

By Senator Harrell

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1 A bill to be entitled
 2 An act relating to the issuance and renewal of
 3 permanent disabled parking permits; amending s.
 4 320.0848, F.S.; requiring the Department of Highway
 5 Safety and Motor Vehicles to issue a permanent
 6 disabled parking permit to a person who has a long-
 7 term mobility impairment; removing provisions that
 8 require such a person to renew a disabled parking
 9 permit and that require such permit to bear a
 10 validation sticker; revising provisions relating to
 11 the appearance of disabled parking permits; conforming
 12 provisions to changes made by the act; amending ss.
 13 320.08035, 320.084, 320.0842, and 320.0843, F.S.;
 14 conforming provisions to changes made by the act;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 320.0848, Florida Statutes, is amended
 20 to read:

21 320.0848 Persons who have disabilities; issuance of
 22 permanent or temporary disabled parking permits; ~~temporary~~
 23 ~~permits~~; permits for certain providers of transportation
 24 services to persons who have disabilities.—

25 (1) ISSUANCE OF DISABLED PARKING PERMIT; REQUIREMENTS.—

26 (a) The Department of Highway Safety and Motor Vehicles or
 27 its authorized agents shall, upon application and receipt of the
 28 appropriate fee, issue a permanent disabled parking permit to a
 29 ~~for a period of up to 4 years, which period ends on the~~

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30 ~~applicant's birthday, to any person who has a long-term mobility~~
31 ~~impairment, or a temporary disabled parking permit for a period~~
32 ~~of up to ~~not to exceed~~ 6 months to a any person who has a temporary~~
33 ~~mobility impairment. A No person is not ~~will be~~ required to pay~~
34 ~~a fee for a temporary disabled parking permit ~~for disabled~~~~
35 ~~persons more than once in a 12-month period from the date of the~~
36 ~~prior fee payment.~~

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

41 a. Inability to walk without the use of or assistance from
42 a brace, cane, crutch, prosthetic device, or other assistive
43 device, or without the assistance of another person. If the
44 assistive device significantly restores the person's ability to
45 walk to the extent that the person is able to ~~can~~ walk without
46 severe limitation, the person is not eligible for a disabled ~~the~~
47 ~~exemption~~ parking permit.

48 b. The need to permanently use a wheelchair.

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

54 d. Use of portable oxygen.

55 e. Restriction by cardiac condition to the extent that the
56 person's functional limitations are classified in severity as
57 Class III or Class IV according to standards set by the American
58 Heart Association.

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

61 2. The certificate ~~certification~~ of disability ~~which is~~
62 required under subparagraph 1. must be provided by a physician
63 licensed under chapter 458, chapter 459, or chapter 460, by a
64 podiatric physician licensed under chapter 461, by an
65 optometrist licensed under chapter 463, by an advanced practice
66 registered nurse licensed under chapter 464 under the protocol
67 of a licensed physician as stated in this subparagraph, by a
68 physician assistant licensed under chapter 458 or chapter 459,
69 or by a similarly licensed physician from another state if the
70 application is accompanied by documentation of the physician's
71 licensure in the other state and a form signed by the out-of-
72 state physician verifying his or her knowledge of this state's
73 eligibility guidelines.

74 (c) The certificate of disability must include, but need
75 not be limited to:

76 1. The disability of the applicant; the certifying
77 practitioner's name and address; the practitioner's
78 certification number; the eligibility criteria for the disabled
79 parking permit; the penalty for falsification by either the
80 certifying practitioner or the applicant; the duration of the
81 disability ~~condition~~ that entitles the person to the disabled
82 parking permit; and, if applicable, justification for the
83 issuance of an additional disabled parking permit placard
84 pursuant to paragraph (2) (c) ~~subsection (2)~~.

85 2. The statement, in bold letters: "A disabled parking
86 permit may be issued only for a medical necessity that severely
87 affects mobility."

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88 3. The signatures of:

89 a. The applicant's physician or other certifying
90 practitioner.

91 b. The applicant or the applicant's parent or guardian.

92 c. The employee of the department's authorized agent, which
93 employee is processing the application.

94 ~~(d) The department shall renew the disabled parking permit~~
95 ~~of any person certified as permanently disabled on the~~
96 ~~application if the person provides a certificate of disability~~
97 ~~issued within the last 12 months pursuant to this subsection. A~~
98 ~~veteran who has been previously evaluated and certified by the~~
99 ~~United States Department of Veterans Affairs or any branch of~~
100 ~~the United States Armed Forces as permanently and totally~~
101 ~~disabled from a service-connected disability may provide a~~
102 ~~United States Department of Veterans Affairs Form Letter 27-333,~~
103 ~~or its equivalent, issued within the last 12 months in lieu of a~~
104 ~~certificate of disability.~~

105 (e) The Department of Highway Safety and Motor Vehicles
106 shall, in consultation with the Commission for the
107 Transportation Disadvantaged, adopt rules, in accordance with
108 chapter 120, for the issuance of a disabled parking permit to
109 any organization that can adequately demonstrate a bona fide
110 need for such a permit because the organization provides regular
111 transportation services to persons who have disabilities and are
112 certified as provided in this subsection.

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

115 (a) The permanent disabled parking permit is a placard that
116 can be placed in a motor vehicle so as to be visible from the

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117 front and rear of the vehicle. Each side of the placard must
118 have the international symbol of accessibility in a contrasting
119 color in the center so as to be visible. One side of the placard
120 must display the applicant's driver license number or state
121 identification card number along with a warning that the
122 applicant must possess ~~have~~ such identification at all times
123 while using the placard parking permit. However, in those cases
124 in which ~~where~~ the severity of the disability prevents a
125 disabled person from physically visiting or being transported to
126 a driver license or tax collector's ~~collector~~ office to obtain a
127 driver license or identification card, a certifying physician
128 may sign the exemption section of the department's disabled
129 person parking permit application to exempt the disabled person
130 from the requirement that his or her ~~being issued a driver~~
131 license or identification card ~~for the number to~~ be displayed on
132 the placard parking permit. ~~A validation sticker must also be~~
133 ~~issued with each disabled parking permit, showing the month and~~
134 ~~year of expiration on each side of the placard. Validation~~
135 ~~stickers must be of the size specified by the Department of~~
136 ~~Highway Safety and Motor Vehicles and must be affixed to the~~
137 ~~disabled parking permits. The disabled parking permits must use~~
138 ~~the same colors as license plate validations.~~

139 (b) License plates issued under ss. 320.084, 320.0842,
140 320.0843, and 320.0845 are valid for the same parking privileges
141 and other privileges provided under ss. 316.1955, 316.1964, and
142 526.141(5) (a).

143 (c) The department may ~~shall~~ not issue an additional
144 disabled parking permit unless the applicant states that he or
145 she is a frequent traveler or a quadriplegic. The department may

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146 not issue to any one eligible applicant more than two disabled
147 parking permits except to an organization in accordance with
148 paragraph (1)(e). Subsections (1), (5), and (6), ~~and (7)~~ apply
149 to this subsection.

150 (d) To obtain a replacement for a disabled parking permit
151 that has been lost or stolen, a person must submit an
152 application on a form prescribed by the department, provide a
153 certificate of disability issued within the last 12 months
154 pursuant to subsection (1), and pay a replacement fee in the
155 amount of \$1, to be retained by the issuing agency. If the
156 person submits with the application a police report documenting
157 that the permit was stolen, there is no replacement fee. A
158 veteran who has been previously evaluated and certified by the
159 United States Department of Veterans Affairs or any branch of
160 the United States Armed Forces as permanently and totally
161 disabled from a service-connected disability may provide a
162 United States Department of Veterans Affairs Form Letter 27-333,
163 or its equivalent, issued within the last 12 months in lieu of a
164 certificate of disability.

165 (e) A person who qualifies for a disabled parking permit
166 under this section may be issued an international wheelchair
167 user symbol license plate under s. 320.0843 in lieu of the
168 disabled parking permit; or, if the person qualifies for a "DV"
169 license plate under s. 320.084, such a license plate may be
170 issued to him or her in lieu of a disabled parking permit.

171 (3) DISABLED PARKING PERMIT; TEMPORARY.—

172 (a) The temporary disabled parking permit is a placard of a
173 ~~different~~ color different from the color of the permanent ~~long-~~
174 ~~term~~ disabled parking permit placard, ~~and must clearly display~~

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175 ~~the date of expiration in large print and with color coding,~~ but
176 is identical to the permanent ~~long-term~~ disabled parking permit
177 placard in all other respects, including, but not limited to,
178 the inclusion of a state identification card number or driver
179 license number on one side of the placard ~~temporary permit~~.
180 Validation stickers must also be issued with each ~~The~~ temporary
181 disabled parking permit so as ~~placard must be designed to~~
182 conspicuously display the month and year of ~~expiration date of~~
183 ~~the permit~~ on each side ~~the front and back~~ of the placard.
184 Validation stickers must be of the size specified by the
185 department, must use the same colors as license plate validation
186 stickers, and must be affixed to the placard.

187 (b) The department shall issue the temporary disabled
188 parking permit for the period of the disability as stated by the
189 certifying physician, but not to exceed 6 months.

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

191 (4) FEE DISTRIBUTION.—From the proceeds of the temporary
192 disabled parking permit fees:

193 (a) The Department of Highway Safety and Motor Vehicles
194 must receive \$3.50 for each temporary permit, to be deposited
195 into the Highway Safety Operating Trust Fund and used for
196 implementing the real-time disabled parking permit database and
197 for administering the disabled parking permit program.

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

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

201 1. To be deposited in the Grants and Donations Trust Fund
202 of the Division of Vocational Rehabilitation of the Department
203 of Education for the purpose of improving employment and

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204 training opportunities for persons who have disabilities, with
205 special emphasis on removing transportation barriers, \$4.

206 2. To be deposited in the Transportation Disadvantaged
207 Trust Fund to be used for funding matching grants to counties
208 for the purpose of improving transportation of persons who have
209 disabilities, \$5.

210 (5) REQUIRED STATEMENT.—The applications for permanent
211 disabled parking permits and temporary disabled parking permits
212 are official state documents. The following statement must
213 appear on each application form immediately below the
214 physician's signature and immediately below the applicant's
215 signature: "Knowingly providing false information on this
216 application is a misdemeanor of the first degree, punishable as
217 provided in s. 775.082, Florida Statutes, or s. 775.083, Florida
218 Statutes. The penalty is up to 1 year in jail or a fine of
219 \$1,000, or both."

220 (6) PENALTIES.—

221 (a) A ~~Any~~ person who knowingly makes a false or misleading
222 statement in an application or certification under this section
223 commits a misdemeanor of the first degree, punishable as
224 provided in s. 775.082 or s. 775.083.

225 (b) ~~(7)~~ A ~~Any~~ person who fraudulently obtains or unlawfully
226 displays a disabled parking permit that belongs to another
227 person while occupying a disabled parking space or an access
228 aisle as defined in s. 553.5041 while the permitholder ~~owner of~~
229 ~~the permit~~ is not being transported in the motor vehicle or who
230 uses an unauthorized replica of such a disabled parking permit
231 with the intent to deceive commits ~~is guilty of~~ a misdemeanor of
232 the second degree, punishable as provided in s. 775.082 or s.

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233 775.083.

234 ~~(7)(8)~~ CONFISCATION OF DISABLED PARKING PERMIT.—A law
235 enforcement officer or a parking enforcement specialist may
236 confiscate the disabled parking permit from a ~~any~~ person who
237 fraudulently obtains or unlawfully uses such a permit. A law
238 enforcement officer or a parking enforcement specialist may
239 confiscate a ~~any~~ disabled parking permit that is expired,
240 reported as lost or stolen, or defaced or that does not display
241 a personal identification number.

242 (a) The permit number of each confiscated disabled parking
243 permit must be submitted to the department, and the fact that
244 the disabled parking permit has been confiscated must be noted
245 on the permitholder's record. If two disabled parking permits
246 issued to the same person have been confiscated, the department
247 shall refer the information to the central abuse hotline of the
248 Department of Children and Families for an investigation of
249 potential abuse, neglect, or exploitation of the permitholder
250 ~~permit owner~~.

251 (b) A confiscated disabled parking permit must be held as
252 evidence until a judicial decision about the violation has been
253 made. After a finding of guilt has been made or a plea of nolo
254 contendere has been entered, the charging agency shall destroy
255 the confiscated disabled parking permit. A confiscated disabled
256 parking permit may not, under any circumstances, be returned to
257 the permitholder ~~its registered owner~~ after a finding of guilt
258 has been made or a plea of nolo contendere has been entered in
259 court. If a finding of guilt has been made or a plea of nolo
260 contendere has been entered for fraudulent or other unlawful use
261 of a disabled parking permit after a prior finding of guilt or

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262 plea of nolo contendere for fraudulent or other unlawful use of
 263 a disabled parking permit issued to the same ~~registered~~
 264 permitholder, the permitholder may not apply for a new disabled
 265 parking permit for 4 years. The permit number of each destroyed
 266 permit must be reported to the department, and the department
 267 must record in the real-time disabled parking permit database
 268 that the permit has been invalidated.

269 (8)~~(9)~~ REVIEW.—

270 (a) At least once every 6 months, the department shall
 271 randomly review disabled parking permitholders to ensure that
 272 all required criteria for the ownership and possession of such
 273 permit remain valid. As a component of the review, the
 274 department shall, at a minimum:

275 1. Review death records maintained by the Department of
 276 Health to ensure that the permitholder is not deceased ~~has not~~
 277 ~~died~~.

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

280 3. Determine whether ~~if~~ the permit has ever been reported
 281 lost or stolen and, if so, determine the current status of the
 282 permit.

283 (b) At least annually, the department shall verify that the
 284 holder ~~owner~~ of each disabled parking permit is not deceased ~~has~~
 285 ~~not died~~. Such verification shall include, but need not be
 286 limited to, consultation of death records maintained by the
 287 Department of Health. If a disabled parking permitholder is
 288 found to be deceased, the department shall promptly invalidate
 289 the decedent's disabled parking permit.

290 (9)~~(10)~~ REPORTS OF ABUSE.—The department shall develop and

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291 implement a means by which persons may ~~can~~ report abuse of
292 disabled parking permits by telephone hotline or by submitting a
293 form online or by mail.

294 (10)~~(11)~~ FURTHER DISCIPLINARY ACTION.—A violation of this
295 section is grounds for disciplinary action under s. 458.331, s.
296 459.015, s. 460.413, s. 461.013, s. 463.016, or s. 464.018, as
297 applicable.

298 Section 2. Section 320.08035, Florida Statutes, is amended
299 to read:

300 320.08035 Persons who have disabilities; reduced dimension
301 license plate.—The owner or lessee of a motorcycle, moped, or
302 motorized disability access vehicle who resides in this state
303 and qualifies for a permanent disabled parking permit for a
304 person who has a disability under s. 320.0848, upon application
305 and payment of the appropriate license tax and fees under s.
306 320.08(1), must be issued a license plate that has reduced
307 dimensions as provided under s. 320.06(3)(a). The plate must be
308 stamped with the international symbol of accessibility after the
309 numeric and alpha serial number of the license plate. The plate
310 entitles the person to all privileges afforded by a permanent
311 disabled parking permit issued under s. 320.0848.

312 Section 3. Subsection (5) of section 320.084, Florida
313 Statutes, is amended to read:

314 320.084 Free motor vehicle license plate to certain
315 disabled veterans.—

316 (5) A county or municipality, or any agency thereof, may
317 not impose upon any person who is issued a license plate with
318 the international accessibility symbol, under this section, any
319 fee or penalty for parking in any metered or timed parking space

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320 except:

321 (a) As provided in s. 316.1964; or

322 (b) When the person is parked without a permanent disabled
323 parking permit issued under s. 320.0848 in a space designated
324 for use by persons who have disabilities.

325 Section 4. Subsection (2) of section 320.0842, Florida
326 Statutes, is amended to read:

327 320.0842 Free motor vehicle license plates to veterans who
328 use wheelchairs.—

329 (2) In order to be eligible for the motor vehicle license
330 plate described in subsection (1), a person must comply with the
331 following provisions:

332 (a) The veteran must be eligible for the license plate
333 issued under s. 320.084 and must apply for the license plate
334 issued under this section in lieu of or in exchange for the
335 motor vehicle license number plate authorized by s. 320.084; and

336 (b) The veteran must offer, in addition to the proof
337 required by s. 320.084(1), proof that due to a service-connected
338 disability he or she permanently uses a wheelchair or proof, in
339 the form of an application that conforms to the requirements set
340 forth in s. 320.0848, that he or she qualifies for a permanent
341 disabled parking permit under that section. The license plate
342 entitles the person to all privileges afforded by a permanent
343 disabled parking permit issued under s. 320.0848.

344 Section 5. Subsection (1) of section 320.0843, Florida
345 Statutes, is amended to read:

346 320.0843 License plates for persons with disabilities
347 eligible for permanent disabled parking permits.—

348 (1) Any owner or lessee of a motor vehicle who resides in

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349 this state and qualifies for a permanent disabled parking permit
350 under s. 320.0848(2), upon application to the department and
351 payment of the license tax for a motor vehicle registered under
352 s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a),
353 or (9)(c) or (d), shall be issued a license plate as provided by
354 s. 320.06 which, in lieu of the serial number prescribed by s.
355 320.06, shall be stamped with the international wheelchair user
356 symbol after the serial number of the license plate. The license
357 plate entitles the person to all privileges afforded by a
358 permanent disabled parking permit issued under s. 320.0848. When
359 more than one registrant is listed on the registration issued
360 under this section, the eligible applicant shall be noted on the
361 registration certificate.

362 Section 6. This act shall take effect July 1, 2023.