

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 26, 2025 10:45 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE III, ENTITLED "OFF-STREET PARKING LOTS AND FACILITIES," BY CREATING SECTION 106-119 THEREOF, ENTITLED "REQUIREMENTS FOR PRIVATE PROPERTIES USED FOR MOTOR VEHICLE PARKING; PENALTIES," BY REQUIRING OWNERS AND OPERATORS OF PRIVATE PROPERTIES THAT ARE OPEN TO THE PUBLIC FOR MOTOR VEHICLE PARKING TO PLACE CERTAIN SIGNAGE IN SUCH PRIVATE PARKING LOTS AND FACILITIES; BY IMPOSING CERTAIN REQUIREMENTS FOR THE ISSUANCE OF PRIVATE PARKING INVOICES; BY REQUIRING SPECIFIED APPEAL PROCEDURES FOR PRIVATE PARKING INVOICES; BY REQUIRING A 15-MINUTE GRACE PERIOD AT PRIVATE PARKING LOTS AND FACILITIES; BY PROHIBITING PRIVATE PARKING LOTS AND FACILITIES FROM SELLING, OFFERING TO SELL, OR TRANSFERRING ANY PERSONAL INFORMATION OBTAINED FROM A PARTY USING THE PRIVATE PROPERTY FOR PARKING SERVICES; BY PROVIDING CIVIL PENALTIES FOR VIOLATION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The proposed Ordinance, sponsored by Commissioner David Suarez, is submitted for consideration by the Mayor and City Commission.

In addition to many City-owned parking lots and facilities, there are also a number of parking lots and facilities in Miami Beach that are privately owned and operated. Such privately owned/operated lots and facilities lack the regulatory oversight present with respect to publicly owned/operated parking lots and facilities, thereby creating a potential for greater abuse in the private parking sector. As a result, the City has received complaints from residents and visitors concerning the deceptive, unscrupulous, misleading, and/or fraudulent practices of private parking lot and facility operators.

However, on April 5, 2024, Governor Ron DeSantis signed House Bill 271 (as codified in Section 715.075 of the Florida Statutes), which imposes several new regulations on owners and operators of private properties used for motor vehicle parking.

Among other things, House Bill 271:

(a) requires signage containing the rules and rates for private parking lots and 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 (5) business days of the violation;

(d) requires all invoices issued by the owner or operator of a private parking lot or 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 lot or facility from assessing a late fee until the latter of fifteen (15) days after the date an appeal is denied or thirty (30) days after the invoice was placed on the motor vehicle or the postmarked date of mailing;

(f) establishes a 15-minute grace period in which the owner or operator of a privately-owned parking lot or facility may not charge vehicle operators that enter the parking lot or facility, provided that the vehicle does not park; and

(g) prohibits the owners or operators of private parking lots and 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 services.

The proposed Ordinance would greatly benefit City residents and visitors by imposing various regulations upon owners and operators of private parking lots and facilities in a similar manner as set forth in House Bill 271, and including civil fines for each such violation.

FISCAL IMPACT STATEMENT

None.

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Commissioner Joseph Magazine

Condensed Title

10:45 a.m. 1st Rdg PH, Ch. 106, Create Requirements for Private Parking Lots.
(Suarez/Magazine) CA

Previous Action (For City Clerk Use Only)