

By Senator Clary

7-1457-02

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 320.084, F.S.; allowing certain disabled
4 veterans to purchase additional
5 disabled-veterans license plates; amending s.
6 320.0848, F.S.; authorizing certain additional
7 health care professionals to issue
8 certifications of disability; eliminating
9 parking-permit fees for disabled persons;
10 providing an administrative processing fee;
11 revising provisions relating to fees for
12 temporary parking permits for disabled persons;
13 providing an effective date.

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

17 Section 1. Subsection (6) is added to section 320.084,
18 Florida Statutes, to read:

19 320.084 Free motor vehicle license plate to certain
20 disabled veterans.--

21 (6) A disabled veteran who has received a free license
22 plate under this section may purchase additional
23 disabled-veterans license plates. The cost for additional
24 plates may not exceed the cost provided in s. 320.06(1)(b).

25 Section 2. Section 320.0848, Florida Statutes, is
26 amended to read:

27 320.0848 Persons who have disabilities; issuance of
28 disabled parking permits; temporary permits; permits for
29 certain providers of transportation services to persons who
30 have disabilities.--

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

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

12 a. Inability to walk without the use of or assistance
13 from a brace, cane, crutch, prosthetic device, or other
14 assistive device, or without the assistance of another person.
15 If the assistive device significantly restores the person's
16 ability to walk to the extent that the person can walk without
17 severe limitation, the person is not eligible for the
18 exemption parking permit.

19 b. The need to permanently use a wheelchair.

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

25 d. Use of portable oxygen.

26 e. Restriction by cardiac condition to the extent that
27 the person's functional limitations are classified in severity
28 as Class III or Class IV according to standards set by the
29 American Heart Association.

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

1 2. The certification of disability which is required
2 under subparagraph 1. must be provided by a physician licensed
3 under chapter 458, chapter 459, or chapter 460, by a podiatric
4 physician licensed under chapter 461, by an optometrist
5 licensed under chapter 463, by the Adjudication Office of the
6 United States Department of Veterans Affairs or its
7 predecessor, ~~or~~ by a similarly licensed physician from another
8 state if the application is accompanied by documentation of
9 the physician's licensure in the other state and a form signed
10 by the out-of-state physician verifying his or her knowledge
11 of this state's eligibility guidelines, by an advanced
12 registered nurse practitioner licensed under chapter 464 in a
13 facility operated by the United States Department of Veterans
14 Affairs under the protocol of a licensed physician as stated
15 in this subparagraph, or by a physician assistant licensed
16 under chapter 458 or chapter 459 in a facility operated by the
17 United States Department of Veterans Affairs.

18 (c) 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) Beginning April 1, 1999, the Department of Highway
6 Safety and Motor Vehicles shall renew the disabled parking
7 permit of any person certified as permanently disabled on the
8 application.

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

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

19 (a) The disabled parking permit is a placard that can
20 be placed in a motor vehicle so as to be visible from the
21 front and rear of the vehicle. Each side of the placard must
22 have the international symbol of accessibility in a
23 contrasting color in the center so as to be visible. One side
24 of the placard must display the applicant's driver's license
25 number or state identification card number along with a
26 warning that the applicant must have such identification at
27 all times while using the parking permit. A validation sticker
28 must also be issued with each disabled parking permit, showing
29 the month and year of expiration on each side of the placard.
30 Validation stickers must be of the size specified by the
31 Department of Highway Safety and Motor Vehicles and must be

1 affixed to the disabled parking permits. The disabled parking
2 permits must use the same colors as license plate validations.

3 (b) License plates issued under ss. 320.084, 320.0842,
4 320.0843, and 320.0845 are valid for the same parking
5 privileges and other privileges provided under ss. 316.1955,
6 316.1964, and 526.141(5)(a).

7 (c) The administrative processing fee for each initial
8 4-year disabled parking permit or renewal permit shall be
9 \$1.50, and all proceeds of that fee shall be retained by the
10 tax collector of the county in which the fee was collected.

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

13 ~~a. Fifteen dollars for each initial 4-year permit or~~
14 ~~renewal permit, of which the State Transportation Trust Fund~~
15 ~~shall receive \$13.50 and the tax collector of the county in~~
16 ~~which the fee was collected shall receive \$1.50.~~

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

20
21 (d) The department shall not issue an additional
22 disabled parking permit unless the applicant states that he or
23 she is ~~they are~~ a frequent traveler or a quadriplegic. The
24 department may not issue to any one eligible applicant more
25 than two disabled parking permits except to an organization in
26 accordance with paragraph (1)(e). Subsections (1), (5), (6),
27 and (7) apply to this subsection.

28 (e) ~~2.~~ If an applicant who is a disabled veteran, is a
29 resident of this state, has been honorably discharged, and
30 either has been determined by the Department of Defense or the
31 United States Department of Veterans Affairs or its

1 predecessor to have a service-connected disability rating for
2 compensation of 50 percent or greater or has been determined
3 to have a service-connected disability rating of 50 percent or
4 greater and is in receipt of both disability retirement pay
5 from the United States Department of Veterans Affairs, he or
6 she must still provide ~~and has~~ a signed physician's statement
7 of qualification for the disabled parking permits, ~~the fee~~
8 ~~for a disabled parking permit shall be:~~

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

11 ~~b. One dollar for each additional or additional~~
12 ~~renewal 4-year permit.~~

13
14 ~~The tax collector of the county in which the fee was collected~~
15 ~~shall retain all funds received pursuant to this subparagraph.~~

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

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

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1 (g)~~(e)~~ A person who qualifies for a disabled parking
2 permit under this section may be issued an international
3 wheelchair user symbol license plate under s. 320.0843 in lieu
4 of the disabled parking permit; or, if the person qualifies
5 for a "DV" license plate under s. 320.084, such a license
6 plate may be issued to him or her in lieu of a disabled
7 parking permit.

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

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

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

23 (c) The fee for a temporary disabled parking permit is
24 \$15.

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

27 (a) The Department of Highway Safety and Motor
28 Vehicles must receive \$3.50 for each temporary permit, to be
29 deposited into the Highway Safety Operating Trust Fund and
30 used for implementing the real-time disabled parking permit
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1 database and for administering the disabled parking permit
2 program.

3 (b) The tax collector, for processing, must receive
4 \$2.50 for each temporary permit.

5 (c) The remainder must be distributed monthly as
6 follows:

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

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

19 (5) The applications for disabled parking permits and
20 temporary disabled parking permits are official state
21 documents. The following statement must appear on each
22 application form immediately below the physician's signature
23 and immediately below the applicant's signature: "Knowingly
24 providing false information on this application is a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082, Florida Statutes, or s. 775.083, Florida Statutes.
27 The penalty is up to 1 year in jail or a fine of \$1,000, or
28 both."

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

3 (7) Any person who fraudulently obtains or unlawfully
4 displays a disabled parking permit that belongs to another
5 person while occupying a disabled parking space or an access
6 aisle as defined in s. 553.5041 while the owner of the permit
7 is not being transported in the vehicle or who uses an
8 unauthorized replica of such a disabled parking permit with
9 the intent to deceive is guilty of a misdemeanor of the second
10 degree, punishable as provided in s. 775.082 or s. 775.083.

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

17 (a) ~~Beginning April 1, 1999,~~The permit number of each
18 confiscated permit must be submitted to the Department of
19 Highway Safety and Motor Vehicles, and the fact that the
20 permit has been confiscated must be noted on the
21 permitholder's record. If two permits issued to the same
22 person have been confiscated, the Department of Highway Safety
23 and Motor Vehicles shall refer the information to the central
24 abuse hotline of the Department of Children and Family
25 Services for an investigation of potential abuse, neglect, or
26 exploitation of the permit owner.

27 (b) A confiscated permit must be held as evidence
28 until a judicial decision about the violation has been made.
29 After a finding of guilt has been made or a plea of nolo
30 contendere has been entered, the charging agency shall destroy
31 the confiscated permit. A confiscated permit may not, under

1 any circumstances, be returned to its registered owner after a
2 finding of guilt has been made or a plea of nolo contendere
3 has been entered in court. The permit number of each destroyed
4 permit must be reported to the department, and the department
5 must record in the real-time disabled parking permit database
6 that the permit has been invalidated.

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

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

12 Section 3. This act shall take effect upon becoming a
13 law.

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15 SENATE SUMMARY

16 Allows certain disabled veterans to purchase additional
17 disabled-veterans license plates. Authorizes certain
18 additional health care professionals to issue
19 certifications of disability. Eliminates
20 disabled-parking-permit fees. Provides an administrative
21 processing fee. Revises provisions relating to fees for
22 temporary disabled-parking permits.
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