

**Substitute**  
Agenda Item No. 11(A)(10)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** March 15, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to impose reasonable  
limits on the fees that can be charged  
for electronic tolling of rental cars,  
further urging the Florida Department  
of transportation to negotiate more  
consumer-friendly agreements related  
to electronic tolling of rental cars to  
ensure that tourists pay reasonable  
fees for electronic tolling

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**This substitute differs from the original item in that it specifically addresses excessive administrative fees that rental car companies are charging that are as high as \$25 per toll when a renter opts not to pay for daily or weekly toll plans that are offered at the time of rental.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp

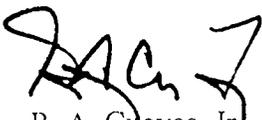


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** March 15, 2011

  
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Substitute  
Agenda Item No. 11(A)(10)

**Please note any items checked.**

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Substitute  
Agenda Item No. 11(A)(10)  
3-15-11

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO IMPOSE REASONABLE LIMITS ON THE FEES THAT CAN BE CHARGED FOR ELECTRONIC TOLLING OF RENTAL CARS, FURTHER URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO NEGOTIATE MORE CONSUMER-FRIENDLY AGREEMENTS RELATED TO ELECTRONIC TOLLING OF RENTAL CARS TO ENSURE THAT TOURISTS PAY REASONABLE FEES FOR ELECTRONIC TOLLING

**WHEREAS**, in 2007, the Florida Department of Transportation through Florida's Turnpike Enterprise began entering into a series of agreements with major rental car companies to allow rental cars to go through SunPass and other electronic toll lanes by recording the license plate and then billing the renter; and

**WHEREAS**, some agreements provided that the renter would be directly charged the actual cost of all tolls plus a \$2.50 per day administrative fee up to a maximum of \$10 per month; and

**WHEREAS**, under these agreements, the toll charges and administrative fees automatically begin being imposed when the renter goes through the first electronic toll, and the renter receives a separate charge on his or her credit card after the fact for the total of all toll charges incurred plus the administrative fees; and

WHEREAS, other agreements provided that the renter ~~>>~~has the option, at the time the car is first rented, of paying~~<<~~ ~~[[pays]]~~<sup>1</sup> a flat fee of \$5.95 per rental day or \$27.95 weekly, which includes unlimited tolls and all administrative fees; and

~~>>~~WHEREAS, under this latter option, if the renter chooses not to pay the \$5.95 daily or \$27.95 weekly fee to cover all tolls and then goes through an electronic toll, rental car companies are charging the renter the cost of tolls plus an excessive administrative fee of as much as \$25 per toll; and

WHEREAS, tourists visiting Miami-Dade County may be from an area that doesn't have electronic tolling and may not be familiar with how electronic tolling works; and

WHEREAS, if a tourist opts not to pay the \$5.95 daily or \$27.95 weekly fee to cover all tolls and then goes through ten (10) electronic tolls, he or she could later receive a bill for as much as \$250 plus the cost of tolls; and~~<<~~

~~[[WHEREAS~~, these arrangements have proven to be a convenience to some visitors, but in the majority of cases have led to excessive charges; and

~~WHEREAS~~, in the case of a business traveler who rents a car for a week and uses electronic tolling multiple days to travel throughout Miami-Dade County, for example, the arrangement may be beneficial, as the traveler uses electronic tolling for the entire week for the \$10 administrative fee or the \$27.95 total fee; and

~~WHEREAS~~, but in the case of a tourist who flies into Miami International Airport, rents a car for one week and travels to Miami Beach via the Dolphin Expressway, the tourist could end

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<sup>1</sup> The differences between the substitute and the original item are indicated as follows: words stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words underscored and/or ~~>>~~double arrowed~~<<~~ constitute the amendment proposed.

~~up paying \$27.95 or \$11 for going through a single \$1 electronic toll eastbound on the Dolphin Expressway; and~~

~~WHEREAS, because the electronic tolling program for rental cars automatically records the license plate, tourists and other visitors may not be aware that they are incurring these charges and could be surprised after the fact when they see the charges on their credit card; and}}~~

WHEREAS, such administrative charges are excessive in light of the underlying actual tolls and far exceed any actual administrative cost that may be involved; and

WHEREAS, tourism is one of the most fundamental industries underpinning Miami-Dade County's economy, and it is important that tourists who visit Miami-Dade County leave with a positive image of our community; and

WHEREAS, the current electronic tolling arrangement has the possibility of harming the positive image of our community by imposing excessive >>administrative<< fees for tolls; and

WHEREAS, the Florida Legislature should impose reasonable limits on the fees that can be charged to individuals renting cars and using electronic tolling, or alternatively, the Florida Department of Transportation should negotiate more consumer-friendly agreements related to electronic tolling and rental cars that are more aligned with the actual administrative costs of processing tolls to ensure that tourists and visitors pay reasonable fees for electronic tolling in rental cars,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1.** Urges the Florida Legislature to impose reasonable limits on the fees that can be charged to individuals renting cars and using electronic tolling>>, and in particular to limit the administrative fees that can be charged for tolls when the renter opts not to pay for daily

or weekly plans for tolls that rental car companies offer, or alternatively to require all rental car companies to automatically impose reasonable daily or weekly toll plans when a renter goes through an electronic toll, as some rental car companies already do, rather than requiring renters to choose the daily or weekly tolls plans when they first rent a vehicle.<<

**Section 2.** Urges the Florida Department of Transportation to negotiate more consumer-friendly agreements related to electronic tolling and rental cars>>, and in particular to limit the administrative fees that can be charged for tolls when the renter opts not to pay for daily or weekly plans for tolls that rental car companies offer, or alternatively to require all rental car companies to automatically impose reasonable daily or weekly toll plans when a renter goes through an electronic toll, as some rental car companies already do, rather than requiring renters to choose the daily or weekly tolls plans when they first rent a vehicle.<<

**Section 3.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and the Secretary of the Florida Department of Transportation.

**Section 4.** Directs the County's state lobbyists to advocate for the legislation and action set forth in Sections 1 and 2 above, and authorizes and directs that the 2011 state legislative package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

6

Joe A. Martinez, Chairman  
Audrey M. Edmonson, Vice Chairwoman  
Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Natacha Seijas  
Sen. Javier D. Souto  
Lynda Bell  
Carlos A. Gimenez  
Barbara J. Jordan  
Dennis C. Moss  
Rebeca Sosa

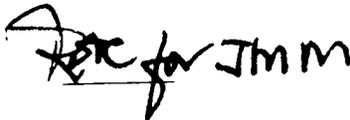
The Chairperson thereupon declared the resolution duly passed and adopted this 15<sup>th</sup> March, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty