

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

309-2150A-00

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 320.08058, F.S.; revising provisions relating
4 to the Sea Turtle License Plate; providing for
5 a distribution of funds from the Share the Road
6 license plate to Bike Florida, Inc., rather
7 than to the Governor's Council on Physical
8 Fitness and Amateur Sports; amending s.
9 320.084, F.S.; allowing certain disabled
10 veterans to purchase additional disabled
11 veterans license plates; amending s. 320.0848,
12 F.S.; eliminating disabled-parking-permit fees;
13 providing an administrative processing fee;
14 revising provisions relating to fees for
15 temporary disabled-parking permits; providing
16 an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (b) of subsection (19) and
21 paragraph (b) of subsection (31) of section 320.08058, Florida
22 Statutes, are amended to read:

23 320.08058 Specialty license plates.--
24 (19) SEA TURTLE LICENSE PLATES.--
25 (b) The annual use fees shall be deposited in the
26 Marine Resources Conservation Trust Fund in the Fish and
27 Wildlife Conservation Commission. The first \$500,000 in annual
28 revenue shall be used by the Florida Marine Turtle Protection
29 Program to conduct sea turtle protection, research, and
30 recovery programs. Additional license plate revenue, up to an
31 amount not exceeding 30 percent of the total annual revenue,

1 shall be dispersed annually through the marine turtle grants
2 program as provided in s. 370.12(1)(h). The remaining annual
3 use proceeds shall be used by the Florida Marine Turtle
4 Protection Program for sea turtle conservation activities.~~The~~
5 ~~remaining annual use proceeds shall be used by the commission~~
6 ~~for sea turtle conservation activities, except that up to 30~~
7 ~~percent of the remaining annual use fee proceeds shall be~~
8 ~~annually disbursed through the marine turtle grants program as~~
9 ~~provided in s. 370.12(1)(h).~~

10 (31) SHARE THE ROAD LICENSE PLATES.--

11 (b) The annual use fees shall be distributed to Bike
12 Florida, Inc., up to 25 percent ~~the Florida Governor's Council~~
13 ~~on Physical Fitness and Amateur Sports, a portion of which~~
14 shall be used for marketing and promotion of the "Share the
15 Road" concept and license plate. The remaining funds shall be
16 divided equally between Bike Florida, Inc., and the Florida
17 Bicycle Association, Inc., to be used for:

18 1. Education and awareness programs, for bicycle
19 safety and motorist safety, with emphasis on sharing the
20 roadway by all users.

21 2. Training, workshops, educational materials, and
22 media events.

23 3. The promotion of safe bicycling.

24 Section 2. Subsection (6) is added to section 320.084,
25 Florida Statutes, to read:

26 320.084 Free motor vehicle license plate to certain
27 disabled veterans.--

28 (6) A disabled veteran who has received a free license
29 plate under this section may purchase additional disabled
30 veterans license plates. The cost for additional plates may
31 not exceed the cost provided in s. 320.06(1)(b).

1 Section 3. Section 320.0848, Florida Statutes, is
2 amended to read:

3 320.0848 Persons who have disabilities; issuance of
4 disabled parking permits; temporary permits; permits for
5 certain providers of transportation services to persons who
6 have disabilities.--

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

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

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

25 b. The need to permanently use a wheelchair.

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

31 d. Use of portable oxygen.

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

5 f. 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 podiatric
10 physician 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, or by an advanced
18 registered nurse practitioner licensed under chapter 464 in a
19 facility operated by the United States Department of Veterans
20 Affairs under the protocol of a licensed physician as stated
21 in this subparagraph.

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

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

31

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

4 3. The signatures of:

5 a. The applicant's physician;

6 b. The applicant or the applicant's parent or
7 guardian; and

8 c. The employee of the department's authorized agent
9 which employee is processing the application.

10 (d) Beginning April 1, 1999, the Department of Highway
11 Safety and Motor Vehicles shall renew the disabled parking
12 permit of any person certified as permanently disabled on the
13 application.

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

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

24 (a) The disabled parking permit is a placard that can
25 be placed in a motor vehicle so as to be visible from the
26 front and rear of the vehicle. Each side of the placard must
27 have the international symbol of accessibility in a
28 contrasting color in the center so as to be visible. One side
29 of the placard must display the applicant's driver's license
30 number or state identification card number along with a
31 warning that the applicant must have such identification at

1 all times while using the parking permit. A validation sticker
2 must also be issued with each disabled parking permit, showing
3 the month and year of expiration on each side of the placard.
4 Validation stickers must be of the size specified by the
5 Department of Highway Safety and Motor Vehicles and must be
6 affixed to the disabled parking permits. The disabled parking
7 permits must use the same colors as license plate validations.

8 (b) License plates issued under ss. 320.084, 320.0842,
9 320.0843, and 320.0845 are valid for the same parking
10 privileges and other privileges provided under ss. 316.1955,
11 316.1964, and 526.141(5)(a).

12 (c) The administrative processing fee for each initial
13 4-year disabled parking permit or renewal permit shall be
14 \$1.50, and all proceeds shall be retained by the tax collector
15 of the county in which the fee was collected.

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

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

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

28 (d) The department shall not issue an additional
29 disabled parking permit unless the applicant states that he or
30 she is they are a frequent traveler or a quadriplegic. The
31 department may not issue to any one eligible applicant more

1 than two disabled parking permits except to an organization in
2 accordance with paragraph (1)(e). Subsections (1), (5), (6),
3 and (7) apply to this subsection.

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

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

18 b. ~~One dollar for each additional or additional~~
19 ~~renewal 4-year permit.~~

20
21 ~~The tax collector of the county in which the fee was collected~~
22 ~~shall retain all funds received pursuant to this subparagraph.~~

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

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

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

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

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

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

30 (c) The fee for a temporary disabled parking permit is
31 \$15.

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

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

9 (b) The tax collector, for processing, must receive
10 \$2.50 for each temporary permit.

11 (c) The remainder must be distributed monthly as
12 follows:

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

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

25 (5) The applications for disabled parking permits and
26 temporary disabled parking permits are official state
27 documents. The following statement must appear on each
28 application form immediately below the physician's signature
29 and immediately below the applicant's signature: "Knowingly
30 providing false information on this application is a
31 misdemeanor of the first degree, punishable as provided in s.

1 775.082, Florida Statutes, or s. 775.083, Florida Statutes.
2 The penalty is up to 1 year in jail or a fine of \$1,000, or
3 both."

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

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

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

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

31

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

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

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

17 Section 4. This act shall take effect July 1, 2000.

18

19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 CS/SB 202

22

23 Provides that certain revenues from sale of the Sea Turtle
24 License Plate shall be used for sea turtle conservation
25 activities.

26 Provides that revenues from sale of the Share the Road License
27 Plate shall be distributed to Bike Florida, Inc.

28 Provides that a disabled veteran may purchase additional
29 disabled veterans' license plates at the cost provided in
30 statute. (Current fee is \$10).

31 Deletes the fee increase for a temporary disabled parking
permit.

Creates a \$1.50 administrative assessment fee to replace the
portion of the \$15 fee for a disabled parking permit that
currently goes to the Tax Collector.

31