

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: December 4, 2018


FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to parking violation fines and costs; deleting section 30-388.21 of the Code; amending sections 30-388.32 and 30-450 of the Code; increasing certain fines and costs associated with parking violations; and making technical changes

A substitute was presented and forward to the BCC with a favorable recommendation at the 10-18-18 Public Safety and Health Committee. Substitute 2 differs from Substitute 1 in that it removes the provisions setting aside a portion of costs for a Parking System Trust Fund and for the Clerk's Service Enhancement Trust Fund and makes a technical change.

Rule 5.06(i) of the Board's Rules of Procedure provides that differences between an original item and a substitute item should be uniquely identified in the substitute by double underlining and double strike-through, or where such approach would not clearly show the difference or are not practical, by providing footnotes or comments on the item. Based on Rule 5.06(i), the preceding comprehensive description of the differences between the original item and substitute is provided in lieu of double underlining and double strike through.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

for


APW/lmp

Memorandum



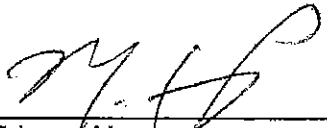
Date: December 4, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Parking Violations and Fines

The proposed ordinance relating to parking violations and fines deletes Section 30-388.21 and amends Sections 30-388.32 and 30-450 of the Code of Miami-Dade County will provide additional revenue to the Clerk of the Courts by increasing certain fines and costs associated with parking violations. Based on the current levels of citations issued, overall revenues to the municipalities and Clerk's Office are expected to increase between \$4.4 million to \$8 million.



Edward Marquez
Deputy Mayor

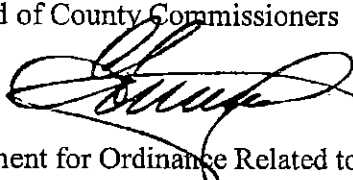
FIS00719 SUB 182364

Memorandum



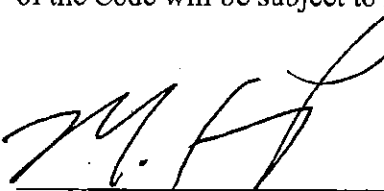
Date: December 4, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Related to Parking Violations Fines and Costs

The proposed ordinance amends Sections 30-388.32 and 30-450 of the Code of Miami-Dade County to increase the fines and costs associated with parking violations, and designates and sets aside an amount for each assessment for certain purposes. Individuals found to be in violation of this section of the Code will be subject to higher fines and costs.



Maurice L. Kemp
Deputy Mayor

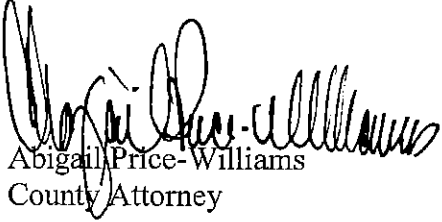


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: December 4, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(A)

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 ____, 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(A)
12-4-18

ORDINANCE NO. _____

ORDINANCE RELATING TO PARKING VIOLATION FINES AND COSTS; DELETING SECTION 30-388.21 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTIONS 30-388.32 AND 30-450 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING CERTAIN FINES AND COSTS ASSOCIATED WITH PARKING VIOLATIONS; AND MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County is authorized, by its Home Rule Charter, to enact laws regarding the regulation of stopping, standing or parking of motor vehicles; and

WHEREAS, Miami-Dade County has adopted broad legislation regulating stopping, standing and parking of motor vehicles, including fines associated with violations of the County's laws regarding same; and

WHEREAS, the fines associated with violations of the County's parking laws have not been modified in over a decade; and

WHEREAS, indeed, in many parts of the County, including the City of Miami and the City of Miami Beach, it costs less to pay the fine than to pay for parking; and

WHEREAS, the County's parking fines are, in many instances, significantly less than in other parts of the State of Florida; and

WHEREAS, increasing certain of the County's fines associated with parking violations would not only make the County more consistent with other cities and counties across Florida, but may also provide additional needed revenue to the Clerk of Courts,

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

Section 1. Section 30-388.21 of the Code of Miami-Dade County, Florida, is hereby deleted as follows:¹

Sec. 30-388.21. ~~[[Penalty for violation of Sections 30-388.9 to 30-388.10.—~~

~~All violations of Sections 30-388.9 to and including 30-388.10 [sic] shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) or imprisonment not to exceed thirty (30) days in the County Jail, or both, in the discretion of the County Judge.]]~~

Section 2. Section 30-388.32 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 30-388.32. ~~[[Penalty]]~~ >>Fines and costs<< for violation of article.

(a) Violations of this article shall be punishable by the fine indicated below:

Schedule of Parking Fines and Costs

Section No.	Initial Fine	Fine After 30 Days	Cost After 30 Days	Offense Charged
30-367	[[\$33.00]] >> <u>\$47.00</u> <<	[[\$43.00]] >> <u>\$57.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking without valid license plate
30-378>>(a)<<	[[\$18.00]] >> <u>\$32.00</u> <<	[[\$31.00]] >> <u>\$42.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking after violation shows on meter
30-378>>(b)<<	[[\$18.00]] >> <u>\$32.00</u> <<	[[\$31.00]] >> <u>\$42.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking continuously in excess of maximum time permitted on meter
30-378>>(c)<<	[[\$18.00]] >> <u>\$32.00</u> <<	[[\$31.00]] >> <u>\$42.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking for a period longer than designated on meter giving notice thereof
30-378>>(d)<<	[[\$18.00]] >> <u>\$25.00</u> <<	[[\$31.00]] >> <u>\$38.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking improperly by not parking wholly within meter parking space

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.

6

30-379	[[\$23.00]] >> <u>\$25.00</u> <<	[[\$28.00]] >> <u>\$38.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking improperly by not having front of vehicle next to meter or by making meter not visible from street
30-388.3	[[\$28.00]] >> <u>\$42.00</u> <<	[[\$33.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Prohibited at all times in certain places
30-388.4	[[\$28.00]] >> <u>\$42.00</u> <<	[[\$33.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Prohibited at all times on certain streets
30-388.5	[[\$28.00]] >> <u>\$42.00</u> <<	[[\$33.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Prohibited during certain hours on certain streets
30-388.6	[[\$23.00]] >> <u>\$42.00</u> <<	[[\$28.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking longer than time designated on signs on certain streets
30-388.7	[[\$23.00]] >> <u>\$42.00</u> <<	[[\$28.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking in other than parallel position on two-way roadway
30-388.7	[[\$23.00]] >> <u>\$42.00</u> <<	[[\$28.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking vehicle more than 12 inches from curb or edge of roadway
30-388.7	[[\$23.00]] >> <u>\$42.00</u> <<	[[\$28.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking vehicle in direction opposite to authorized traffic movement
30-388.8	[[\$23.00]] >> <u>\$42.00</u> <<	[[\$28.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Moving other person's parked vehicle without authority
30-388.9	[[\$28.00]] >> <u>\$42.00</u> <<	[[\$33.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Leaving vehicle, except delivery vehicle, for 5 minutes unattended without stopping engine and removing ignition key
30-388.10	[[\$28.00]] >> <u>120.00</u> <<	[[\$33.00]] >> <u>\$150.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking so as to obstruct traffic on street
30-388.11	[[\$28.00]] >> <u>\$120.00</u> <<	[[\$33.00]] >> <u>\$150.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Hazardous parking on street or highway outside municipality
[[30-388.12]]	[[\$33.00]]	[[\$43.00]]	[[\$14.00]]	[[Willfully obstructing street by impeding traffic or endangering movement of vehicles or pedestrians]]
30-388.13	[[\$28.00]] >> <u>\$120.00</u> <<	[[\$33.00]] >> <u>\$150.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Unlawful parking or obstructing traffic in alley
30-388.14	[[\$28.00]] >> <u>\$42.00</u> <<	[[\$33.00]] >> <u>\$52.00</u> <<	[[\$14.00]] >> <u>\$16.00</u> <<	Parking more than half-hour during night hours prohibited by sign

30-388.16	[[\$28.00]] >> \$42.00 <<	[[\$33.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Parking adjacent to school when prohibited by sign
30-388.17	[[\$28.00]] >> \$42.00 <<	[[\$33.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Parking on narrow street when prohibited by sign
30-388.18	[[\$28.00]] >> \$42.00 <<	[[\$33.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Parking on left hand side of one-way street when prohibited by sign
30-388.19	[[\$28.00]] >> \$42.00 <<	[[\$33.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Parking on left hand side of one-way roadway of street with 2 or more roadways
30-388.20	[[\$28.00]] >> \$120.00 <<	[[\$33.00]] >> \$150.00 <<	[[\$14.00]] >> \$16.00 <<	Parking near hazardous or congested places
30-388.23	[[\$23.00]] >> \$42.00 <<	[[\$28.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Parking in passenger curb loading zone
30-388.23	[[\$23.00]] >> \$42.00 <<	[[\$28.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Using passenger curb loading zone for more than 5 minutes to load or unload passengers
30-388.24	[[\$23.00]] >> \$75.00 <<	[[\$28.00]] >> \$100.00 <<	[[\$14.00]] >> \$16.00 <<	Parking in freight curb loading zone
30-388.24	[[\$23.00]] >> \$75.00 <<	[[\$28.00]] >> \$100.00 <<	[[\$14.00]] >> \$16.00 <<	Using freight curb loading zone for more than 30 minutes
30-388.25	[[\$23.00]] >> \$32.00 <<	[[\$28.00]] >> \$42.00 <<	[[\$14.00]] >> \$16.00 <<	Parking in restricted parking zone
30-388.26	[[\$23.00]] >> \$42.00 <<	[[\$28.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Bus or taxicab parked in business district other than at bus stop or taxicab stand, respectively
30-388.27	[[\$23.00]] >> \$42.00 <<	[[\$28.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Parking in bus stop or taxicab stand
30-388.29	[[\$23.00]] >> \$42.00 <<	[[\$28.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Improper angle parking
30-388.30	[[\$23.00]] >> \$42.00 <<	[[\$28.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Loading or unloading at angle to curb without required permit
30-388.31	[[\$23.00]] >> \$42.00 <<	[[\$28.00]] >> \$52.00 <<	[[\$14.00]] >> \$16.00 <<	Parking truck of 1 ton or more in residential area for more than 1 hour

(b) Reduced fine schedule for persons pleading guilty by mail: Upon a finding that it will further the interests of justice and promote judicial economy, the Chief Judge may, by administrative order, reduce the fines prescribed in subsection (a) of this section.

(c) Except as set forth in subsection (a), above, Section 30-447, and Section 30-292 >> (1)(a)(12) <<, all violations of ordinances and statutes regulating, prohibiting or otherwise controlling the parking of motor vehicles shall be punished by a fine not to exceed ~~[[thirty dollars (\$30.00)]]~~ >> \$42.00 <<, plus the surcharge provided in subsection (g) and, after thirty (30) days, the imposition of late penalties in the amount of ~~[[twenty-three dollars (\$23.00)]]~~ >> \$10.00 plus costs in the amount of \$16.00. All fines and costs collected pursuant to this chapter are << to be distributed in accordance with this chapter, unless otherwise provided by ~~[[ordinance;]]~~ >> state << statute >>, including for the provision of the Clerk of the Court's services at the district/satellite courts << ~~[[, or administrative order of the Chief Judge]]~~.

(d) In addition to the fines and costs referred to in subsection (a), upon a finding of guilty after trial, the Court shall assess court costs against the guilty party.

~~[[(e) The Chief Judge may, by administrative, order, designate and specially set aside five dollars (\$5.00) for each assessment of costs referred to in subsection (a) for the establishment of a Parking System Trust Fund and a Court Facility Trust Fund. Three dollars (\$3.00) shall be placed in the Parking System Trust Fund and the remaining two dollars (\$2.00) shall be placed in the Court Facility Trust Fund. The Chief Judge and the Clerk of the Court may authorize expenditure to these funds for maintenance and enhancement of the Parking Violations Bureau and court facilities.~~

~~(f) The Clerk of the Courts may designate and specially set aside four dollars (\$4.00) for each assessment of costs referred to in subsection (a) for the establishment of the Clerk's Service Enhancement Trust Fund which shall be used for the maintenance and enhancement of the functions of the Clerk.~~

~~(g)]~~ >> (e) In addition to the fines and costs referred to in subsection (a), a << [[A]] surcharge of four dollars (\$4.00) is imposed on parking fines >> for the purpose of funding school crossing guard programs. The << [[and]] monies collected shall be placed in the School Crossing Guard Trust Fund ~~[[as authorized by Section 316.660(4)(e), Florida Statutes]]~~.

Section 3. Section 30-450 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 30-450. - 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 for persons transporting young children and strollers, unless such vehicle displays a parking permit decal issued pursuant to administrative order, and such vehicle is transporting a child aged two (2) years or less; provided, however, physically handicapped and/or disabled persons displaying a valid handicapped parking permit shall be permitted to utilize parking spaces designated for persons transporting young children and strollers. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this section, that officer or enforcement specialist shall:

- (1) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer, parking enforcement specialist, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle, or
- (2) Charge the motor vehicle owner in violation with a noncriminal traffic infraction.
 - (a) Whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a specially designated parking space in violation of this section, it shall be prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles.
 - (b) Violators of this article shall be punished by ~~[[the maximum]]~~ >>a<< fine ~~[[for a non-moving violation pursuant to Chapter 318, Florida Statutes]]~~ >>of \$48.00<<.

Section 4. 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 5. 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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. 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:

GBK
for
MHP

Prepared by:

Monica Rizo Perez

Prime Sponsor: Commissioner Sally A. Heyman