

Proposed changes to  
Rule 68A-9.008  
Permits for Physically Disabled



## Background

- Substantive changes to rule proposed at February Commission meeting:
  1. Delete “permanently required to use assisting aids to walk” language.
  2. Define “complete single-leg amputation” as above the knee.
  3. Add language confirming validity of permits issued prior to 7/1/08.
- Proposed changes withdrawn based on concern expressed by stakeholders.
- The Commission directed staff to seek stakeholder input and bring recommendations to a future meeting.



•Public comment at February Commission meeting focused on “assisting aids to walk” language. No comments or concerns were expressed with regard to “single-leg amputation” or “validity of permits” language.

•After the February Commission meeting, staff obtained stakeholder input as follows:

**Survey** mailed to all 600 registered mobility-impaired permit holders. 139 stakeholders responded.

**Public Workshop** notice published in Florida Administrative Weekly, posted on MyFWC website and copy mailed to survey participants. June 27 workshop hosted from Tallahassee and teleconferenced to five Regional Offices. Participants at every location (20 total).

## Survey and public meeting

- Stakeholder input received through a survey and public meeting provided the following:
  1. Delete “permanently required to use assisting aids to walk” language from rule.
    - 66% of survey participants opposed
    - 100% of meeting participants opposed
  2. Define “complete single-leg amputation” as above the knee.
    - Question not asked of survey participants
    - 100% of meeting participants supported
  3. Add language confirming validity of permits issued prior to 7/1/08.
    - 60% of survey participants opposed recertification
    - 100% of meeting participants opposed recertification or re-registration.



1. 100% of stakeholders at the meeting opposed removing “permanently required to use assisting aids to walk” criteria from the rule. Stakeholders expressed the following:

Concerned those using assisting aids may not realize they are eligible for the mobility hunt if the criteria is removed from rule.

Believed changing the rule too drastic a response to identify a few people who may be misrepresenting their mobility impairment.

Felt mobility impaired stakeholders should work to increase participation in mobility hunts and that eliminating the assisting aids language sends the opposite message.

The word “permanent” under the Americans With Disabilities Act (ADA) means the condition is reasonably expected to be irreversible; it does not mean a person requires assistive equipment 24 hours a day (Reference *Toyota v. Williams* case and *PGA Tour Inc. v Martin*, 532 U.S. 661,2001). Stakeholders pointed out someone unfamiliar with a hunter’s particular mobility impairment may mistakenly believe their permit was obtained fraudulently. For example, a person with Multiple Sclerosis may be in a wheelchair one week, walking without aids the next and then back in a wheelchair the next. The nature of some disabilities is the severity may change from day-to-day, but the underlying disability remains.

2. Clarification needed because agency staff periodically receive requests from physicians to define the term “complete single-leg amputation”. Mobility impaired permit holders with amputations below the knee will still qualify for the mobility-impaired hunt under the “assisting aids to walk” criteria.
3. The rule before the Commission in February proposed the following new language: “Certifications issued prior to July 1, 2008, will remain valid, unless obtained under false pretenses.” Current rule recommendation does not include that sentence. The language was viewed by stakeholders as a step toward recertification of mobility impaired quota permit holders. Stakeholders pointed out that for many of them recertification would involve considerable time and expense. They also pointed out that most permit holders’ impairments do not improve, eliminating the need for recertification.

## Staff Recommendation

- Staff recommends approval of the rule as advertised with an effective date as soon after adoption as possible.



### One substantive change:

1. Define complete single-leg amputation as above the knee.

### Two non-substantive changes:

1. Define how a mobility-impaired identification card is obtained.
2. Incorporate grammatical corrections and language standardization and clarification.

## Proposed rule 68A-9.008

- (4) Mobility-impaired quota hunt permits. As specified by subsection 68A-5.005(1), F.A.C., applicants for mobility-impaired hunts shall submit an application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service, or by online computer services, to the address specified on the application. In addition to the application forms specified, ~~No no~~ person shall be eligible for issuance of a mobility-impaired quota permit unless the person has obtained a mobility-impaired identification card. A mobility-impaired identification card may be obtained by submitting a completed mobility-impaired eligibility certification application (Form QA-801) to on record with the Commission. Certification as participants in the mobility-impaired hunt shall be restricted to persons who are paraplegic, hemiplegic, or quadriplegic, permanently dependent upon a wheelchair for ambulation, permanently required to use assisting aids to walk, permanently required to use braces or prosthesis on both legs, or who have had complete single-leg amputation above the knee.

