

2012226er

1  
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 randomly review disabled  
14 parking 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 an effective date.

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

21  
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  
29 s. 316.1955, in a parking space provided for people who have

2012226er

30 disabilities. However, this fine shall ~~will~~ be waived if a  
31 person provides to the law enforcement agency or parking  
32 enforcement specialist or agency that issued the citation for  
33 such a violation proof that the person committing the violation  
34 has a valid parking permit or license plate issued pursuant to  
35 s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s.  
36 320.0848 or a signed affidavit that the owner of the disabled  
37 parking permit or license plate was present at the time the  
38 violation occurred, and that such a parking permit or license  
39 plate was valid at the time the violation occurred. The law  
40 enforcement officer or agency or the parking enforcement  
41 specialist or agency, upon determining that all required  
42 documentation has been submitted verifying that the required  
43 parking permit or license plate was valid at the time of the  
44 violation, must sign an affidavit of compliance. Upon provision  
45 of the affidavit of compliance and payment of a dismissal fee of  
46 up to \$7.50 to the clerk of the circuit court, the clerk shall  
47 dismiss the 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, present subsections (9) and (10)  
51 are renumbered as subsections (11) and (12), respectively, and  
52 new 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.-

57 (1)

58 (d) Beginning October 1, 2012 ~~April 1, 1999~~, the department

2012226er

59 ~~of Highway Safety and Motor Vehicles~~ shall renew the disabled  
60 parking permit of any person certified as permanently disabled  
61 on the application if the person provides a certificate of  
62 disability issued within the last 12 months pursuant to this  
63 subsection.

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

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

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

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

2012226er

88 the information to the central abuse hotline of the Department  
89 of Children and Family Services for an investigation of  
90 potential abuse, neglect, or exploitation of the permit owner.

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

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

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

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

2012226er

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

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

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

129 Section 3. This act shall take effect July 1, 2012.