

By the Committee on Transportation and Senators Clary, Latvala, McKay, Brown-Waite, Casas, Cowin, Sullivan and Saunders

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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; revising provisions relating to fees for temporary disabled parking 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, or by an advanced  
28 registered nurse practitioner licensed under chapter 464 in a  
29 facility operated by the United States Department of Veterans  
30 Affairs under the protocol of a licensed physician as stated  
31 in this subparagraph.

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

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

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

13 3. The signatures of:

14 a. The applicant's physician;

15 b. The applicant or the applicant's parent or  
16 guardian; and

17 c. The employee of the department's authorized agent  
18 which employee is processing the application.

19 (d) Beginning April 1, 1999, the Department of Highway  
20 Safety and Motor Vehicles shall renew the disabled parking  
21 permit of any person certified as permanently disabled on the  
22 application.

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

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

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

18           (b) License plates issued under ss. 320.084, 320.0842,  
19 320.0843, and 320.0845 are valid for the same parking  
20 privileges and other privileges provided under ss. 316.1955,  
21 316.1964, and 526.141(5)(a).

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

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

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

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

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

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

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

27  
28 ~~The tax collector of the county in which the fee was collected~~  
29 ~~shall retain all funds received pursuant to this subparagraph.~~

30           ~~3. If an applicant presents to the department a~~  
31 ~~statement from the Federal Government or the State of Florida~~

1 ~~indicating the applicant is a recipient of supplemental~~  
2 ~~security income, the fee for the disabled parking permit shall~~  
3 ~~be \$9 for the initial 4-year permit or renewal permit, of~~  
4 ~~which the State Transportation Trust Fund shall receive \$6.75~~  
5 ~~and the tax collector of the county in which the fee was~~  
6 ~~collected shall receive \$2.25.~~

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

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

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

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

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1 conspicuously display the expiration date of the permit on the  
2 front and back of the placard.

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

6 (c) The fee for a temporary disabled parking permit is  
7 ~~\$17.50~~\$15.

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

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

16 (b) The tax collector, for processing, must receive\$5  
17 ~~\$2.50~~ for each temporary permit.

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

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

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

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

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

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

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

29           (a) ~~Beginning April 1, 1999,~~The permit number of each  
30 confiscated permit must be submitted to the Department of  
31 Highway Safety and Motor Vehicles, and the fact that the



1 permit has been confiscated must be noted on the  
2 permit holder's record. If two permits issued to the same  
3 person have been confiscated, the Department of Highway Safety  
4 and Motor Vehicles shall refer the information to the Florida  
5 Abuse Hotline for an investigation of potential abuse,  
6 neglect, or exploitation of the permit owner.

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

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

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

23 Section 2. This act shall take effect July 1, 2000.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2   COMMITTEE SUBSTITUTE FOR  
3   SB 202

4     The CS reinserts the provision authorizing DHSMV to issue  
5     additional disabled parking permits to frequent travelers or  
6     quadraplegics.  
7     The CS increases the fee for a replacement permit from \$1 to  
8     \$5.  
9     The CS increases the fee for a temporary disabled parking  
10    permit from \$15 to \$17.50.  
11    The CS deletes the provision stating the intent of the  
12    Legislature to provide for fees from which the revenues must  
13    be used to defray the costs of providing parking permits to  
14    persons who have permanent disabilities and to certain  
15    services that provide transportation to persons who have  
16    disabilities.  
17    The CS further authorizes an advanced registered nurse  
18    practitioner in a facility operated by the United States  
19    Department of Veterans Affairs, under the protocol of a  
20    licensed physician, to certify a veteran disabled for the  
21    purposes of acquiring a disabled parking permit.  
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