

By Senator Forman

32-27A-98

1 A bill to be entitled
2 An act relating to the use of motor vehicles by
3 persons who have disabilities; amending s.
4 316.1955, F.S.; amending standards for
5 accessible parking spaces and parking access
6 aisles; providing violations; providing
7 penalties; amending s. 316.1958, F.S.;
8 providing that a special motor vehicle license
9 plate or parking permit issued by another
10 state, district, or country is invalid with
11 respect to a person who must have a Florida
12 vehicle registration; amending s. 316.1964,
13 F.S.; amending circumstances in which vehicles
14 are exempt from paying parking fees and
15 penalties; amending s. 318.18, F.S.; increasing
16 the amount of the fine for illegally parking in
17 a parking space for disabled persons; amending
18 procedures for dismissing such fines and for
19 distributing the proceeds of such fines;
20 amending s. 320.0842, F.S.; amending
21 prerequisites to qualifying for a free license
22 plate as a veteran who uses a wheelchair due to
23 a service-connected disability; amending s.
24 320.0843, F.S.; amending provisions related to
25 license plates for wheelchair users; amending
26 s. 320.0848, F.S.; amending provisions relating
27 to the issuance of disabled parking permits;
28 amending prerequisites; providing for
29 replacement permits; providing for
30 alternatives; amending requirements for the
31 design of temporary permits; providing for a

1 hearing concerning false statements or
2 misleading information on applications;
3 providing penalties for unlawfully displaying a
4 disabled parking permit; providing additional
5 grounds for confiscation of a disabled parking
6 permit; providing for recordkeeping related to
7 confiscation; requiring a hearing after a
8 specified number of confiscations from a single
9 permitholder; providing for revoking the
10 privilege of applying for a disabled parking
11 permit; providing procedures related to
12 confiscations and revocations; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (4), (5), (6), and (7) of
18 section 316.1955, Florida Statutes, are amended, present
19 subsections (8) and (9) of that section are renumbered as
20 subsections (9) and (10), respectively, and a new subsection
21 (8) is added to that section, to read:

22 316.1955 Parking spaces for persons who have
23 disabilities.--

24 (4) The number of accessible parking spaces must
25 comply with the parking requirements in ADAAG s. 4.1 and the
26 following:

27 (a) There must be one accessible parking space in the
28 immediate vicinity of a publicly owned or leased building that
29 houses a governmental entity or a political subdivision,
30 including, but not limited to, state office buildings and
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1 courthouses, if no parking for the public is provided on the
2 premises of the building.†

3 (b) There must be one accessible parking space for
4 each 150 metered onstreet parking spaces provided by state
5 agencies and political subdivisions.†

6 (c) In each lot that contains more than 1,000 parking
7 spaces, at least 2 percent of the total number of parking
8 spaces must be accessible parking spaces.

9 (d)~~(c)~~ The number of parking spaces for persons who
10 have disabilities must be increased on the basis of
11 demonstrated and documented need.

12 (5) Accessible perpendicular and diagonal accessible
13 parking spaces and loading zones must be designed and located
14 in conformance with the guidelines set forth in ADAAG ss.
15 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking
16 Design."

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

20 (b) Each space must be located on the shortest safely
21 accessible route from the parking space to an accessible
22 entrance. If there are multiple entrances or multiple retail
23 stores, the parking spaces must be dispersed to provide
24 parking at the nearest accessible entrance. If a theme park
25 or an entertainment complex as defined in s. 509.013(9)
26 provides parking in several lots or areas from which access to
27 the theme park or entertainment complex is provided, a single
28 lot or area may be designated for parking by persons who have
29 disabilities, if the lot or area is located on the shortest
30 safely accessible route to an accessible entrance to the theme
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1 park or entertainment complex or to transportation to such an
2 accessible entrance.

3 (c)1. Each parking space must be no less than 12 feet
4 wide. Parking access aisles must be no less than 5 feet wide
5 and must be part of an accessible route to the building or
6 facility entrance. ~~The parking access aisles are reserved for~~
7 ~~the use of persons who have disabled parking permits, and~~
8 ~~violators are subject to the same penalties that are imposed~~
9 ~~for illegally parking in parking spaces that are designated~~
10 ~~for persons who have disabilities.~~Two accessible parking
11 spaces may share a common access aisle. The access aisle must
12 be striped diagonally to designate it as a no-parking zone.

13 2. The parking access aisles are reserved for the
14 temporary exclusive use of persons who have disabled parking
15 permits and who require extra space to deploy a mobility
16 device, lift, or ramp in order to exit from or enter a
17 vehicle. Violators are subject to the same penalties that are
18 imposed for illegally parking in parking spaces that are
19 designated for persons who have disabilities. A vehicle may
20 not be parked in an access aisle, even if the vehicle owner or
21 passenger is disabled or owns a disabled parking permit.

22 3. The driver of a vehicle that is parked in an
23 accessible parking space may not be penalized for parking,
24 except in clearly defined bus loading zones, fire zones, or
25 access aisles adjacent to the accessible parking spaces or in
26 areas posted as "no parking" zones or emergency vehicle zones,
27 or for parking in excess of the posted time limits unless
28 provided by s. 316.1964(5).

29 4. Any provision of this subsection to the contrary
30 notwithstanding, a theme park or an entertainment complex as
31 defined in s. 509.013(9) in which are provided continuous

1 attendant services for directing individuals to marked
2 accessible parking spaces or designated lots for parking by
3 persons who have disabilities, may, in lieu of the required
4 parking space design, provide parking spaces that comply with
5 ss. 4.1 and 4.6 of the Americans with Disabilities Act
6 Accessibility Guidelines.

7 (d) On-street parallel parking spaces must be located
8 either at the beginning or end of a block or adjacent to alley
9 entrances. Such spaces must be designed in conformance with
10 the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5.
11 ~~exception: access aisles are not required.~~ Curbs adjacent to
12 such spaces must be of a height that will not interfere with
13 the opening and closing of motor vehicle doors. This
14 subsection does not relieve the owner of the responsibility to
15 comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

16 (e) Parallel parking spaces must be even with surface
17 slopes, may match the grade of the adjacent travel lane, and
18 must not exceed a cross slope of 1 to 50, where feasible.

19 (f) Curb ramps must be located outside of the disabled
20 parking spaces and access aisles.

21 (g)1. The removal of architectural barriers from a
22 parking facility in accordance with 28 C.F.R. s. 36.304 or
23 with s. 553.508 must comply with this section unless
24 compliance would cause the barrier removal not to be readily
25 achievable. If compliance would cause the barrier removal not
26 to be readily achievable, a facility may provide parking
27 spaces at alternative locations for persons who have
28 disabilities and provide appropriate signage directing persons
29 who have disabilities to the alternative parking if readily
30 achievable. The facility may not reduce the required number
31 or dimensions of those spaces, nor may it unreasonably

1 increase the length of the accessible route from a parking
2 space to the facility. The removal of an architectural
3 barrier must not create a significant risk to the health or
4 safety of a person who has a disability or to that of others.

5 2. A facility that is making alterations under s.
6 553.507(2)(b) must comply with this section to the maximum
7 extent feasible. If compliance with parking location
8 requirements is not feasible, the facility may provide parking
9 spaces at alternative locations for persons who have
10 disabilities and provide appropriate signage directing persons
11 who have a disability to alternative parking. The facility
12 may not reduce the required number or dimensions of those
13 spaces, nor may it unnecessarily increase the length of the
14 accessible route from a parking space to the facility. The
15 alteration must not create a significant risk to the health or
16 safety of a person who has a disability or to that of others.

17 (6) Each such parking space must be prominently
18 outlined with blue paint, and must be repainted when
19 necessary, to be clearly distinguishable as a parking space
20 designated for persons who have disabilities and must be
21 posted with a permanent above-grade sign of a color and design
22 approved by the Department of Transportation, which is placed
23 on or at a distance of 84 inches above the ground to the
24 bottom of the sign and which bears ~~bearing~~ the international
25 symbol of accessibility meeting the requirements of ADAAG s.
26 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such
27 a sign erected after October 1, 1996, must indicate the
28 penalty for illegal use of the space. Any provision of this
29 section to the contrary notwithstanding, in a theme park or an
30 entertainment complex as defined in s. 509.013(9) in which
31 accessible parking is located in designated lots or areas, the

1 signage indicating the lot as reserved for accessible parking
2 may be located at the entrances to the lot in lieu of a sign
3 at each parking place. This subsection does not relieve the
4 owner of the responsibility of complying with the signage
5 requirements of ADAAG s. 4.30.

6 (7) It is unlawful for any person to stop, stand, or
7 park a vehicle within, or to obstruct, any such specially
8 designated and marked parking space provided in accordance
9 with this section, unless the vehicle displays a disabled
10 parking permit issued under s. 316.1958 or s. 320.0848 or a
11 license plate issued under s. 320.084, s. 320.0842, s.
12 320.0843, or s. 320.0845, and the vehicle is transporting the
13 person to whom the displayed permit is issued. The violation
14 may not be dismissed for lack of proper signage or for failure
15 of the markings on the parking space to comply with this
16 section if the space is in general compliance and is clearly
17 distinguishable as a designated accessible parking space for
18 people who have disabilities.

19 (a) Whenever a law enforcement officer, a parking
20 enforcement specialist, or the owner or lessee of the space
21 finds a vehicle in violation of this subsection, that officer,
22 owner, or lessor shall have the vehicle in violation removed
23 to any lawful parking space or facility or require the
24 operator or other person in charge of the vehicle immediately
25 to remove the unauthorized vehicle from the parking space.
26 Whenever any vehicle is removed under this section to a
27 storage lot, garage, or other safe parking space, the cost of
28 the removal and parking constitutes a lien against the
29 vehicle.

30 (b) The officer or specialist shall charge the
31 operator or other person in charge of the vehicle in violation

1 with a noncriminal traffic infraction, punishable as provided
2 in s. 316.008(4) or s. 318.18(6).

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

6 (d) A law enforcement officer or a parking enforcement
7 specialist has the right to demand to be shown the person's
8 disabled parking permit and driver's license or state
9 identification card when investigating the possibility of a
10 violation of this section. If such a request is refused, the
11 person in charge of the vehicle may be charged with resisting
12 an officer without violence, as provided in s. 843.02, or may
13 be issued a citation for a violation of this section which
14 violation constitutes a noncriminal traffic infraction as
15 provided in s. 316.008.

16 (8) It is unlawful for any person to obstruct the path
17 of travel to an accessible parking space, curb cut, or access
18 aisle by standing or parking a vehicle within any such
19 designated area. The violator is subject to the same penalties
20 as are imposed for illegally parking in a space that is
21 designated as an accessible parking space for persons who have
22 disabilities.

23 Section 2. Section 316.1958, Florida Statutes, is
24 amended to read:

25 316.1958 Out-of-state vehicles bearing identification
26 of issuance to persons who have disabilities.--Motor vehicles
27 displaying a special license plate or parking permit issued to
28 a person who has a disability by any other state or district
29 subject to the laws of the United States or by a foreign
30 country that issues disabled parking permits that display the
31 international symbol of accessibility are recognized as

1 displaying a valid license plate or permit, that allows such a
2 vehicle special parking privileges under s. 316.1955, if the
3 other state or district grants reciprocal recognition for
4 residents of this state who have disabilities. However, when
5 an individual is required by law to have a Florida driver's
6 license or a Florida vehicle registration, a special motor
7 vehicle license plate or parking permit issued by another
8 state, district, or country to persons who have disabilities
9 is not valid and the individual whose vehicle displays such an
10 invalid plate or permit is subject to the same penalty as an
11 individual whose vehicle does not display a valid plate or
12 permit.

13 Section 3. Subsections (5) and (8) of section
14 316.1964, Florida Statutes, are amended to read:

15 316.1964 Exemption of vehicles transporting certain
16 persons who have disabilities from payment of parking fees and
17 penalties.--

18 (5) Notwithstanding subsection (1), when an on-street
19 ~~a~~ parking meter restricts the duration of time that a vehicle
20 may be parked, a vehicle properly displaying a disabled
21 parking permit is allowed a maximum of 4 hours at no charge;
22 however, local governments may extend such time by local
23 ordinance.

24 (8) Notwithstanding subsection (1), a county,
25 municipality, or any agency thereof may charge for parking in
26 a facility or lot that provides timed parking spaces any ~~space~~
27 ~~a~~ vehicle that displays a disabled parking permit, except that
28 any vehicle with specialized equipment, such as ramps, lifts,
29 or foot or hand controls, for use by a person who has a
30 disability, or any vehicle that is displaying the Florida Toll
31 Exemption permit, is exempt from any parking fees.

1 Section 4. Subsection (6) of section 318.18, Florida
2 Statutes, is amended to read:

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

6 (6) Two hundred fifty ~~One hundred~~ dollars for
7 illegally parking, under s. 316.1955, in a parking space
8 provided for people who have disabilities. However, this fine
9 will be waived if a person provides to the law enforcement
10 officer who issued the citation for such a violation or to the
11 sheriff's office proof disabled persons under s. 316.1955 or
12 s. 316.1956 or provide proof to the clerk of the circuit court
13 that the person committing the violation has a valid parking
14 permit or license plate issued pursuant to s. 316.1958, s.
15 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or ~~and~~ a
16 signed affidavit that the owner of the disabled parking permit
17 or license plate was present at the time the violation
18 occurred, and that such a parking permit or license plate was
19 valid at the time the violation occurred. The law enforcement
20 officer or a representative of the sheriff's office, upon
21 determining that all required documentation has been submitted
22 and shows that the required parking permit or license plate
23 was valid at the time of the violation, must sign an affidavit
24 of compliance. Upon provision of the affidavit of compliance
25 ~~proof of such a valid parking permit or license plate and~~
26 ~~payment of a \$5 dismissal fee to the clerk of the circuit~~
27 ~~court, the clerk shall dismiss the citation.~~

28 Section 5. Subsection (2) of section 320.0842, Florida
29 Statutes, is amended to read:

30 320.0842 Free motor vehicle license plates to veterans
31 who use wheelchairs.--

1 (2) In order to be eligible for the motor vehicle
2 license plate described in subsection (1), a person must
3 comply with the following provisions:

4 (a) The veteran must be eligible for the license plate
5 issued under s. 320.084 and must apply for the license plate
6 issued under this section in lieu of or in exchange for the
7 motor vehicle license number plate authorized by s. 320.084;
8 and

9 (b) The veteran must offer, in addition to the proof
10 required by s. 320.084(1), proof that due to a
11 service-connected disability he or she permanently uses a
12 wheelchair or proof, in the form of an application that
13 conforms to the requirements set forth in s. 320.0848, that he
14 or she qualifies for a disabled parking permit under that
15 section. The license plate entitles the person to all
16 privileges afforded by a parking permit issued under s.
17 320.0848.

18 Section 6. Section 320.0843, Florida Statutes, is
19 amended to read:

20 320.0843 License plates for wheelchair users.--

21 (1) Any owner or lessee of a motor vehicle who resides
22 in this state and qualifies for a disabled parking permit
23 under s. 320.0848 ~~is permanently confined to a wheelchair,~~
24 upon application to the department ~~accompanied by competent~~
25 ~~and appropriate proof of disability,~~ and upon payment of the
26 license tax for a motor vehicle registered under s. 320.08(2),
27 (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or (9)(c) or
28 (d), shall be issued a license plate as provided by s. 320.06
29 which, in lieu of the serial number prescribed by s. 320.06,
30 shall be stamped with the international wheelchair user symbol
31 after the serial number of the license plate. The license

1 plate entitles the person to all privileges afforded by a
2 parking permit issued under s. 320.0848.

3 (2) All applications for such license plates must
4 ~~shall~~ be made to the department.

5 Section 7. Section 320.0848, Florida Statutes, is
6 amended to read:

7 320.0848 Persons who have disabilities; issuance of
8 disabled parking permits; temporary permits; permits for
9 certain providers of transportation services to persons who
10 have disabilities.--

11 (1)(a) The Department of Highway Safety and Motor
12 Vehicles or its authorized agents shall, upon application and
13 receipt of the fee, issue a disabled parking permit for a
14 period of up to 4 years, which period ~~that~~ ends on the
15 applicant's birthday, to any person who has long-term mobility
16 impairment problems, or a temporary disabled parking permit
17 not to exceed 1 year to any person who has a temporary
18 mobility impairment problems.

19 (b)1. ~~The person must be currently certified by a~~
20 ~~physician licensed under chapter 458, chapter 459, or chapter~~
21 ~~460, or by a podiatrist licensed under chapter 461, by the~~
22 ~~Division of Blind Services of the Department of Labor and~~
23 ~~Employment Security, or by the Adjudication Office of the~~
24 ~~United States Department of Veterans Affairs or its~~
25 ~~predecessor~~ as being legally blind or as having any of the
26 following disabilities that render him ~~limit or impair his~~ or
27 her unable ability to walk 200 feet without stopping to rest:

28 1. ~~Inability to walk 200 feet without stopping to~~
29 ~~rest.~~

30 a.2. ~~Inability to walk without the use of or~~
31 assistance from a brace, cane, crutch, prosthetic device, or

1 other assistive device, or without the assistance of another
2 person. If the assistive device significantly restores the
3 person's ability to walk to the extent that the person can
4 walk without severe limitation, the person is not eligible for
5 the exemption parking permit.

6 ~~b.3.~~ The need to permanently use a wheelchair.

7 ~~c.4.~~ Restriction by lung disease to the extent that
8 the person's forced (respiratory) expiratory volume for 1
9 second, when measured by spirometry, is less than 1 liter, or
10 the person's arterial oxygen is less than 60 mm/hg on room air
11 at rest.

12 ~~d.5.~~ Use of portable oxygen.

13 ~~e.6.~~ Restriction by cardiac condition to the extent
14 that the person's functional limitations are classified in
15 severity as Class III or Class IV according to standards set
16 by the American Heart Association.

17 ~~f.7.~~ Severe limitation in the person's ability to walk
18 due to an arthritic, neurological, or orthopedic condition.

19 2. The certification of disability which is required
20 under subparagraph 1. must be provided by a physician licensed
21 under chapter 458, chapter 459, or chapter 460, by a
22 podiatrist licensed under chapter 461, by an optometrist
23 licensed under chapter 463, by the Adjudication Office of the
24 United States Department of Veterans Affairs or its
25 predecessor, or by a similarly licensed physician from another
26 state if the application is accompanied by documentation of
27 the physician's licensure in the other state and a form signed
28 by the out-of-state physician verifying his or her knowledge
29 of this state's eligibility guidelines and acknowledging that
30 the privilege of signing a Florida application can be revoked

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1 upon a determination that the application was signed for a
2 permit recipient who does not meet the guidelines.

3 (c)~~(b)~~ The certificate of disability must include, but
4 need not be limited to:

5 1. The disability of the applicant; the certifying
6 physician's name and address; the physician's certification
7 number; the eligibility criteria for the permit; the penalty
8 for falsification by either the certifying physician or the
9 applicant; the duration of the condition that entitles the
10 person to the permit; and justification for the additional
11 placard pursuant to subsection (2).

12 2. The statement, in bold letters: "A disabled parking
13 permit may be issued only for a medical necessity that
14 severely affects mobility."

15 3. The signatures of:

16 a. The applicant's physician;

17 b. The applicant or the applicant's parent or
18 guardian; and

19 c. The employee of the department's authorized agent
20 which employee is processing the application.

21 (d)~~(c)~~ The Department of Highway Safety and Motor
22 Vehicles shall renew the disabled parking permit of any person
23 who has a disability upon presentation of the certification
24 required by paragraph (c)~~(b)~~.

25 (e)~~(d)~~ The Department of Highway Safety and Motor
26 Vehicles shall, in consultation with the Commission for the
27 Transportation Disadvantaged, adopt rules, in accordance with
28 chapter 120, for the issuance of a disabled parking permit to
29 any organization that can adequately demonstrate a bona fide
30 need for such a permit because the organization provides
31 regular transportation services to persons who have

1 disabilities and are certified as provided in paragraphs
2 paragraph (a) and (b).

3 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
4 MOBILITY PROBLEMS.--

5 (a) The disabled parking permit is a placard that can
6 be placed in a motor vehicle so as to be visible from the
7 front and rear of the vehicle. Each side of the placard must
8 have the international symbol of accessibility in a
9 contrasting color in the center so as to be visible. One side
10 of the placard must display the applicant's driver's license
11 number or state identification card number along with a
12 warning that the applicant must have such identification at
13 all times while using the parking permit. A validation sticker
14 must also be issued with each disabled parking permit, showing
15 the month and year of expiration on each side of the placard.
16 Validation stickers must be of the size specified by the
17 Department of Highway Safety and Motor Vehicles and must be
18 affixed to the disabled parking permits. The disabled parking
19 permits must use the same colors as license plate validations.

20 (b) License plates issued under ss. 320.084, 320.0842,
21 320.0843, and 320.0845 are valid for the same parking
22 privileges and other privileges provided under ss. 316.1955,
23 316.1964, and 526.141(5)(a).

24 (c)1. Except as provided in subparagraph 2., the fee
25 for a disabled parking permit shall be:

26 a. Fifteen dollars for each initial 4-year permit or
27 renewal permit, of which the State Transportation Trust Fund
28 shall receive \$13.50 and the tax collector of the county in
29 which the fee was collected shall receive \$1.50.

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1 b. One dollar for each additional or additional
2 renewal 4-year permit, of which the State Transportation Trust
3 Fund shall receive all funds collected.

4
5 The department shall not issue an additional disabled parking
6 permit unless the applicant states that they are a frequent
7 traveler or a quadriplegic. The department may not issue to
8 any one eligible applicant more than two disabled parking
9 permits except to an organization in accordance with paragraph
10 (1)(d). Subsections (1), (5), (6), and (7) apply to this
11 subsection.

12 2. If an applicant who is a disabled veteran, is a
13 resident of this state, has been honorably discharged, and
14 either has been determined by the Department of Defense or the
15 United States Department of Veterans Affairs or its
16 predecessor to have a service-connected disability rating for
17 compensation of 50 percent or greater or has been determined
18 to have a service-connected disability rating of 50 percent or
19 greater and is in receipt of both disability retirement pay
20 from the United States Department of Veterans Affairs and has
21 a signed physician's statement of qualification for the
22 disabled parking permits, the fee for a disabled parking
23 permit shall be:

24 a. One dollar and fifty cents for the initial 4-year
25 permit or renewal permit.

26 b. One dollar for each additional or additional
27 renewal 4-year permit.

28
29 The tax collector of the county in which the fee was collected
30 shall retain all funds received pursuant to this subparagraph.

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1 3. If an applicant presents to the department a
2 statement from the Federal Government or the State of Florida
3 indicating the applicant is a recipient of supplemental
4 security income, the fee for the disabled parking permit shall
5 be \$9 for the initial 4-year permit or renewal permit, of
6 which the State Transportation Trust Fund shall receive \$6.75
7 and the tax collector of the county in which the fee was
8 collected shall receive \$2.25.

9 (d) To obtain a replacement for a disabled parking
10 permit that has been lost or stolen, a person must submit an
11 application on a form prescribed by the department and must
12 pay a replacement fee in the amount of \$1.50, to be retained
13 by the issuing agency. If the person submits with the
14 application a police report documenting that the permit was
15 stolen, there is no replacement fee.

16 (e) A person who qualifies for a disabled parking
17 permit under this section may be issued an international
18 wheelchair user symbol license plate under s. 320.0843 in lieu
19 of the disabled parking permit; or, if the person qualifies
20 for a "DV" license plate under s. 320.084, such a license
21 plate may be issued to him or her in lieu of a disabled
22 parking permit.

23 (3) DISABLED PARKING PERMIT; TEMPORARY.--

24 (a) The temporary disabled parking permit is a placard
25 of a different color from the color of the long-term disabled
26 parking permit placard, and must clearly display the date of
27 expiration in large print and with color coding, but is ~~in all~~
28 ~~other respects~~ identical to the long-term disabled parking
29 permit placard in all other respects, including, but not
30 limited to, the inclusion of a state identification card
31 number or driver's license number on one side of the temporary

1 permit. The temporary disabled parking permit placard must be
2 designed to conspicuously display the expiration date of the
3 permit on the front and back of the placard.

4 (b) The department shall issue the temporary disabled
5 parking permit for the period of the disability as stated by
6 the certifying physician, but not to exceed 1 year.

7 (c) The fee for a temporary disabled parking permit is
8 \$15.

9 (4) From the proceeds of the temporary disabled
10 parking permit fees:

11 (a) The Department of Highway Safety and Motor
12 Vehicles must receive \$3.50 for each temporary permit, to be
13 deposited into the Highway Safety Operating Trust Fund and
14 used for implementing the real-time disabled parking permit
15 database and for administering the disabled parking permit
16 program.

17 (b) The tax collector, for processing, must receive
18 \$2.50 for each temporary permit.

19 (c) The remainder must be distributed monthly as
20 follows:

21 1. To the Florida Governor's Alliance for the
22 Employment of Disabled Citizens for the purpose of improving
23 employment and training opportunities for persons who have
24 disabilities, with special emphasis on removing transportation
25 barriers, \$4. These fees must be deposited into the
26 Transportation Disadvantaged Trust Fund for transfer to the
27 Florida Governor's Alliance for Employment of Disabled
28 Citizens.

29 2. To the Transportation Disadvantaged Trust Fund to
30 be used for funding matching grants to counties for the
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1 purpose of improving transportation of persons who have
2 disabilities, \$5.

3 (5) The applications for disabled parking permits and
4 temporary disabled parking permits are official state
5 documents. The following statement must appear on each
6 application form immediately below the physician's signature
7 and immediately below the applicant's signature: "Knowingly
8 providing false information on this application is a
9 misdemeanor of the first degree, punishable as provided in s.
10 775.082, Florida Statutes, or s. 775.083, Florida Statutes.
11 The penalty is up to 1 year in jail or a fine of \$1,000, or
12 both."

13 (6) Any person who knowingly makes a false or
14 misleading statement in an application or certification under
15 this section commits a misdemeanor of the first degree,
16 punishable as provided in s. 775.082 or s. 775.083. A hearing
17 must be held to review alleged false statements or misleading
18 information on the application made by any permit holder whose
19 eligibility for a permit is questioned by a law enforcement
20 officer, a magistrate, or a judge.

21 (7) Any person who fraudulently obtains or unlawfully
22 displays a disabled parking permit that belongs to another
23 person while occupying a disabled parking space or an access
24 aisle as defined in s. 316.1955 while the owner of the permit
25 is not present ~~uses such a disabled parking permit~~ or who uses
26 an unauthorized replica of such a disabled parking permit with
27 the intent to deceive is guilty of a misdemeanor of the second
28 degree, punishable as provided in s. 775.082 or s. 775.083.

29 (8) A law enforcement officer may confiscate the
30 disabled parking permit from any person who fraudulently
31 obtains or unlawfully ~~and~~ uses such a permit. A law

1 enforcement officer may confiscate any disabled parking permit
2 that is expired, reported as lost or stolen, or defaced, or
3 that does not display a personal identification number.

4 (a) Beginning April 1, 1999, the permit number of each
5 confiscated permit must be submitted to the Department of
6 Highway Safety and Motor Vehicles, and the fact that the
7 permit has been confiscated must be noted on the
8 permitholder's record. If two permits issued to the same
9 person have been confiscated, a hearing must be held to
10 determine whether the confiscations were due to exploitation
11 of the person who has a disability. If the confiscations of a
12 person's permits are not attributable to such exploitation,
13 the person's privilege of applying for a disabled parking
14 permit in this state must be permanently revoked. A record of
15 such a revocation must remain permanently in the real-time
16 disabled parking permit database.

17 (b) A confiscated permit must be held as evidence
18 until a judicial decision about the violation has been made.
19 After a finding of guilt has been made or a plea of nolo
20 contendere has been entered, the charging agency shall destroy
21 the confiscated permit. A confiscated permit may not, under
22 any circumstances, be returned to its registered owner after a
23 finding of guilt has been made or a plea of nolo contendere
24 has been entered in court. The permit number of each destroyed
25 permit must be reported to the department, and the department
26 must record in the real-time disabled parking permit database
27 that the permit has been invalidated.

28 Section 8. Except as otherwise expressly provided in
29 this act, this act shall take effect July 1, 1998.
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SENATE SUMMARY

Amends provisions relating to the use of motor vehicles by persons who have disabilities, including those relating to accessible parking spaces and parking access aisles, special license plates and parking permits issued by entities outside this state, exemption from parking fines and penalties, fines for illegally parking in a parking space for disabled persons, qualifications for veterans to receive free license plates, prerequisites for receiving a disabled parking permit, obtaining a replacement permit, the design of temporary permits, procedures relating to false statements or misleading information on applications, and the unlawful display of a disabled parking permit. Also provides additional grounds for confiscating a disabled parking permit, provides for keeping records relating to confiscation, requires a hearing after two permits issued to the same person have been confiscated, and provides for revoking the privilege of applying for a disabled parking permit in this state. Provides for destroying confiscated permits after a finding of guilt has been made or a plea of nolo contendere has been entered.