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**MEMORANDUM 39-17HR**

TO: Agency Administrators

FROM: Carolyn Horwich, Esq., Director of Human Resources

THROUGH: Rip Colvin, Executive Director

SUBJECT: Accessible Parking

DATE: October 16, 2017

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Attached please find a memorandum from the Department of Management Services addressing accessible parking.

Thank you.



DEPARTMENT OF MANAGEMENT SERVICES  
DIVISION OF HUMAN RESOURCE MANAGEMENT ADVISORY

**STATE PERSONNEL SYSTEM**

**ADVISORY:** HRMA #2017-016

**DATE:** October 11, 2017

**SUBJECT:**

*Accessible Parking as a Reasonable Accommodation*

**FORMS:** N/A

**ADDITIONAL REFERENCE MATERIALS:** N/A

Dear Colleagues,

This advisory is being issued in response to several inquiries regarding who is responsible for paying for parking (reserved or accessible) that is provided in response to a reasonable accommodation request.

The U.S. Department of Justice (DOJ) issued new regulations under the Americans with Disabilities Act (ADA) in 2010. The regulations include ADA Standards for Accessible Design, outlining minimum accessibility requirements for buildings and facilities, to include parking spaces.

Requirements for accessible parking spaces are the same in any parking area. At a minimum, an employer must provide the number of accessible parking spaces required by law; however, nothing in the law precludes an employer from exceeding the minimum requirements. In some cases, you may have more employees needing accessible parking than the number of spaces required by law. In these instances, an employer should consider providing accessible or reserved parking as a reasonable accommodation under the ADA.

The Division of Human Resource Management contacted the Southeast ADA Center which provided the following guidance on the issue of who is responsible for paying for reserved or accessible parking when an employee requests it as a reasonable accommodation.

**Scenario 1: Employer provides free parking for all of its employees.**

In this scenario, if the employer provides an employee a reserved parking space, dedicated for their use only as a reasonable accommodation, then the employer would provide the space free of charge to the employee.

**Scenario 2: Employer provides free parking for all of its employees, but an employee needs an accessible space that is physically closer to the building than the space provided in the free parking lot, which may include payment of a fee associated with the space.**

In this scenario, if the employer provides employee parking at no cost and the employee requests a reasonable accommodation to be physically closer than the free parking provided by the employer so that the employee may access the worksite, such as use of a garage that

requires payment, then the employer should provide a reasonable accommodation by paying for the paid parking space.

**Scenario 3: All employees are required to pay for parking.**

When all employees are required to pay for parking in an employer provided parking area, the employee being provided a reasonable accommodation would be required to pay the same parking fees as an individual without a disability. This includes those who require a reserved space for their use only, a space closer to the building, or an accessible space in an employee lot as a reasonable accommodation. Employers cannot require the employee to pay additional charges for the cost to provide the space (e.g., restriping, signage, reserving it, etc.).

Agencies must keep in mind that every ADA accommodation request must be analyzed on a case-by-case basis. It is important to consult with your agency’s ADA Coordinator and General Counsel when questions or concerns arise related to a reasonable accommodation request.

For questions or when addressing accommodation requests related to DMS managed state buildings, including parking areas, contact the Department of Management Services ADA Coordinator Dan Callahan at (850) 922-7535 or by e-mail [Dan.Callahan@dms.myflorida.com](mailto:Dan.Callahan@dms.myflorida.com). Mr. Callahan can assist the agency with requests that relate to the building’s common areas, restrooms, building entry, public access or making physical changes to the building.

For additional guidance on providing parking as a reasonable accommodation, please refer to the sites referenced below.

**Accessible Parking as an Employment Accommodation**

<https://www.eeoc.gov/eeoc/publications/ada17.cfm>

**Fact Sheet**

<https://adata.org/factsheet/parking>

**Question and Answer Guide**

<https://adata.org/publication/ADA-faq-booklet>

[ADAsoutheast.org](http://ADAsoutheast.org)

If you have questions, please contact Martina Rogers at 850-487-1812 or email at [martina.rogers@dms.myflorida.com](mailto:martina.rogers@dms.myflorida.com).

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