

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 4-5-16)
December 15, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending Section
8A-1.2 of the Code requiring
rental car companies to provide
notice to their customers of
administrative fees associated
with any toll charges or toll
violations incurred by the
customers

Ordinance No. 16-36

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Barbara J. Jordan and Commissioner Dennis C. Moss.



Abigail Price-Williams
County Attorney

for

APW/cp

Memorandum



Date: April 5, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style with a large, sweeping flourish at the end.

Subject: Fiscal Impact for Ordinance Requiring Rental Car Companies to Post Notice of Administrative Fees Associated With Toll Charges

The proposed ordinance amends Section 8A-1.2 of the Code requiring that rental car companies located throughout Miami-Dade County provide notice to their customers of administrative fees associated with any toll charges or toll violations incurred by the customers.

The cost incurred by the County to notify national rental car companies of this change is negligible. Enforcement would be conducted on a complaint driven basis and incorporated into existing field enforcement activities. It is anticipated that civil violation penalties would cover enforcement costs such that adoption of the proposed ordinance would have no fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jack Osterholt
Deputy Mayor

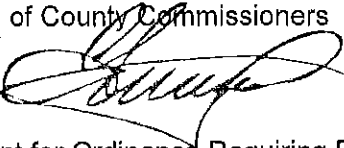
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Memorandum



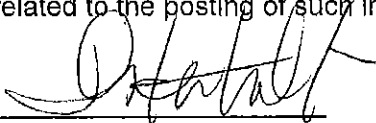
Date: April 5, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Requiring Rental Car Companies to Post Notice
of Administrative Fees Associated with Toll Charges

The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described in Ordinance No. 15-83. While the proposed change will specifically benefit rental car company customers by requiring notice of all toll charges, administrative fees and costs, the anticipated benefit cannot be determined at this time. The rental car companies will incur any costs related to the posting of such information.



Jack Osterholt
Deputy Mayor

152886



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(A)

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 ____, 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. 7(A)
4-5-16

ORDINANCE NO. 16-36

ORDINANCE AMENDING SECTION 8A-1.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING RENTAL CAR COMPANIES TO PROVIDE NOTICE TO THEIR CUSTOMERS OF ADMINISTRATIVE FEES ASSOCIATED WITH ANY TOLL CHARGES OR TOLL VIOLATIONS INCURRED BY THE CUSTOMERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, tourism is critically important to the Miami-Dade County economy, and Miami-Dade County has sought to protect visitors by requiring car rental companies to provide notice of their customers' obligation to pay administrative fees associated with their use of any Sunpass equipment provided by the car rental companies; and

WHEREAS, this Board enacted Ordinance No. 11-89 to require car rental companies to provide posted notice to their customers of any administrative fees that a customer must pay for a customer's use of Sunpass equipment and for processing tolls through such equipment at their rental car facility; and

WHEREAS, toll roads in Miami-Dade County are moving from cash toll booths to a cashless, image based electronic toll collection system that uses photographic images of vehicle license plates to identify the customer responsible for payment; and

WHEREAS, if a car rental company does not provide Sunpass equipment or if the customer declines to accept the equipment as part of the car rental contract, the car rental company, as the registered owner of the license plate, will be directly responsible for payment of any toll charges or toll violations incurred during the customer's use of a vehicle; and

WHEREAS, the customer, prior to renting a car, should be notified by the car rental company if the customer will be held responsible for payment or reimbursement of such toll charges or toll violations incurred during the customer's use of a vehicle, and if the car rental company imposes any other administrative fees associated with the car rental company's processing of such toll charges or toll violations,

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 amended to read as follows:¹

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

(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*]]~~ >>Toll<< *Fees* shall mean any surcharge, levy, extraction, tariff, or other monetary obligation imposed by a car rental company on any customer of a rental car facility for >>(i)<<use of any Sunpass equipment provided with any rental vehicle, ~~[[or for the]]~~>>(ii) any<< administrative costs of processing tolls through such equipment>>, and (iii) all administrative costs associated with the car rental company's payment of toll charges or toll violations that are registered directly to the vehicle by way of photographic license plate imaging or other process<<. For the purposes of the Section, a fee shall not be construed to mean toll payments made through any such Sunpass equipment >>or toll charges or toll violations that are registered directly to the vehicle<<.

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.

(b) Posting of ~~[[Equipment]]~~ >>Toll<< Fee>>s and Policy<<.

>>(1)<< If the owner or operator of a Rental Car Facility imposes ~~[[an Equipment Fee]]~~ >>Toll Fees<< on customers renting cars, notice of all such fee>>s, including identification of the amount,<< 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.]]~~

>>(2) If the owner or operator of a Rental Car Facility requires the customer to pay or reimburse the car rental company for any toll charges or toll violations, otherwise incurred by the customer during the use of the vehicle, that are registered directly to the vehicle by way of photographic license plate imaging or other process, notice of such policy must be provided at such Rental Car Facility.

(3) 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 prohibiting discrimination or regarding notification of tipping polices.

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

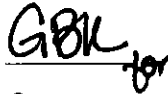
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. 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.

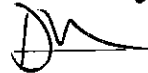
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: April 5, 2016

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Cynji A. Lee
David M. Murray

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Sponsors: Commissioner Barbara J. Jordan
Commissioner Dennis C. Moss