

ORDINANCE No. 2024-25

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING TEXT AMENDMENTS TO THE CITY OF DORAL CODE OF ORDINANCES CHAPTER 44, ARTICLE V TITLED “TRAFFIC AND VEHICLES”, BY CREATING DIVISION 9, TITLED “PARKING ON PRIVATE PROPERTY”; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR ADOPTION AND INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Legislature passed CS/HB 271, amending certain provisions of State Law regarding motor vehicles parking on private property, which will become law effective July 1, 2024, and will be enrolled as Florida Statute §715.075; and

WHEREAS, Florida Statute §715.075 provides that owners or operators of private property that is used for motor vehicle parking may establish rules and rates that govern private property, provided that the private owner place certain signage prescribed by statute, and subject to the regulation of the local government in which the private property is located; and

WHEREAS, the City has a vested interest in the regulation of signs in order to ensure uniformity and protect the City’s aesthetics.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

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Section 2. Amendment to Chapter 44 of the City Code. That Chapter 44, Article V of the Code of Ordinances, City of Doral, is hereby amended to read as follows:

Sec. 44-301 Parking on Private Property

(1)(a) 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. The owner or operator of a private property used for motor vehicle parking must place signage that is a minimum size of 36 inches by 24 inches stating that the property is not operated by a governmental entity, list the rates for parking charges for violating the rules of the property owner or operator, provide a working phone number and an e-mail address to receive inquiries and complaints, and provide notice of the grace period and process for appeal. The Signage must be legible and clearly visible to persons entering the area used for motor vehicle parking, in accordance with Florida Statute §715.075. Such signage will be regulated by the City. Violations of this section may result in a fine as provided for in Division 5 of this Chapter.

(b) 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."

(c) An invoice for parking charges issued for violating the rules of the property owner or operator of a private property used for motor vehicle parking must be placed on the motor vehicle in a prominent location or mailed within five business days of the violation. The owner or operator of a private property used for motor vehicle parking may
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not assess a late fee until expiration of the 15-day period following the denial or any appeal filed pursuant to paragraph (d) or for a period of at least 30 days after the invoice is placed on the motor vehicle or the postmarked date of the mailing, whichever is later.

(d) An invoice for parking charges issued under this section must include a method to dispute and appeal the invoice by a party who believes they have received the invoice in error, in accordance with Florida Statute §715.075.

(2) The owner or operator of a private property used for motor vehicle parking must allow a grace period of at least 15 minutes upon entrance to such property before any parking charges may be incurred, provided that the motor vehicle does not park during that time.

(3) An owner or operator of a private property used for motor vehicle parking may not sell, offer to sell, or transfer to another person for sale any personal information obtained from a party using the private property for parking services.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, work or amount of this Ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Conflicts. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

The Prime Sponsor for this Ordinance is Councilwoman Maureen Porras.

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The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Oscar Puig-Corve	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____

PASSED AND ADOPTED on FIRST READING this 14 day of August, 2024.

PASSED AND ADOPTED on SECOND READING this 11 day of September, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ & MESTRE, PLLC
CITY ATTORNEY

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