

By the Committee on Transportation and Representatives  
Jacobs, Morse, Fasano, Crist, Heyman, Bloom, Wise, Maygarden,  
Lippman, Futch, D. Prewitt, Casey, Rayson and Tobin

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

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:

18 316.1955 Parking spaces for persons who have  
19 disabilities.--

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

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

29 (b) There must be one accessible parking space for  
30 each 150 metered onstreet parking spaces provided by state  
31 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. In accordance with ADAAG 4.6.3, access  
29 aisles must be placed adjacent to accessible parking spaces;  
30 ~~however, The parking access aisles are reserved for the use of~~  
31 ~~persons who have disabled parking permits, and violators are~~

1 ~~subject to the same penalties that are imposed for illegally~~  
2 ~~parking in parking spaces that are designated for persons who~~  
3 ~~have disabilities.~~ two accessible parking spaces may share a  
4 common access aisle. The access aisle must be striped  
5 diagonally to designate it as a 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 ~~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 this subsection  
18 ~~paragraph (a).~~

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, to be retained by  
26 the issuing agency. If the person submits with the application  
27 a police report documenting that the permit was stolen, there  
28 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  
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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.

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