

MEMORANDUM

Agenda Item No. 4(E)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to private parking facility operators; amending section 21-46 of the Code; requiring certain signage in private parking facilities; imposing certain requirements for the issuance of private parking invoices; requiring certain appeal procedures for private parking invoices; requiring a 15 minute grace period at private parking facilities; prohibiting private parking facilities from selling or transferring any personal information obtained from a party using the private property for parking services; amending section 8CC; providing civil penalties

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera.



Geri Bonzon-Keenan
County Attorney

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MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

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FROM: 
Gen Bonzon-Keenan
County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(E)
1-22-25

ORDINANCE NO. _____

ORDINANCE RELATING TO PRIVATE PARKING FACILITY OPERATORS; AMENDING SECTION 21-46 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING CERTAIN SIGNAGE IN PRIVATE PARKING FACILITIES; IMPOSING CERTAIN REQUIREMENTS FOR THE ISSUANCE OF PRIVATE PARKING INVOICES; REQUIRING CERTAIN APPEAL PROCEDURES FOR PRIVATE PARKING INVOICES; REQUIRING A 15 MINUTE GRACE PERIOD AT PRIVATE PARKING FACILITIES; PROHIBITING PRIVATE PARKING FACILITIES FROM SELLING OR TRANSFERRING ANY PERSONAL INFORMATION OBTAINED FROM A PARTY USING THE PRIVATE PROPERTY FOR PARKING SERVICES; AMENDING SECTION 8CC; PROVIDING CIVIL PENALTIES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, many parking facilities in Miami-Dade County are privately owned and operated; and

WHEREAS, such facilities lack the regulatory oversight present with respect to public parking facilities, creating a potential for greater abuses in the private parking sector; and

WHEREAS, on January 24, 2020, this Board passed Ordinance No. 20-19, which prohibited private parking facility operators from issuing instruments that look like a governmental citation, notice of violation, or ticket, unless clearly identifiable as non-governmental invoices; and

WHEREAS, on April 5, 2024, Governor Ron Desantis signed House Bill 271, which imposed several new regulations on private parking facilities; and

WHEREAS, House Bill 271, among other things: (a) requires signage containing the rules and rates for private parking facilities to be posted in a manner that is legible and clearly visible when entering the area used for parking; (b) requires certain information be contained on the

signage, and permits the signage to be regulated by the county or municipality in which the property is located; (c) requires any invoice for parking charges issued by private entities to be placed on the vehicle in a prominent location or be mailed within five business days of the violation; (d) requires all invoices issued by the owner or operator of a private parking facility to include an appeal process adjudicated by a neutral third-party to be available to any party believing to have received the invoice in error; (e) prohibits the owner or operator of a privately-owned parking facility from assessing a late fee until the latter of 15 days after the date an appeal is denied or 30 days after the invoice was placed on the motor vehicle or postmarked date of mailing; (f) establishes a 15-minute grace period in which the owner or operator of a privately-owned parking facility may not charge vehicle operators that enter the parking facility, provided the vehicle does not park; and (g) prohibits the owners or operators of private parking facilities from selling, offering to sell, or transferring to another person for sale the personal information of any party using the private property for parking; and

WHEREAS, it is in the best interests of the residents of the County to regulate private parking facilities in a similar manner as set forth in House Bill 271,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-46 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 21-46. ~~[[Issuance of non-governmental parking citations, notices of violations, or tickets]]~~>>Miami-Dade County Private Parking Facility Ordinance<<

- (a) >>The owner or operator of a private property used for motor vehicle parking must place signage that is a minimum size of 36 inches by 24 inches that: (1) states that the property is not operated by a governmental entity; (2) lists the rates for parking charges for violating the rules of the property owner or operator; (3) provides a working phone number and an e-mail address to receive inquiries and complaints; and (4) provides notice of the grace period and process for appeal. The signage must be legible and clearly visible to persons entering the area used for motor vehicle parking, in accordance with Section 715.075 of the Florida Statutes.<<
- (b) It is unlawful for any non-governmental person or entity to issue an invoice or other document which seeks to impose a monetary charge for any motor vehicle parked in a privately operated parking lot or facility that includes the word violation, citation, or ticket. Notwithstanding the foregoing, an invoice or other document issued by a non-governmental owner does not violate this section if the form of such document includes a statement in 14 point bold face font, in substantially the following form: “THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL AUTHORITY AND IS NOT SUBJECT TO CIVIL OR CRIMINAL PENALTIES.”
- (c) >>An invoice for parking charges issued for violating the rules of the property owner or operator of a private property used for motor vehicle parking must be placed on the motor vehicle in a prominent location or mailed to the vehicle owner within five business days of the violation. The owner or operator of a private property used for motor vehicle parking may

not assess a late fee until expiration of the 15-day period following the denial of any appeal filed pursuant to paragraph (d) or for a period of at least 30 days after the invoice is placed on the motor vehicle or the postmarked date of the mailing, whichever is later.

- (d) An invoice for parking charges issued under this section must include a method to dispute and appeal the invoice by a party who believes they have received the invoice in error as set forth in Section 715.075 of the Florida Statutes.
- (e) The owner or operator of a private property used for motor vehicle parking must allow a grace period of at least 15 minutes upon entrance to such property before any parking charges may be incurred, provided that the motor vehicle does not park during that time.<<
- (f) Any invoice issued in violation of this section is unenforceable.
- (g) >>An owner or operator of a private property used for motor vehicle parking may not sell, offer to sell, or transfer to another person for sale any personal information obtained from a party using the private property for parking services.<<
- (h) This section applies countywide in both the incorporated and unincorporated areas of the County, but does not preempt municipalities or any other governmental entities from enacting ordinances, rules or regulations that provide prohibitions or greater protections or penalties.
- (i) This section shall be subject to the penalties provided by section 8CC-10 of the Code, and each violation shall constitute a separate offense.

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida is

hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

| <i>Code Section</i> | <i>Description of Violation</i> | <i>Civil Penalty</i> |
|---------------------|--|----------------------|
| | * * * | |
| 21-46 | [[Issuance of non-governmental parking citations, notices of violations, or tickets]]>> <u>Failure to comply with the Miami-Dade County Private Parking Facility Ordinance</u> << | 100.00 |

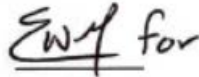
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Christian J. Fernandez-Andes

Prime Sponsor: Commissioner Kevin Marino Cabrera