



To: Billy Urquia, City Clerk

From: Stephanie Throckmorton, Assistant City Attorney

Approved: Miriam Soler Ramos, City Attorney *MSR*

RE: Section 74-84 Signage and other requirements

Date: August 11, 2022

In 2019 the City Commission updated portions of Section 74-84 of the City Code regarding signage and other requirements for privately owned parking lots operating in the City. This past legislative session the State Legislature considered and ultimately passed SB 1380, approved by the Governor as Chapter 2022-171 Laws of Florida. That bill created Section 715.075, Florida Statutes which is reproduced below.

715.075 Vehicles parked on private property; rules and rates authorized. —

(1) The owner or operator of a private property used for motor vehicle parking may establish rules and rates that govern private persons parking motor vehicles on such private property. Such rules and rates may include parking charges for violating the property owner's or operator's rules and must be posted and clearly visible to persons parking motor vehicles on such private property. An invoice for parking charges issued under this section must include the following statement in uppercase type:

THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL PENALTIES.

(2) A county or municipality may not enact an ordinance or a regulation restricting or prohibiting a right of a private property owner or operator established under subsection (1). Any such ordinance or regulation is a violation of this section and is null and void.

Given the language in F.S. 715.075 (2) the City's previously adopted Code provisions are null and void. As such, please direct the Municipal Code Corporation to amend the City's Code as indicated below:¹

¹ Insertions are indicated by underline, deletions by ~~strikethrough~~.

Sec. 74-84. Signage and other requirements.

- (a) All pay stations and signage at privately owned, metered surface parking lots shall be noticeably different in color, shape and markings than city pay stations.
- (b) All privately owned, metered surface parking lots shall prominently display signs at all vehicular entrances and as reasonably required by the parking department throughout the surface parking lot explaining that the lot is privately owned and citing sections 74-84, 74-85 and 74-86. Any electronic pay station used to collect revenue in exchange for the right to park a vehicle on the privately owned, metered surface parking lots shall also display information stating that the lot is privately owned and citing sections 74-85 and 74-86. Any mobile application used to collect revenue in exchange for the right to park a vehicle on the privately owned, metered surface parking lots shall state that the parking lot is privately owned and direct patrons to onsite parking signage for all parking restrictions. The mobile application shall not include the term "Coral Gables" in the description of any privately owned surface parking lots.
- (c) The parking rates, fees for overtime parking, non-payment of parking, improper parking by not parking wholly in parking space, parking so as to obstruct traffic, and parking in a restricted parking zone, and hours of operation for the surface parking lot must be prominently displayed on signs clearly visible at the parking lot entrance and pay station. Signs must also include a phone number to contact the parking lot operator.
- (d) It shall be unlawful for any person engaged in the operation of a privately owned, metered surface parking lot to issue a non-city issued ticket to any vehicle that is parked on the lot under their control. Any such notice non-city issued ticket is declared null, void, and unenforceable.
- (e) Any person issuing any such non-city issued ticket to any vehicle that is parked on the lot under their control shall be subject to penalty described in section 1-7 of the City Code.
- (f) Any privately owned, metered surface parking lot owner or operator who authorizes the issuance of any such non-city issued ticket to any vehicle that is parked on a lot under their control shall be subject to fines as provided in section 1-7. Any such non-city issued ticket found to be placed upon any vehicle or electronically issued against the vehicle parked on a lot under their control shall be prima facie evidence of a violation of this section.
- (g) A third violation may result in the revocation of the operator's business license, effectively disallowing the operation of the parking lot until the license is reinstated by the city manager. Such reinstatement may include the imposition of conditions and collection of fines. Along with the prescribed fines, the operator shall also reimburse patrons for any payments received pursuant to receipt of any violation, citation or ticket in excess of the actual accrued posted parking fees.
- (h) In addition to any other remedies provided by this section or any other city ordinance, the city attorney or designee shall have judicial remedies available for violations of this section including, but not limited to:
 - (1) The institution of a civil action in a court of competent jurisdiction to establish liability and to recover damages for any costs incurred by the city in conjunction with the abatement of any condition prohibited by the provisions of this chapter.

- (2) The institution of a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the terms of this chapter or any rule or regulation promulgated hereunder, to enjoin and prohibit said violation, or to compel the performance of actions which will result in compliance with the terms of this chapter.
- (i) Any person engaged in the operation of a privately owned, metered surface parking lot may issue an invoice for parking charges for violating the operator's rules overtime parking, non-payment of parking, improper parking by not parking wholly in parking space, parking so as to obstruct traffic, and parking in a restricted parking zone with the following limitations:
- a. Any invoice in the surface parking lot shall include the following statement in uppercase type:
THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL PENALTIES. empty with the following requirements:
 - i. Shall be sufficiently different in appearance from a valid Miami Dade County Uniform Parking Citation so that a reasonable person would be able to distinguish it from the same; and
 - ii. Shall be of a sufficiently different dimension and general format than a valid Miami Dade County Uniform Parking Citation so that a reasonable person would be able to distinguish it from the same; and
 - iii. Shall delineate the rights and responsibilities of the individual receiving the invoice in a manner clear enough that a reasonable person would be able to understand them; and
 - iv. The general form and language of the invoice must be presented to the city commission for review and approval prior to issuance and for any changes to the form thereafter; and
 - b. The maximum amount that an operator may charge on invoices for overtime parking, non-payment of parking, improper parking by not parking wholly in parking space, parking so as to obstruct traffic, and parking in a restricted parking zone, fees shall initially be \$45.00 and escalating to \$75.00 upon 30 calendar days of failure to make payment;
 - e. A 15 minute grace period will be provided prior to the issuance of any invoices for overtime parking;
 - d. No invoices shall be issued to vehicles parked in designated handicap parking spaces in which said vehicle displays a valid handicap placard.

This opinion is issued pursuant to Section 2-252(e)(1), (8), and (9) of the City Code.