



MEMORANDUM

Agenda Item No. 11(A)(11)

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

DATE: December 6, 2011

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

SUBJECT: Resolution urging the Florida
Legislature to pass HB 375 or
similar legislation prohibiting banks
and other financial institutions from
charging consumers fees on debit
cards

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: December 6, 2011

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

SUBJECT: Agenda Item No. 11 (A) (11)

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 _____

Agenda Item No. 11(A)(11)
12-6-11

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS HB 375 OR SIMILAR LEGISLATION PROHIBITING
BANKS AND OTHER FINANCIAL INSTITUTIONS FROM
CHARGING CONSUMERS FEES ON DEBIT CARDS

WHEREAS, banks introduced debit cards a decade ago based on the idea of a cashless society with free and ready access to a person's bank account; and

WHEREAS, as part of a recent national financial reform law, the amounts banks and other financial institutions could charge merchants on debit card purchases was capped at 24 cents, down from an average of 44 cents previously; and

WHEREAS, banks and other financial institutions have responded by increasing fees to consumers for debit cards, including monthly fees and per transaction fees; and

WHEREAS, Representative Jeff Clemens (D – Lake Worth) has filed HB 375 for consideration during the Florida Legislature's 2012 session related to debit card fees; and

WHEREAS, HB 375 would prohibit banks and other financial institutions licensed at the federal or state level from charging consumer service fees, inactivity fees, dormant account fees or other fees with respect to debit cards; and

WHEREAS, there is some question whether state law can regulate banks that are federally licensed; and

WHEREAS, this Board supports the consumer relief from bank fees offered by Representative Clemens' bill,

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 pass HB 375 or similar legislation prohibiting banks and other financial institutions from charging fees on debit cards.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and Representative Jeff Clemens.

Section 3. Directs the County’s state lobbyists to advocate for the issue identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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:

- | | |
|----------------------|-------------------------------------|
| | Joe A. Martinez, Chairman |
| | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 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.

JMM

Jess M. McCarty

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