

CHAPTER 97-76

Committee Substitute for House Bill No. 1707

An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and requiring the 1997 Florida Accessibility Code for Building Construction to be adopted in accordance with ch. 120, F.S.; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511 and 316.1955, F.S.; revising requirements for parking facilities and spaces; amending s. 318.18, F.S.; providing for the dismissal of a citation for illegally parking in a parking space for disabled persons under certain circumstances; providing for the payment of a dismissal fee; amending s. 553.512, F.S.; revising the conditions for granting waivers; repealing s. 553.510, F.S., relating to the national standard for accessibility and usability of private property features; providing an effective date.

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

Section 1. Section 553.502, Florida Statutes, is amended to read:

553.502 Intent.—The purpose and intent of ss. 553.501-553.513 is to incorporate into the law of this state the accessibility requirements of the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., and to obtain and maintain United States Department of Justice certification of the Florida Accessibility Code for Building Construction as equivalent to federal standards for accessibility of buildings, structures, and facilities. All state laws, rules, standards, and codes governing facilities covered by the guidelines shall be maintained to assure certification of the state's construction standards and codes. Nothing in ss. 553.501-553.513 is intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act Accessibility Guidelines, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation.

Section 2. Section 553.503, Florida Statutes, is amended to read:

553.503 Adoption of guidelines.—Subject to the exceptions in s. 553.504, the federal Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28 C.F.R., part 36, subparts A and D, and Title II of Pub. L. No. 101-336, are hereby adopted and incorporated by reference as the law of this state. The guidelines shall establish the minimum standards for the accessibility of buildings and facilities built or altered within this

state. The 1997 Florida Accessibility Code for Building Construction must be adopted by the Board of Building Codes and Standards in accordance with chapter 120.

Section 3. Section 553.504, Florida Statutes, is amended to read:

553.504 Exceptions to applicability of the guidelines.—Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. 553.503, all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(1) All new or altered buildings and facilities subject to ss. 553.501-553.513 which may be frequented in, lived in, or worked in by the public shall comply with ss. 553.501-553.513.

(2) All new single-family houses, duplexes, triplexes, condominiums, and townhouses shall provide at least one bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is provided at grade level, such toilet room shall have a clear opening of not less than 29 inches.

(3) All required doors and walk-through openings in buildings excluding single-family homes, duplexes, and triplexes not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width except under ss. 553.501-553.513.

(4) In addition to the requirements in reference 4.8.4 of the guidelines, all landings on ramps shall be not less than 60 inches clear, and the bottom of each ramp shall have not less than 72 inches of straight and level clearance.

(5) All curb ramps shall be designed and constructed in accordance with the following requirements:

~~(a) In addition to the other requirements in reference 4.7.1 of the guidelines, curb ramps or curb cuts from parking areas that are privately owned, to the walkway level, shall be provided and, if more than one is provided, it shall be spaced along such walkways at intervals of no more than 100 feet and such ramps or curb cuts shall be located as close as practical to main entrances and exits to buildings.~~

~~(a)(b)~~ Notwithstanding the requirements of reference 4.8.5.2 of the guidelines, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface.

~~(b)(c)~~ Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of a required means of egress shall be not less than 44 inches wide.

~~(c)(d)~~ Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb

ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.

(6) Notwithstanding the requirements in reference 4.13.11 of the guidelines, exterior hinged doors shall be so designed that such doors can be pushed or pulled open with a force not exceeding 8.5 foot pounds.

(7) Notwithstanding the requirements in reference 4.33.1 of the guidelines, all public food service establishments, all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines shall provide seating or spaces for seating in accordance with the following requirements:

(a) For the first 100 fixed seats, ~~there shall be not less than one such accessible and usable spaces must be provided consistent with the following table:~~

<u>Capacity of Seating In Assembly Areas</u>	<u>Number of Required Wheelchair Locations</u>
1 to 25	1
26 to 50	2
51 to 100	4

~~space for each 25 fixed seats or fraction thereof.~~

(b) For all remaining fixed seats, there shall be not less than one such accessible and usable space for each 100 fixed seats or fraction thereof.

(8) Notwithstanding the requirements in references 4.32.1-4.32.4 of the guidelines, all fixed seating in public food service establishments, in establishments licensed under the Beverage Law for consumption on the premises, and in all other facilities governed by reference 4.1 of the guidelines shall be designed and constructed in accordance with the following requirements:

(a) All aisles adjacent to fixed seating shall provide clear space for wheelchairs.

(b) Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.

(9) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the guidelines shall provide the following special accessibility features:

(a) ~~Grab rails in bathrooms and toilet rooms that comply with s. 4.16.4 of the guidelines shall be located 33 inches from and parallel to the finished floor, measured vertically to the top of the rail, with a variation not to exceed 1/2 inch.~~

(b) All beds in designed accessible guest rooms shall be open-frame type to permit passage of lift devices.

(c) All standard water closet seats shall be at a height of 15 inches, measured vertically from the finished floor to the top of the seat, with a variation of plus or minus $\frac{1}{2}$ inch. A portable or attached raised toilet seat shall be provided in all designated handicapped accessible rooms.

All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509 shall be subject to the provisions of this subsection. Nothing in this subsection shall be construed as relieving the owner of the responsibility of providing accessible rooms in conformance with ss. 9.1-9.5 of the guidelines.

(10) Notwithstanding the requirements in reference 4.29.2 of the guidelines, all detectable warning surfaces required by the guidelines shall be governed by the requirements of American National Standards Institute A117.1-1986.

(11) Notwithstanding the requirements in references 4.31.2 and 4.31.3 of the guidelines, the installation and placement of all public telephones shall be governed by the rules of the Florida Public Service Commission.

(12) Notwithstanding the requirements in references 4.1.3(11) and 4.16-4.23 of the guidelines, required restrooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements:

~~(a) Each restroom and toilet room shall have a minimum clear passage of at least 36 inches to the accessible toilet stall. If turns of 45 degrees or more are required, such passageway shall be at least 44 inches wide.~~

~~(a)(b) The standard accessible restroom stall shall be not less than 68 inches by 68 inches and shall contain an accessible lavatory within it, the size of such lavatory to be not less than 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by s. 4.17 figure 30(a) of the guidelines for the standard accessible stall and to comply with s. 4.19 of the guidelines. Such lavatories shall be counted as part of the required fixture count for the building.~~

~~(b)(e) The accessible water closet shall be located in the corner, diagonal to the door.~~

~~(c)(d) The stall door shall be located in the wall adjacent to the accessible lavatory, as far from the lavatory as possible, or the stall door shall be located in the wall opposite the accessible lavatory if a 60-inch diameter wheelchair turnaround can be accommodated within the stall. The accessible stall door shall swing outward, shall be not less than 32 inches wide, and shall be self-closing. Such lavatories shall be counted as part of the required fixture count for the building.~~

~~(e) Accessible lavatories shall have lever-operated faucets and narrow aprons which shall be mounted at a vertical distance of 28 inches, measured by the vertical distance from the finished surface of the floor to the bottom~~

of the apron, and which shall allow for use of the lavatory by persons in wheelchairs.

~~(f) Accessible water closet seats shall be at a height of not less than 19 inches and not more than 20 inches, measured by the vertical distance from the finished surface of the floor to the top of the seat.~~

~~(g) A grab rail shall be installed at a height of 33 inches, measured by the vertical distance from the finished surface of the floor to the top of the rail, with an allowable variation of not more than 0.5 inches.~~

~~(h) Restroom vestibules in which doors are not in a series shall be not less than 52 inches wide, unobstructed, and not less than 72 inches deep, unobstructed, in inside dimensions, and the door shall swing inward.~~

~~(13) Notwithstanding the provisions of the guidelines, when the use of a building, structure, or facility is changed or is altered the following shall apply in required restrooms:~~

~~(a) Accessible water closet seats shall be at a height of not less than 19 inches and not more than 20 inches, measured by the vertical distance from the finished surface of the floor to the top of the seat.~~

~~(b) A grab rail shall be installed at a height of 33 inches, measured by the vertical distance from the finished surface of the floor to the top of the rail, with an allowable variation of not more than 0.5 inches.~~

~~(13)(14) All customer checkout aisles not required by the guidelines to be handicapped accessible shall have at least 32 inches of clear passage.~~

~~(14)(15) Turnstiles shall not be used in occupancies which serve fewer than 100 persons, but turnstiles may be used in occupancies which serve at least 100 persons if there is an unlocked alternate passageway on an accessible route affording not less than 32 inches of clearance, equipped with latching devices in accordance with the guidelines.~~

~~(15)(16) Barriers at common or emergency entrances and exits of business establishments conducting business with the general public that are existing, under construction, or under contract for construction which would prevent a person from using such entrances or exits shall be removed.~~

Section 4. Section 553.505, Florida Statutes, 1996 Supplement, is amended to read:

553.505 Exceptions to applicability of the Americans with Disabilities Act.—Notwithstanding the Americans with Disabilities Act of 1990, ~~churches and private clubs are governed by ss. 553.501-553.513. Parking spaces, parking lots, and other parking facilities are governed by s. 316.1955, when that section provides increased accessibility.~~

Section 5. Section 553.507, Florida Statutes, is amended to read:

553.507 Exemptions.—Sections 553.501-553.513 and s. 316.1955(4) do not apply to any of the following:

(1) Buildings, structures, or facilities that ~~which~~ were either under construction or under contract for construction on October 1, 1997 ~~1993~~.

(2) Buildings, structures, or facilities that ~~which~~ were in existence on October 1, 1997 ~~1993~~, unless:

(a) The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by local law;

(b) The proposed alteration or renovation of the building, structure, or facility will affect ~~the usability or accessibility of routes of travel or primary functions~~ to a degree that ~~which~~ invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or

(c) The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.

~~Disproportionate cost as provided in reference 4.1.6(2) of the guidelines shall be defined as exceeding 20 percent of the cost of the alteration to the primary function area.~~

Section 6. Section 553.509, Florida Statutes, is amended to read:

553.509 Vertical accessibility.—Nothing in sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the ~~occupiable~~ habitable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility, except for:

(1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms;

(2) Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas; and

(3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.

However, buildings, structures, and facilities must, as a minimum, comply with the requirements in the Americans with Disabilities Act Accessibility Guidelines.

Section 7. Section 553.511, Florida Statutes, is amended to read:

553.511 Parking facilities; minimum height clearance requirement.—Every nonresidential structure built on or after January 1, 1991, which is designed to use covered or underground parking as the primary available parking space, shall design the covered or underground parking facility to

maintain a minimum height clearance requirement for the portion of the street-accessible level of the parking facility directly over ~~van-accessible~~ handicapped parking spaces and for providing ingress and egress to such ~~handicapped~~ parking spaces of at least 8 feet 2 inches. ~~With respect to parking on the street-accessible level of such a facility only, any facility which complies with this minimum height requirement shall be required to provide 100 percent of the handicapped parking spaces which would otherwise be required by law or rule. Signs shall be posted to warn operators of handicapped-equipped vans that they cannot pass beyond a certain point due to height limitations. If compliance with this minimum height clearance requirement will cause the structure to exceed local height limitations imposed by local zoning, planning, or fire ordinances, or will result in the imposition of any additional requirements of such ordinances, the structure may exceed the height limitation specified in those particular codes as necessary to comply with the requirements of this section and is exempt from such additional requirements. Structures for which the plans were sealed by an architect prior to January 1, 1991, are exempt from this section.~~

Section 8. Section 316.1955, Florida Statutes, 1996 Supplement, is amended to read:

316.1955 Parking spaces for persons who have disabilities.—

(1) This section is not intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act Accessibility Guidelines, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation. Subject to the exceptions described in subsections (2), (4), (5), and (6), when the parking and loading zone requirements of the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG), as adopted by reference in 28 C.F.R. Part 36, Subparts A and D, and Title II of Pub. L. No. 101-336, provide increased accessibility, those requirements are adopted and incorporated by reference as the law of this state.

(2)(1) State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development.

(3)(2) If parking spaces are provided for self-parking by employees or visitors, or both, accessible spaces shall be provided in each such parking area. Such spaces shall be Each state agency and political subdivision that has jurisdiction over street parking or publicly owned and operated parking facilities and each commercial real estate property owner who offers public parking shall provide a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.

~~(4)(3) The following minimum number of accessible such parking spaces must comply with the parking requirements in ADAAG s. 4.1. and the following be provided:~~

~~(a) One space in the immediate vicinity of a publicly owned or leased building that 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 the building;~~

~~(b) One space for each 150 metered onstreet parking spaces provided by state agencies and political subdivisions;~~

~~(c) Parking facilities that are intended for public use but are not subject to paragraph (a) must provide for persons who have disabilities a minimum number of parking spaces as set forth in the following table; however, The number of parking spaces for persons who have disabilities must be increased on the basis of 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

~~Accessible parking spaces at outpatient facilities and facilities that specialize in the treatment of persons with mobility impairments shall allocate the number of accessible spaces specified in s. 4.1.2 of the Americans with Disabilities Act Accessibility Guidelines.~~

~~(5)(4) Accessible perpendicular and diagonal accessible Such parking spaces and loading zones must be designed and located in conformance with the guidelines set forth in ADAAG ss. 4.1.2. and 4.6. and Appendix s. A4.6.3 "Universal Parking Design." as follows:~~

~~(a) All spaces must have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and must be located on an accessible route no less than 44 inches wide so that users will not be compelled to walk or wheel behind parked vehicles.~~

(b) Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance. If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

(c) Each parking space must be no less than 12 feet wide. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. The parking access aisles are reserved for the use of persons who have disabled parking permits, and violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities. Two accessible parking spaces may share a common access aisle. The access aisle must be striped diagonally to designate it as a no-parking zone. Any provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex as defined in s. 509.013(9) in which are provided continuous attendant services for directing individuals to marked accessible parking spaces or designated lots for parking by persons who have disabilities, the park or complex may, in lieu of the required parking space design universal spaces, provide parking spaces that comply with ss. 4.1 and 4.6 ~~either of the alternatives specified in s. 4.6.3~~ of the Americans with Disabilities Act Accessibility Guidelines.

(d) On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed in conformance with the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5. exception: access aisles are not required. Curbs adjacent to such spaces must be of a height that will not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

~~(e) Perpendicular and diagonal parking spaces and access aisles for persons who have disabilities must be even with surface slopes and must not exceed a slope of 1 to 50 in any direction. Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible.~~

(f) Curb ramps must be located outside of the disabled parking spaces and access aisles.

~~(g) Each parking space must conform with the requirements of this section no later than October 1, 1997.~~

~~(g)(h)~~1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. 553.508 must comply with this section unless compliance would cause the barrier removal not to be readily achievable. If compliance would cause the barrier removal not to be readily

achievable, a facility may provide alternative parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have disabilities to the alternative parking if readily achievable spaces. The facility may not reduce the required number or dimensions of those spaces, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to that of others.

2. A facility that is making alterations under s. 553.507(2)(b) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the a facility may provide alternative parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have a disability to alternative parking spaces. The facility may not reduce the required number or dimensions of those spaces, nor may it unnecessarily increase the length of the accessible route from a parking space to the facility. The alteration must not create a significant risk to the health or safety of a person who has a disability or to that of others.

(6)(5) Each such parking space must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, bearing the international symbol of accessibility meeting the requirements of ADAAG s. 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such sign erected after October 1, 1996, must indicate the penalty for illegal use of the space. Any provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. 509.013(9) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection does not relieve the owner of the responsibility of complying with the signage requirements of ADAAG s. 4.30.

(7)(6) 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 the vehicle displays a disabled parking permit issued under s. 316.1958 or s. 320.0848 or a license plate issued under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is transporting the person to whom the displayed permit is issued. The violation may not be dismissed for failure of the markings on the parking space to comply with this section if the space is in general compliance and is clearly distinguishable as a designated space.

(a) Whenever a law enforcement officer, a parking enforcement specialist, or the owner or lessee of the space finds a vehicle in violation of this subsection, that officer, owner, or lessor shall 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

under this section to a storage lot, garage, or other safe parking space, the cost of the removal and parking constitutes a lien against the vehicle.

(b) The officer or specialist shall 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(6).

(c) All convictions for violations of this section must be reported to the Department of Highway Safety and Motor Vehicles by the clerk of the court.

(d) A law enforcement officer or a parking enforcement specialist has the right to demand to be shown the person's disabled parking permit and driver's license or state identification card when investigating the possibility of a violation of this section. If such a request is refused, the person in charge of the vehicle may be issued a citation for a violation of this section.

~~(8)~~(7) Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled parking permit or a special license plate, to stand temporarily in any such parking space, for the purpose of loading or unloading the person who has a disability. A penalty may not be imposed upon the driver for such temporary standing.

~~(9)~~(8)(a) A vehicle that is transporting a person who has a disability and that has been granted a permit under s. 320.0848(1)(d) may be parked for a maximum of 30 minutes in any parking space reserved for persons who have disabilities.

(b) Notwithstanding paragraph (a), a theme park or an entertainment complex as defined in s. 509.013(9) which provides parking in designated areas for persons who have disabilities may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme park is open to the public for that day.

Section 9. Subsection (6) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(6) One hundred dollars for illegally parking in a parking space provided for disabled persons under s. 316.1955 or s. 316.1956 or provide proof to the clerk of the circuit court that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 and a signed affidavit that the owner of the disabled parking permit was present at the time the violation occurred, and such parking permit or license plate was valid at the time the violation occurred. Upon provision of proof of such a valid parking permit or license plate and payment of a \$5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation unless otherwise established by ordinance pursuant to s. 316.008. Notwithstanding s. 318.21, the ordinance may provide for the distribution of the proceeds of the fine.

Section 10. Subsection (1) of section 553.512, Florida Statutes, is amended to read:

553.512 Modifications and waivers; advisory council.—

(1) The Florida Board of Building Codes and Standards shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Handicapped Accessibility Advisory Council consisting of the following seven members, who shall be knowledgeable in the area of handicapped accessibility. The Secretary of Community Affairs shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the President, Florida Council of Handicapped Organizations; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the board so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

Section 11. Section 553.510, Florida Statutes, is hereby repealed.

Section 12. This act shall take effect October 1, 1997.

Became a law without the Governor's approval May 16, 1997.

Filed in Office Secretary of State May 12, 1997.