

CS/HB 27

2012

1 A bill to be entitled
2 An act relating to disabled parking permits; amending
3 s. 318.18, F.S.; providing for a parking enforcement
4 specialist or agency to validate compliance for the
5 disposition of a citation issued for illegally parking
6 in a space provided for people who have disabilities;
7 amending s. 320.0848, F.S.; revising requirements for
8 renewal or replacement of a disabled parking permit;
9 prohibiting applying for a new disabled parking permit
10 for a certain period of time upon a second finding of
11 guilt or plea of nolo contendere to unlawful use of
12 such permit; requiring the Auditor General to compare
13 disabled parking permit holders with death records and
14 forward a list of deceased permitholders to the
15 Department of Highway Safety and Motor Vehicles;
16 requiring the department to invalidate the permit of a
17 deceased permitholder; directing the department to
18 implement a means for reporting abuse of disabled
19 parking permits; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (6) of section 318.18, Florida
24 Statutes, is amended to read:

25 318.18 Amount of penalties.—The penalties required for a
26 noncriminal disposition pursuant to s. 318.14 or a criminal
27 offense listed in s. 318.17 are as follows:

28 (6) One hundred dollars or the fine amount designated by

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29 county ordinance, plus court costs for illegally parking, under
30 s. 316.1955, in a parking space provided for people who have
31 disabilities. However, this fine will be waived if a person
32 provides to the law enforcement agency or parking enforcement
33 specialist or agency that issued the citation for such a
34 violation proof that the person committing the violation has a
35 valid parking permit or license plate issued pursuant to s.
36 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848
37 or a signed affidavit that the owner of the disabled parking
38 permit or license plate was present at the time the violation
39 occurred, and that such a parking permit or license plate was
40 valid at the time the violation occurred. The law enforcement
41 officer or agency or the parking enforcement specialist or
42 agency, upon determining that all required documentation has
43 been submitted verifying that the required parking permit or
44 license plate was valid at the time of the violation, must sign
45 an affidavit of compliance. Upon provision of the affidavit of
46 compliance and payment of a dismissal fee of up to \$7.50 to the
47 clerk of the circuit court, the clerk shall dismiss the
48 citation.

49 Section 2. Paragraph (d) of subsection (1), paragraph (e)
50 of subsection (2), and subsection (8) of section 320.0848,
51 Florida Statutes, are amended, subsections (9) and (10) are
52 renumbered as subsections (11) and (12), respectively, and new
53 subsections (9) and (10) are added to that section, to read:

54 320.0848 Persons who have disabilities; issuance of
55 disabled parking permits; temporary permits; permits for certain
56 providers of transportation services to persons who have

57 disabilities.—

58 (1)

59 (d) Beginning October 1, 2012 ~~April 1, 1999~~, the
 60 department ~~of Highway Safety and Motor Vehicles~~ shall renew the
 61 disabled parking permit of any person certified as permanently
 62 disabled on the application if the person provides a certificate
 63 of disability issued within the last 12 months pursuant to this
 64 subsection.

65 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
 66 MOBILITY PROBLEMS.—

67 (e) To obtain a replacement for a disabled parking permit
 68 that has been lost or stolen, a person must submit an
 69 application on a form prescribed by the department, provide a
 70 certificate of disability issued within the last 12 months
 71 pursuant to subsection (1), and ~~must~~ pay a replacement fee in
 72 the amount of \$1.00, to be retained by the issuing agency. If
 73 the person submits with the application a police report
 74 documenting that the permit was stolen, there is no replacement
 75 fee.

76 (8) A law enforcement officer or a parking enforcement
 77 specialist may confiscate the disabled parking permit from any
 78 person who fraudulently obtains or unlawfully uses such a
 79 permit. A law enforcement officer or a parking enforcement
 80 specialist may confiscate any disabled parking permit that is
 81 expired, reported as lost or stolen, or defaced, or that does
 82 not display a personal identification number.

83 (a) ~~Beginning April 1, 1999,~~ The permit number of each
 84 confiscated permit must be submitted to the department ~~of~~

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85 ~~Highway Safety and Motor Vehicles~~, and the fact that the permit
86 has been confiscated must be noted on the permitholder's record.
87 If two permits issued to the same person have been confiscated,
88 the department of ~~Highway Safety and Motor Vehicles~~ shall refer
89 the information to the central abuse hotline of the Department
90 of Children and Family Services for an investigation of
91 potential abuse, neglect, or exploitation of the permit owner.

92 (b) A confiscated permit must be held as evidence until a
93 judicial decision about the violation has been made. After a
94 finding of guilt has been made or a plea of nolo contendere has
95 been entered, the charging agency shall destroy the confiscated
96 permit. A confiscated permit may not, under any circumstances,
97 be returned to its registered owner after a finding of guilt has
98 been made or a plea of nolo contendere has been entered in
99 court. If a finding of guilt has been made or a plea of nolo
100 contendere has been entered for fraudulent or other unlawful use
101 of a disabled parking permit after a prior finding of guilt or
102 plea of nolo contendere for fraudulent or other unlawful use of
103 a disabled parking permit issued to the same registered permit
104 owner, the permit owner may not apply for a new disabled parking
105 permit for a period of 4 years. The permit number of each
106 destroyed permit must be reported to the department, and the
107 department must record in the real-time disabled parking permit
108 database that the permit has been invalidated.

109 (9) Once every 2 years, the Auditor General shall compare
110 the department's records of disabled parking permit holders with
111 death records maintained by the Department of Health. The
112 Auditor General shall forward a list of disabled parking permit

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113 holders who are deceased to the department and the department
114 shall promptly invalidate the decedent's disabled parking
115 permit.

116 (10) The department shall develop and implement a means by
117 which persons can report abuse of disabled parking permits by
118 telephone hotline or by submitting a form online or by mail.

119 Section 3. This act shall take effect July 1, 2012.