

# OFFICE OF THE STATE ATTORNEY

SEVENTH JUDICIAL CIRCUIT OF FLORIDA  
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES

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STATE ATTORNEY



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August 21, 2014

Kimberle B. Weeks  
Flagler County Supervisor of Elections  
1769 East Moody Blvd.  
Building #2, Suite 101  
Bunnell, FL 32110

Dear Ms. Weeks:

I am writing this letter in reference to the complaint that you sent to our office regarding the removal of handicap voter parking signs at Palm Coast Community Center by Palm Coast Code Enforcement employees. After a review of the exhibits that you sent to me via email on August 20, 2014, as well as Florida State Statutes I have concluded that this is a civil matter that should be taken up with the City of Palm Coast.

Florida Statute 553.5041 outlines the state requirements as it relates to handicap parking spaces. Florida Statute 553.513 indicates that the enforcement of F.S. 553.5041 "shall be the responsibility of each local government and each code enforcement agency." Based upon those statutes, it is clear that Palm Coast Code Enforcement is responsible for maintaining and enforcing the handicap parking within their city limits. In addition, the Palm Coast Code Enforcement, through an email to you from Jim Landon on August 15, 2014, put you on notice that you were not permitted to put voter parking signs over the already designated handicap parking signs within their city. Under 553.513, the Code Enforcement has authority to remove your voter parking signs if they determine it is a violation of 553.5041.

I understand that you have entered into an interlocal agreement with the City of Palm Coast for election services for the calendar year 2014, which indicated the City of Palm Coast would not remove any voter related signs, other than campaign signs. This agreement, however, is the equivalent of a civil contract and as such any breach of this agreement is a civil matter that should be taken up with the City of Palm Coast and/or the civil court system.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melissa L. Clark", is written over the word "Sincerely,".

Melissa L. Clark  
Managing Assistant State Attorney, Flagler Office