

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.