

MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

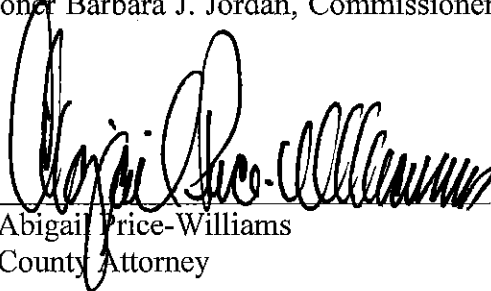
FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to solicitation
of tips at Miami International
Airport; amending section 25-3.8
of the Code; authorizing food
and beverage concessions to
solicit tips at Miami International
Airport, provided that
concessionaires provide
conspicuous notice to customers

This item was amended at the 5-15-19 Tourism and the Ports Committee to clarify that the ordinance applies to bartenders, as well as waitstaff.

Rule 5.06(i) of the Board's Rules of Procedure provides that differences between an original item and an amended item should be uniquely identified in the amendment by double underlining and double strike-through, or where such approach would not clearly show the difference or are not practical, by providing footnotes or comments on the item. Based on Rule 5.06(i), the preceding comprehensive description of the differences between the original item and the amended item is provided in lieu of double underlining and double strike-through.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Esteban L. Bovo, Jr., Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Dennis C. Moss and Vice Chairwoman Rebeca Sosa.



Abigail Price-Williams
County Attorney

APW/smm

Memorandum

MIAMI-DADE
COUNTY

Date: June 4, 2019

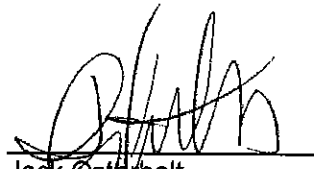
To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor



Subject: Fiscal Impact Statement for Ordinance Relating to Solicitation of Tips at Miami International Airport

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. The requirements associated with the proposed ordinance will be the responsibility of the concessionaire and will have no negative revenue impact to the County. Compliance monitoring will be absorbed by the Department as part of its ongoing concessions monitoring activities.



Jack Osterholt
Deputy Mayor

Fis02819 190966

Memorandum



Date: June 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over a horizontal line.

Subject: Social Equity Statement for Ordinance relating to Solicitation of tips at Miami International Airport (MIA)

The proposed ordinance amends Section 25-3.8 of the Code to allow a suggested tip of up to 18 percent if clear notice is provided on the menu, check or point-of-sale device.

The proposed legislation will have a positive impact on the waitstaff and servers at MIA by significantly increasing their take-home pay while also providing full transparency on patrons' bills, so they are aware that gratuities are being charged and are provided options to remove or alter the gratuities at the customer's discretion.

A handwritten signature in black ink, appearing to be "Jack Osterholt", written over a horizontal line.

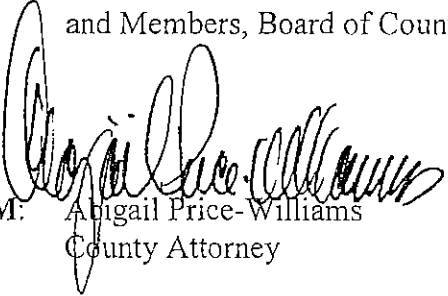
Jack Osterholt
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(D)

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
- _____ Statement of social equity required
- _____ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- _____ No committee review
- _____ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- _____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 7(D)

Veto _____

6-4-19

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO SOLICITATION OF TIPS AT MIAMI INTERNATIONAL AIRPORT; AMENDING SECTION 25-3.8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING FOOD AND BEVERAGE CONCESSIONS TO SOLICIT TIPS AT MIAMI INTERNATIONAL AIRPORT, PROVIDED THAT CONCESSIONAIRES PROVIDE CONSPICUOUS NOTICE TO CUSTOMERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the minimum wage in the State of Florida is \$8.46 per hour, effective January 1, 2019; and

WHEREAS, because the Florida minimum wage is higher than the federal minimum wage, employees are entitled to earn at least the Florida minimum wage per hour; and

WHEREAS, under federal law and in most states, employers may pay tipped employees less than the minimum wage, as long as employees earn enough in tips to make up the difference; and

WHEREAS, the tip credit is \$3.02 an hour, which means Florida employers may pay tipped employees as little as \$5.44 an hour as of January 1, 2019; and

WHEREAS, numerous individuals employed as servers and waitstaff at Miami International Airport depend on tips to supplement their hourly wage; and

WHEREAS, chapter 25-3.8, Code of Miami-Dade County, prohibits waitstaff and servers who are authorized to accept tips from soliciting tips or soliciting a specific amount of a tip; and

WHEREAS, many foreign travelers making use of MIA do not tip, as tipping for table service is not common in their home culture; and

WHEREAS, to induce tipping, some concessions at MIA include a suggested gratuity with their bills; and

WHEREAS, such a practice leads to greater tips to local waitstaff and servers, but is not authorized by the County Code; and

WHEREAS, waitstaff and servers at MIA should be able to depend on tips to support themselves; and

WHEREAS, the traveling public should be put on notice that suggested gratuity will be included in a bill,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The above recitals are incorporated herein as findings.

Section 2. Section 25-3.8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

25-3.8 Tipping.

>>Except as authorized herein,<< no person authorized to accept tips for services performed at the Airport shall solicit a tip, or a specific amount of tip, nor harass, insult or display any form of rudeness to the person for whom the service is being performed.
>>A concessionaire operating a table service food and beverage concession may include a suggested tip or gratuity of up to 18 percent of the total food and beverage sale in a bill presented to a customer, provided that such concessionaire provides written notice

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

of such suggested gratuity on both the menu and the bill presented to the customer, both in a conspicuous typeface. The notice on the menu and the bill shall specify the percentage of the gratuity, and shall inform the customer as to how such gratuity can be removed or altered at the customer's discretion. A point of sale device used by a concessionaire at which a customer swipes or inserts a credit card may display options for suggested gratuity, so long as the customer retains the ability to raise, lower, or omit the gratuity at the customer's discretion prior to completion of the sale. Nothing herein shall allow the concessionaire to impose a mandatory gratuity, and the concessionaire shall allow a customer at all times the ability to raise, lower, or omit the payment of a gratuity. For purposes of this section, table service includes all table or bar service restaurants where a server or bartender serves a customer, << [[occurs where waitstaff or a server takes a customer's order at a table, and where food is delivered to the customer by waitstaff or a server at the same table.]]

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

DM

David M. Murray

Prime Sponsor:	Commissioner Jose "Pepe" Diaz
Co-Sponsors:	Commissioner Esteban L. Bovo, Jr.
	Commissioner Sally A. Heyman
	Commissioner Barbara J. Jordan
	Commissioner Dennis C. Moss
	Vice Chairwoman Rebeca Sosa