

MEMORANDUM

Agenda Item No. 7(D)

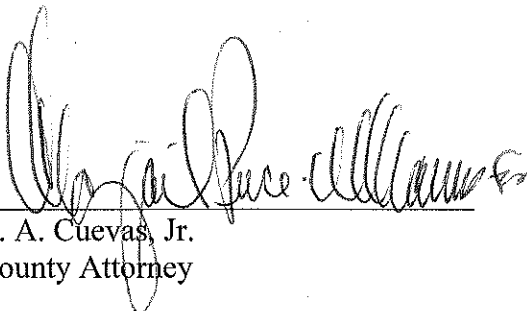
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Public Hearing 3-4-14)
January 22, 2014

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 Public Health Trust facilities under specified circumstances, but that such charges may not be imposed for certain vehicles as defined in such state law
Ordinance No. 14-25

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: March 4, 2014

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 "Gimenez", written over the name "Carlos A. Gimenez" in the "From:" field.

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 Public Health Trust Facilities under Specified Circumstances, but that Such Charges May Not Be Imposed for Certain Vehicles as Defined in Such State Law

The proposed ordinance amends Section 30-388.2 of the Code to allow for parking charges for vehicles displaying a disabled parking permit or license tag at Public Health Trust (Trust) facilities. Implementation of this ordinance will not have a fiscal impact to the County.

As indicated in the preamble of the ordinance, imposition of these parking charges will generate an additional \$760,000 in revenue to the Trust. However, it is the intent of the Trust to modify the current rate structure to provide free parking for the first two hours for all patrons. The additional revenue generated through this ordinance will be offset by reduced revenues due to the modified rate structure.

A handwritten signature in black ink, appearing to read "Allina T. Hudak", written over the name "Allina T. Hudak" in the signature block.

Allina T. Hudak
Deputy Mayor

Fis3914



MEMORANDUM

(Revised)

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

DATE: March 4, 2014

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)
3-4-14

ORDINANCE NO. 14-25

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 PUBLIC HEALTH TRUST FACILITIES 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, the Public Health Trust loses approximately \$760,000 in annual revenue by providing free disabled parking; and

WHEREAS, increased revenue would provide the Public Health Trust a competitive advantage in providing health care services; 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,

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:¹

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

(1) Except as provided in subsection >>s<< (2) >>and (3)<< below, any motor vehicle which is qualified to park in a specially

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.

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 subsection (1) above, the Public Health Trust shall be entitled to charge and collect parking fees for the use of any timed parking space, in a parking facility or lot made available for parking by the Public Health Trust, by vehicles that display a disabled parking permit or license plate issued under state law, except that any such vehicle exiting a Public Health Trust parking facility or lot less than two hours from entering the facility or lot shall not be charged parking fees. Any such vehicle exiting the facility or lot more than two hours from entering the facility or lot shall be charged for the time the vehicle uses the facility or lot, except that any such vehicle shall not be charged a parking fee for the first two hours that the vehicle uses the facility or lot.<<

(([[2]])>>3<<) Notwithstanding subsection (1) above, the Aviation 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, 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 fees. 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.

(([[3]])>>4<<) Notwithstanding subsection >>s<< (2) >>and (3)<< above, no parking charges shall be imposed by the >>Public Health Trust or the<< Airport or 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: March 4, 2014

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Christopher C. Kokoruda

APW
CCK/APW

Prime Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Commissioner Audrey M. Edmonson