

By the Committee on Budget Subcommittee on Transportation,
Tourism, and Economic Development Appropriations; and Senators
Margolis and Gaetz

606-01582-12

2012226c1

1 A bill to be entitled
2 An act relating to disabled parking permits; amending
3 s. 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
6 in 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
10 for a certain period of time upon a second finding of
11 guilt or plea of nolo contendere to unlawful use of
12 such permit; requiring the Department of Highway
13 Safety and Motor Vehicles to audit disabled parking
14 permitholders, verify certain information, and
15 invalidate the permit of a deceased permitholder;
16 directing the department to implement a means for
17 reporting abuse of disabled parking permits; providing
18 for the department to conduct a public awareness
19 campaign; providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

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

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

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

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

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

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

58 (1)

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59 (d) Beginning October 1, 2012 ~~April 1, 1999~~, the department
60 ~~of Highway Safety and Motor Vehicles~~ shall renew the disabled
61 parking permit of any person certified as permanently disabled
62 on the application if the person provides a certificate of
63 disability issued within the last 12 months pursuant to this
64 subsection.

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

67 (e) To obtain a replacement for a disabled parking permit
68 that has been lost or stolen, a person must submit an
69 application on a form prescribed by the department, provide a
70 certificate of disability issued within the last 12 months
71 pursuant to subsection (1), and ~~must~~ pay a replacement fee in
72 the amount of \$1 ~~\$1.00~~, to be retained by the issuing agency. If
73 the person submits with the application a police report
74 documenting that the permit was stolen, there is no replacement
75 fee.

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

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

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

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

109 (9) (a) At least once every 6 months, the department shall
110 randomly audit disabled parking permitholders to ensure that all
111 required criteria for the ownership and possession of such
112 permit remain valid. As a component of the audit, the department
113 shall, at a minimum:

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

116 2. Review the number of times the permit has been

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117 confiscated for fraudulent or unlawful use, if at all.

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

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

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

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

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

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

140 (2) The public awareness campaign shall commence by August
141 1, 2012, and shall continue for at least 6 months.

142 Section 4. This act shall take effect July 1, 2012.