

Handicapped parking, recent statutory amendments

Number: INFORMAL

Date: March 06, 1997

Mr. Joseph M. Mendola
1612 Long Pond Drive
Valrico, Florida 33594

RE: HANDICAPPED PARKING--MOTOR VEHICLES--MUNICIPALITIES--recent amendments to the handicapped parking statutes. s. 316.1964, Fla. Stat. (1996)

Dear Mr. Mendola:

Thank you for contacting this office regarding recent amendments to Florida's handicapped parking statute, section 316.1964, Florida Statutes. Attorney General Butterworth has asked me to respond to your letter.

After reviewing the information you have submitted, it does not appear that this is a matter upon which this office may formally comment. The Attorney General is statutorily authorized to provide legal opinions to governmental officers and agencies on questions of law relating to their own official duties and responsibilities. See s. 16.01(3), Florida Statutes, and Department of Legal Affairs Statement of Policy Concerning Attorney General Opinions (copies enclosed). Thus, this office may not comment on actions of the City of Tampa except at the request of a majority of the members of the city commission or on their attorney's request.

However, in an effort to assist you, I note that section 316.1964, Florida Statutes, was amended in 1996 and provides generally that state agencies, counties, municipalities, or agencies thereof may not charge a fee for parking on the public streets or highways or in metered parking spaces if the driver of a vehicle displays a disabled parking permit or license plate. However, the statute contains a number of exceptions and allows a fee to be charged in those specific instances. A copy of section 316.1964, as amended, is included for your convenience.

Any person aggrieved by actions of the City of Tampa regarding its enforcement of this statute may consider a legal action to require the city to perform its duties according to the statutory directives. Further, discussions with the General Counsel of the Department of Highway Safety and Motor Vehicles, Mr. Jon Whitney, may be helpful as the department is charged with interpreting and implementing this chapter. Mr. Whitney may be contacted as follows:

Mr. Jon Whitney, General Counsel
Department of Highway Safety and Motor Vehicles
Neil Kirkman Building, Room A432
Tallahassee, Florida 32399-0504
Telephone: (904) 488-1606

I trust that these informal comments may be of assistance to you.

Sincerely,

Gerry Hammond
Assistant Attorney General

GH/tgk

Enclosures