

By Senator Clary

7-117A-00

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A bill to be entitled
An act relating to disabled parking permits;
amending s. 320.0848, F.S.; eliminating fees
imposed on applicants for certain permits;
providing legislative intent to impose fees to
defray the costs of issuing such permits;
providing an effective date.

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

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

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

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

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

a. Inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person.
If the assistive device significantly restores the person's

1 ability to walk to the extent that the person can walk without
2 severe limitation, the person is not eligible for the
3 exemption parking permit.

4 b. The need to permanently use a wheelchair.

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

10 d. Use of portable oxygen.

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

15 f. Severe limitation in the person's ability to walk
16 due to an arthritic, neurological, or orthopedic condition.

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

28 (c) The certificate of disability must include, but
29 need not be limited to:

30 1. The disability of the applicant; the certifying
31 physician's name and address; the physician's certification

1 number; the eligibility criteria for the permit; the penalty
2 for falsification by either the certifying physician or the
3 applicant; the duration of the condition that entitles the
4 person to the permit; and justification for the additional
5 placard pursuant to subsection (2).

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

9 3. The signatures of:

10 a. The applicant's physician;

11 b. The applicant or the applicant's parent or
12 guardian; and

13 c. The employee of the department's authorized agent
14 which employee is processing the application.

15 (d) Beginning April 1, 1999, the Department of Highway
16 Safety and Motor Vehicles shall renew the disabled parking
17 permit of any person certified as permanently disabled on the
18 application.

19 (e) The Department of Highway Safety and Motor
20 Vehicles shall, in consultation with the Commission for the
21 Transportation Disadvantaged, adopt rules, in accordance with
22 chapter 120, for the issuance of a disabled parking permit to
23 any organization that can adequately demonstrate a bona fide
24 need for such a permit because the organization provides
25 regular transportation services to persons who have
26 disabilities and are certified as provided in this subsection.

27 (2) **DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM**
28 **MOBILITY PROBLEMS.--**

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

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

13 (b) License plates issued under ss. 320.084, 320.0842,
14 320.0843, and 320.0845 are valid for the same parking
15 privileges and other privileges provided under ss. 316.1955,
16 316.1964, and 526.141(5)(a).

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

19 ~~a. Fifteen dollars for each initial 4-year permit or~~
20 ~~renewal permit, of which the State Transportation Trust Fund~~
21 ~~shall receive \$13.50 and the tax collector of the county in~~
22 ~~which the fee was collected shall receive \$1.50.p> b. One~~
23 ~~dollar for each additional or additional renewal 4-year~~
24 ~~permit, of which the State Transportation Trust Fund shall~~
25 ~~receive all funds collected.~~

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

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30 ~~The department shall not issue an additional disabled parking~~
31 ~~permit unless the applicant states that they are a frequent~~

1 ~~traveler or a quadriplegic. The department may not issue to~~
2 ~~any one eligible applicant more than two disabled parking~~
3 ~~permits except to an organization in accordance with paragraph~~
4 ~~(1)(e). Subsections (1), (5), (6), and (7) apply to this~~
5 ~~subsection.~~

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

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

20 b. ~~One dollar for each additional or additional~~
21 ~~renewal 4-year permit.~~

22

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

25 3. ~~If an applicant presents to the department a~~
26 ~~statement from the Federal Government or the State of Florida~~
27 ~~indicating the applicant is a recipient of supplemental~~
28 ~~security income, the fee for the disabled parking permit shall~~
29 ~~be \$9 for the initial 4-year permit or renewal permit, of~~
30 ~~which the State Transportation Trust Fund shall receive \$6.75~~

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1 ~~and the tax collector of the county in which the fee was~~
2 ~~collected shall receive \$2.25.~~

3 (c)~~(d)~~ To obtain a replacement for a disabled parking
4 permit that has been lost or stolen, a person must submit an
5 application on a form prescribed by the department ~~and must~~
6 ~~pay a replacement fee in the amount of \$1.00, to be retained~~
7 ~~by the issuing agency. If the person submits with the~~
8 ~~application a police report documenting that the permit was~~
9 ~~stolen, there is no replacement fee.~~

10 (d)~~(e)~~ A person who qualifies for a disabled parking
11 permit under this section may be issued an international
12 wheelchair user symbol license plate under s. 320.0843 in lieu
13 of the disabled parking permit; or, if the person qualifies
14 for a "DV" license plate under s. 320.084, such a license
15 plate may be issued to him or her in lieu of a disabled
16 parking permit.

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

18 (a) The temporary disabled parking permit is a placard
19 of a different color from the color of the long-term disabled
20 parking permit placard, and must clearly display the date of
21 expiration in large print and with color coding, but is
22 identical to the long-term disabled parking permit placard in
23 all other respects, including, but not limited to, the
24 inclusion of a state identification card number or driver's
25 license number on one side of the temporary permit. The
26 temporary disabled parking permit placard must be designed to
27 conspicuously display the expiration date of the permit on the
28 front and back of the placard.

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

1 (c) The fee for a temporary disabled parking permit is
2 \$15.

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

5 (a) The Department of Highway Safety and Motor
6 Vehicles must receive \$3.50 for each temporary permit, to be
7 deposited into the Highway Safety Operating Trust Fund and
8 used for implementing the real-time disabled parking permit
9 database and for administering the disabled parking permit
10 program.

11 (b) The tax collector, for processing, must receive
12 \$2.50 for each temporary permit.

13 (c) The remainder must be distributed monthly as
14 follows:

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

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

27 (5) The applications for disabled parking permits and
28 temporary disabled parking permits are official state
29 documents. The following statement must appear on each
30 application form immediately below the physician's signature
31 and immediately below the applicant's signature: "Knowingly

1 providing false information on this application is a
2 misdemeanor of the first degree, punishable as provided in s.
3 775.082, Florida Statutes, or s. 775.083, Florida Statutes.
4 The penalty is up to 1 year in jail or a fine of \$1,000, or
5 both."

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

10 (7) Any person who fraudulently obtains or unlawfully
11 displays a disabled parking permit that belongs to another
12 person while occupying a disabled parking space or an access
13 aisle as defined in s. 316.1955 while the owner of the permit
14 is not being transported in the vehicle or who uses an
15 unauthorized replica of such a disabled parking permit with
16 the intent to deceive is guilty of a misdemeanor of the second
17 degree, punishable as provided in s. 775.082 or s. 775.083.

18 (8) A law enforcement officer may confiscate the
19 disabled parking permit from any person who fraudulently
20 obtains or unlawfully uses such a permit. A law enforcement
21 officer may confiscate any disabled parking permit that is
22 expired, reported as lost or stolen, or defaced, or that does
23 not display a personal identification number.

24 (a) ~~Beginning April 1, 1999,~~The permit number of each
25 confiscated permit must be submitted to the Department of
26 Highway Safety and Motor Vehicles, and the fact that the
27 permit has been confiscated must be noted on the
28 permitholder's record. If two permits issued to the same
29 person have been confiscated, the Department of Highway Safety
30 and Motor Vehicles shall refer the information to the Florida
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1 Abuse Hotline for an investigation of potential abuse,
2 neglect, or exploitation of the permit owner.

3 (b) A confiscated permit must be held as evidence
4 until a judicial decision about the violation has been made.
5 After a finding of guilt has been made or a plea of nolo
6 contendere has been entered, the charging agency shall destroy
7 the confiscated permit. A confiscated permit may not, under
8 any circumstances, be returned to its registered owner after a
9 finding of guilt has been made or a plea of nolo contendere
10 has been entered in court. The permit number of each destroyed
11 permit must be reported to the department, and the department
12 must record in the real-time disabled parking permit database
13 that the permit has been invalidated.

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

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

19 Section 2. It is the intent of the Legislature to
20 provide for fees from which the revenues must be used to
21 defray the costs of providing parking permits to persons who
22 have a permanent disability and to certain services that
23 provide transportation to persons who have disabilities.

24 Section 3. This act shall take effect July 1, 2000.

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27 SENATE SUMMARY

28 Deletes fees for issuing certain parking permits to
29 persons who have permanent disabilities or to certain
30 providers of transportation services to persons who have
31 disabilities. Declares legislative intent to impose fees
to defray the costs of issuing such parking permits.