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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 Auditor General to compare  
13 disabled parking permit holders with death records and  
14 forward a list of deceased permitholders to the  
15 Department of Highway Safety and Motor Vehicles;  
16 requiring the department to invalidate the permit of a  
17 deceased permitholder; directing the department to  
18 implement a means for reporting abuse of disabled  
19 parking permits; 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

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29 | county ordinance, plus court costs for illegally parking, under  
30 | s. 316.1955, in a parking space provided for people who have  
31 | disabilities. However, this fine will be waived if a person  
32 | provides to the law enforcement agency or parking enforcement  
33 | specialist or agency that issued the citation for such a  
34 | violation proof that the person committing the violation has a  
35 | valid parking permit or license plate issued pursuant to s.  
36 | 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848  
37 | or a signed affidavit that the owner of the disabled parking  
38 | permit or license plate was present at the time the violation  
39 | occurred, and that such a parking permit or license plate was  
40 | valid at the time the violation occurred. The law enforcement  
41 | officer or agency or the parking enforcement specialist or  
42 | agency, upon determining that all required documentation has  
43 | been submitted verifying that the required parking permit or  
44 | license plate was valid at the time of the violation, must sign  
45 | an affidavit of compliance. Upon provision of the affidavit of  
46 | compliance and payment of a dismissal fee of up to \$7.50 to the  
47 | clerk of the circuit court, the clerk shall dismiss the  
48 | 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, subsections (9) and (10) are  
52 | renumbered as subsections (11) and (12), respectively, and new  
53 | 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)

59 (d) Beginning October 1, 2012 ~~April 1, 1999~~, the  
 60 department ~~of Highway Safety and Motor Vehicles~~ shall renew the  
 61 disabled parking permit of any person certified as permanently  
 62 disabled on the application if the person provides a certificate  
 63 of 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 \$1.00, 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~~

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85 ~~Highway Safety and Motor Vehicles~~, and the fact that the permit  
 86 has been confiscated must be noted on the permitholder's record.  
 87 If two permits issued to the same person have been confiscated,  
 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 permit  
 104 owner, the permit owner may not apply for a new disabled parking  
 105 permit for a period of 4 years. The permit number of each  
 106 destroyed permit must be reported to the department, and the  
 107 department must record in the real-time disabled parking permit  
 108 database that the permit has been invalidated.

109 (9) Once every 2 years, the Auditor General shall compare  
 110 the department's records of disabled parking permit holders with  
 111 death records maintained by the Department of Health. The  
 112 Auditor General shall forward a list of disabled parking permit

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113 holders who are deceased to the department and the department  
114 shall promptly invalidate the decedent's disabled parking  
115 permit.

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

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