

## COMMISSION MEMORANDUM

**TO:** Mayor Dan Gelber and Members of the City Commission

**FROM:** Rafael A. Paz, City Attorney



**DATE:** February 9, 2022

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 2, ENTITLED "RESIDENTIAL PARKING PERMITS," BY AMENDING SECTION 106-84 THEREOF, ENTITLED "EXEMPTIONS," BY EXEMPTING MOTOR VEHICLE OWNERS OR OPERATORS WITH VALID DISABLED PERSON OR DISABLED VETERAN LICENSE PLATES, OR DISABLED PERSON PARKING PERMITS, FROM THE FEE REQUIREMENTS ASSOCIATED WITH THE APPLICATION AND ISSUANCE OF RESIDENTIAL PARKING AREA PERMITS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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Currently, the City Code allows any person with a disabled person license plate or permit -- resident or non-resident alike -- to park in all 20 non-metered residential parking permit zones throughout the City, without having to comply with any of the City's parking code requirements, such as proof of residency within a residential parking permit zone, payment of the annual parking permit fee, and the like. The broad exemption from the City's parking requirements is available to any person displaying a disabled person or disabled veteran license plate, or a disabled person parking permit.

Although the underlying policy rationale for the City's current policy reflects the City Commission's strong values and leadership on accessibility issues for the benefit of the disabled community, regrettably, the fraudulent and illegal acquisition and use of disabled person license plates and parking permits has become a statewide (and national) problem. The rampant misuse of disabled person license plates and parking permits within the City's residential parking permit areas, by individuals who are not disabled and do not reside in the City or in any residential parking zone, has directly led to many City residents often being unable to find any available parking space within their designated residential parking zone, particularly in the South of Fifth neighborhood.

The proposed Ordinance, which is sponsored by Commissioner Mark Samuelian and co-sponsored by Commissioner Kristen Rosen Gonzalez, would amend Section 106-84 of the City Code to limit the overly broad scope of the current exemption, and provide that City *residents* possessing valid disabled person or disabled veteran license plates, or disabled person parking permits, shall be exempt from all fees associated with the application and issuance of a residential parking permit for the residential parking area (or "zone") of the City in which they reside, but would otherwise be subject to the City's parking requirements with respect to parking in a non-

metered residential parking permit zone, including proof of residency within the residential parking permit zone, as the City's 20 residential parking zones were established specifically for the benefit of City residents who reside in such areas.

The proposed Ordinance seeks to remediate the ongoing issue concerning the lack of available parking for City residents within their respective residential parking permit areas/zones that is caused, in substantial part, by vehicle owners or operators parking vehicles in residential parking permit areas (in which they do not live) throughout the City, merely by virtue of displaying a disabled person or disabled veteran license plate, or a disabled person parking permit.

On January 10, 2022, the topic of disabled parking permit abuse in the City was discussed at the Transportation, Parking and Bicycle-Pedestrian Facilities Committee (the "TPBPF Committee") meeting, and the TPBPF Committee unanimously passed a motion strongly recommending that the City issue zone-specific residential parking permits to those City residents possessing a valid, disabled person license plate or permit (see LTC No. 027-2022, attached and incorporated hereto as Exhibit "A").

Additionally, at its meeting on January 18, 2022, the Disability Access Committee ("DAC") also discussed the disabled parking permit issue and, although no formal vote was taken due to lack of quorum at that meeting, the DAC members present verbally communicated their support for this initiative and the proposed Ordinance (see Public Works Department Memorandum dated, January 19, 2022, attached and incorporated hereto as Exhibit "B").

Moreover, the City's Parking Department recommends that the Mayor and City Commission adopt the proposed amendment to remediate the ongoing issue concerning the lack of available parking for City residents, and especially residents with disabilities, within their respective residential parking permit areas/zones.

If the proposed Ordinance is approved at first reading on February 9, 2022, it is anticipated that the Ordinance will then be considered upon second reading/public hearing at the March 9, 2022 City Commission meeting.

RAP/RFR/MAF/bhs

# MIAMIBEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 027-2022

LETTER TO COMMISSION

TO: Honorable Mayor Dan Gelber and Members of the City Commission

FROM: Alina T. Hudak, City Manager

DATE: January 24, 2022

SUBJECT: **TPBPF Committee Motion – Handicap Placards in Residential Zones**

The purpose of this Letter to Commission is to provide you with correspondence received from the Transportation, Parking & Bicycle-Pedestrian Facilities Committee.

   
EC/MB

C: Mark Taxis, Assistant City Manager  
Eric Carpenter, Assistant City Manager  
Lester Sola, Assistant City Manager  
Monica Beltran, Parking Director  
Alberto Ventura, Assistant Parking Director  
Jose Gonzalez, Transportation Director

EXHIBIT "A"

## *Transportation, Parking & Bicycle-Pedestrian Facilities Committee*

Marc Edelstein, Chairman  
Al Feola, Vice-Chair

TO: Honorable Mayor Dan Gelber and Members of the City Commission

FROM: Transportation, Parking & Bicycle-Pedestrian Facilities Committee

DATE: January 24, 2022

**Members:**

Carolina Bolado  
Dean Campbell  
Cynthia Esquivel  
Matthew Gultanoff  
Patricia Henao  
Linda Kolko  
Linsey Lovell  
JP Morgan  
Esteban Porcelli  
Amy Rabin

SUBJECT: Handicap Placards in Residential Zones

*Members Present: Carolina Bolado; Marc Edelstein; Al Feola; Cynthia Esquivel; Linda Kolko; Linsey Lovell; Amy Rabin; Patricia Henao and Matthew Gultanoff*

*Members Absent: JP Morgan; Esteban Porcelli; and Dean Campbell*

Dear Honorable Mayor and City Commission:

The Transportation, Parking and Bicycle-Pedestrian Facilities Committee (TPBPFC) held its hybrid meeting on January 10<sup>th</sup>, 2022 and again discussed the issue of handicap placard abuse. The Committee unanimously passed the below motion regarding the use of handicap parking placards in residential zones.

The TPBPFC strongly recommends that residents with handicap parking placards, be required to obtain a residential permit that is to be residential zone specific.

As an advisory Committee, we strongly request your consideration on the above motion.

Sincerely,

Transportation, Parking & Bicycle-Pedestrian Facilities Committee

# MIAMI BEACH

PUBLIC WORKS DEPARTMENT  
Tel: 305-673-7080, Fax: 305-673-7028

January 19, 2022

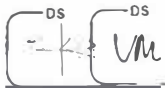
## MEETING OF THE DISABILITY ACCESS COMMITTEE ON JANUARY 18, 2022

RE: ABUSE OF DISABLED PARKING PERMITS ON RESIDENTIAL ZONES

Dear Commissioner Samuelian,

On January 18, 2022, the Disability Access Committee discussed the proposed amendments to the existing Ordinance on addressing Disabled Parking in Residential Zones being discussed in the February 9, Commission agenda. Eleven (11) of the fourteen (14) members were present at the meeting, however there was no quorum for official voting due to pending paperwork related to their recent appointments/re-appointments.

This letter is to communicate that the members verbally showed their support of the City's efforts to curb the abuse of disabled parking permits in residential neighborhoods by requiring a residential parking permit to be used in residential parking spaces. This item was discussed with Parking Director Monica Beltran, several representatives of the Police Department including Chief Clements, Major Doce, Sgt Price, and South of Fifth resident David Suarez.



PRK/VM