

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

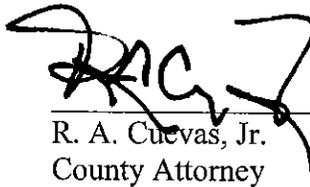
DATE: (Second Reading 10-6-15)
May 5, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to
parking spaces for disabled
persons; amending Section
30-447 of the Code to increase
penalty for misuse of specially
marked parking spaces

Ordinance No. 15-106

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

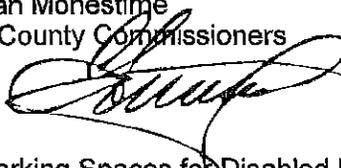
RAC/lmp

Memorandum



Date: October 6, 2015

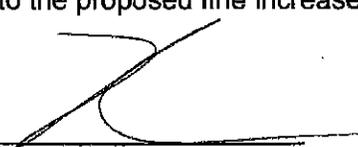
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Relating to Parking Spaces for Disabled Persons

The proposed Ordinance relating to parking spaces for disabled persons amends Section 30-447 of the Code to increase the penalty for misuse of specially marked parking spaces.

Implementation of this ordinance may have a positive fiscal impact on the County. The violation value will be increased to a mandatory fine of \$250.00 from \$150.00. Although the County receives an estimated 20 percent of the disabled parking, the improved revenue collections associated with the implementation of this ordinance is difficult to determine at this time as the number of violations may reduce due to the proposed fine increase.



Russell Benford
Deputy Mayor

Fis07515



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(C)

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
- 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 ____, 3/5's ____, unanimous ____) 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. 7(C)
10-6-15

ORDINANCE NO. 15-106

ORDINANCE RELATING TO PARKING SPACES FOR DISABLED PERSONS; AMENDING SECTION 30-447 OF THE CODE OF MIAMI-DADE COUNTY TO INCREASE PENALTY FOR MISUSE OF SPECIALLY MARKED PARKING SPACES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, there is widespread abuse of the disabled handicapped parking system in Miami-Dade County, by those parking in the marked handicapped parking spaces without possessing or displaying a lawful disabled parking permit; and

WHEREAS, the disabled are severely impacted by this abuse by reducing and/or eliminating the amount of designated handicapped parking spaces that are available for use by the disabled; and

WHEREAS, Miami-Dade County is economically impacted as a result of this abuse by the loss of metered parking revenue; and

WHEREAS, increasing the penalty for this abuse will assist in improving the disabled handicapped parking system in Miami-Dade County and increase the availability of designated handicapped parking spaces for the disabled community,

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

Section 1. Section 30-447 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. 30-447 Penalty For Misuse of Specially Marked Parking Spaces.

It is unlawful for any person to stop, stand, or park a vehicle within any parking space designated with an above-grade sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or with both such symbol and caption, unless such vehicle displays a parking permit issued pursuant to Section 316.1958, Florida Statutes, or Section 320.0848, Florida Statutes, and such vehicle is transporting a person eligible for the parking permit. However, any person who is chauffeuring a person eligible for a disabled parking permit shall be allowed, without need for an identification parking permit, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this section, that officer shall:

* * *

(2) Charge the motor vehicle owner in violation with a noncriminal traffic infraction.

* * *

(b) Violators of this article shall be punished by a mandatory fine of >>two hundred fifty dollars (\$250.00) << ~~[[one hundred fifty dollars (\$150.00). A motor vehicle owner who is guilty of repeat violations of this article may be punished by a fine not to exceed two hundred fifty dollars (\$250.00)]].~~

* * *

Section 2. 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.

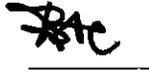
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

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 4. 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: October 6, 2015

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Cynji A. Lee

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Sponsor: Commissioner Sally A. Heyman