

1                                   A bill to be entitled  
 2       An act relating to disabled parking permits; amending s.  
 3       318.18, F.S.; providing for a parking enforcement  
 4       specialist or agency to validate compliance for the  
 5       disposition of a citation issued for illegally parking in  
 6       a space provided for people who have disabilities;  
 7       amending s. 320.0848, F.S.; revising requirements for  
 8       renewal or replacement of a disabled parking permit;  
 9       prohibiting applying for a new disabled parking permit for  
 10      a certain period of time upon a second finding of guilt or  
 11      plea of nolo contendere to unlawful use of such permit;  
 12      requiring the Department of Highway Safety and Motor  
 13      Vehicles to audit disabled parking permit holders, verify  
 14      certain information, and invalidate the permit of a  
 15      deceased permitholder; directing the department to  
 16      implement a means for reporting abuse of disabled parking  
 17      permits; providing for the department to conduct a public  
 18      awareness campaign; providing an effective date.

19  
 20   Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Subsection (6) of section 318.18, Florida  
 23   Statutes, is amended to read:

24           318.18 Amount of penalties.—The penalties required for a  
 25   noncriminal disposition pursuant to s. 318.14 or a criminal  
 26   offense listed in s. 318.17 are as follows:

27           (6) One hundred dollars or the fine amount designated by  
 28   county ordinance, plus court costs for illegally parking, under

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29 | s. 316.1955, in a parking space provided for people who have  
30 | disabilities. However, this fine will be waived if a person  
31 | provides to the law enforcement agency or parking enforcement  
32 | specialist or agency that issued the citation for such a  
33 | violation proof that the person committing the violation has a  
34 | valid parking permit or license plate issued pursuant to s.  
35 | 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848  
36 | or a signed affidavit that the owner of the disabled parking  
37 | permit or license plate was present at the time the violation  
38 | occurred, and that such a parking permit or license plate was  
39 | valid at the time the violation occurred. The law enforcement  
40 | officer or agency or the parking enforcement specialist or  
41 | agency, upon determining that all required documentation has  
42 | been submitted verifying that the required parking permit or  
43 | license plate was valid at the time of the violation, must sign  
44 | an affidavit of compliance. Upon provision of the affidavit of  
45 | compliance and payment of a dismissal fee of up to \$7.50 to the  
46 | clerk of the circuit court, the clerk shall dismiss the  
47 | citation.

48 | Section 2. Paragraph (d) of subsection (1), paragraph (e)  
49 | of subsection (2), and subsection (8) of section 320.0848,  
50 | Florida Statutes, are amended, subsections (9) and (10) are  
51 | renumbered as subsections (11) and (12), respectively, and new  
52 | subsections (9) and (10) are added to that section, to read:

53 | 320.0848 Persons who have disabilities; issuance of  
54 | disabled parking permits; temporary permits; permits for certain  
55 | providers of transportation services to persons who have  
56 | disabilities.—

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(1)

(d) Beginning October 1, 2011 ~~April 1, 1999~~, the department ~~of Highway Safety and Motor Vehicles~~ shall renew the disabled parking permit of any person certified as permanently disabled on the application if the person applies for renewal in person and provides a current certificate of disability pursuant to this subsection.

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

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

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

(a) ~~Beginning April 1, 1999~~, The permit number of each confiscated permit must be submitted to the department ~~of Highway Safety and Motor Vehicles~~, and the fact that the permit has been confiscated must be noted on the permitholder's record. If two permits issued to the same person have been confiscated,

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85 the department of ~~Highway Safety and Motor Vehicles~~ shall refer  
86 the information to the central abuse hotline of the Department  
87 of Children and Family Services for an investigation of  
88 potential abuse, neglect, or exploitation of the permit owner.

89 (b) A confiscated permit must be held as evidence until a  
90 judicial decision about the violation has been made. After a  
91 finding of guilt has been made or a plea of nolo contendere has  
92 been entered, the charging agency shall destroy the confiscated  
93 permit. A confiscated permit may not, under any circumstances,  
94 be returned to its registered owner after a finding of guilt has  
95 been made or a plea of nolo contendere has been entered in  
96 court. If a finding of guilt has been made or a plea of nolo  
97 contendere has been entered for fraudulent or other unlawful use  
98 of a disabled parking permit after a prior finding of guilt or  
99 plea of nolo contendere for fraudulent or other unlawful use of  
100 a disabled parking permit issued to the same registered permit  
101 owner, the permit owner may not apply for a new disabled parking  
102 permit for a period of 4 years. The permit number of each  
103 destroyed permit must be reported to the department, and the  
104 department must record in the real-time disabled parking permit  
105 database that the permit has been invalidated.

106 (9) (a) At least once every 6 months, the department shall  
107 randomly audit disabled parking permit holders to ensure that  
108 all required criteria for the ownership and possession of such  
109 permit are still valid. As a component of the audit, the  
110 department shall, at a minimum:

111 1. Review death records maintained by the Department of  
112 Health to ensure that the permitholder has not died.

113 2. Review the number of times the permit has been  
114 confiscated for fraudulent or unlawful use, if at all.

115 3. Determine if the permit has ever been reported lost or  
116 stolen and, if so, determine the current status of the permit.

117 (b) At least annually, the department shall verify that  
118 the owner of each disabled parking permit has not died. Such  
119 verification shall include, but is not limited to, consultation  
120 with death records maintained by the Department of Health. If a  
121 disabled parking permit owner is found to be deceased, the  
122 department shall promptly invalidate the decedent's disabled  
123 parking permit.

124 (10) The department shall develop and implement a means by  
125 which persons can report abuse of disabled parking permits by  
126 telephone hotline or by submitting a form online or by mail.

127 Section 3. (1) The Department of Highway Safety and Motor  
128 Vehicles shall make a public announcement and conduct a public  
129 awareness campaign regarding the abuses of disabled parking  
130 permits and the burdens such abuses inflict on disabled persons  
131 throughout the state. The public awareness campaign shall also  
132 inform the public about:

133 (a) The requirement to appear in person to renew an  
134 expired disabled parking permit or replace a lost or stolen  
135 disabled parking permit.

136 (b) The implementation of the new periodic disabled  
137 parking permit audit system.

138 (c) The implementation of the new complaint process for  
139 reporting abuses of disabled parking permits.

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140           (2) The public awareness campaign shall commence within 30  
141 days after the effective date of this act and shall continue for  
142 not less than 6 months.

143           Section 4. This act shall take effect July 1, 2011.