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CS/CS/HB 271, Engrossed 1

2024 Legislature

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 2 An act relating to motor vehicle parking on private
 3 property; amending s. 715.075, F.S.; providing
 4 requirements for signage for certain parking
 5 facilities; authorizing certain entities to regulate
 6 such signage; providing requirements for invoices for
 7 certain parking charges; prohibiting the assessment of
 8 a late fee before a certain period; requiring such
 9 invoices to include a dispute and appeal method;
 10 providing requirements for such method; providing
 11 applicability; requiring a specified grace period
 12 before parking charges may be incurred; providing an
 13 exception; prohibiting personal information from being
 14 sold, offered for sale, or transferred for sale by
 15 such owners or operators; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 715.075, Florida Statutes, is amended
 20 to read:

21 715.075 Vehicles parked on private property; rules and
 22 rates authorized.—

23 (1) (a) The owner or operator of a private property used
 24 for motor vehicle parking may establish rules and rates that
 25 govern private persons parking motor vehicles on such private

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26 | property. Such rules and rates may include parking charges for
 27 | violating the property owner's or operator's rules. The owner or
 28 | operator of a private property used for motor vehicle parking
 29 | and must place signage that is legible ~~be posted~~ and clearly
 30 | visible to persons entering the area used for motor vehicle
 31 | parking ~~motor vehicles on such private property.~~ The signage
 32 | must state that the property is not operated by a governmental
 33 | entity, list the rates for parking charges for violating the
 34 | rules of the property owner or operator, provide a working phone
 35 | number and an e-mail address to receive inquiries and
 36 | complaints, and provide notice of the grace period and appeal
 37 | process provided by this section. Such signage may be regulated
 38 | by the county or municipality in which the property is located.

39 | (b) An invoice for parking charges issued under this
 40 | section must include the following statement in uppercase type:
 41 | THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A
 42 | GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL
 43 | PENALTIES.

44 | (c) An invoice for parking charges issued for violating
 45 | the rules of the property owner or operator of a private
 46 | property used for motor vehicle parking must be placed on the
 47 | motor vehicle in a prominent location or mailed within 5
 48 | business days of the violation. The owner or operator of a
 49 | private property used for motor vehicle parking may not assess a
 50 | late fee until expiration of the 15-day period following the

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51 denial of any appeal filed pursuant to paragraph (d) or for a
52 period of at least 30 days after the invoice is placed on the
53 motor vehicle or the postmarked date of the mailing, whichever
54 is later.

55 (d) An invoice for parking charges issued under this
56 section must include a method to dispute and appeal the invoice
57 by a party who believes they have received the invoice in error.
58 Such dispute must be filed with the parking lot owner or
59 operator within 15 days after the invoice is placed on the motor
60 vehicle or after the postmarked date of the mailing of the
61 invoice. The parking lot owner or operator shall have 5 business
62 days in which to render a decision on the filed dispute. The
63 party may then, within 10 days after receipt of the owner's or
64 operator's decision, appeal such decision. The appeal must be
65 determined by a neutral third-party adjudicator with the
66 authority to review and approve or deny the appeal. If the
67 appeal is approved, the invoice shall be dismissed. If the
68 appeal is denied, the party shall pay the original invoice
69 within 15 days after the decision of the adjudicator.

70 (e) Paragraphs (c) and (d) do not apply to an owner or
71 operator of a theme park or entertainment complex as defined in
72 s. 509.013(9).

73 (2) A county or municipality may not enact an ordinance or
74 a regulation restricting or prohibiting a right of a private
75 property owner or operator established under subsection (1). Any

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76 | such ordinance or regulation is a violation of this section and
 77 | is null and void.

78 | (3) The owner or operator of a private property used for
 79 | motor vehicle parking must allow a grace period of at least 15
 80 | minutes upon entrance to such property before any parking
 81 | charges may be incurred, provided that the motor vehicle does
 82 | not park during that time.

83 | (4) This section does not apply to an owner or operator of
 84 | a lodging park, mobile home park, or recreational vehicle park
 85 | as those terms are defined in s. 513.01, provided that the terms
 86 | of tenancy and parking within such park are established by rules
 87 | and regulations of the park pursuant to s. 513.117 or within a
 88 | rental agreement between the owner or operator of the park and
 89 | the operator of the motor vehicle.

90 | (5) An owner or operator of a private property used for
 91 | motor vehicle parking may not sell, offer to sell, or transfer
 92 | to another person for sale any personal information obtained
 93 | from a party using the private property for parking services.

94 | Section 2. This act shall take effect July 1, 2024.