

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING TITLE VII OF THE CODE OF ORDINANCES ENTITLED "PARKING ON PRIVATE PROPERTY" BY CREATING SECTION 72.054 OF THE CODE OF ORDINANCES; ADOPTING REQUIREMENTS TO PROTECT THE PUBLIC FROM PREDATORY PARKING PRACTICES ON PRIVATE PROPERTY.

WHEREAS, the Florida Legislature passed CS/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 codified at section 715.075, Florida Statutes; and

WHEREAS, the City seeks to protect the citizens and visitors that park in private lots by adding certain requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Section 72.054 of the Code of Ordinances entitled "PRIVATE PROPERTY USED FOR MOTOR VEHICLE PARKING" is hereby created to read as follows:¹

TITLE VII: TRAFFIC CODE

CHAPTER 72: PARKING

Parking on Private Property

...

§ 72.054 (RESERVED) PRIVATE PROPERTY USED FOR MOTOR VEHICLE PARKING

(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

¹ Coding: Underscored words are additions to existing text; ~~struck-through~~ words are deletions from existing text.

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 F.S. § 715.075. Such signage may be regulated by the City.

(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 not assess a late fee until expiration of the 15-day period following the denial of 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 F.S. § 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: That Section 72.999 is amended to read as follows:

TITLE VII: TRAFFIC CODE

CHAPTER 72: PARKING

Administration and Enforcement

...

§ 72.999 PENALTY

(K) Violations of § 72.054 shall be punishable by administrative citation in an amount as set forth in the City's Comprehensive Schedule of Fees.

Section 4: That it is the intention of the City Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of the Code may be renumbered to accomplish such intention.

Section 5: That if any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 6: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 7: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2024.

PASSED on first reading this _____ day of _____, 2024.

PASSED AND ADOPTED on second reading this _____ day of _____, 2024.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES

CITY ATTORNEY