

Committee on Judiciary

CS/CS/HB 271 — Motor Vehicle Parking on Private Property

by State Affairs Committee; Local Administration, Federal Affairs & Special Districts Subcommittee; and Reps. Lopez, V., Busatta Cabrera, and others (CS/CS/SB 388 by Rules Committee; Judiciary Committee; and Senator Garcia)

The bill amends s. 715.075, F.S., which authorizes the owners and operators of privately-owned parking facilities to establish rules and rates in connection with their use by consumers, in order to incorporate several consumer protection measures.

Under the bill, such owners and operators must place signage that is legible and clearly visible to persons entering the area used for motor vehicle parking. The signage must state 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 appeal process provided by the bill.

Invoices for parking violations must be placed on the motor vehicle in a prominent location or be mailed within 5 business days after any violation. Owners or operators may not assess late fees until expiration of the 15-day period following the denial of any appeal filed or for at least 30 days after the invoice is placed on the vehicle or the postmarked date of any mailed invoice, whichever is later. Invoices must include a method to dispute and appeal the invoice. The dispute must be filed within 15 days after the invoice is placed on the vehicle or the postmarked date of any mailed invoice. The parking lot owner or operator then has 5 business days to render a decision on the dispute. The consumer can then appeal the decision to a neutral third-party adjudicator within 10 days after receipt.

The bill exempts the owners and operators of theme parks and entertainment complexes, as defined under state law, from most of the invoicing requirements in the bill. It also provides that owners or operators must allow a grace period of at least 15 minutes upon entrance before any parking charges may be incurred, provided the vehicle does not park during that time.

The bill does not apply to owners or operators of lodging parks, mobile home parks, or recreational vehicle parks as those terms are defined under state law, provided certain criteria in the bill are met. It also prohibits the owner or operator of a private property used for motor vehicle parking from selling, offering to sell, or transferring to another person for sale, any personal information obtained from a party using the property's parking services.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 113-0