

MEMORANDUM

Agenda Item No. 11(A)(17)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

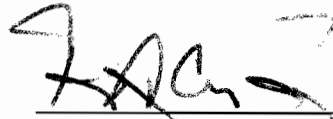
DATE: July 1, 2008

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

SUBJECT: Resolution urging the Florida
Legislature to require restaurants
to display prices on all menu
items including specials

Resolution No. R-786-08

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa, and Co-Sponsor Commissioner Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

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Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(17)
7-1-08

RESOLUTION NO. R-786-08

RESOLUTION URGING THE FLORIDA LEGISLATURE
AND/OR THE FLORIDA DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION TO REQUIRE
RESTAURANTS TO DISPLAY PRICES ON ALL MENU
ITEMS INCLUDING SPECIALS

WHEREAS, restaurant patrons sometimes have complained that some restaurants offer food and beverage specials which are not listed on the regular menu, and fail to disclose the price of those specials until a bill is presented at the conclusion of the meal; and

WHEREAS, this practice causes restaurant patrons to be misinformed and sometimes to pay a much higher price than they reasonably expected to pay; and

WHEREAS, a restaurant should disclose the price of food and beverage specials prior to accepting an order for a special, and the failure of some restaurants to regularly adhere to this sound business practice causes consumers to be misled and may create unnecessary problems between restaurant patrons and restaurant service personnel; and

WHEREAS, the City of Aventura recently passed a resolution, Resolution No. 2008-23, urging the Board of County Commissioners to require restaurants to disclose the price of specials before accepting orders; and

WHEREAS, cities and counties in Florida are preempted from passing legislation regulating restaurants because the State of Florida currently has exclusive jurisdiction to regulate restaurants pursuant to Chapter 509, Florida Statutes; and

WHEREAS, the Florida Legislature and/or the Florida Department of Business and Professional Regulation has the authority to require restaurants to display prices on all menu items including specials,

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 and/or the Florida Department of Business and Professional Regulation to require restaurants to display prices on all menu items including specials.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, the Secretary of the Florida Department of Business and Professional Regulation and the Mayor, Vice-Mayor and Commissioners of the City of Aventura.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa and the Co-Sponsor is Commissioner Joe A. Martinez. It was offered by Commissioner

Jose "Pepe" Diaz , who moved its adoption. The motion was seconded by Commissioner **Katy Sorenson** and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye	
	Barbara J. Jordan, Vice-Chairwoman	aye	
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	absent	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairman thereupon declared the resolution duly passed and adopted this 1st day of July, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink that reads "JMM".

Jess M. McCarty