



**City of Miami**  
**Legislation**  
**Ordinance**

City Hall  
3500 Pan American  
Drive  
Miami, FL 33133  
www.miamigov.com

**File Number:** 15-01126

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 35/ARTICLE VI, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "MOTOR VEHICLES AND TRAFFIC/ SILVER BLUFF COMMERCIAL PARKING IMPROVEMENT TRUST FUND", MORE PARTICULARLY BY AMENDING SECTIONS 35-253 AND 35-254, TO CREATE A TRANSPORTATION TRUST FUND; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, transit and mobility are challenges currently facing the residents and visitors of the City of Miami ("City"); and

WHEREAS, currently, with the existing City-operated trolleys and planned new expanded routes, the City will exhaust its restricted funds to continue trolley operations at some point in 2018; and

WHEREAS, the creation of a Transportation Trust Fund will create a dedicated source of revenue for transportation alternatives by requiring that the City budget a certain minimum amount of revenue for said purpose; and

WHEREAS, expenditures from the Transportation Trust Fund will require authorization by a supermajority of the City Commission, ensuring the money collected will be spent in the best interest of all the residents of and visitors to the City; and

WHEREAS, the City Commission desires to amend the Code of the City of Miami, Florida, as amended, ("City Code") to effectuate such a goal;

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

Section 1. Chapter 35/Article VII of the City Code, is amended in the following particulars:{1}

"CHAPTER 35

MOTOR VEHICLES AND TRAFFIC

\* \* \* \*

ARTICLE VI. SILVER BLUFF COMMERCIAL PARKING IMPROVEMENT TRUST FUND

\* \* \* \*

~~Secs. 35-253-35-280. Reserved.~~

\* \* \* \*

ARTICLE VII. TRANSPORTATION TRUST FUND

Sec. 35-253. - Intent.

It is intended that the "Transportation Trust Fund" be established in order to facilitate the creation, operation, and maintenance, including capital and operating costs, of mass transit and other transportation facilities within the City, including, but not limited to, fixed mass transit routes, the City's trolley system, waterborne mass transit, and public parking garages for transit enhancement purposes. It is further intended that the Transportation Trust Fund money may be expended as the City's share of the cost of an eligible project undertaken or developed by other governmental entities or through a public-private partnership.

Sec. 35-254. - Trust fund payments.

(a) Capital contribution. No less than twenty percent (20%) of any unrestricted one-time cash payments to the City of five hundred thousand dollars (\$500,000.00) or more, including, but not limited to, payments received through lease re-negotiations, money judgments from lawsuits, audit findings, or any other lump sum payments, shall be reserved in this Trust Fund for capital or acquisition costs associated with mass transit. The one-time payment for purposes of this Section shall not include reasonable costs and any capital replacement costs associated with the transaction that resulted in the receipt of the one-time cash payment. Additionally, no less than twenty percent (20%) of all cash contributions to the Public Benefits Trust Fund, as defined in Chapter 62, Article XIV of the City Code and Section 3.14 of the Miami 21 Code, the zoning ordinance of the City, as amended, shall be reserved for the same purpose with the exception of the cash contribution to the Public Benefit Trust Fund for affordable/workforce housing as defined in Section 62-642(c) of the City Code and Section 3.14.4(a)(3) of the Miami 21 Code. If any unrestricted one-time cash payment to the City of five hundred thousand dollars (\$500,000.00) or more is to be paid in installments, the capital contribution shall be no less than twenty percent (20%) of each installment as it is received by the City. These funds may be carried over to the succeeding fiscal year.

(b) Operation and maintenance contribution. Each fiscal year, no less than one-quarter of one percent (0.25%) of the City's general fund operating budget shall be reserved in this Trust Fund for operation and maintenance costs associated with mass transit. These funds shall, to the extent possible to meet the one-quarter of one percent (0.25%) minimum, primarily consist of restricted funds eligible for said purpose not already allocated for other expenditures. These funds may be carried over to the succeeding fiscal year.

(c) Garage contribution. All funds collected through parking ratio reductions pursuant to Article 4, Table 4 of the Miami 21 Code, as amended, shall be reserved in this Trust Fund for capital or acquisition costs associated with the creation of new public parking garages operated by the Department of Off-Street Parking. These funds may be carried over to the succeeding fiscal year.

(d) Expenditures. Nothing in this Section shall be construed as limiting the ability to reserve funds in excess of the abovementioned minimums. Expenditures from this Trust Fund shall require a 4/5ths vote of the entire membership of the City Commission upon a written recommendation from the City Manager.

Secs. 35-255-35-280. - Reserved.

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ARTICLE VIII. PRIVATE PARKING LOTS

\* \* \* \*

ARTICLE ~~VIII~~IX. VALET PARKING

\* \* \* \*

ARTICLE ~~IX~~. - PARKING FACILITIES SURCHARGE

\* \* \* \*

ARTICLE ~~X~~XI. - DANGEROUS INTERSECTION SAFETY

\* \* \* \*

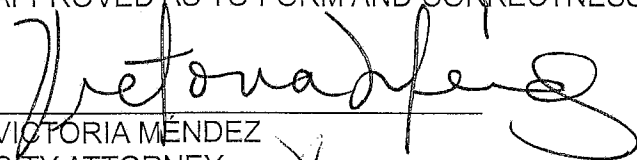
ARTICLE ~~XI~~XII. - COMMERCIAL VEHICLE WEIGHT RESTRICTIONS

\* \* \* \*\*

Section 2. If any section, part of a section, paragraph, clause, phrase or word of the Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 3. This Ordinance shall become effective immediately upon its adoption and signature of the Mayor. {2}

APPROVED AS TO FORM AND CORRECTNESS:

  
VICTORIA MENDEZ  
CITY ATTORNEY

Footnotes:

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.