

# Memorandum



**Date:** October 17, 2018

**To:** Carlos A. Gimenez  
Mayor

**From:** Abigail Price-Williams  
County Attorney

**Subject:** Opinion Regarding City of Coral Gables Traffic and Vehicles Ordinances

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You have requested an opinion regarding the legality of the City of Coral Gables' legislation establishing a Coral Gables parking violation code system and proposing to terminate the City's existing interlocal agreement with the Miami-Dade Clerk of Courts. The interlocal agreement provides for the implementation and enforcement of the Miami-Dade County Traffic Code ("County Traffic Code").<sup>1</sup> As set forth below, the City of Coral Gables (the "City") must comply with the County Traffic Code and is without authority to adopt municipal regulation of parking within the City.

The Miami-Dade County Home Rule Charter empowers the Board of County Commissioners to "[p]rovide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities ... provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking." See Miami-Dade County Home Rule Charter, §1.01(A)(1). Pursuant to this authority, the Board enacted the County Traffic Code which sets forth uniform, comprehensive, County-wide regulation of traffic and parking within both the incorporated and unincorporated areas of Miami-Dade County. By its express terms, the County Traffic Code "supersedes and nullifies any and all municipal ordinances or codes ... relative to the regulation of traffic and enforcement...." See Miami-Dade County Code, § 30-203. Under the County Traffic Code, parking violations occurring in both unincorporated and incorporated areas of the County are adjudicated within the Parking Violations Bureau of the Miami-Dade Clerk of Courts.

On May 18, 2018, the City adopted two ordinances, City Ordinance Nos. 2018-16 and 2018-17, amending the City Code to create independent municipal regulation and enforcement of parking ("Coral Gables Parking Ordinances"). Under the Coral Gables Parking Ordinances, the City purports to replace portions of the County Traffic Code with city parking regulations whereby violations within the City limits would be processed through a City administrative process rather than through the Miami-Dade Clerk of Courts' Parking Violations Bureau as required by the County Traffic Code. The Coral Gables Parking Ordinances provide that they become effective upon the termination or cancellation of the City's interlocal agreements with the Miami-Dade Clerk of Courts and the City's assumption of all administrative and enforcement duties related to parking under the Coral Gables Parking Ordinances.

Because the Coral Gables Parking Ordinances attempt to regulate parking, a subject reserved by the Miami-Dade County Charter to County-wide regulation, these City ordinances are in conflict with

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<sup>1</sup> The Miami-Dade County Traffic Code is set forth in Chapter 30 of the Code of Miami-Dade County.

and superseded by the County Traffic Code. Accordingly, the Coral Gables Parking Ordinances are preempted by the County Traffic Code and may not be legally enforced.<sup>2</sup> Should the City act to enforce the provisions of the Coral Gables Parking Ordinances, such enforcement may be challenged by the County, the Clerk or an individual or class of individuals cited with a violation issued pursuant to these City ordinances.

You have also asked whether the City may terminate its interlocal agreement with the Miami-Dade Clerk of Courts to implement and enforce the County Traffic Code. The interlocal agreement with the Clerk provides for such termination upon sufficient notice. Notwithstanding the termination of the interlocal agreement, the City may only enforce parking violations under the County Traffic Code and utilize the Miami-Dade Clerk of Courts' Parking Violations Bureau as set forth therein.

cc: Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners  
Geri Bonzon-Keenan, First Assistant County Attorney  
Christopher Agrippa, Director, Clerk of the Board Division  
Oren Rosenthal, Assistant County Attorney  
Monica Rizo Perez, Assistant County Attorney

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<sup>2</sup> The Florida Supreme Court, in *Miami-Shores Village v. Cowart*, has addressed this very issue and has found that Miami-Dade County traffic regulation preempts and supersedes any municipal traffic regulation because a County "ordinance establishing uniformity of traffic control throughout the metropolitan area [ ] is specifically authorized by § 1.01A(1) of the Home Rule Charter and is in accordance with the intent and purpose of the constitutional authority granted by the Home Rule Amendment." 108 So. 2d 468 (Fla. 1957); *See also, City of Coral Gables v. Dade County*, 189 So. 2d 530 (Fla. 1966) (holding that constitutional authority of Miami-Dade County to enact county-wide regulation and supersede municipal authority is valid even when state laws of general application provide such authority to the municipality).