

MEMORANDUM

AEDC

Agenda Item No. 1(G)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 12, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance related to retail transactions; creating section 21-60 of the Code; prohibiting retail businesses from refusing to accept cash payments for goods or services; amending section 8CC of the Code; providing for enforcement by civil penalty

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



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(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 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
Veto _____
Override _____

Agenda Item No. 4(A)

2-1-22

ORDINANCE NO. _____

ORDINANCE RELATED TO RETAIL TRANSACTIONS;
CREATING SECTION 21-60 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; PROHIBITING RETAIL BUSINESSES
FROM REFUSING TO ACCEPT CASH PAYMENTS FOR
GOODS OR SERVICES; AMENDING SECTION 8CC OF THE
CODE; PROVIDING FOR ENFORCEMENT BY CIVIL
PENALTY; AND PROVIDING FOR SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, a growing number of retail establishments across the United States have adopted “cashless policies,” declaring that they refuse to accept cash payment from their customers, and, instead, require that payment for the goods and services offered by such retailers be made only with credit cards, debit cards, or digital payment methods that result in electronic transfers of funds to the retailer; and

WHEREAS, such policies threaten to send a message that certain customers are not welcome in certain stores; and

WHEREAS, cashless policies discriminate against millions of customers who do not have the resources or ability to participate in cashless transactions; and

WHEREAS, according to the Federal Reserve, there are an estimated 55 million unbanked or underbanked adult Americans; and

WHEREAS, these Americans would be disenfranchised from cashless retail establishments; and

WHEREAS, currently, while some states have passed laws that require businesses to accept cash, there is no federal law prohibiting stores from declining cash payments; and

WHEREAS, this Board wishes to allow all customers the freedom to choose a payment option that works for them,

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

Section 1. Section 21-60 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>Sec. 21-60. - Cashless Retail Prohibition.

(A) Definitions. For purposes of this section, the following terms shall be defined as follows:

- (1) “Cash” means United States coins and currency, including federal reserve notes. Cash does not include foreign currency.
- (2) “At retail” means any retail transaction conducted in person and shall exclude:
 - (a) any telephone, mail, or internet transactions;
 - (b) transactions at wholesale clubs that sell consumer goods and services through a membership model;
 - (c) transactions at retail stores selling consumer goods exclusively through a membership model that requires payment by means of an affiliated mobile device application;
 - (d) transactions for the rental of consumer goods, services, or accommodations for which posting of collateral or security is typically required;
 - (e) consumer goods or services provided exclusively to employees and others authorized to be on the employer’s premises; and
 - (f) any transactions which the County is preempted from regulating pursuant to Florida statute.

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) Prohibitions. It shall be unlawful for a person selling or offering for sale consumer goods or services at retail to refuse to accept cash as a form of payment to purchase goods or services. A person selling or offering for sale goods or services at retail shall not:

- (1) Refuse to accept cash as a form of payment;
- (2) Post signs on the premises that cash payment is not accepted; or
- (3) Charge a higher price to customers who pay cash than they would pay using any other form of payment.

(C) Notwithstanding the foregoing prohibitions, a person selling or offering for sale goods or services at retail may refuse to accept cash in any denomination larger than a twenty-dollar bill.

(D) Applicability.

(1) This chapter shall be a minimum standard and shall apply to both the incorporated and unincorporated areas.

(a) The Director of the Miami-Dade County Department of Regulatory and Economic Resources or successor department ("Department"), and his or her designees, are hereby charged with the enforcement responsibilities of this chapter throughout the County.

(b) Any municipality may establish and enforce more stringent regulations as such municipality may deem necessary.

(c) The penalties in chapter 8CC for violations of this chapter shall also be a minimum standard and shall apply to both the incorporated and unincorporated areas.<<

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.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

Code Section	Description of Violation	Civil Penalty
* * *		
>>21-60(B)	<u>Refusing to accept cash payments for goods or services:</u> <u>First violation</u> <u>Second violation occurring within 12 months of the first violation</u> <u>Third violation and subsequent violation occurring within 12 months of the most recent two preceding violations</u>	 <u>\$100.00</u> <u>\$200.00</u> <u>\$1,000.00</u> <<
* * *		

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:




Prepared by:

Ryan Carlin

Prime Sponsor: Senator René García
Co-Sponsor: Commissioner Sally A. Heyman