

**PROPOSED**

## ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PRIVATE PARKING TICKETS; REPEALING SECTION 20-164.2 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AMENDING SECTION 8½-16 OF THE CODE REGARDING CIVIL PENALTIES FOR VIOLATIONS OF SECTION 20-164.2; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, on September 21, 2021, the Broward County Board of County Commissioners ("Board") enacted an Ordinance creating Section 20-164.2 of the Broward County Code of Ordinances to prohibit private parking facilities from issuing private parking tickets to motor vehicles; and

WHEREAS, during the 2022 legislative session, the Legislature enacted Committee Substitute/Senate Bill 1380, which prohibits counties and municipalities from enacting ordinances restricting private property owners or operators from establishing their own rules and rates to govern private parking on their property, and declares all prohibited local ordinances null and void,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 20-164.2 of the Broward County Code of Ordinances is hereby repealed in its entirety.

Section 2. Section 8½-16 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 8½-16. Schedule of civil penalties.**

...

(b) *Violations of Towing and Immobilization Regulations:*

| <i>Violation</i>                                                                                                    | <i>Fine</i>            |                         |
|---------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------|
|                                                                                                                     | <i>First Violation</i> | <i>Repeat Violation</i> |
| ...                                                                                                                 |                        |                         |
| (35) <del>Issuing a private parking ticket or applying an immobilization device in violation of Sec. 20-164.2</del> | <del>250.00</del>      | <del>500.00</del>       |

...

Section 3. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

1       Section 4.   Inclusion in the Broward County Code of Ordinances.

2       It is the intention of the Board of County Commissioners that the provisions of this  
3 Ordinance become part of the Broward County Code of Ordinances as of the effective  
4 date. The sections of this Ordinance may be renumbered or relettered and the word  
5 "ordinance" may be changed to "section," "article," or such other appropriate word or  
6 phrase to the extent necessary in order to accomplish such intention.

7  
8       Section 5.   Effective Date.

9       This Ordinance is effective as of the date provided by law.

10  
11       ENACTED

**PROPOSED**

12       FILED WITH THE DEPARTMENT OF STATE

13       EFFECTIVE

14  
15       Approved as to form and legal sufficiency:  
16       Andrew J. Meyers, County Attorney

17       By /s/ René D. Harrod                      04/13/2022  
18               René D. Harrod                      (date)  
19               Chief Deputy County Attorney

20  
21  
22  
23       RDH/jc  
24       Private Tickets Ordinance  
      04/13/2022

Coding:       Words in ~~struck-through~~ type are deletions from existing text. Words in  
                  underscoring type are additions.