

# Implementing Order



## **Implementing Order No.: 4-83**

**Title:** Rules, Regulations and Fee Schedule for Branch Auto Tag Agencies and Fees Paid by Agencies to the County

**Ordered:** 09/04/07

**Effective:** 09/14/07

### **AUTHORITY:**

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, and Article XVII, Sections 2-119, 2-120, 2-121, 2-122, 2-123, 2-124, 2-125, 2-126 and 2-127 of the Code of Miami-Dade County.

### **SUPERSEDES:**

This Implementing Order supersedes previous Administrative Order 4-83, effective as amended.

### **POLICY:**

This Implementing Order establishes a schedule of services for Branch Auto Tag Agencies which are charged in addition to the State and County fees. It also established rules, regulations and the manner in which the Branch Auto Tag Agencies remit fees to the County.

### **PROCEDURES:**

Branch Auto Tag Agencies shall enter into a Service Agreement with the Tax Collector, obligating the Auto Tag Agency to comply with all aspects of Article XVII and Implementing Order 4-83. Branch auto tag agencies shall be responsible for complying with all the provisions of Article XVII of the Code of Miami-Dade County and the rules and regulations, as follows:

#### **1. *Location and Physical Requirements for Branch Auto Tag Agencies***

- The County Manager shall designate the area in which an agency may be initially located. Any change of location shall be applied for in writing by the licensee of the agency and must be approved by the Tax Collector, based on improved public service and demographics.
- Office space must be no less than 750 square feet. Convenient, nearby customer parking facilities are required.
- In conformance with federal guidelines, Branch Auto Tag Agency offices serving the public shall be compliant with the American with Disabilities Act (ADA).
- The Branch Auto Tag Agency fee schedule listed in this Implementing Order must be prominently displayed in compliance with Article XVII, Sec. 2-123 of the Code of Miami-Dade County.

- As representatives of the County, Branch Auto Tag Agency offices must be neat and clean, conforming to County standards.

## **2. *New Branch Auto Tag Agencies Subject to Bidding Process***

- If the need for an additional Branch Auto Tag Agency arises, the Miami-Dade County Tax Collector will place an advertisement in a newspaper of daily circulation, in accordance with Section 2-120(b) of Article XVII of the Code of Miami-Dade County. The Tax Collector shall create an eligible list of the interested persons or entities who submit an application along with an application fee as established by this Implementing Order in the Fee Schedule section. The County Manager shall award authorization to operate a Branch Auto Tag Agency to the person or entity which offers the highest bid for such authorization. Upon award of authorization to operate a Branch Auto Tag Agency, the successful bidder must qualify by passing a written examination with a score of 70% or higher, as required per County Ordinance Sec. 2-120(b), given under the direction and supervision of the Tax Collector or his/her designee and administered by the Employee Relations Department, which tests the person's knowledge of applicable laws, rules, regulations, and procedures relating to the terms and conditions under which a Branch Auto Tag Agency must operate, including but not limited to the Florida Department of Highway Safety and Motor Vehicles Florida Real-Time Vehicle Information System, within thirty (30) days. The County Manager reserves the right to waive any informality, or to reject, at his discretion, any and all bids. All decisions by the County Manager with respect to eligibility and responsiveness shall be final.
- All new authorizations granted shall be accomplished through a bidding process to be administered by the Department of Procurement Management on behalf of the Tax Collector, pursuant to established County procedures. The bid solicitation will request such information and place such requirements as the Tax Collector shall, at his/her discretion, deem relevant to the award of a bid pursuant to the provisions of this Implementing Order and applicable ordinance.
- In the event of a tie bid, the County Manager may reject the bids, and the Tax Collector shall notify the businesses who submitted previous bids, to reissue their bid solicitations with the amount of the tie bid set forth as the minimum bid. In the case of a tie in the best and final bid between a local business and non-local business, contract award shall be made to the local business.

## **3. *Branch Auto Tag Agencies Subject to Transfer/Sale***

- In the event of a transfer and/or sale of an existing agency pursuant to Article XVII, Section 2-119.2(f) of the Code of Miami-Dade County, the Tax Collector shall determine that the transfer, including the sale price, is bona fide. Prior to the sale, the buyer must qualify by passing a written examination with a score of 70% or higher, as required per County Ordinance Sec. 2-120(b), given under the direction and supervision of the Tax Collector or his/her designee and administered by the Employee Relations Department, which tests the person's knowledge of applicable laws, rules, regulations, and procedures relating to the terms and conditions under which a Branch Auto Tag Agency must operate,

including but not limited to the Florida Department of Highway Safety and Motor Vehicles Florida Real-Time Vehicle Information System.

- In addition to all requirements placed upon operators by this Implementing Order, the Tax Collector may include such additional requirements as may be needed to ensure the efficient operation of the Branch Auto Tag Agency and accountability to the State of Florida and Miami-Dade County.

#### **4. *Training of Branch Auto Tag Agency Employees***

- To assure compliance with Article XVII, Section 2-120.2 of the Code of Miami-Dade County, operators of Branch Auto Tag Agencies are required to have their employees attend Florida Department of Highway Safety and Motor Vehicles classes sponsored by the Tax Collector, and pass a written examination with a score of 70% or higher, as required per County Ordinance Sec. 2-120(b), given under the direction and supervision of the Tax Collector or his designee and administered by Employee Relations Department, which tests the person's knowledge of applicable laws, rules, regulations, and procedures relating to the terms and conditions under which a Branch Auto Tag Agency must operate, including but not limited to the Florida Department of Highway Safety and Motor Vehicles Florida Real-Time Vehicle Information System. Failure to meet this requirement may result in suspension of the Florida Real-Time Vehicle Information System log-on identification.

#### **5. *Reporting and Remittance Requirements***

- All documents and monies described in Article XVII, Section 2-123(e) of the Code of Miami-Dade County shall be delivered to the Tax Collector's Office no later than three (3) business days subsequent to the first date a report is generated by the Florida Real-Time Vehicle Information System in a closed status.
- A Branch Auto Tag Agency who fails to remit funds and related documents within the time described on more than two (2) separate occurrences within a six (6) month period, shall be subject to limitations on supplies, including, but not limited to temporary tags, plates, decals, and/or revocation/suspension of its license to operate.

#### **6. *Bond and Insurance Requirements***

- The minimum bond required for each agency is 25% of the average monthly County and State auto tag related revenues collected by the Branch Auto Tag Agency, excluding sales tax, based on the preceding fiscal year beginning October 1st.
- The Branch Auto Tag Agency shall indemnify and hold harmless the County and its officers, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims,

demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of any agreement by the Branch Auto Tag Agency or its employees, agents, servants, partners, principals or subcontractors. Private branch auto tag agencies shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Private branch auto tag agencies expressly understand and agree that any insurance protection required shall in no way limit the responsibility to indemnify, keep and hold harmless, and defend the County or its officers, employees, agents and instrumentalities as herein provided.

- Branch Auto Tag Agencies shall furnish one original of the Certificate of Insurance to the Miami-Dade County Risk Management Division, and one photocopy to the Tax Collector to be delivered to the Auto Tag Section, Finance Department, 140 W. Flagler Street, Suite 1203, Miami, Florida 33130. The Certificate(s) of Insurance shall indicate that insurance coverage has been obtained which meets the requirements as outlined below:
- Public Liability Insurance on a comprehensive basis in an amount not less than \$300,000.
- Combined single limit per occurrence for bodily injury and property damage.
- **Miami-Dade County must be shown as an additional insured with respect to this coverage.**

All insurance coverage required above shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications:

- The company must be rated no less than "B" as to management, and no less than "Class V" as to financial strength.
- Listed in the latest edition of Best's Insurance Guide, published by the A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the County Risk Management Division.

or

- The company must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to Do Business in Florida" issued by the State of Florida Department of Insurance and be a member of the Florida Guaranty Fund.
- Certificates indicating modifications and/or changes in insurance shall not be made without thirty (30) days advance notice to the County.

## **7. Dishonored Checks**

- Dishonored checks received from branch auto tag agencies will be processed in accordance with Implementing Order 4-86 pertaining to service charges of \$25.00 or 5% of the face amount of the check (whichever is greater) as authorized by Section 68.065, Florida Statutes, **plus** a service fee of \$25.00 or 5% (whichever is greater) on the amount of the check pursuant to Section 125.0105, Florida Statutes, or as may be amended.
- Future remittances from Branch Auto Tag Agencies, whose check(s) for collection of County taxes and fees has been dishonored, may at the discretion of the Tax Collector, be required to be made by bank check until further notice. If a Branch Auto Tag Agency develops a pattern of issuing dishonored checks to the County, it will be grounds for suspension or revocation of its license to operate.

## **8. Disqualifications**

- No one shall operate or be involved in the ownership of a Branch Auto Tag Agency or the sale or transfer of motor vehicles or vessels, who is involved in any activity deemed as a conflict of interest by the Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, or pursuant to applicable statute, ordinance, regulation, implementing order or administrative order of Miami-Dade County.
- The Tax Collector shall review each application for ownership along with related documents. After such review, the Tax Collector shall notify the affected applicant by Certified mail if there appears to be a disqualification in said applications and/or documents.

## **9. Ownership and Disclosure**

- In addition to the documents and information required in Article XVII, Section 2-120(g) of the Code of Miami-Dade County, the Tax Collector shall require full disclosure of ownership of the Branch Auto Tag Agencies. This full disclosure will include but is not limited to, all officers of the corporation, all stockholders of a corporation and all parties involved in any partnership, firm or other organization involved in the ownership of a Branch Auto Tag Agency. This disclosure will be submitted to the Tax Collector in a manner prescribed by the County. This disclosure will be submitted annually during the month of September. When a change of stock ownership occurs at any time, the Tax Collector must be notified within ten (10) working days after such transaction. Per Miami-Dade County Code, Article XVII, Section 2-119.2(e), any change in voting control within a corporation shall be treated as a transfer for purposes of Section 2-120(f).
- The branch auto tag agent shall sign a Service Agreement, administered by the Tax Collector, acknowledging their commitment to comply with all aspects of Article XVII and Implementing Order 4-83.

## 10. Miscellaneous Charges to Branch Agency by the Tax Collector

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|---|---|
| 1. Branch Auto Tag Agency sale or transfer fee          | 3% of gross sale amount or \$4,000.00 which ever is greater |
| 2. Annual Local Business Tax for Branch Auto Tag Agency | \$100.00  |
| 3. Application fee for Branch Auto Tag Agency License   | \$150.00  |

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager

**BRANCH AUTO TAG AGENCY FEE SCHEDULE**  
**These Fees are charged in addition to the State and County Fees which**  
**are authorized by Florida Statutes, Chapters 319.32 and 320.04.**

***I. MOTOR VEHICLES AND VESSELS***

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| 1. Issuance, transfer replacement of License plate and/or decal, and registration certificate including Temporary Operational Permit, duplicate or corrected registration certificate, Application for Assignment of Lien or Notice Of Lien – without title transfer | \$5.00  |
| 2. Application for original or transfer certificate of title (all kinds, including lien recordings, verifications, all necessary forms, notarizations, sales tax collection or exemption), Certificate of Destruction, Certificate of Repossession                   | \$18.00 |
| 3. Application for duplicate title   | \$8.00  |
| 4. Verification of Vehicle Identification Number (VIN) / Vessel Hull Identification Number (HIN) By Notary Public for out-of-state vehicles/vessels  | \$8.00  |

***III. MISCELLANEOUS***

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|---|---------|
| 1. Verification of ownership, lien, tag, decal information not included in title application  | \$4.00  |
| 2. Preparation of affidavits or forms and notarization related to motor vehicle or vessel registrations not included in title application | \$3.00  |
| 3. Photocopies of documents pertaining to motor vehicles and vessels  | \$2.00  |
| 4. Collection of sales tax when not included in title   | \$2.00  |
| 5. Fast title service – additional fees   | \$10.00 |
| 6. Disabled Persons Parking Placards (Temporary/Permanent)  | \$3.00  |

**NOTE: Any charges by Branch Auto Tag Agencies other than the above-listed fees are to be clearly marked on the original receipt.**