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Department of Regulatory and Economic Resources

Business Affairs

Consumer Protection

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Dear Retail Sales Establishment and Shopping Center Owners:

On January 27, 2005, the Board of County Commissioners adopted Ordinance 05-20, requiring warning notices regarding the removal of shopping carts to be affixed to shopping carts and posted on signs in parking areas. The purpose of this letter is to make you aware of the law and to advise you of your obligations under the law.

1. What are the notice requirements for shopping carts?

The following notice shall be affixed to all shopping carts and shall be clearly legible in English, Spanish and Creole:

WARNING

Any person who removes a shopping cart from the premises of the owner, or is in the possession of any shopping cart, shall be presumed to be in possession of stolen property and is guilty of a misdemeanor of the first degree, punishable by a term of imprisonment of up to one (1) year as provided by Sections 506.509 and 506.513 of the Florida Statutes.

Spanish and Creole translations of the required wording are enclosed.

2. Who is responsible for complying with the shopping cart notice requirements?

Every retail sales establishment that utilizes shopping carts in the operation of its business. Shopping cart is defined by Section 506.502(10), Florida Statutes, as a "basket mounted on wheels or a similar device which is generally used in a retail establishment by a customer for the purpose of transporting goods of any kind".

3. What are the notice requirements for signs in parking areas?

Clearly legible signs in English, Spanish and Creole must be posted at the entrance(s) and exit(s) of parking areas containing the same warning notice required to be affixed to shopping carts (see item #1 above). As an alternative, universal language signs designed to convey the warning required, such as the one attached, may be used.

4. Who is responsible for complying with parking area sign requirements?

Every owner of a stand-alone retail sales establishment that utilizes shopping carts or owner of a shopping center in which one or more of the retail sales establishments utilize shopping carts in the operation of its business.

5. When is the law effective?

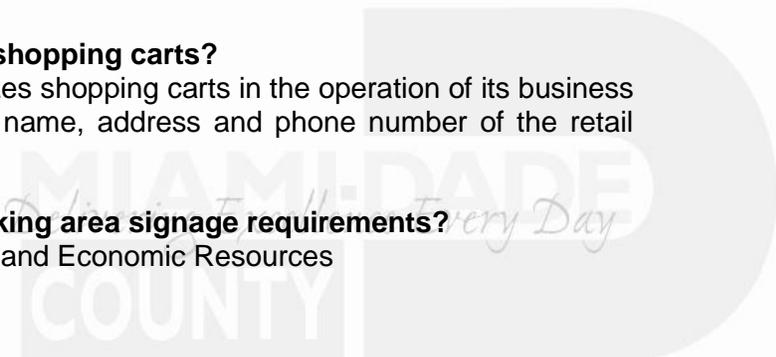
The law became effective on May 27, 2005.

6. Are identification signs still required on shopping carts?

Yes. Every retail sales establishment that utilizes shopping carts in the operation of its business must also affix an identification sign with the name, address and phone number of the retail establishment on each shopping cart.

7. Who enforces the shopping cart and parking area signage requirements?

Miami-Dade County Department of Regulatory and Economic Resources



8. What is the penalty for violating these laws?

Violations of these laws carry a civil fine of \$100 for each violation. Please note that these violations carry accrued penalties.

9. Are there any exemptions to these requirements?

Yes. Any establishment that has either:

1. constructed barriers to prevent the removal of shopping carts, while permitting full wheelchair ingress and egress by disabled persons; or
2. attaches alarm mechanisms or other security devices to shopping carts to prevent their removal from the property of the retail sales establishment or shopping center may file a petition and filing fee with the Department of Regulatory and Economic Resources requesting an exemption from the requirements of items #1, 3 and 6 on the previous page. A copy of the petition form is attached.

10. How much is the fee for filing an exemption petition?

The fee for an exemption petition involving one store location is \$60.00 and each additional store location is \$29.00. These fees are in effect through September 30, 2013. In subsequent years, the fees will increase by the percentage increase in the Consumer Price Index. This is a one-time fee for processing the exemption request, not an annual fee.

11. What is the County's procedure for shopping carts found on public property?

The Miami-Dade County Department of Solid Waste Management will collect shopping carts found on public property and will notify the owner of the shopping cart as designated on the shopping cart's identification sign. The owner of the shopping cart will have ten (10) days from receipt of notice to retrieve the cart. If the owner does not retrieve the cart within those ten (10) days or if the cart has no identification, Solid Waste Management will dispose of the cart.

12. What if my retail sales establishment does not utilize shopping carts?

Owners of retail sales establishments that do not utilize shopping carts are automatically exempted from the requirements of these laws and do not need to file an exemption petition. Owners of shopping centers in which none of the retail sales establishments utilize shopping carts are also automatically exempted from the requirement to post signs in the parking area.

Questions regarding these requirements should be directed to the Consumer Protection Mediation Center at (305) 375-3677 or by e-mail at consumer@miamidade.gov.