \$40/hour plus 50 hours @ \$100/hour).<sup>12</sup> This impact is insignificant and can be absorbed within existing resources.

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

1. Revenues:

None

2. Expenditures:

None

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

Revenue generated from the sale of the Sun Sea Smiles specialty license plate would be distributed to the various organizations designated in statute.

**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**

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<sup>12</sup> Department of Highway Safety and Motor Vehicles, Agency Analysis of 2016 House Bill 227, p.5 (Sept. 15, 2015) on file with the Economic Affairs Committee.

1                                   A bill to be entitled  
 2           An act relating to specialty license plates; amending  
 3           ss. 320.08056 and 320.08058, F.S.; directing the  
 4           Department of Highway Safety and Motor Vehicles to  
 5           develop a Sun Sea Smiles license plate; establishing  
 6           an annual use fee for the plate; providing for  
 7           distribution and use of fees collected from the sale  
 8           of the plates; providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Paragraph (ffff) is added to subsection (4) of  
 13           section 320.08056, Florida Statutes, to read:

14           320.08056 Specialty license plates.—

15           (4) The following license plate annual use fees shall be  
 16           collected for the appropriate specialty license plates:

17           (ffff) Sun Sea Smiles license plate, \$25.

18           Section 2. Subsection (84) is added to section 320.08058,  
 19           Florida Statutes, to read:

20           320.08058 Specialty license plates.—

21           (84) SUN SEA SMILES LICENSE PLATES.—

22           (a) Notwithstanding s. 320.08053, the department shall  
 23           develop a Sun Sea Smiles license plate as provided in this  
 24           section. The plate must bear the colors and design approved by  
 25           the department. The word "Florida" must appear at the top of the  
 26           plate, and the words "Sun Sea Smiles" must appear at the bottom

27 | of the plate.

28 |       (b) The department shall retain all annual use fees from  
 29 | the sale of such plates until all startup costs for developing  
 30 | and issuing the plates have been recovered. Thereafter, the  
 31 | annual use fees from the sale of the plate shall be distributed  
 32 | as follows:

33 |       1. Five percent shall be distributed to the Florida  
 34 | Caribbean Charitable Foundation, Inc., strictly for marketing of  
 35 | the Sun Sea Smiles license plate.

36 |       2. Thirty percent shall be distributed to the Florida  
 37 | Caribbean Charitable Foundation, Inc. Of this amount, up to 5  
 38 | percent may be used for administrative expenses, and the  
 39 | remainder shall be used as follows:

40 |       a. Sixty percent shall be used for a college scholarship  
 41 | program.

42 |       b. Fifteen percent shall be used to promote health and  
 43 | wellness among Florida residents of Caribbean descent.

44 |       c. Twenty-five percent shall be used to promote awareness  
 45 | of Caribbean culture within the state.

46 |       3. Twenty percent shall be distributed to the American  
 47 | Friends of Jamaica, Inc., a charitable, not-for-profit  
 48 | organization under s. 501(c)(3) of the Internal Revenue Code  
 49 | registered with the Department of Agriculture and Consumer  
 50 | Services and incorporated in New York, for use as grants to  
 51 | promote social and community development among Florida

52 residents. Of this amount, up to 5 percent may be used for  
 53 administrative and marketing expenses.

54 4. Ten percent shall be distributed to Haitian  
 55 Neighborhood Center Sant La, Inc., to promote social and  
 56 community development. Of this amount, up to 5 percent may be  
 57 used for administrative expenses.

58 5. Ten percent shall be distributed to Fanm Ayisyen Nan  
 59 Miyami, Inc., to promote social and community development. Of  
 60 this amount, up to 10 percent may be used for administrative  
 61 expenses.

62 6. Twenty percent shall be distributed to Greater  
 63 Caribbean American Cultural Coalition, Inc., to promote  
 64 awareness of Caribbean culture within the state. Of this amount,  
 65 up to 5 percent may be used for administrative expenses.

66 7. Five percent shall be distributed to Little Haiti  
 67 Optimist Foundation, Inc., to promote awareness of Caribbean  
 68 culture and youth development within the state. Of this amount,  
 69 up to 5 percent may be used for administrative expenses.

70 Section 3. This act shall take effect October 1, 2016.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Economic Affairs Committee  
2 Representative Rogers offered the following:

**Amendment**

5 Remove lines 22-32 and insert:

6 (a)The department shall develop a Sun Sea Smiles license  
7 plate as provided in this section. The plate must bear the  
8 colors and design approved by the department. The word "Florida"  
9 must appear at the top of the plate, and the words "Sun Sea  
10 Smiles" must appear at the bottom of the plate.

11 (b) The annual use fees from the sale of the plate shall be  
12 distributed as follows:



## 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		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>

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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 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:

- 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>

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<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.

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
- 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:**

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<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.

STORAGE NAME: h0235d.EAC.DOCX

DATE: 11/17/2015

1. Revenues:

None

2. Expenditures:

None

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**

1                                   A bill to be entitled  
 2           An act relating to parking for disabled veterans;  
 3           amending s. 316.1964, F.S.; requiring the governing  
 4           body of each publicly owned or publicly operated  
 5           airport to grant free parking to any vehicle  
 6           displaying specified license plates for disabled  
 7           veterans; clarifying that such license plates, rather  
 8           than "DV" license plates, are exempt from certain  
 9           parking fees charged by a county, municipality, or an  
 10          agency thereof; making technical changes; providing an  
 11          effective date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Subsections (1), (7), and (8) of section  
 16   316.1964, Florida Statutes, are amended to read:

17           316.1964 Exemption of vehicles transporting certain  
 18   persons who have disabilities from payment of parking fees and  
 19   penalties.—

20           (1) A state agency, county, municipality, or any agency  
 21   thereof, may not exact any fee for parking on the public streets  
 22   or highways or in any metered parking space from the driver of a  
 23   vehicle that displays:

24           (a) A disabled parking permit or a license plate issued  
 25   under s. 316.1958 or s. 320.0848; or

26           (b) A license plate issued under s. 320.084, s. 320.0842,

27 s. 320.0843, or s. 320.0845.

28

29 Such exemptions apply only if the vehicle is transporting the  
 30 person who has a disability and to whom the disabled parking  
 31 permit or license plate was issued.

32 (7) An airport that owns, operates, or leases parking  
 33 facilities, or any other parking facilities that are used for  
 34 the purpose of air travel, may charge for parking vehicles that  
 35 display a disabled parking permit or license tag issued under s.  
 36 316.1958, ~~s. 320.084, s. 320.0842,~~ s. 320.0843, ~~s. 320.0845,~~ or  
 37 s. 320.0848. However, the governing body of each publicly owned  
 38 or publicly operated airport must grant free parking to a ~~any~~  
 39 vehicle:

40 (a) Displaying a license plate for disabled veterans  
 41 issued under s. 320.084, s. 320.0842, or s. 320.0845;

42 (b) With specialized equipment, such as ramps, lifts, or  
 43 foot or hand controls, ~~or~~ for use ~~utilization~~ by a person who  
 44 has a disability; or

45 (c) ~~whose vehicle is~~ Displaying the Florida Toll Exemption  
 46 permit.

47 (8) Notwithstanding subsection (1), a county,  
 48 municipality, or any agency thereof may charge for parking in a  
 49 facility or lot that provides timed parking spaces any vehicle  
 50 that displays a disabled parking permit, except for a vehicle:  
 51 ~~that~~

52 (a) ~~any vehicle~~ With specialized equipment, such as ramps,

53 lifts, or foot or hand controls, for use by a person who has a  
 54 disability;~~7~~

55 (b) ~~or any vehicle that is~~ Displaying a the "DV" license  
 56 plate for disabled veterans issued under s. 320.084, s.  
 57 320.0842, or s. 320.0845; or

58 (c) Displaying the Florida Toll Exemption permit,~~is~~  
 59 ~~exempt from any parking fees.~~

60 Section 2. This act shall take effect July 1, 2016.