

MEMORANDUM

Agenda Item No. 11(A)(2)

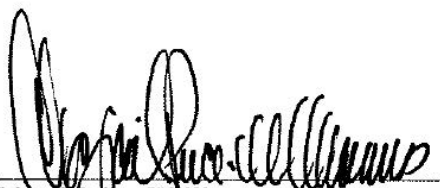
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to prepare for first reading at the Board's September 1, 2020 meeting an administration item relating to vehicles that amends chapter 30 and other chapters of the Code, and that, among other provisions, (1) authorizes municipalities to opt-out of certain County parking regulations, excluding those pertaining to disabled and stroller parking and school crossing guard surcharge, (2) makes revisions to conform to federal and state law, (3) requires County Mayor to develop and prescribe form of parking citation, (4) consolidates into chapter 30 existing parking provisions relating to parking meters and facilities at the airport, seaport, parks and transit facilities, and expands existing provisions relating to parking meters and parking facilities payment technology, (5) makes other conforming and technical revisions; directing County Mayor to seek input from certain interested entities and to collect, analyze and consider for inclusion in the final item

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



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: August 31, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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 ____, 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) ____, or 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. 11(A)(2)
8-31-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE FOR FIRST READING AT THE BOARD'S SEPTEMBER 1, 2020 MEETING AN ADMINISTRATION ITEM RELATING TO VEHICLES THAT AMENDS CHAPTER 30 AND OTHER CHAPTERS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND THAT, AMONG OTHER PROVISIONS, (1) AUTHORIZES MUNICIPALITIES TO OPT-OUT OF CERTAIN COUNTY PARKING REGULATIONS, EXCLUDING THOSE PERTAINING TO DISABLED AND STROLLER PARKING AND SCHOOL CROSSING GUARD SURCHARGE, (2) MAKES REVISIONS TO CONFORM TO FEDERAL AND STATE LAW, (3) REQUIRES COUNTY MAYOR OR MAYOR'S DESIGNEE TO DEVELOP AND PRESCRIBE FORM OF PARKING CITATION, (4) CONSOLIDATES INTO CHAPTER 30 EXISTING PARKING PROVISIONS RELATING TO PARKING METERS AND FACILITIES AT THE AIRPORT, SEAPORT, PARKS AND TRANSIT FACILITIES, AND EXPANDS EXISTING PROVISIONS RELATING TO PARKING METERS AND PARKING FACILITIES PAYMENT TECHNOLOGY, (5) MAKES OTHER CONFORMING AND TECHNICAL REVISIONS; DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO SEEK INPUT FROM CERTAIN INTERESTED ENTITIES AND TO COLLECT, ANALYZE AND CONSIDER FOR INCLUSION IN THE FINAL ITEM

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

WHEREAS, the County has adopted broad legislation that regulates stopping, standing and parking of motor vehicles, including the assessment of fines associated with violations of such County laws, and procedures to challenge the assessment of such fines; and

WHEREAS, this legislation is codified in articles I, II and IIA of chapter 30 of the Code of Miami-Dade County, Florida ("County Code"); and

WHEREAS, chapter 30 applies countywide in both the incorporated and unincorporated areas of the County and supersedes and preempts municipal regulation in this area; and

WHEREAS, certain municipalities have expressed an interest in adopting their own parking regulations to govern parking within their municipalities on municipal roads and in municipal parking facilities in order to address matters that are unique to their particular municipality; and

WHEREAS, this Board desires to amend chapter 30 to allow municipalities to opt-out of certain provisions of chapter 30 pertaining to parking regulations, fines and enforcement to enact municipal laws regulating stopping, standing and parking of motor vehicles on municipal roads and municipal parking facilities (“municipal opt-out revision”); and

WHEREAS, the municipal opt-out revision excludes those parking regulations pertaining to parking for disabled individuals, persons transporting young children and strollers, and the assessment, collection and distribution of a school crossing guard surcharge on parking citations; and

WHEREAS, many of the provisions in chapter 30 have since been preempted or substantially amended by federal law, state law or both; and

WHEREAS, this Board also desires to amend chapter 30 to repeal provisions that are no longer enforceable, and to make revisions to other provisions of chapter 30 to conform to applicable federal and state law, including section 1(d) of article VIII of the Florida Constitution and corresponding legislation pertaining to the authority of elected constitutional officers (“conforming revisions”); and

WHEREAS, sections 25-8, 26-1, 28A-3.4 and 30B-6 of the County Code contain parking regulations applicable to the airports, park facilities, seaport and transit system facilities, respectively; and

WHEREAS, this Board desires to amend chapter 30 and sections 25-8, 26-1, 28A-3.4 and 30B-6 to consolidate all of the County's parking regulations in chapter 30, and expand certain provisions relating to parking regulations at the seaport to be consistent with parking regulations at the airport ("consolidating revisions"); and

WHEREAS, this Board also desires to amend chapter 30 to make revisions to parking regulations pertaining to parking meters and parking facilities to address current technology and payment methods for parking ("technology revisions"); and

WHEREAS, the County Mayor or Mayor's designee, through the Office of Management and Budget and in consultation with the affected departments and the County Attorney's Office, has been working on an ordinance to revise articles I, II, and IIA of chapter 30 to make the municipal opt-out revisions, the conforming revisions, the consolidating revisions, and the technology revisions; and

WHEREAS, this Board desires to have the County Mayor or Mayor's designee seek input from (1) the parking enforcement divisions of interested municipalities, including, but not limited to, the Miami Parking Authority, the City of Coral Gables, and the City of Miami Beach, (2) the Miami-Dade Clerk of Courts, and (3) the Office of Court Administration of the Eleventh Judicial Circuit Court ("interested entities") and to collect, analyze, and consider for inclusion any comments provided by such interested entities; and

WHEREAS, this Board desires to have the County Mayor or Mayor's designee prepare for first reading at the Board's September 1, 2020 meeting an administration item relating to

vehicles that amends chapter 30 and other chapters of the County Code and that, among other provisions, includes the municipal opt-out revisions, the conforming revisions, the consolidating revisions, and the technology revisions,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Approves the foregoing recitals and incorporates them herein by reference.

Section 2. Directs the County Mayor or Mayor's designee to prepare for first reading at the Board's September 1, 2020 meeting an administration item relating to vehicles that amends chapter 30 and other chapters of the County Code and that, among other provisions, includes the municipal opt-out revisions, the conforming revisions, the consolidating revisions, and the technology revisions.

Section 3. This Board further directs the County Mayor or Mayor's designee to seek input from interested entities and to collect, analyze, and consider for inclusion any comments provided by such interested entities prior to finalizing the item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 31st day of August, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez