

TOWN OF FORT MYERS BEACH  
ORDINANCE NO. 96 -16

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH PARKING VEHICLES ORDINANCE PROVIDING AUTHORITY; TITLE AND CITATION; DEFINITIONS; STOPPING STANDING PARKING PROHIBITED IN SPECIFIED PLACES; PARALLEL AND ANGLE PARKING REGULATIONS; PARKING FOR CERTAIN PURPOSES PROHIBITED; DISABLED PERSONS PARKING; POSTING OF NO PARKING SIGNS; VIOLATION, ENFORCEMENT, PENALTIES; EXERCISE OF POLICE POWER; CRITERIA IN ISSUANCE OF SUMMONS; SEVERABILITY; REPEALING CLAUSE AND EFFECTIVE DATE

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION ONE: Authority

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Title and Citation

This ordinance shall be known and cited as the "Town of Fort Myers Beach Parking Vehicles Ordinance"

SECTION THREE: Definitions

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The words "shall" and "will" are mandatory and not discretionary.

The following terms shall have the following meaning when used in this Ordinance:

- A. "Town" is the Town of Fort Myers Beach.
- B. "Council" is the Town Council.
- C. "Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- D. "Street" or "roadway" (used interchangeably) shall mean any public right-of-way, or any public park located in the Town and

established for the use of the public for purposes of vehicular traffic.

E. "Person" shall mean any individual, firm, copartnership, association, or corporation, and shall include the owner and/or operator of the vehicle.

F. "Owner" shall mean the individual to whom such vehicle is registered with the State Department of Highway Safety and Motor Vehicles.

G. "Operator" shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner, or is in actual physical control of the vehicle.

H. "Department" shall mean the Town Manager or the Manager's designee.

I. "Park" or "parking" or "stopping" or "standing" shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

J. "Summons" shall mean the ticket form used by Town.

K. "Officer" is the law enforcement officer or parking enforcement specialist of the Lee County Sheriff's Department designated by the Town as the inspecting authority to enforce parking regulations and issue summons.

L. "Fire lane" shall mean the twelve foot (12') wide strip of pavement immediately adjacent to the building of a business center together with a twelve foot (12') wide strip of pavement providing ingress and egress from public roads to the buildings of a business center, which is appropriately marked as a "fire lane".

M. "Safety zone" shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

N. "MUTCD" shall mean the Manual on Uniform Traffic Control Devices for Streets and Highways.

SECTION FOUR: Stopping Standing Parking Prohibited in Specified Places

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person or operator shall:

A. Stop, stand, or park a vehicle on any street as follows:

1. On the roadway side of any vehicle stopped or parking at the edge or curb of a street;
2. On a sidewalk;
3. Within an intersection;
4. On a crosswalk;
5. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the end of a safety zone, unless the Department indicates a different length by posting official signs or installing pavement markings;
6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would reduce the number of lanes of moving traffic to less than two lanes (one ten foot (10') wide lane of moving traffic in each direction) on streets with two-way traffic flow, or to less than one ten foot (10') wide lane of moving traffic on a street with one-way traffic flow;
7. Upon any bridge or other elevated structure on a highway or within a highway tunnel;
8. On any railroad track(s);
9. At any place where official signs prohibit stopping.
10. In any area designated as a fire lane, except for the purpose of loading or unloading handicapped passengers and then only while actually engaged in the process of loading or unloading such passengers.

B. No person or operator of a vehicle shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, on any street as follows:

1. In front or within five feet of the end of the driveway radius or edge of a public or private driveway so as to prevent proper ingress or egress;
2. Within fifteen (15) feet of a fire hydrant;
3. Within twenty (20) feet of a crosswalk at an intersection;
4. Within thirty (30) feet upon the approach to any flashing

signal, yield sign, stop sign or traffic control signal located beside or over the intersection of two (2) or more roadway(s);

5. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when official signs prohibiting such parking, standing or stopping are installed;

6. At any place where official signs prohibit standing;

7. In any lane designated as a fire lane.

C. No person or operator shall park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers on any street as follows:

1. Within fifty (50) feet of the nearest rail of a railroad crossing unless the Department establishes a different distance due to unusual circumstances;

2. At any place where official signs prohibit parking.

D. No person shall move a vehicle not lawfully under his control such prohibited area or away from a curb such a distance as is unlawful. Any person who is in violation of this subsection shall be punished as provided for in this Ordinance.

#### SECTION FIVE: Parallel and Angle Parking Regulations

##### A. Parallel Parking:

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches (12") of the right-hand curb or edge of the roadway;

2. Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches (12") of the right-hand curb or edge of the roadway, or its left wheels within twelve inches (12") of the left-hand curb or edge of the roadway.

##### B. Angle Parking:

Angle parking may be permitted on streets and/or roadways within the Town provided that a proper and documented traffic engineering study is performed, either by the Department or by a private consultant, and approved by the Department pursuant to the

applicable Administrative Code.

#### SECTION SIX: Parking for Certain Purposes Prohibited

A. It is unlawful for any person to park a motor vehicle, as defined in Section 320.01, for a continuous period in excess of twenty-four (24) hours, after written notice, upon a public street or highway, upon a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire or rental of the motor vehicle is specifically authorized on such property by a Town regulation and the person is duly licensed as a motor vehicle dealer in accordance with Florida Statute Section 320.27, and the person is in compliance with all Town licensing regulations.

B. The provisions of subsection A do not prohibit a person from parking his own motor vehicle or his other personal property on any private property which he owns or leases, or any private property for which he obtains the permission of the owner, for the principal purpose and intent of sale, hire or rental.

C. A law enforcement officer may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection A. Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer.

D. Any other provision of law to the contrary notwithstanding, a violation of subsection A shall subject the owner of the motor vehicle to owing the applicable agency the fees reasonably incurred by removal and storage of the motor vehicle.

#### SECTION SEVEN: Disabled Persons Parking

##### A. GOVERNMENTAL AGENCIES

It shall be a violation of this Ordinance for any person to park in properly marked handicap parking spaces provided for by governmental agencies.

1. The Town having jurisdiction over street parking and/or publicly-owned and operated facilities, shall provide a minimum of specially designed and marked motor vehicle parking spaces in accordance with Florida Statutes Section 316.1955, for the exclusive use of those severely, physically disabled individual with permanent mobility problems which substantially impair their ability to ambulate and who have been issued an exemption parking permit pursuant to the provisions of Florida Statutes Section

316.1958 or Section 320.0848, or a license plate pursuant to Florida Statutes Sections 320.084, 320.0892, 320.0893 or 320.0845.

2. Each such parking space shall be prominently outlined with pavement markings and posted with a permanent sign of a color and design approved by the Director bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY".

3. It is unlawful for any person to stop, stand, or park a vehicle within any such specially designated and marked parking space provided in accordance with this section, unless such vehicle displays a parking permit issued pursuant to Florida Statutes Section 316.1958 or Section 320.0848, and such vehicle is transporting a person eligible for the parking permit. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this subsection, that officer shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility, or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever a vehicle is removed by a law enforcement officer, or parking enforcement specialist to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.

(b) Charge the owner or operator in charge of the vehicle in violation with a noncriminal traffic infraction. Any person who is in violation of this subsection shall be punished as provided for in this Ordinance.

#### B. NON-GOVERNMENTAL AGENCIES

It shall be a violation for any person to park in properly marked handicap spaces as provided for by non-governmental entities for certain disabled persons.

1. Any commercial real estate property owner offering parking for the general public shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who were issued parking permits pursuant to Florida Statutes Section 316.1958 or Section 320.0848 or a license plate pursuant to Florida Statutes Sections 320.084, 320.0842, 320.0843, or 320.0845. The minimum number of such parking spaces shall be as provided in Florida Statutes Section 316.1955(2)(c).

2. Each such parking space shall conform to the requirements of Florida Statutes Section 316.1956, and shall be posted and maintained with a permanent sign bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY".

3. Any person who parks a vehicle in any parking space designated with the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY" is guilty of a traffic infraction, unless such vehicle displays a parking permit issued pursuant to Florida Statute Section 320.0848, and such vehicle is transporting a person eligible for such parking permit. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking. Any person who is in violation of this subsection shall be punished as provided for in this Ordinance.

SECTION EIGHT: Posting of no Parking Signs

It shall be the responsibility of the Department to post official no parking signs conforming with the Manual of Uniform Traffic Control Devices (MUTCD), on streets in certain designated areas prohibiting stopping, standing, and/or parking in the Town.

SECTION NINE: Violation, Enforcement, Penalties

It shall be unlawful for any person to violate the provisions of this Ordinance. It shall be the duty of any law enforcement official or parking enforcement specialist having jurisdiction in the Town to enforce the provisions of this Ordinance. Any officer or parking enforcement specialist who discovers a vehicle parked in violation of this Ordinance may:

A. Issue a summons used by the Town for such violation to the driver; or

B. If the vehicle is unattended, attach such summons to the vehicle in a conspicuous place; or

C. In cases of violators illegally parked in parking spaces provided for by governmental agencies, said vehicles may be removed by a law enforcement officer having jurisdiction in the Town to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle, and said law enforcement official shall charge the owner and/or operator in charge of the vehicle in violation with a noncriminal traffic infraction.

D. Any person who violates the Section on Disabled Persons Parking, shall be punished by a fine of Two Hundred Dollars (\$200.00). The fines collected for a violation to the Disabled Persons Parking section shall be deposited in a separate Town account to be used in accordance with Florida Statute Section 316.008(4), as amended.

E. Any person who violates the provisions of this Ordinance

except the Section on Disabled Persons Parking, shall be punished by a fine of Thirty two Dollars (\$32.00). Any person who fails to satisfy the provisions contained in the Town summons for violations of parking contained in this Ordinance and elects to appear before a designated official to present evidence shall be deemed to have waived his right to the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a fine not to exceed One Hundred Dollars (\$100.00) plus court costs.

F. No person shall, without authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or sign. Any violation of this provision shall constitute a misdemeanor. In addition, a violation of this provision may be enforced through the county code enforcement process.

SECTION TEN: Exercise of Police Power

This entire Ordinance shall be deemed and construed to be an exercise of the police power of the Town for the preservation and protection of public safety and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

SECTION ELEVEN: Criteria in Issuance of Summons

Any officer enforcing the provisions of this Ordinance may issue a summons to any person or operator of a vehicle for such non-moving offense in violation of the provisions of this Ordinance and shall consist substantially of the following information:

TOWN OF FORT MYERS BEACH SUMMONS  
For Parking Violation - Ord. NO. \_\_\_\_\_

Officer's Copy	Ticket #	
Day of Week	Month Day Year	Time
Name _____		
Street _____		
City	State	
Vehicle Make	Year	
Tag #	State	
Date of Birth Month Day Year Race Sex Height		
Offense(s) _____		

\_\_\_\_\_  
\_\_\_\_\_  
Name of Officer \_\_\_\_\_

Instruction: You must pay a civil penalty (or  
forfeit bond) in the amount of \$32.00, or appear  
in Traffic Court at the Lee County Courthouse at

\_\_\_\_\_ on the day of \_\_\_\_\_ 199\_  
If you elect to pay the penalty, it must  
be paid before the court date. To:  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address

Note: You must enclose your copy of the Summons  
if you mail payment. Payment should be in the  
form of a money order or cashier's check.  
PERSONAL CHECKS WILL NOT BE ACCEPTED. Failure  
to respond to this Summons will result in  
further court action

SECTION SIX: Severability

If any one of the provisions of this ordinance should be held  
contrary to any express provision of law or contrary to the  
policy of express law, although not expressly prohibited, or  
against public policy, or shall for any reason whatsoever be held  
invalid, then such provision shall be null and void and shall be  
deemed separate from the remaining provisions of this ordinance,  
and in no way affect the validity of all other provisions of this  
ordinance.

SECTION SEVEN: Repealing Clause

All ordinances or parts thereof in conflict with the provisions  
herein contained are, to the extent of such conflict, hereby  
superseded and repealed.

SECTION EIGHT: Effective Date

This ordinance shall become effective September 30, 1996.

The foregoing ordinance was enacted by the Town Council upon  
a motion by Council Member Cereceda and seconded by Council

Member Fitzsimons and, upon being put to a

vote, the result was as follows:

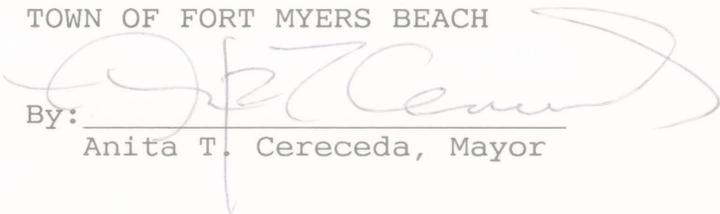
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>   </u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 5th day of August , 1996.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
 Marsha Segal-George, Town Clerk

By:   
 Anita T. Cereceda, Mayor

Approved as to form by:

  
 Richard V.S. Roosa, Town Attorney

Edition 316.1955 Parking spaces provided by governmental agencies for certain disabled persons.

**316.1955 Parking spaces provided by governmental agencies for certain disabled persons.--**

(1) Each state agency and political subdivision having jurisdiction over street parking or publicly owned and operated parking facilities shall provide a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals who have permanent mobility problems that substantially impair their ability to ambulate and who have been issued either an exemption parking permit pursuant to s. 316.1958 or s. 320.0848 or a license plate pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.

(2) The following minimum number of such parking spaces shall be provided:

(a) One space in the immediate vicinity of a building which houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of such building;

(b) One space for each 150 metered onstreet parking spaces;

(c) Publicly maintained and operated parking facilities intended for public use and not subject to paragraph (a) shall have the number of parking spaces for disabled persons as set forth in the following table; however, when parking spaces are leased at such publicly maintained and operated parking facilities, the number of parking spaces for disabled persons shall be increased or decreased on demonstrated and documented need:

Total Parking in Lot	Required Number of Accessible Spaces
Up to 25 .....	1
26 to 50 .....	2
51 to 75 .....	3
76 to 100 .....	4

101 to 150.....	5
151 to 200.....	6
201 to 300.....	7
301 to 400.....	8
401 to 500.....	9
501 to 1000.....	2% of total
over 1000.....	20 plus 1 for each 100 over 1000

A minimum of four parking spaces for disabled persons shall be provided at a physical restoration rehabilitation center or a hospital.

(3) Such parking spaces shall be designed and located as follows:

(a) All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(b) Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide but no more than 13 feet wide.

(c) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

(d) Disabled parking spaces shall not exceed a cross-slope of 2 percent.

(e) Curb ramps shall be located outside of the disabled parking spaces.

(4) Each such parking space shall be prominently outlined with paint and posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY."

(5) It is unlawful for any person to stop, stand, or park a vehicle within any such specially designated and marked parking space provided in accordance with this section, unless such vehicle displays a parking permit issued pursuant to s. 316.1958 or s. 320.0848 or a license plate issued pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845, and such vehicle is transporting a person eligible for the parking permit. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this subsection, that officer shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer, parking enforcement specialist, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.

(b) Charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(7). However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit or a special license plate, momentary parking in any such parking space, for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.

**History.**--s. 1, ch. 75-105; s. 1, ch. 76-31; s. 2, ch. 77-83; s. 1, ch. 77-444; ss. 1, 8, ch. 79-82; s. 123, ch. 79-400; s. 1, ch. 80-196; s. 2, ch. 84-234; s. 2, ch. 85-227; s. 1, ch. 87-225; s. 22, ch. 90-330; s. 80, ch. 91-221; s. 3, ch. 93-183.

Note.--Former s. 316.165.

Edition 316.1956 Parking spaces provided by nongovernmental entities for certain disabled persons.

**316.1956 Parking spaces provided by nongovernmental entities for certain disabled persons.--**

(1) Any commercial real estate property owner offering parking for the general public shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to s. 316.1958 or s.

320.0848 or a license plate pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845. The minimum number of such parking spaces shall be as provided in s. 316.1955(2)(c).

(2) Each such parking space shall conform to the requirements of s. 316.1955(3), shall be conspicuously outlined in blue paint, and shall be posted and maintained with a permanent, above-grade sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or bearing both such symbol and caption. All handicapped parking spaces must be signed and marked in accordance with the standards adopted by the Department of Transportation.

(3) Any person who parks a vehicle in any parking space designated with the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or with both such symbol and caption, is guilty of a traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(7), unless such vehicle displays a parking permit or license plate issued pursuant to s. 316.1958, s. 320.084, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848, and such vehicle is occupied by a person eligible for such license plate or parking permit. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit or special license plate, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

(4) Any law enforcement officer or parking enforcement specialist shall enforce the provisions of subsection (3).

**History.**--s. 3, ch. 77-83; s. 2, ch. 77-444; s. 2, ch. 79-82; s. 2, ch. 80-196; s. 3, ch. 84-234; s. 3, ch. 85-227; s. 1, ch. 88-305; s. 3, ch. 89-97; s. 21, ch. 90-330.

Edition 316.1957 Parking violations; designated handicapped parking spaces.

**316.1957 Parking violations; designated handicapped parking spaces.**--Whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a properly designated handicapped parking space in violation of the provisions of s. 316.1955 or s. 316.1956, it shall be prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles.

**History.**--s. 4, ch. 85-227; s. 26, ch. 90-330.

Edition 316.1958 Out-of-state vehicles bearing handicapped identification.

**316.1958 Out-of-state vehicles bearing handicapped identification.**--Motor vehicles displaying a special license plate or parking permit issued to a handicapped person by any other state or district subject to the laws of the United States shall be recognized as a valid license plate

or permit, allowing such vehicle the special parking privileges allowed pursuant to the provisions of ss. 316.1955 and 316.1956, provided such other state or district grants reciprocal recognition for handicapped residents of this state.

**History.**--s. 5, ch. 85-227; s. 26, ch. 90-330.

Edition 316.1959 Handicapped parking enforcement.

**316.1959 Handicapped parking enforcement.**--The provisions of handicapped parking shall be enforced by state, county, and municipal authorities in their respective jurisdictions whether on public or private property in the same manner as is used to enforce other parking laws and ordinances by said agencies.

**History.**--s. 6, ch. 85-227.

Edition 316.1964 Exemption of vehicles transporting certain disabled persons from payment of parking fees and penalties.

**316.1964 Exemption of vehicles transporting certain disabled persons from payment of parking fees and penalties.**--No state agency, county, municipality, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle which displays a parking permit or a license plate issued pursuant to s. 316.1958 or s. 320.0848 or a license plate issued pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845 if such vehicle is transporting a person eligible for such parking permit or license plate; nor shall the driver of such a vehicle transporting such a person be penalized for parking, except in clearly defined bus loading zones, fire zones, or in areas posted as "No Parking" zones.

**History.**--s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 77-83; s. 3, ch. 79-82; s. 23, ch. 90-330.

Note.--Former s. 316.163.

Edition 316.1965 Parking near rural mailbox during certain hours; penalties.

**316.1965 Parking near rural mailbox during certain hours; penalties.**--Whoever parks any vehicle within 30 feet of any rural mailbox upon any state highway in this state between 8 a.m. and 6 p.m. shall be punished as provided in s. 316.655.

**History.**--s. 1, ch. 71-135; s. 6, ch. 74-377; ss. 1, 17, ch. 76-31.

Note.--Former s. 316.164.

Edition 316.1967 Liability for payment of parking ticket violations and handicapped parking violations.

**316.1967 Liability for payment of parking ticket violations and handicapped parking violations.--**

(1) The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The affidavit submitted pursuant to this subsection shall be admissible in a proceeding charging a parking ticket violation and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

(2) Any person issued a county or municipal parking ticket by a parking enforcement specialist or officer shall be deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. In the event that payment is not received or a response to the ticket is not made within the time period specified thereon, the county court or its traffic violations bureau shall notify the registered owner of the vehicle which was cited, by mail to the address given on the motor vehicle registration, of the ticket. Mailing of the notice to this address shall constitute notification. Upon notification, the registered owner shall comply with the court's directive.

(3) Any person who fails to satisfy the court's directive shall be deemed to waive his or her right to pay the applicable civil penalty.

(4) Any person who elects to appear before a designated official to present evidence shall be deemed to have waived his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100 plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court shall be deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

(5) Any provision of subsections (2), (3), and (4) to the contrary notwithstanding, the provisions of chapter 318 shall not apply to violations of county parking ordinances and municipal parking ordinances.

(6) Any county or city may provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or

cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of s. 316.1955 or s. 316.1956. Each county shall provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have any outstanding violations of s. 316.1955, s. 316.1956, or any similar local ordinance regulating parking in spaces designated for use by disabled persons. The department shall mark the appropriate registration records of persons so reported. The provisions of s. 320.03(8) shall apply to each person whose name appears on such list.

**History.**--s. 1, ch. 77-456; s. 2, ch. 79-403; s. 3, ch. 80-316; s. 2, ch. 85-325; s. 1, ch. 88-246; s. 1, ch. 89-196; s. 1, ch. 90-48; s. 20, ch. 90-330; s. 1, ch. 91-180; s. 20, ch. 94-306; s. 898, ch. 95-148.

Edition 320.0848 Disabled persons; issuance of exemption parking permits; temporary permits; permits for certain providers of transportation services to persons with disabilities.

**320.0848 Disabled persons; issuance of exemption parking permits; temporary permits; permits for certain providers of transportation services to persons with disabilities.--**

(1)

(a) The Department of Highway Safety and Motor Vehicles or its authorized agents shall, upon application, issue an exemption parking permit for a period of 4 years to any person who has permanent mobility problems, or a temporary exemption parking permit not to exceed 90 days to any person with temporary mobility problems, together with an identification card. Such persons with disabilities shall be currently certified by a physician licensed under chapter 458, chapter 459, or chapter 460, or a podiatrist licensed under chapter 461, or comparable licensing in another state, by the Division of Blind Services of the Department of Labor and Employment Security, or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as having any of the following disabilities that limit or impair his or her ability to walk or who is certified as legally blind:

1. Inability to walk 200 feet without stopping to rest.
2. Inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person's ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.
3. Permanently uses a wheelchair.
4. Restriction by lung disease to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest.
5. Use of portable oxygen.
6. Restriction by cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
7. Severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

(b) The certificate of disability shall include, but not be limited to:

1. The disability of the applicant; the certifying physician's name and address; the physician's certification number; the eligibility criteria for the permit; the penalty for falsification by either the certifying physician or the applicant; and the duration of the condition that entitles the person to the permit.

2. The certificate of disability shall be signed by both the physician and the applicant or the applicant's parent or guardian.

(c) The Department of Highway Safety and Motor Vehicles shall renew, for a period of 4 years, the exemption parking permit of any person with disabilities upon presentation of the certification required by paragraph (b) or the identification card issued by the department with the previous permit together with proper identification and an affidavit of the department signed by the applicant which attests to the applicant's continued disability.

(d) The Department of Highway Safety and Motor Vehicles shall promulgate rules, in accordance with chapter 120, for the issuance of an exemption parking permit to any organization which can adequately demonstrate a bona fide need for such permit because the organization provides regular transportation services to persons with disabilities who are certified as provided in paragraph (a).

## (2) EXEMPTION PARKING PERMIT; PERSONS WITH PERMANENT MOBILITY PROBLEMS.--

(a) The exemption parking permit shall be a placard and shall be renewed every 4 years in the birth month of the applicant. Each side of the placard shall have the international symbol of access in a contrasting color in the center so as to be visible, and the expiration date, and shall be suitable for display on a dashboard or from a rearview mirror.

(b) License plates issued pursuant to ss. 320.084, 320.0842, 320.0843, and 320.0845 shall be valid for the same parking privileges and other privileges provided for under ss. 316.1955, 316.1956, and 526.141(5)(a).

(c)

1. Except as provided in subparagraph 2., the fees for the exemption parking permit and renewal are \$15 for the initial parking permit, \$1 for each additional parking permit, \$15 for each renewal parking permit, and \$1 for each additional renewal parking permit. The Department of Highway Safety and Motor Vehicles shall receive \$13.50 from the moneys derived from the proceeds of the initial exemption parking permit fee and \$13.50 from the moneys derived from the proceeds of the renewal fee therefor, and the tax collector of the county in which the fee was generated shall receive \$1.50 from each such fee, to defray the expenses of administering this section.

2. If an applicant who is a disabled veteran, is a resident of this state, has been honorably discharged, and either has been determined by the <sup>1</sup> Veterans Administration of the Federal Government to have a service-connected disability rating for compensation of 50 percent or greater or has been determined to have a service-connected disability rating of 50 percent or greater and is in receipt of both disability retirement pay from the <sup>1</sup> Veterans Administration and has a signed physician's statement of qualification for the handicapped parking permits, the fees are \$1.50 for the initial parking permit, \$1 for each additional parking permit, \$1.50 for each

renewal parking permit, and \$1 for each additional renewal parking permit. The fee must be paid to the tax collector of the county in which the fee was generated.

The department shall not issue to any one eligible applicant more than two exemption parking permits upon request of the applicant. The provisions of subsections (1), (4), (5), and (6) shall apply to this subsection.

(3) EXEMPTION PARKING PERMIT; TEMPORARY.--

(a) A person desiring a temporary exemption parking permit shall apply to the tax collector in his or her county of residence on a form furnished by the Department of Highway Safety and Motor Vehicles.

(b) The application form shall be accompanied by a fee in the amount of \$15. Such fee shall be distributed as follows:

1. To the tax collector for processing: \$2.50.
  2. To the Department of Highway Safety and Motor Vehicles: \$3.50. Such fee shall be deposited into the Highway Safety Operating Trust Fund to be used for implementation of a real-time handicapped parking database and replacement parking permit program and for operations of the department.
  3. To the Florida Governor's Alliance for the Employment of Disabled Citizens for the purpose of improving employment and training opportunities of persons with disabilities, with special emphasis on removing transportation barriers: \$4. Such fees shall be deposited into the Transportation Disadvantaged Trust Fund for transfer to the Florida Governor's Alliance for the Employment of Disabled Citizens.
  4. To the Transportation Disadvantaged Trust Fund for the purpose of funding matching grants to counties for the purpose of improving transportation of persons with disabilities: \$5.
- (4) Any county or municipality may designate additional parking spaces for use for persons with disabilities, beyond the number required by s. 316.1955, to accommodate increased demand for such spaces.

(5) Any person who knowingly makes a false or misleading statement in an application or certification under this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any person who fraudulently obtains or unlawfully uses such an exemption parking permit or who uses an unauthorized replica of such exemption parking permit with the intent to deceive is guilty of a nonmoving traffic violation, punishable as provided in ss. 316.008(4) and 318.18(7).

(7) A violation of this section shall be grounds for disciplinary action pursuant to s. 458.331, s. 459.015, s. 460.413, or s. 461.013, as applicable.