

## MEMORANDUM

Agenda Item No. 7(D)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** November 5, 2013

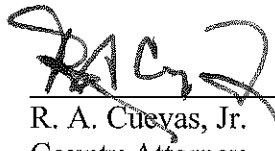
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending Section 30-388.2 of the Code providing that, consistent with state law, parking charges may be imposed on vehicles displaying a disabled parking permit or license tag at any County Airport or Seaport under specified circumstances, but that such charges may not be imposed for certain vehicles as defined in such state law  
Ordinance No. 13-104

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**This item was amended at the Economic Development and Port Committee on 10-10-13 to allow for up to two hours of free parking at the Port Miami in addition to the Miami International Airport, revise the Airport Revenue figure in the second whereas clause, and structure section 30-388.2 into subsections.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Vice Chair Lynda Bell.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** November 5, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Ordinance Amending Section 30-388.2 of the Code Providing that, Consistent with State Law, Parking Charges may be Imposed on Vehicles Displaying a Disabled Parking Permit or License Tag at any County Airport or Seaport Under Specified Circumstances, but that Such Charges may not be Imposed for Certain Vehicles as Defined in Such State Law

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The proposed ordinance provides that, consistent with state law, parking charges may be imposed on vehicles displaying a disabled parking permit or license tag at any county airport or seaport under specified circumstances, but that such charges may not be imposed for certain vehicles as defined in such state law; and amends Section 30-388.2. Implementation of this ordinance will result in approximately \$3 million in additional revenues for the Aviation Department. The Port of Miami is not anticipated to have an increase in revenues since parking charge revenues generated at the Port of Miami are passed through to the cruise lines.

A handwritten signature in black ink, appearing to read "Jack Osterholt".  

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Jack Osterholt  
Deputy Mayor

Fis8713



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** November 5, 2013

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

**SUBJECT:** Agenda Item No. 7(D)

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(D)  
11-5-13

ORDINANCE NO. 13-104

ORDINANCE AMENDING SECTION 30-388.2 OF THE MIAMI-DADE COUNTY CODE PROVIDING THAT, CONSISTENT WITH STATE LAW, PARKING CHARGES MAY BE IMPOSED ON VEHICLES DISPLAYING A DISABLED PARKING PERMIT OR LICENSE TAG AT ANY COUNTY AIRPORT OR SEAPORT UNDER SPECIFIED CIRCUMSTANCES, BUT THAT SUCH CHARGES MAY NOT BE IMPOSED FOR CERTAIN VEHICLES AS DEFINED IN SUCH STATE LAW; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Miami International Airport is the only airport in Florida that offers free parking to all disabled persons; and

**WHEREAS**, if free parking at Miami International Airport was not offered to all disabled persons, Airport revenues would increase by approximately ~~[[\$3,700,000.00]]~~<sup>1</sup>>>\$4.1 million<<; and

**WHEREAS**, if free parking at the Port of Miami was not offered to all disabled persons Port revenues would increase by \$800,000.00; and

**WHEREAS**, the Office of the Inspector General has issued a report detailing numerous instances of improper or fraudulent uses of these free parking spaces; and

**WHEREAS**, the Port of Miami and Miami International Airport are two of the largest economic engines in Miami-Dade County; and

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<sup>1</sup> Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, increased revenue at these facilities provides a competitive advantage in these facilities remaining national leaders in air and sea traffic,

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

**Section 1.** Section 30-388.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>2</sup>

Sec. 30-388.2. Free public parking for the physically disabled.

~~[[Any]]~~ >>(1) Except as provided in subsection (2) below, any<< motor vehicle which is qualified to park in a specially marked parking space designated for the physically disabled pursuant to Article II of this chapter shall be permitted to park in any public parking space in Miami-Dade County without incurring a fee for parking. For purposes of this section, the term "public parking space" shall mean a parking space provided by Miami-Dade County and each municipality within Miami-Dade County, and each agency, instrumentality and authority thereof.

>>(2)<< >>Notwithstanding<< ~~[[anything in the Miami-Dade County Code to the contrary, however,]]~~ >>subsection (1) above,<< >>the Aviation<< ~~[[Department]]~~ >>and Seaport Departments<< >>shall be entitled to charge and collect parking fees for the use of any County airport<< >>or seaport<< >>parking facility, including facilities providing temporary, short-term, or up-close parking sites,<<[[and the Seaport Department shall be entitled to charge and collect parking fees for the use of any timed parking spaces in a parking garage, facility, lot, or space, including temporary, short term, or up-close parking site]]>>by vehicles that display a disabled parking permit or license tag issued under Sections 316.1958, 320.084, 320.0842, 320.0843, 320.0845, or 320.0848,<< >>Florida Statutes,<< >>as such sections may be amended from time to time,<< >>except that any such vehicle exiting an airport or seaport parking facility less than two hours from entering the facility shall not be charged parking

<sup>2</sup> 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.

fees<< [[but any]] >>. Any such vehicle exiting the facility more than two hours from entering the facility shall be charged for the entire time the vehicle uses the facility.<<

[[but]]>>(3) Notwithstanding subsection (2) above,<< >>no parking charges shall be imposed by the Airport or<< [[the]] >>Seaport<< >>Departments<< >>upon any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, or for utilization by a person who has a disability or whose vehicle is displaying the Florida Toll Exemption permit.<<

**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.

**Section 5.** This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: November 5, 2013

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Thomas P. Abbott  
Jess M. McCarty

Prime Sponsor: Commissioner Sally A. Heyman  
Co-Sponsor: Vice Chair Lynda Bell