

By Representative Diaz de la Portilla

1 A bill to be entitled
 2 An act relating to designated parking; amending
 3 s. 316.008, F.S.; authorizing counties or
 4 municipalities to impose certain fines under
 5 certain circumstances; creating s. 316.1961,
 6 F.S.; providing for parking places for persons
 7 who transport certain young children; providing
 8 requirements; providing criteria; prohibiting
 9 parking in such places under certain
 10 circumstances; providing penalties; providing
 11 exceptions; amending s. 316.1957, F.S.;
 12 providing presumptions relating to parking in
 13 certain spaces; amending s. 316.1959, F.S.;
 14 providing for parking enforcement; amending s.
 15 316.1967, F.S.; providing liability for certain
 16 parking violations; amending s. 318.18, F.S.;
 17 requiring community service in addition to
 18 certain civil penalties under certain
 19 circumstances; creating s. 320.0849, F.S.;
 20 providing for temporary parking permits
 21 for certain persons; providing requirements;
 22 providing criteria; providing penalties;
 23 requiring the Department of Highway Safety and
 24 Motor Vehicles to adopt rules; providing an
 25 effective date.

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 27 Be It Enacted by the Legislature of the State of Florida:

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 29 Section 1. Subsection (4) of section 316.008, Florida
 30 Statutes, 1996 Supplement, is amended to read:
 31 316.008 Powers of local authorities.--

1 (4) A county or municipality may enact an ordinance
2 providing a fine for the violation of s. 316.1955 or s.
3 316.1961 in excess of the fine specified by s. 318.18(6),
4 except that such a fine may not exceed \$250. Any such
5 ordinance may provide for the deposit of such fines in a
6 separate county or municipal account to be used in the
7 following manner:

8 (a) One-third to be used to defray expenses for the
9 administration of this subsection.

10 (b) Two-thirds to be used to provide funds to improve
11 accessibility and equal opportunity to qualified persons who
12 have disabilities in the county or municipality and to provide
13 funds to conduct public awareness programs in the county or
14 municipality concerning persons who have disabilities.

15 Section 2. Section 316.1961, Florida Statutes, is
16 created to read:

17 316.1961 Parking spaces for persons who are
18 transporting young children.--

19 (1) For purposes of this section and s. 320.0849, a
20 young child is any child which cannot walk on his or her own
21 and must be either carried by another person or transported
22 in a stroller.

23 (2) Each state agency and political subdivision that
24 has jurisdiction over street parking or publicly owned and
25 operated parking facilities and each commercial real estate
26 property owner who offers public parking shall provide a
27 minimum number of specially designed and marked motor vehicle
28 parking spaces for the exclusive use of those individuals who
29 are transporting a young child and who have been issued a
30 parking permit under s. 320.0849.

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1 (3) The following minimum number of such parking
2 spaces must be provided:

3 (a) One space in the immediate vicinity of a building
4 that houses a governmental entity or a political subdivision,
5 including, but not limited to, state office buildings and
6 courthouses, if no parking for the public is provided on the
7 premises of the building;

8 (b) One space for each 150 metered onstreet parking
9 spaces;

10 (c) Parking facilities that are intended for public
11 use but are not subject to paragraph (a) must provide for
12 persons who are transporting a young child the minimum number
13 of parking spaces as set forth in the following table:

<u>Total Parking in Lot</u>	<u>Required Number of</u> <u>Accessible Spaces</u>
<u>Up to 25.....</u>	<u>1</u>
<u>26 to 50.....</u>	<u>2</u>
<u>51 to 75.....</u>	<u>3</u>
<u>76 to 100.....</u>	<u>4</u>
<u>101 to 150.....</u>	<u>5</u>
<u>151 to 200.....</u>	<u>6</u>
<u>201 to 300.....</u>	<u>7</u>
<u>301 to 400.....</u>	<u>8</u>
<u>401 to 500.....</u>	<u>9</u>
<u>501 to 1000.....</u>	<u>2% of total</u>
<u>over 1000.....</u>	<u>20 plus 1 for each</u> <u>100 over 1000</u>

30 (4) Such parking spaces must be designed and located
31 as follows:

1 (a) All spaces must be located on an accessible route
2 no less than 44 inches wide so that users will not be
3 compelled to walk or wheel behind parked vehicles.

4 (b) Each space must be located on the shortest safely
5 accessible route from the parking space to an accessible
6 entrance. If there are multiple entrances or multiple retail
7 stores, the parking spaces must be dispersed to provide
8 parking at the nearest accessible entrance. If a theme park
9 or an entertainment complex as defined in s. 509.013(9)
10 provides parking in several lots or areas from which access to
11 the theme park or entertainment complex is provided, a single
12 lot or area may be designated for parking by persons who are
13 transporting a young child, if the lot or area is located on
14 the shortest safely accessible route to an accessible entrance
15 to the theme park or entertainment complex or to
16 transportation to such an accessible entrance.

17 (c) Each parking space must be no less than 12 feet
18 wide. Parking access aisles must be no less than 5 feet wide
19 and must be part of an accessible route to the building or
20 facility entrance. The parking access aisles are reserved for
21 the use of persons who are transporting a young child and who
22 have parking permits, and violators are subject to the same
23 penalties that are imposed for illegally parking in parking
24 spaces that are designated for persons who are transporting a
25 young child. Two accessible parking spaces may share a common
26 access aisle. The access aisle must be striped diagonally to
27 designate it as a no-parking zone.

28 (d) Parallel parking spaces must be located either at
29 the beginning or end of a block or adjacent to alley
30 entrances. Curbs adjacent to such spaces must be of a height
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1 that will not interfere with the opening and closing of motor
2 vehicle doors.

3 (e) Each parking space must conform with the
4 requirements of this section no later than October 1, 1998.

5 (5) Each parking space must be prominently outlined
6 with green paint, and must be repainted when necessary, to be
7 clearly distinguishable as a parking space designated for
8 persons who are transporting a young child and must be posted
9 with a permanent above-grade sign of a color and design
10 approved by the Department of Transportation, bearing the
11 caption "PARKING BY PERMIT ONLY." Such sign erected after
12 October 1, 1998, must indicate the penalty for illegal use of
13 the space. Any provision of this section to the contrary
14 notwithstanding, in a theme park or an entertainment complex
15 as defined in s. 509.013(9) in which accessible parking is
16 located in designated lots or areas, the signage indicating
17 the lot as reserved for accessible parking may be located at
18 the entrances to the lot in lieu of a sign at each parking
19 place.

20 (6) It is unlawful for any person to stop, stand, or
21 park a vehicle within any such specially designated and marked
22 parking space provided in accordance with this section, unless
23 the vehicle displays a parking permit issued under s.
24 320.0849, and the vehicle is transporting the person to whom
25 the displayed permit is issued. The violation may not be
26 dismissed for failure of the markings on the parking space to
27 comply with this section if the space is in general compliance
28 and is clearly distinguishable as a designated space.

29 (a) Whenever a law enforcement officer, a parking
30 enforcement specialist, or the owner or lessee of the space
31 finds a vehicle in violation of this subsection, that officer,

1 owner, or lessor shall have the vehicle in violation removed
2 to any lawful parking space or facility or require the
3 operator or other person in charge of the vehicle immediately
4 to remove the unauthorized vehicle from the parking space.
5 Whenever any vehicle is removed under this section to a
6 storage lot, garage, or other safe parking space, the cost of
7 the removal and parking constitutes a lien against the
8 vehicle.

9 (b) The officer or specialist shall charge the
10 operator or other person in charge of the vehicle in violation
11 with a noncriminal traffic infraction, punishable as provided
12 in s. 316.008(4) or s. 318.18(6).

13 (c) All convictions for violations of this section
14 must be reported to the Department of Highway Safety and Motor
15 Vehicles by the clerk of the court.

16 (d) A law enforcement officer or a parking enforcement
17 specialist has the right to demand to be shown the person's
18 parking permit and driver's license or state identification
19 card when investigating the possibility of a violation of this
20 section. If such a request is refused, the person in charge
21 of the vehicle may be issued a citation for a violation of
22 this section.

23 (8) Any person who is chauffeuring a person who is
24 transporting a young child is allowed, without need for a
25 parking permit, to stand temporarily in any such parking
26 space, for the purpose of loading or unloading the person and
27 the young child. A penalty may not be imposed upon the driver
28 for such temporary standing.

29 (9)(a) A vehicle that is transporting a person who is
30 transporting a young child and who has been granted a permit
31 under s. 320.0849 may be parked for a maximum of 30 minutes in

1 any parking space reserved for persons who are transporting
2 young children.

3 (b) Notwithstanding paragraph (a), a theme park or an
4 entertainment complex as defined in s. 509.013(9) which
5 provides parking in designated areas for persons who are
6 transporting a young child may allow any vehicle that is
7 transporting a person who is transporting a young child to
8 remain parked in a space reserved for persons who are
9 transporting a young child throughout the period the theme
10 park is open to the public for that day.

11 Section 3. Section 316.1957, Florida Statutes, 1996
12 Supplement, is amended to read:

13 316.1957 Parking violations; designated parking spaces
14 ~~for persons who have disabilities.~~--When evidence is presented
15 in any court of the fact that any motor vehicle was parked in
16 violation of s. 316.1955 in a properly designated parking
17 space for persons who have disabilities or in violation of s.
18 316.1961 in a properly designated parking space for persons
19 who are transporting a young child ~~in violation of s.~~
20 ~~316.1955~~, it is prima facie evidence that the vehicle was
21 parked and left in the space by the person, firm, or
22 corporation in whose name the vehicle is registered and
23 licensed according to the records of the Division of Motor
24 Vehicles.

25 Section 4. Section 316.1959, Florida Statutes, is
26 amended to read:

27 316.1959 ~~Handicapped~~ Parking enforcement.--The
28 provisions of ~~handicapped~~ parking for persons with a
29 disability or for persons who are transporting a young child
30 shall be enforced by state, county, and municipal authorities
31 in their respective jurisdictions whether on public or private

1 property in the same manner as is used to enforce other
2 parking laws and ordinances by said agencies.

3 Section 5. Subsection (6) of section 316.1967, Florida
4 Statutes, 1996 Supplement, is amended to read:

5 316.1967 Liability for payment of parking ticket
6 violations and other parking violations.--

7 (6) Any county or municipality may provide by
8 ordinance that the clerk of the court or the traffic
9 violations bureau shall supply the department with a
10 magnetically encoded computer tape reel or cartridge or send
11 by other electronic means data which is machine readable by
12 the installed computer system at the department, listing
13 persons who have three or more outstanding parking violations,
14 including violations of s. 316.1955 or s. 316.1961. Each
15 county shall provide by ordinance that the clerk of the court
16 or the traffic violations bureau shall supply the department
17 with a magnetically encoded computer tape reel or cartridge or
18 send by other electronic means data that is machine readable
19 by the installed computer system at the department, listing
20 persons who have any outstanding violations of s. 316.1955 or
21 s. 316.1961 or any similar local ordinance that regulates
22 parking in spaces designated for use by persons who have
23 disabilities. The department shall mark the appropriate
24 registration records of persons who are so reported. Section
25 320.03(8) applies to each person whose name appears on the
26 list.

27 Section 6. Subsection (6) of section 318.18, Florida
28 Statutes, 1996 Supplement, as amended by chapters 96-200 and
29 96-350, Laws of Florida, is amended to read:

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1 318.18 Amount of civil penalties.--The penalties
2 required for a noncriminal disposition pursuant to s. 318.14
3 are as follows:

4 (6) One hundred dollars for the first violation of
5 ~~illegally parking in a parking space provided for disabled~~
6 ~~persons under s. 316.1955 or s. 316.1961 s. 316.1956~~ unless
7 otherwise established by ordinance pursuant to s. 316.008.
8 Notwithstanding s. 318.21, the ordinance may provide for the
9 distribution of the proceeds of the fine. For a second or
10 subsequent violation, in addition to the fine of \$100 or the
11 fine established by ordinance pursuant to s. 316.008, the
12 violator must complete a minimum of 40 hours of:

13 (a) Community service for a nonprofit organization
14 that serves the disabled community or serves persons who have
15 disabling diseases; or

16 (b) Any other community service that may sensitize the
17 violator to the needs and obstacles faced daily by persons who
18 have disabilities.

19 Section 7. Section 320.0849, Florida Statutes, is
20 created to read:

21 320.0849 Persons who are transporting a young child;
22 issuance of temporary parking permits.--

23 (1)(a) The Department of Highway Safety and Motor
24 Vehicles or its authorized agents shall, upon application and
25 receipt of the fee, issue a temporary parking permit for a
26 period not to exceed 1 year to any person who has a young
27 child who cannot walk by himself or herself and must be either
28 carried by another person or transported in a stroller. The
29 application for such a parking permit must contain the name
30 and motor vehicle policy number of the applicant's primary
31 insurance carrier, whom the department may notify upon

1 granting such a parking permit. The person must be currently
2 certified by a pediatrician licensed under chapter 458 as
3 having a young child who cannot walk by himself or herself and
4 who must be carried or must be transported in a stroller.

5 (b) The certificate must include, but need not be
6 limited to:

7 1. The age of the young child; the certifying
8 physician's name and address; the physician's certification
9 number; the eligibility criteria for the permit; the penalty
10 for falsification by either the certifying physician or the
11 applicant; the developmental stage of the young child and the
12 approximate time until such child is expected to be able to
13 walk on his or her own without the need to be carried by
14 another person or transported in a stroller; and justification
15 for the additional placard pursuant to subsection (2).

16 2. The statement, in bold letters: "A parking permit
17 may be issued only for a parent who has a young child which is
18 unable to walk without assistance and must be carried by
19 another person or transported in a stroller."

20 3. The signatures of:

21 a. The applicant's physician;

22 b. The applicant; and

23 c. The employee of the department's authorized agent
24 which employee is processing the application.

25 (c) The Department of Highway Safety and Motor
26 Vehicles shall renew the parking permit of any person who has
27 a young child upon presentation of the certification required
28 by paragraph (b).

29 (2)(a) The parking permit is a placard that can be
30 placed in a motor vehicle so as to be visible from the front
31 and rear of the vehicle. Each side of the placard must have

1 the a symbol of a stroller in a contrasting color in the
2 center so as to be visible. One side of the placard must
3 display the applicant's driver's license number or state
4 identification card number along with a warning that the
5 applicant must have such identification at all times while
6 using the parking permit. A validation sticker must also be
7 issued with each parking permit issued under this section,
8 showing the date of expiration. Validation stickers must be of
9 the size specified by the Department of Highway Safety and
10 Motor Vehicles and must be affixed to the parking permits. The
11 parking permits must use the same colors as license plate
12 validations.

13 (b) The fee for a temporary parking permit shall be
14 \$10 dollars, of which the State Transportation Trust Fund
15 shall receive \$9 and the tax collector of the county in which
16 the fee was collected shall receive \$1. The fee for an
17 additional temporary parking permit shall be \$5 dollars, of
18 which the State Transportation Trust Fund shall receive \$4.50
19 and the tax collector of the county in which the fee was
20 collected shall receive \$.50. The department may not issue to
21 any one eligible applicant or to any one family more than two
22 temporary parking permits.

23 (3) An application for a temporary parking permit is
24 an official state document. The following statement must
25 appear on each application form immediately below the
26 physician's signature and immediately below the applicant's
27 signature: "Knowingly providing false information on this
28 application is a misdemeanor of the first degree, punishable
29 as provided in s. 775.082, Florida Statutes, or s. 775.083,
30 Florida Statutes. The penalty is up to 1 year in jail or a
31 fine of \$1,000, or both."

1 (4) Any person who knowingly makes a false or
2 misleading statement in an application or certification under
3 this section commits a misdemeanor of the first degree,
4 punishable as provided in s. 775.082 or s. 775.083.

5 (5) Any person who fraudulently obtains or unlawfully
6 uses a temporary parking permit or who uses an unauthorized
7 replica of such a parking permit with the intent to deceive is
8 guilty of a misdemeanor of the second degree, punishable as
9 provided in s. 775.082 or s. 775.083.

10 (6) A law enforcement officer may confiscate a
11 temporary parking permit from any person who fraudulently
12 obtains and uses such a permit.

13 (7) A violation of this section is grounds for
14 disciplinary action under s. 458.331.

15 (8) The Department of Highway Safety and Motor
16 Vehicles shall adopt rules to administer this section.

17 Section 8. This act shall take effect October 1, 1997.

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20 HOUSE SUMMARY

21 Provides for designated parking spaces for persons who
22 transport a young child who cannot walk by himself or
23 herself and must be either carried or transported in a
24 stroller. Provides for a temporary parking permit for
such persons to use such parking spaces. See bill for
details.