

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE ATTACHED AMENDMENT TO THE ADMINISTRATIVE RULES AND REGULATIONS FOR THE POLICE DEPARTMENT AND PARKING DEPARTMENT TOWING PERMITS; SAID AMENDMENT PROVIDING FOR THE REQUIREMENTS OF FLORIDA STATUTES SECTION 323.002 (HOUSE BILL NO. 133).

WHEREAS, on September 18, 2020, Governor Ron DeSantis signed House Bill No. 133 into law; and

WHEREAS, the Administrative Rules and Regulations for the Police Department and Parking Department Towing Permits, Section 3, entitled, Permit Fee/Monthly Billing, is in conflict with enacted House Bill No. 133; and

WHEREAS, Section 3 of the Administrative Rules and Regulations for the Police Department and Parking Department Towing Permits shall be amended as set forth below:

3. PERMIT FEE/MONTHLY BILLING

Pursuant to Section 323.002, Florida Statutes, in addition to the maximum rates that may be charged by the Permittee under Section 22 herein, the City shall charge a Permit Fee of \$30.00 on the registered owner or other legally authorized person in control of the vehicle or vessel that is towed ("Permit Fee"). The City hereby appoints Permittee as its agent to impose and collect the Permit Fee on behalf of the City. Permittee shall pay remit to the City a any monthly Permit fee Fee collected by the 20th of each month for all Permit Fees collected during the previous month, in the amount of \$30.00; for each vehicle towed. The monthly Permit fee Fee shall be reduced to \$25.00 for each vehicle towed that receives a Miami Beach Resident Discount pursuant to Section 22.M herein.

~~The City shall bill Permittee by the 10th of each month for all tows occurring in the previous month. A late charge of \$50.00, plus the greater of (i) eighteen percent (18%) interest per annum, or ii) the maximum rate allowable under Florida law, shall be assessed on all payments received after the 20th day of the billing month.~~

Payments to the City shall be by check and remitted to the City of Miami Beach Finance Department (Revenue Section). Checks shall be clearly marked "Police Tow" or "Parking Department Tow."

WHEREAS, this amendment to the Administrative Rules and Regulations for the Police Department and Parking Department Towing Permits is required in order to comply with the law by October 1, 2020.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the Amendment, as set forth herein, to the Administrative Rules and Regulations for the Police Department and Parking Department Towing Permits; said Amendment providing for the requirements of Florida Statutes Section 323.002 (House Bill No. 133).

PASSED AND ADOPTED this ____ day of September, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

MAF for 9-28-20
City Attorney Date