

By the Committee on Transportation and Senators Forman and Campbell

306-1858-98

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.; clarifying 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

1 penalties for unlawfully displaying a disabled
2 parking permit; providing additional grounds
3 for confiscation of a disabled parking permit;
4 providing for recordkeeping related to
5 confiscation; providing for revoking the
6 privilege of applying for a disabled parking
7 permit; providing procedures related to
8 confiscations and revocations; providing an
9 effective date.

10

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

12

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

18

19 316.1955 Parking spaces for persons who have
20 disabilities.--

21

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

25

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

32

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

1 (c) The number of parking spaces for persons who have
2 disabilities must be increased on the basis of demonstrated
3 and documented need.

4 (5) Accessible perpendicular and diagonal accessible
5 parking spaces and loading zones must be designed and located
6 in conformance with the guidelines set forth in ADAAG ss.
7 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking
8 Design."

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

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

25 (c)1. Each parking space must be no less than 12 feet
26 wide. Parking access aisles must be no less than 5 feet wide
27 and must be part of an accessible route to the building or
28 facility entrance. Each access aisle must be placed adjacent
29 to the accessible parking space.~~The parking access aisles are~~
30 ~~reserved for the use of persons who have disabled parking~~
31 ~~permits, and violators are subject to the same penalties that~~

1 ~~are imposed for illegally parking in parking spaces that are~~
2 ~~designated for persons who have disabilities.~~Two accessible
3 parking spaces may share a common access aisle. The access
4 aisle must be striped diagonally to designate it as a
5 no-parking zone.

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

16 3. Any provision of this subsection to the contrary
17 notwithstanding, a theme park or an entertainment complex as
18 defined in s. 509.013(9) in which are provided continuous
19 attendant services for directing individuals to marked
20 accessible parking spaces or designated lots for parking by
21 persons who have disabilities, may, in lieu of the required
22 parking space design, provide parking spaces that comply with
23 ss. 4.1 and 4.6 of the Americans with Disabilities Act
24 Accessibility Guidelines.

25 (d) On-street parallel parking spaces must be located
26 either at the beginning or end of a block or adjacent to alley
27 entrances. Such spaces must be designed in conformance with
28 the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5.
29 exception: access aisles are not required. Curbs adjacent to
30 such spaces must be of a height that will not interfere with
31 the opening and closing of motor vehicle doors. This

1 subsection does not relieve the owner of the responsibility to
2 comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

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

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

8 (g)1. The removal of architectural barriers from a
9 parking facility in accordance with 28 C.F.R. s. 36.304 or
10 with s. 553.508 must comply with this section unless
11 compliance would cause the barrier removal not to be readily
12 achievable. If compliance would cause the barrier removal not
13 to be readily achievable, a facility may provide parking
14 spaces at alternative locations for persons who have
15 disabilities and provide appropriate signage directing persons
16 who have disabilities to the alternative parking if readily
17 achievable. The facility may not reduce the required number
18 or dimensions of those spaces, nor may it unreasonably
19 increase the length of the accessible route from a parking
20 space to the facility. The removal of an architectural
21 barrier must not create a significant risk to the health or
22 safety of a person who has a disability or to that of others.

23 2. A facility that is making alterations under s.
24 553.507(2)(b) must comply with this section to the maximum
25 extent feasible. If compliance with parking location
26 requirements is not feasible, the facility may provide parking
27 spaces at alternative locations for persons who have
28 disabilities and provide appropriate signage directing persons
29 who have a disability to alternative parking. The facility
30 may not reduce the required number or dimensions of those
31 spaces, nor may it unnecessarily increase the length of the

1 accessible route from a parking space to the facility. The
2 alteration must not create a significant risk to the health or
3 safety of a person who has a disability or to that of others.

4 (6) Each such parking space must be prominently
5 outlined with blue paint, and must be repainted when
6 necessary, to be clearly distinguishable as a parking space
7 designated for persons who have disabilities and must be
8 posted with a permanent above-grade sign of a color and design
9 approved by the Department of Transportation, which is placed
10 on or at a distance of 84 inches above the ground to the
11 bottom of the sign and which bears ~~bearing~~ the international
12 symbol of accessibility meeting the requirements of ADAAG s.
13 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such
14 a sign erected after October 1, 1996, must indicate the
15 penalty for illegal use of the space. Any provision of this
16 section to the contrary notwithstanding, in a theme park or an
17 entertainment complex as defined in s. 509.013(9) in which
18 accessible parking is located in designated lots or areas, the
19 signage indicating the lot as reserved for accessible parking
20 may be located at the entrances to the lot in lieu of a sign
21 at each parking place. This subsection does not relieve the
22 owner of the responsibility of complying with the signage
23 requirements of ADAAG s. 4.30.

24 (7) It is unlawful for any person to stop, stand, or
25 park a vehicle within, or to obstruct, any such specially
26 designated and marked parking space provided in accordance
27 with this section, unless the vehicle displays a disabled
28 parking permit issued under s. 316.1958 or s. 320.0848 or a
29 license plate issued under s. 320.084, s. 320.0842, s.
30 320.0843, or s. 320.0845, and the vehicle is transporting the
31 person to whom the displayed permit is issued. The violation

1 may not be dismissed for lack of proper signage or for failure
2 of the markings on the parking space to comply with this
3 section if the space is in general compliance and is clearly
4 distinguishable as a designated accessible parking space for
5 people who have disabilities.

6 (a) Whenever a law enforcement officer, a parking
7 enforcement specialist, or the owner or lessee of the space
8 finds a vehicle in violation of this subsection, that officer,
9 owner, or lessor shall have the vehicle in violation removed
10 to any lawful parking space or facility or require the
11 operator or other person in charge of the vehicle immediately
12 to remove the unauthorized vehicle from the parking space.
13 Whenever any vehicle is removed under this section to a
14 storage lot, garage, or other safe parking space, the cost of
15 the removal and parking constitutes a lien against the
16 vehicle.

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

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

24 (d) A law enforcement officer or a parking enforcement
25 specialist has the right to demand to be shown the person's
26 disabled parking permit and driver's license or state
27 identification card when investigating the possibility of a
28 violation of this section. If such a request is refused, the
29 person in charge of the vehicle may be charged with resisting
30 an officer without violence, as provided in s. 843.02 ~~may be~~
31 ~~issued a citation for a violation of this section.~~

1 (8) It is unlawful for any person to obstruct the path
2 of travel to an accessible parking space, curb cut, or access
3 aisle by standing or parking a vehicle within any such
4 designated area. The violator is subject to the same penalties
5 as are imposed for illegally parking in a space that is
6 designated as an accessible parking space for persons who have
7 disabilities.

8 Section 2. Section 316.1958, Florida Statutes, is
9 amended to read:

10 316.1958 Out-of-state vehicles bearing identification
11 of issuance to persons who have disabilities.--Motor vehicles
12 displaying a special license plate or parking permit issued to
13 a person who has a disability by any other state or district
14 subject to the laws of the United States or by a foreign
15 country that issues disabled parking permits that display the
16 international symbol of accessibility are recognized as
17 displaying a valid license plate or permit, that allows such a
18 vehicle special parking privileges under s. 316.1955, if the
19 other state or district grants reciprocal recognition for
20 residents of this state who have disabilities. However, when
21 an individual is required by law to have a Florida driver's
22 license or a Florida vehicle registration, a special motor
23 vehicle license plate or parking permit issued by another
24 state, district, or country to persons who have disabilities
25 is not valid and the individual whose vehicle displays such an
26 invalid plate or permit is subject to the same penalty as an
27 individual whose vehicle does not display a valid plate or
28 permit.

29 Section 3. Subsections (5) and (8) of section
30 316.1964, Florida Statutes, are amended to read:

31

1 316.1964 Exemption of vehicles transporting certain
2 persons who have disabilities from payment of parking fees and
3 penalties.--

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

10 (8) Notwithstanding subsection (1), a county,
11 municipality, or any agency thereof may charge for parking in
12 a facility or lot that provides timed parking spaces any ~~space~~
13 ~~a~~ vehicle that displays a disabled parking permit, except that
14 any vehicle with specialized equipment, such as ramps, lifts,
15 or foot or hand controls, for use by a person who has a
16 disability, or any vehicle that is displaying the Florida Toll
17 Exemption permit, is exempt from any parking fees.

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

20 318.18 Amount of civil penalties.--The penalties
21 required for a noncriminal disposition pursuant to s. 318.14
22 are as follows:

23 (6) Two hundred fifty ~~One hundred~~ dollars for
24 illegally parking, under s. 316.1955, in a parking space
25 provided for people who have disabilities. However, this fine
26 will be waived if a person provides to the law enforcement
27 agency that issued the citation for such a violation proof
28 ~~disabled persons under s. 316.1955 or s. 316.1956 or provide~~
29 ~~proof to the clerk of the circuit court that the person~~
30 committing the violation has a valid parking permit or license
31 plate issued pursuant to s. 316.1958, s. 320.0842, s.

1 320.0843, s. 320.0845, or s. 320.0848 or ~~and~~ a signed
2 affidavit that the owner of the disabled parking permit or
3 license plate was present at the time the violation occurred,
4 and that such a parking permit or license plate was valid at
5 the time the violation occurred. The law enforcement officer,
6 upon determining that all required documentation has been
7 submitted verifying that the required parking permit or
8 license plate was valid at the time of the violation, must
9 sign an affidavit of compliance. Upon provision of the
10 affidavit of compliance ~~proof of such a valid parking permit~~
11 ~~or license plate~~ and payment of a \$5 dismissal fee to the
12 clerk of the circuit court, the clerk shall dismiss the
13 citation.

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

16 320.0842 Free motor vehicle license plates to veterans
17 who use wheelchairs.--

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

21 (a) The veteran must be eligible for the license plate
22 issued under s. 320.084 and must apply for the license plate
23 issued under this section in lieu of or in exchange for the
24 motor vehicle license number plate authorized by s. 320.084;
25 and

26 (b) The veteran must offer, in addition to the proof
27 required by s. 320.084(1), proof that due to a
28 service-connected disability he or she permanently uses a
29 wheelchair or proof, in the form of an application that
30 conforms to the requirements set forth in s. 320.0848, that he
31 or she qualifies for a disabled parking permit under that

1 section. The license plate entitles the person to all
2 privileges afforded by a parking permit issued under s.
3 320.0848.

4 Section 6. Section 320.0843, Florida Statutes, is
5 amended to read:

6 320.0843 License plates for persons with disabilities
7 eligible for permanent disabled parking permits wheelchair
8 users.--

9 (1) Any owner or lessee of a motor vehicle who resides
10 in this state and qualifies for a disabled parking permit
11 under s. 320.0848(2)~~is permanently confined to a wheelchair,~~
12 ~~upon application to the department accompanied by competent~~
13 ~~and appropriate proof of disability,~~ and upon payment of the
14 license tax for a motor vehicle registered under s. 320.08(2),
15 (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or (9)(c) or
16 (d), shall be issued a license plate as provided by s. 320.06
17 which, in lieu of the serial number prescribed by s. 320.06,
18 shall be stamped with the international wheelchair user symbol
19 after the serial number of the license plate. The license
20 plate entitles the person to all privileges afforded by a
21 parking permit issued under s. 320.0848.

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

24 Section 7. Section 320.0848, Florida Statutes, is
25 amended to read:

26 320.0848 Persons who have disabilities; issuance of
27 disabled parking permits; temporary permits; permits for
28 certain providers of transportation services to persons who
29 have disabilities.--

30 (1)(a) The Department of Highway Safety and Motor
31 Vehicles or its authorized agents shall, upon application and

1 receipt of the fee, issue a disabled parking permit for a
2 period of up to 4 years, which period ~~that~~ ends on the
3 applicant's birthday, to any person who has long-term mobility
4 impairment problems, or a temporary disabled parking permit
5 not to exceed 1 year to any person who has a temporary
6 mobility impairment problems.

7 (b)1. The person must be currently certified ~~by a~~
8 ~~physician licensed under chapter 458, chapter 459, or chapter~~
9 ~~460, or by a podiatrist licensed under chapter 461, by the~~
10 ~~Division of Blind Services of the Department of Labor and~~
11 ~~Employment Security, or by the Adjudication Office of the~~
12 ~~United States Department of Veterans Affairs or its~~
13 ~~predecessor~~ as being legally blind or as having any of the
14 following disabilities that render him ~~limit or impair his or~~
15 her unable ability to walk 200 feet without stopping to rest:

16 1. ~~Inability to walk 200 feet without stopping to~~
17 ~~rest.~~

18 a.2. Inability to walk without the use of or
19 assistance from a brace, cane, crutch, prosthetic device, or
20 other assistive device, or without the assistance of another
21 person. If the assistive device significantly restores the
22 person's ability to walk to the extent that the person can
23 walk without severe limitation, the person is not eligible for
24 the exemption parking permit.

25 b.3. The need to permanently use a wheelchair.

26 c.4. Restriction by lung disease to the extent that
27 the person's forced (respiratory) expiratory volume for 1
28 second, when measured by spirometry, is less than 1 liter, or
29 the person's arterial oxygen is less than 60 mm/hg on room air
30 at rest.

31 d.5. Use of portable oxygen.

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

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

7 2. The certification of disability which is required
8 under subparagraph 1. must be provided by a physician licensed
9 under chapter 458, chapter 459, or chapter 460, by a
10 podiatrist licensed under chapter 461, by an optometrist
11 licensed under chapter 463, by the Adjudication Office of the
12 United States Department of Veterans Affairs or its
13 predecessor, or by a similarly licensed physician from another
14 state if the application is accompanied by documentation of
15 the physician's licensure in the other state and a form signed
16 by the out-of-state physician verifying his or her knowledge
17 of this state's eligibility guidelines.

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

20 1. The disability of the applicant; the certifying
21 physician's name and address; the physician's certification
22 number; the eligibility criteria for the permit; the penalty
23 for falsification by either the certifying physician or the
24 applicant; the duration of the condition that entitles the
25 person to the permit; and justification for the additional
26 placard pursuant to subsection (2).

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

30 3. The signatures of:

31 a. The applicant's physician;

1 b. The applicant or the applicant's parent or
2 guardian; and

3 c. The employee of the department's authorized agent
4 which employee is processing the application.

5 ~~(d)(c)~~ Beginning April 1, 1999, the Department of
6 Highway Safety and Motor Vehicles shall renew the disabled
7 parking permit of any person certified as permanently disabled
8 on the application ~~who has a disability upon presentation of~~
9 ~~the certification required by paragraph (b).~~

10 ~~(e)(d)~~ The Department of Highway Safety and Motor
11 Vehicles shall, in consultation with the Commission for the
12 Transportation Disadvantaged, adopt rules, in accordance with
13 chapter 120, for the issuance of a disabled parking permit to
14 any organization that can adequately demonstrate a bona fide
15 need for such a permit because the organization provides
16 regular transportation services to persons who have
17 disabilities and are certified as provided in paragraphs
18 paragraph (a) and (b).

19 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
20 MOBILITY PROBLEMS.--

21 (a) The disabled parking permit is a placard that can
22 be placed in a motor vehicle so as to be visible from the
23 front and rear of the vehicle. Each side of the placard must
24 have the international symbol of accessibility in a
25 contrasting color in the center so as to be visible. One side
26 of the placard must display the applicant's driver's license
27 number or state identification card number along with a
28 warning that the applicant must have such identification at
29 all times while using the parking permit. A validation sticker
30 must also be issued with each disabled parking permit, showing
31 the month and year of expiration on each side of the placard.

1 Validation stickers must be of the size specified by the
2 Department of Highway Safety and Motor Vehicles and must be
3 affixed to the disabled parking permits. The disabled parking
4 permits must use the same colors as license plate validations.

5 (b) License plates issued under ss. 320.084, 320.0842,
6 320.0843, and 320.0845 are valid for the same parking
7 privileges and other privileges provided under ss. 316.1955,
8 316.1964, and 526.141(5)(a).

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

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

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

18
19 The department shall not issue an additional disabled parking
20 permit unless the applicant states that they are a frequent
21 traveler or a quadriplegic. The department may not issue to
22 any one eligible applicant more than two disabled parking
23 permits except to an organization in accordance with paragraph
24 (1)(d). Subsections (1), (5), (6), and (7) apply to this
25 subsection.

26 2. If an applicant who is a disabled veteran, is a
27 resident of this state, has been honorably discharged, and
28 either has been determined by the Department of Defense or the
29 United States Department of Veterans Affairs or its
30 predecessor to have a service-connected disability rating for
31 compensation of 50 percent or greater or has been determined

1 to have a service-connected disability rating of 50 percent or
2 greater and is in receipt of both disability retirement pay
3 from the United States Department of Veterans Affairs and has
4 a signed physician's statement of qualification for the
5 disabled parking permits, the fee for a disabled parking
6 permit shall be:

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

9 b. One dollar for each additional or additional
10 renewal 4-year permit.

11
12 The tax collector of the county in which the fee was collected
13 shall retain all funds received pursuant to this subparagraph.

14 3. If an applicant presents to the department a
15 statement from the Federal Government or the State of Florida
16 indicating the applicant is a recipient of supplemental
17 security income, the fee for the disabled parking permit shall
18 be \$9 for the initial 4-year permit or renewal permit, of
19 which the State Transportation Trust Fund shall receive \$6.75
20 and the tax collector of the county in which the fee was
21 collected shall receive \$2.25.

22 (d) To obtain a replacement for a disabled parking
23 permit that has been lost or stolen, a person must submit an
24 application on a form prescribed by the department and must
25 pay a replacement fee in the amount of \$1.50, to be retained
26 by the issuing agency. If the person submits with the
27 application a police report documenting that the permit was
28 stolen, there is no replacement fee.

29 (e) A person who qualifies for a disabled parking
30 permit under this section may be issued an international
31 wheelchair user symbol license plate under s. 320.0843 in lieu

1 of the disabled parking permit; or, if the person qualifies
2 for a "DV" license plate under s. 320.084, such a license
3 plate may be issued to him or her in lieu of a disabled
4 parking permit.

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

6 (a) The temporary disabled parking permit is a placard
7 of a different color from the color of the long-term disabled
8 parking permit placard, and must clearly display the date of
9 expiration in large print and with color coding, but is ~~in all~~
10 ~~other respects~~ identical to the long-term disabled parking
11 permit placard in all other respects, including, but not
12 limited to, the inclusion of a state identification card
13 number or driver's license number on one side of the temporary
14 permit. The temporary disabled parking permit placard must be
15 designed to conspicuously display the expiration date of the
16 permit on the front and back of the placard.

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

20 (c) The fee for a temporary disabled parking permit is
21 \$15.

22 (4) From the proceeds of the temporary disabled
23 parking permit fees:

24 (a) The Department of Highway Safety and Motor
25 Vehicles must receive \$3.50 for each temporary permit, to be
26 deposited into the Highway Safety Operating Trust Fund and
27 used for implementing the real-time disabled parking permit
28 database and for administering the disabled parking permit
29 program.

30 (b) The tax collector, for processing, must receive
31 \$2.50 for each temporary permit.

1 (c) The remainder must be distributed monthly as
2 follows:

3 1. To the Florida Governor's Alliance for the
4 Employment of Disabled Citizens for the purpose of improving
5 employment and training opportunities for persons who have
6 disabilities, with special emphasis on removing transportation
7 barriers, \$4. These fees must be deposited into the
8 Transportation Disadvantaged Trust Fund for transfer to the
9 Florida Governor's Alliance for Employment of Disabled
10 Citizens.

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

15 (5) The applications for disabled parking permits and
16 temporary disabled parking permits are official state
17 documents. The following statement must appear on each
18 application form immediately below the physician's signature
19 and immediately below the applicant's signature: "Knowingly
20 providing false information on this application is a
21 misdemeanor of the first degree, punishable as provided in s.
22 775.082, Florida Statutes, or s. 775.083, Florida Statutes.
23 The penalty is up to 1 year in jail or a fine of \$1,000, or
24 both."

25 (6) Any person who knowingly makes a false or
26 misleading statement in an application or certification under
27 this section commits a misdemeanor of the first degree,
28 punishable as provided in s. 775.082 or s. 775.083.

29 (7) Any person who fraudulently obtains or unlawfully
30 displays a disabled parking permit that belongs to another
31 person while occupying a disabled parking space or an access

1 aisle as defined in s. 316.1955 while the owner of the permit
2 is not being transported in the vehicle ~~uses such a disabled~~
3 ~~parking permit~~ or who uses an unauthorized replica of such a
4 disabled parking permit with the intent to deceive is guilty
5 of a misdemeanor of the second degree, punishable as provided
6 in s. 775.082 or s. 775.083.

7 (8) A law enforcement officer may confiscate the
8 disabled parking permit from any person who fraudulently
9 obtains or unlawfully ~~and~~ uses such a permit. A law
10 enforcement officer may confiscate any disabled parking permit
11 that is expired, reported as lost or stolen, or defaced, or
12 that does not display a personal identification number.

13 (a) Beginning April 1, 1999, the permit number of each
14 confiscated permit must be submitted to the Department of
15 Highway Safety and Motor Vehicles, and the fact that the
16 permit has been confiscated must be noted on the
17 permitholder's record. If two permits issued to the same
18 person have been confiscated, the Department of Highway Safety
19 and Motor Vehicles shall refer the information to the Florida
20 Abuse Hotline for an investigation of potential abuse,
21 neglect, or exploitation of the permit owner.

22 (b) A confiscated permit must be held as evidence
23 until a judicial decision about the violation has been made.
24 After a finding of guilt has been made or a plea of nolo
25 contendere has been entered, the charging agency shall destroy
26 the confiscated permit. A confiscated permit may not, under
27 any circumstances, be returned to its registered owner after a
28 finding of guilt has been made or a plea of nolo contendere
29 has been entered in court. The permit number of each destroyed
30 permit must be reported to the department, and the department
31

1 must record in the real-time disabled parking permit database
2 that the permit has been invalidated.

3 Section 8. Except as otherwise expressly provided in
4 this act, this act shall take effect July 1, 1998.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 1498

9 This committee substitute deletes the following provisions
10 from the bill: that on-street parallel parking spaces must
11 have access aisles; that the privilege of signing a Florida
12 application for a disabled parking permit by an out-of-state
13 doctor may be revoked; that a hearing must be held to review
14 alleged false statement or misleading information on the
15 application made by any permit holder; that a hearing must be
16 held to determine whether a confiscation of a permit by a law
17 enforcement officer was due to exploitation of the person who
18 has a disability; and, that parking lots with over 1,000
19 spaces must dedicate two percent of the spaces for disabled
20 parking.

21 The committee substitute provides that persons certified as
22 permanently disabled by a physician will not be required to
23 show such certification upon renewal. Further, if two permits
24 issued to the same person have been confiscated for improper
25 use, the Department of Highway Safety and Motor Vehicles must
26 refer the information to the Florida Abuse Hotline for
27 investigation.
28
29
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31