

R5 G 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.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: March 19, 2025 9:45 a.m. Second 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, which was only modified after first reading to include a phrase clarifying that its signage requirements are in addition to the signage required by section 106-118 of the City Code, 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: 3/7/2025
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

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
Commissioner Alex Fernandez
Commissioner Tanya K. Bhatt

Condensed Title

9:45 a.m. 1st Rdg PH, Ch. 106, Create Requirements for Private Parking Lots. (DS/JM/AF/TB)
CA

Previous Action (For City Clerk Use Only)

First Reading Public Hearing on 2/26/2025 – R5 P

ORDINANCE NO. _____

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.

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

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

WHEREAS, 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 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; and

WHEREAS, it is in the best interest of the residents of the City of Miami Beach to regulate private parking lots and facilities in a similar manner as set forth in House Bill 271.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 106-119 of Article III of Chapter 106 of the Miami Beach City Code is hereby created as follows:

CHAPTER 106

TRAFFIC AND VEHICLES

* * *

ARTICLE III. PUBLIC OFF-STREET PARKING LOTS AND FACILITIES

* * *

Sec. 106-119. Requirements for private properties used for motor vehicle parking; penalties.

(a) In addition to the signage required by section 106-118, The 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) An invoice for parking charges issued under this section must include the following statement in uppercase, bold face type and in a font size that is no less than the greater of (a) 14-point font or (b) the font size of the largest lettering found on the invoice:

THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO 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 (5) 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 fully 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) Civil fine for violators. The following civil fines shall be imposed for violations of this section:

- (1) First offense: \$500.00;
- (2) Second offense: \$750.00;
- (3) Third and subsequent offenses: \$1,000.00.

Each violation shall constitute a separate offense for which a separate fine shall be imposed.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions.

Double underline denotes additions after First Reading.

~~Double strikethrough~~ denotes deletions after First Reading.

(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

2/27/2025

Date