



MEMORANDUM

Agenda Item No. 7(C)

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

DATE: (Second Reading 11-15-11)
September 20, 2011

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

SUBJECT: Ordinance creating Section
8A-1.2 of the Code requiring
rental car companies to provide
provide public notice of fees
associated with the use of
Sunpass equipment

Ordinance No. 11-89

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Commissioner Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

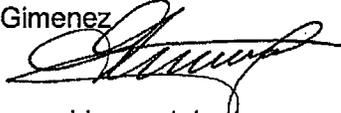
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Memorandum

MIAMI-DADE
COUNTY

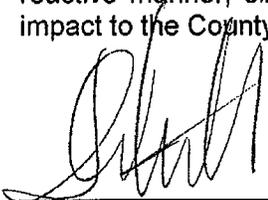
Date: November 15, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance requiring rental car companies to provide public notice of fees associated with the use of Sunpass equipment

The proposed ordinance would establish a requirement for all rental car facilities located throughout the incorporated and unincorporated area of Miami-Dade County to post a notice for any fee(s) imposed for the use of any Sunpass equipment provided with any rental vehicle, or for any related administrative costs. Proper enforcement of this ordinance will necessitate industry notification and facility inspections. However, due to funding restrictions, enforcement of this ordinance would only occur on a limited reactive manner, similar to the enforcement of other consumer protection ordinances, with no fiscal impact to the County.


Office of the Mayor

Fis6711



MEMORANDUM

(Revised)

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

DATE: November 15, 2011

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

SUBJECT: Agenda Item No. 7(C)

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

Agenda Item No. 7(C)

Veto _____

11-15-11

Override _____

ORDINANCE NO. 11-89

ORDINANCE CREATING SECTION 8A-1.2 OF THE CODE OF MIAMI-DADE COUNTY; REQUIRING RENTAL CAR COMPANIES TO PROVIDE PUBLIC NOTICE OF FEES ASSOCIATED WITH THE USE OF SUNPASS EQUIPMENT, PROVIDING DEFINITIONS; AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, tourism is critically important to the Miami-Dade County economy; and

WHEREAS, car rental agencies operating in Miami-Dade County often charge administrative fees to their customers for processing tolls; and

WHEREAS, customers, including tourists, may not be aware of this fee prior to renting a car; and

WHEREAS, a thousand dollar fine is a permissible penalty for a violation of the Code of Miami-Dade County,

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

Section 1. Section 8A-1.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>Sec. 8A-1.2. Public Notices To Be Provided At Car Rental Facilities.

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.

(a) Definitions.

(1) Rental Car Facility shall mean any physical location where cars, trucks, automobiles, motorcycles, or other vehicles suitable for travel on public highways are rented or leased to members of the public, if such Facility has three or more such vehicles customarily available for rent or lease.

(2) Equipment Fees shall mean any surcharge, levy, extraction, tariff, or other monetary obligation imposed on any customer of a rental car facility for use of any Sunpass equipment provided with any rental vehicle, or for the administrative costs of processing tolls through such equipment. For the purposes of the Section, a fee shall not be construed to mean toll payments made through any such Sunpass equipment.

(b) Posting of Equipment Fee. If the owner or operator of a Rental Car Facility imposes an Equipment Fee, notice of such fee must be provided at such Rental Car Facility. This notice shall be posted conspicuously in the public area of the Rental Car Facility in such location as to provide notice to customers prior to their entering into any contract for the leasing or renting of any vehicle, and written in a legible manner in English, Spanish and Creole.

(c) Provisions Cumulative. The provisions of this section shall be cumulative and in addition to and not in derogation of any and all other provisions or laws.

(d) Applicability. The provisions of this ordinance shall apply throughout the incorporated and unincorporated area of Miami-Dade County, Florida.<<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 8CC-10. Schedule of civil penalties. Code Section; Description of Violations; Civil Penalty

>> 8A-1.2 Failure to provide public notice at rental car facility \$1,000.00.<<

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.

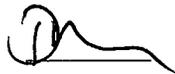
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: November 15, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



David M. Murray

Prime Sponsor: Commissioner Sally A. Heyman

Co-Sponsor: Commissioner Lynda Bell