

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 18, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to increase fines
related to disabled parking
enforcement and directing the
County Mayor to develop a
plan for the creation of a
specialized disabled parking
enforcement unit and
requiring a report

Resolution No. R-1016-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 18, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
10-18-22

RESOLUTION NO. _____ R-1016-22

RESOLUTION URGING THE FLORIDA LEGISLATURE TO INCREASE FINES RELATED TO DISABLED PARKING ENFORCEMENT AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP A PLAN FOR THE CREATION OF A SPECIALIZED DISABLED PARKING ENFORCEMENT UNIT AND REQUIRING A REPORT

WHEREAS, there is widespread abuse of the handicapped parking system in Miami-Dade County, both by unauthorized persons using disabled placards and by those parking in the marked handicapped parking spaces without a proper placard; 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 their use; and

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

WHEREAS, police are far too valuable and overburdened to stakeout parking spaces to ticket handicapped parking violators; and

WHEREAS, qualified community residents could be trained and obtain the appropriate certification to act as parking enforcement specialists, which would allow them to enforce all state and county laws and ordinances governing disabled parking within Miami-Dade County, as required by section 316.640, Florida Statutes; and

WHEREAS, Miami-Dade County could create a specialized disabled parking enforcement unit utilizing parking enforcement specialists; and

WHEREAS, such a unit could provide handicapped parking enforcement services, which will increase the availability of designated parking spaces for the disabled community and assist in improving the handicapped parking system in Miami-Dade County; and

WHEREAS, under section 316.008(4), Florida Statutes Miami-Dade County may only issues fines in addition to the fines allowed under Florida Statutes to a maximum of \$250.00 for the enforcement of violations of handicapped parking permit regulations; and

WHEREAS, a larger fine could discourage people from illegal use of handicapped parking system,

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

Section 1. Directs the County Mayor or County Mayor's designee to develop a plan for the creation of a specialized disabled parking enforcement unit in Miami-Dade County.

Section 2. Directs the County Mayor or County Mayor's designee to include in the plan the costs associated with implementation and identification of legally available funding sources.

Section 3. Directs the County Mayor or County Mayor's designee to provide a written report to this Board regarding such plan within 30 days of the effective date of this resolution and shall place the completed report on an agenda of the Board without committee review pursuant to Ordinance No. 14-65.

Section 4. Urges the Florida Legislature to amend section 316.008(4), Florida Statutes to increase the maximum amount counties and municipalities are able levy for violations of the handicapped parking system.

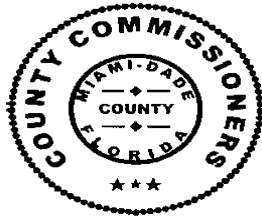
Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 6. Directs the County's state lobbyists to advocate for the legislative action set forth in section 4 above and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2023 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Chairman Jose "Pepe" Diaz. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of October. 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "mjs", is written over a horizontal line.

Melanie J. Spencer