

By the Committee on Transportation and Representatives  
Futch, Bense, Harrington, Johnson, Trovillion, Kelly, Ball,  
Wiles, Suarez, Ritchie, Levine, Henriquez and Gottlieb

1                                   A bill to be entitled  
2           An act relating to disabled parking permits;  
3           amending s. 320.0848, F.S.; eliminating fees  
4           imposed on applicants for certain permits;  
5           amending provisions relating to fees for  
6           temporary disabled parking permits; providing  
7           that certain additional persons are authorized  
8           to provide a certification of disability;  
9           providing an effective date.

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

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13           Section 1. Section 320.0848, Florida Statutes, is  
14 amended to read:

15           320.0848 Persons who have disabilities; issuance of  
16 disabled parking permits; temporary permits; permits for  
17 certain providers of transportation services to persons who  
18 have disabilities.--

19           (1)(a) The Department of Highway Safety and Motor  
20 Vehicles or its authorized agents shall, upon application and  
21 receipt of the fee, issue a disabled parking permit for a  
22 period of up to 4 years, which period ends on the applicant's  
23 birthday, to any person who has long-term mobility impairment,  
24 or a temporary disabled parking permit not to exceed 1 year to  
25 any person who has a temporary mobility impairment.

26           (b)1. The person must be currently certified as being  
27 legally blind or as having any of the following disabilities  
28 that render him or her unable to walk 200 feet without  
29 stopping to rest:

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

1 assistive device, or without the assistance of another person.  
2 If the assistive device significantly restores the person's  
3 ability to walk to the extent that the person can walk without  
4 severe limitation, the person is not eligible for the  
5 exemption parking permit.  
6         b. The need to permanently use a wheelchair.  
7         c. Restriction by lung disease to the extent that the  
8 person's forced (respiratory) expiratory volume for 1 second,  
9 when measured by spirometry, is less than 1 liter, or the  
10 person's arterial oxygen is less than 60 mm/hg on room air at  
11 rest.  
12         d. Use of portable oxygen.  
13         e. Restriction by cardiac condition to the extent that  
14 the person's functional limitations are classified in severity  
15 as Class III or Class IV according to standards set by the  
16 American Heart Association.  
17         f. 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 podiatric  
22 physician 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, or by an advanced  
30 registered nurse practitioner licensed under chapter 464 in a  
31 facility operated by the United States Department of Veterans

1 Affairs under the protocol of a licensed physician as stated  
2 in this paragraph.  
3 (c) 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) Beginning April 1, 1999, the Department of Highway  
22 Safety and Motor Vehicles shall renew the disabled parking  
23 permit of any person certified as permanently disabled on the  
24 application.  
25 (e) 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  
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1 regular transportation services to persons who have  
2 disabilities and are certified as provided in this subsection.  
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.p> b. One~~  
30 ~~dollar for each additional or additional renewal 4-year~~  
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1 ~~permit, of which the State Transportation Trust Fund shall~~  
2 ~~receive all funds collected.~~

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

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

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

26       ~~a. One dollar and fifty cents for the initial 4-year~~  
27 ~~permit or renewal permit.~~

28       ~~b. One dollar for each additional or additional~~  
29 ~~renewal 4-year permit.~~

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1 ~~The tax collector of the county in which the fee was collected~~  
2 ~~shall retain all funds received pursuant to this subparagraph.~~

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

11 (d) To obtain a replacement for a disabled parking  
12 permit that has been lost or stolen, a person must submit an  
13 application on a form prescribed by the department and must  
14 pay a replacement fee in the amount of \$5.00 ~~\$1.00~~, to be  
15 retained by the issuing agency. If the person submits with the  
16 application a police report documenting that the permit was  
17 stolen, there is no replacement fee.

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

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

26 (a) The temporary disabled parking permit is a placard  
27 of a different color from the color of the long-term disabled  
28 parking permit placard, and must clearly display the date of  
29 expiration in large print and with color coding, but is  
30 identical to the long-term disabled parking permit placard in  
31 all other respects, including, but not limited to, the

1 inclusion of a state identification card number or driver's  
2 license number on one side of the temporary permit. The  
3 temporary disabled parking permit placard must be designed to  
4 conspicuously display the expiration date of the permit on the  
5 front and back of the placard.

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

9 (c) The fee for a temporary disabled parking permit is  
10 ~~\$17.50~~\$15.

11 (4) From the proceeds of the temporary disabled  
12 parking permit fees:

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

19 (b) The tax collector, for processing, must receive \$5  
20 ~~\$2.50~~ for each temporary permit.

21 (c) The remainder must be distributed monthly as  
22 follows:

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

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

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

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

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

27           (8) A law enforcement officer may confiscate the  
28 disabled parking permit from any person who fraudulently  
29 obtains or unlawfully uses such a permit. A law enforcement  
30 officer may confiscate any disabled parking permit that is  
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1 expired, reported as lost or stolen, or defaced, or that does  
2 not display a personal identification number.

3 (a) ~~Beginning April 1, 1999,~~The permit number of each  
4 confiscated permit must be submitted to the Department of  
5 Highway Safety and Motor Vehicles, and the fact that the  
6 permit has been confiscated must be noted on the  
7 permit holder's record. If two permits issued to the same  
8 person have been confiscated, the Department of Highway Safety  
9 and Motor Vehicles shall refer the information to the Florida  
10 Abuse Hotline for an investigation of potential abuse,  
11 neglect, or exploitation of the permit owner.

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

23 (9) A violation of this section is grounds for  
24 disciplinary action under s. 458.331, s. 459.015, s. 460.413,  
25 or s. 461.013, as applicable.

26 (10) The Department of Highway Safety and Motor  
27 Vehicles shall adopt rules to administer this section.

28 Section 2. This act shall take effect July 1, 2000.  
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