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### ARTICLE I. IN GENERAL

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Sec. 8A-1. Limitation on charges for collision damage waivers that renters of motor vehicles may pay.

(a) *Definition.* Collision damage waiver ("CDW") means any product a consumer purchases from a car rental company in order to waive all or part of his or her liability in the event of a collision, other damage to, or loss due to theft of, a rental vehicle.

(b) *Limitation on price of collision damage waiver.* No person or corporation which rents a private passenger motor vehicle to another person or corporation may, in a rental agreement of thirty (30) continuous days or less, sell or offer to sell a collision damage waiver at a price higher than the actual cost to cover the terms and conditions expressed in said waiver.

(Ord. No. 90-30, §§ 2, 3, 4-3-90)

**Editor's note—**

Sections 2 and 3 of Ord. No. 90-30, adopted April 3, 1990, have been included herein at the discretion of the editor as [§ 8A-1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-1LICHCODAWAREMOVEMAPA)

Sec. 8A-1.1. Requiring rental car companies to make county approved visitor information maps available to visitors renting cars.

(a) *Definitions.*

(1) An *applicant* is any person, rental car company, or other business or entity that submits a Visitor Information Map to the Director for County approval.

(2) A *car* is any motor vehicle primarily intended for passenger use, including, but not limited to, minivans.

(3) The *Director* shall be the County Manager or his or her designee.

(4) A *rental car company* is any person, business, or other entity whose principal commercial interest is to rent or lease motor vehicles for periods of less than six (6) months, which involve the relinquishing of control of the motor vehicle to the renter. However, no rental car company or car rental which otherwise meets the definitions of this section is exempt from the requirements of this section merely because a rental period exceeds six (6) months.

(5) A *visitor* or *visitor renter* is any person who, when renting a car, designates his or her principal residence as being outside of Miami-Dade County, Florida.

(b) Any rental car company that rents cars in Miami-Dade County shall make available to each visitor renter at its locations in Miami-Dade County a Visitor Information Map approved by the Director indicating the major thoroughfares to and from the airport to major destinations, hotel areas, and attractions. Except for rental car companies that choose to offer Visitor Information Maps to all their renters regardless of whether they are visitors, rental car companies shall ascertain the place of principal residence for all persons renting cars in Miami-Dade County and provide such information on all rental contracts.

(c) The County Manager shall, within thirty (30) days after the date of enactment of this subsection, promulgate administrative regulations providing standards for producing Visitor Information Maps which promote tourist safety and a method for approving such maps to indicate the major thoroughfares to and from the airport to major destinations, hotel areas, and attractions. The County Manager shall also consider and include, within such standards, any safety tips or travel advisories that he deems appropriate. The standards shall be promulgated after consultation by the County Manager with the Greater Miami Convention and Visitors Bureau, the police chiefs of each of the municipal police forces in the County and the Director of the Miami-Dade Police Department, and approved by the Board of County Commissioners. Any subsequent changes to the standards shall be approved by the Board of County Commissioners.

(d) To fulfill the requirements of subsection (b), a Visitor Information Map must be approved by the Director prior to distribution to visitor renters. Any Visitor Information Map which has not been disapproved by the Director by written notice to the applicant within thirty (30) business days after submission shall be considered County approved and shall receive an approval designation as set forth under the standards promulgated pursuant to subsection (b).

(e) Rental car companies may satisfy the requirements of subsection (b) utilizing one or more of the following methods:

(1) Each rental car company shall obtain from the visitor renting the car a signed or initialed acknowledgment that a County approved Visitor Information Map was received when executing the rental contract or a signed or initialed acknowledgment of waiving the right to receive such map. Rental car companies which do not ascertain the renter's principal place of residence shall obtain the above acknowledgment from all persons renting cars, whether said person resides inside or outside Miami-Dade County. The acknowledgment and waiver form shall be a part of or attached to the rental contract. Rental contracts and acknowledgments and waivers shall be retained by rental car companies for a period of no less than one (1) year. Upon request of the Director, each rental car company shall make available to the County all rental contracts together with the acknowledgments and waivers collected by that company during the period specified in the request; or

(2) Each rental car company shall post a clear and conspicuous sign in plain view to all potential visitors or visitor renters at each business premises location stating the following in the languages of English, Spanish, French, German, Portuguese and Italian: "You have the right to obtain a Visitor Information Map upon request" and upon request provide the visitor renter with a Visitor Information Map. The sign shall not measure less than two (2) feet in width and three (3) feet in length.

(f) Rental car companies shall place no other warnings, notices, alterations, or modifications on such maps once they have been approved. However, rental car companies at their option may add symbols or notations to show the location of their facilities. Additionally, advertisements may be added to or deleted from the maps without County approval so long as they do not project into the depiction of streets, any safety tips, or other standards promulgated pursuant to subsection (b) which the map contains. No other modifications of a County approved map shall be permitted.

(g) The proceeds of any penalties assessed for violation of this section shall be deposited in the Miami-Dade Victim's Assistance Program.

(h) Unless otherwise mandated by state or federal law, violation of this section shall not be admitted into evidence in any civil proceeding whatsoever, other than those initiated by the Director in order to enforce the provisions of this section.

(Ord. No. 95-57, § 1, 6-1-93; Ord. No. 95-100, § 1, 6-20-95; Ord. No. 09-94, § 1, 11-3-09)

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 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.

(Ord. No. 11-89, § 1, 11-15-11)

Sec. 8A-2. Prohibiting certain bumper sticker, advertising, or insignias on rental cars.

(a) *Prohibited activity.* It shall be a violation of this section to rent in Miami-Dade County to any person a rental car that displays any bumper stickers, insignias, or advertising that identifies the vehicle as a rental car, that indicates that the car is owned by a rental car company, or that exhibits the name of the rental car company.

(b) *Definitions.*

(1) *Rental car* as used in this section means a motor vehicle designed to transport ten (10) or less persons and rented for any period of time less than ninety (90) days; but the term does not include taxis, chauffeured limousines, or other vehicles in which a paid driver with a chauffeur's license is being provided with the rental car as part of the rental agreement.

(2) *Bumper stickers, insignias, or advertising* as used in this section means one (1) or more decals, paintings, emblems, attachments, bumper stickers, or other identifying markings that are affixed to the exterior of a rental car; but the term does not include (A) any emblem less than two (2) inches by four (4) inches that is placed on the rental car for inventory purposes only; or (B) any license plate required by State law.

(3) *To rent in Miami-Dade County* as used in this section means to sign a rental contract in Miami-Dade County or to deliver a car to renter in Miami-Dade County.

(c) *Penalties.* Any person found in violation of the provisions of this section shall be subject to a civil penalty of one hundred dollars ($100.00).

(Ord. No. 91-109, § 2, 10-1-91)

Sec. 8A-2.1. Hotel and motel employee's identification card.

(a) All persons including partners, officers, and directors employed in or by a hotel or motel located in the unincorporated areas of Miami-Dade County, shall apply to the Miami-Dade Police Department for a hotel and motel employee's identification card within five (5) days from the date of their employment. It shall be unlawful for any such person to remain so employed without applying for an identification card.

(b) Application for a hotel and motel employee's identification card shall be made in writing to the Miami-Dade Police Department and shall be accompanied by an application fee which shall be utilized to defray the cost of enforcement of this section; provided, that the amount of fee to be charged shall be established by administrative order of the County Manager and approved by the Board of County Commissioners. The application forms shall require the applicant to be fingerprinted and photographed. The Miami-Dade Police Department shall issue an identification card within ten (10) days from the date of such application.

(c) All identification cards issued pursuant to this section shall be serially numbered and shall bear the date of issuance, the applicant's name, home address, birth date, physical description, full-face photograph, Social Security number, and shall be signed by the holder.

(d) Every person who is convicted for violation of this section shall be punished by a fine not to exceed two hundred fifty dollars ($250.00) or by imprisonment in the County Jail not to exceed thirty (30) days or by both such fine and imprisonment.

(e) The Miami-Dade Police Department shall maintain a suitable file of all identification cards issued pursuant to this section. Such records shall contain a copy of the identification card, together with the application therefor.

(f) All identification cards issued under this section shall expire three (3) years from the date of issue.

(Ord. No. 72-3, §§ 1—6, 1-4-72; Ord. No. 75-95, § 1, 11-4-75)

**Editor's note—**

Ord. No. 72-3, §§ 1—6, has been included herein as [§ 8A-2.1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-2.1HOMOEMIDCA) at the discretion of the editors.

Sec. 8A-2.2. Requiring that fuel tanks of rental cars be at least one-half (½) full when delivered to renter.

(a) *Requirement.* It shall be a violation of this section to rent in Miami-Dade County to any person a rental car where the fuel tank is not at least one-half (½) full when the rental car is delivered to the renter.

(b) *Definitions.*

(1) *Rental car* as used in this section means a motor vehicle designed to transport ten (10) or less persons and rented for any period of time less than ninety (90) days; but the term does not include taxis, chauffeured limousines, or other vehicles in which a paid driver with a chauffeur's license is being provided with the rental car as part of the rental agreement.

(2) *To rent in Miami-Dade County* as used in this section means to sign a rental contract in Miami-Dade County or to deliver a car to a renter in Miami-Dade County.

(c) *Penalties.* Any person found in violation of the provisions of this section shall be subject to a civil penalty of one hundred dollars ($100.00).

(Ord. No. 94-47, § 1, 3-17-94)

Sec. 8A-3. [Child restraint devices.]

Every rental car company in Miami-Dade County, as defined in [section 8A-1.1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-1.1RERECACOMACOAPVIINMAAVVIRECA) of the Code, shall have available for rental to persons traveling with children five (5) years of age and under federally approved, crash-tested child restraint devices in accordance with section 316.613, Florida Statutes, as may be amended, that are not older than five (5) years and are in good, clean and safe condition, with no missing original parts ("approved child restraint devices"). Nothing contained herein precludes a rental car company from utilizing a third party to make approved child restraint devices available to renters at the rental car company as required by this section.

(Ord. No. 02-33, § 1, 2-26-02)

Sec. 8A-3.1. [Same—Display of sign.]

Every rental car company in Miami-Dade County shall display in a prominent place in the rental car company a sign no smaller than two (2) feet by two (2) feet with the following message in letters no less than one (1) inch high:

SECTION 316.613, FLORIDA STATUTES, REQUIRES EVERY OPERATOR OF A MOTOR VEHICLE TRANSPORTING CHILDREN AGE 5 AND UNDER TO PROPERLY USE A FEDERALLY APPROVED, CRASH-TESTED CHILD RESTRAINT DEVICE.

THIS CAR RENTAL COMPANY HAS FEDERALLY APPROVED CRASH-TESTED CHILD RESTRAINT DEVICES AVAILABLE FOR RENT.

The message shall be in English, Spanish and Creole. The posted notice specified in this section is not required where the rental car company furnishes a written notice to the renter which contains the same information as required for the posted notice, and the written notice is acknowledged in writing by the renter.

(Ord. No. 02-33, § 1, 2-26-02)

**Editor's note—**

Ord. No. 02-33, § 1, adopted Feb. 26, 2002, amended the Code with the addition of sections [8A-4](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4GAPRSIEQGE), [8A-5](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-5PRPRGODUDESTEM). In order to avoid the duplication of sections, the provisions of said ordinance have been included herein as sections [8A-3.1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-3.1SAISSI), [8A-3.2](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-3.2PE) at the discretion of the editor and with the approval of the city attorney.

Sec. 8A-3.2. [Penalties.]

In addition to any other penalties provided by law, a violation of any provision of sections [8A-3 or [8A-3.1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-3.1SAISSI)] by a rental car company shall constitute a civil offense punishable by the applicable civil penalty provided in the schedule of civil penalties. In the event that a rental car company utilizes a third party to make available approved child restraint devices, and the third party fails to make available to renters the required child restraint devices, the rental car company shall be subject to the applicable civil penalties provided for in this section. The provisions of this article shall be enforced by the Consumer Services Department pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(Ord. No. 02-33, § 1, 2-26-02)

**Editor's note—**

See editor's note following [section 8A-3.1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-3.1SAISSI)

Sec. 8A-4. Gasoline price signs—Requirements generally.

(a) Every person, partnership, firm, corporation or other legal entity operating a gas station and selling or offering to sell at such gas station any motor vehicle fuels, including, but not limited to, gasoline, gasohol, and diesel motor fuel, shall publicly and continuously display and maintain on the premises of such gas station at least one (1) sign clearly and legibly stating:

(1) Each kind(s) of motor vehicle fuel(s) available for sale at the particular gas station, in full or abbreviated form;

(2) The minimum retail price per gallon to the nearest one-tenth (0.1) of a cent, inclusive of all taxes, for each kind of motor vehicle fuel available for sale at the particular gas station;

(3) Any conditions of sale to obtain the motor vehicle fuel for the price displayed on the sign, e.g., "cash" price, "credit card" price, "self-service" price, "full-service" price, etc.

(b) All such signs shall conform to the following requirements:

(1) The kind of motor vehicle fuel shall be positioned on the sign so as to be adjacent to the minimum retail price for the particular kind of motor vehicle fuel;

(2) The price(s) displayed on the sign(s) shall be the minimum retail price per gallon, inclusive of all taxes, for each kind of motor vehicle fuel available for sale at the particular station;

(3) Arabic numerals shall be used to express the minimum retail price;

(4) Letters, arabic numerals, periods, and decimal points on such signs shall be on a solid field;

(5) The colors of the arabic numerals, decimal points, periods, and letters shall contrast with the field of the sign to provide maximum visibility and legibility and shall be any of the following combinations of colors:

   TABLE A

|  |  |  |
| --- | --- | --- |
| *Letters, Arabic Numerals, Decimal Points, Periods* |  | *Field* |
| Black | on | Yellow |
| Yellow | on | Black |
| Black | on | Orange |
| Orange | on | Black |
| White | on | Red |
| Red | on | White |
| Black | on | White |
| White | on | Black |
| White | on | Green |
| Green | on | White |
| White | on | Blue |
| White | on | Brown |
| Yellow | on | Blue |
| Brown | on | Yellow |
| Blue | on | White |

or other contrasting color combinations approved in writing by the County Manager or his designee. Such colors shall conform to the central values and tolerance limits established by the Federal Highway Administration;

(6) Spaces between and among letters, numbers, decimal points, and borders of the sign(s) shall conform to the standards contained in the latest edition of *Standard Alphabets for Highway Signs,* published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety;

(7) Such sign(s) shall be displayed on the premises in such a location(s) so that said sign(s) is clearly visible and legible to licensed drivers of approaching motor vehicles on at least one (1) street, avenue, road, or highway abutting one (1) of the entrances to the gas station. The sign may be visible and legible during daylight hours to said drivers from a vantage point(s) on each and all lanes of traffic on the same side of the street, avenue, road, or highway as the gas station at the following minimum distances measured from the gas station entrance which is the closest to approaching motor vehicles on the abutting street, avenue, road, or highway, and from the point on said gas station entrance which is closest to approaching motor vehicles on the abutting street, avenue, road, or highway:

   TABLE B

|  |  |
| --- | --- |
| *Maximum Legal  Speed Limit of  Abutting Street,  Avenue, Road,  or Highway  (miles per hour)* | *Required*  Minimum Visibility and Legibility Distances *(feet)* |
| [30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE) (44 feet per second) | 295 |
| 35 (51 feet per second) | 342 |
| 40 (59 feet per second) | 395 |
| 45 (66 feet per second) | 442 |
| 50 (74 feet per second) | 496 |
| 55 (81 feet per second) | 543 |

No such person, partnership, firm, corporation, or other legal entity operating a gas station shall be deemed in violation of the minimum required distances for visibility aforesaid if an object, not on the premises of the particular gas station, obstructs the view of the sign(s) by approaching motor vehicles on the abutting street, road, avenue, or highway;

(8) Letters and numerals on such signs shall conform to the height, width, and spacing standards for Series C, Series D, or Series E contained in the latest edition of *Standard Alphabets for Highway Signs,* published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety:

 TABLE C

REQUIRED LETTER/NUMBER SIZES PER SPEED LIMIT  
AND MINIMUM VISIBILITY DISTANCES

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Maximum Legal Speed Limit of Abutting Street,  Avenue, Road,  or Highway (miles per hour) | Required Minimum Visibility and Legibility Distances (feet) | Required Number/Letter Sizes (inches)   Series C     Series D     Series E | | |
| [30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE) (44 feet per second) | 295 | 7 | 6 | 6 |
| 35 (51 feet per second) | 342 | 9 | 7 | 6 |
| 40 (59 feet per second) | 395 | 10 | 8 | 7 |
| 45 (66 feet per second) | 442 | [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO) | 9 | 8 |
| 50 (74 feet per second) | 496 | 12 | 10 | 9 |
| 55 (81 feet per second) | 543 | [13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX) | [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO) | 10 |

 TABLE C-1

LETTER/NUMBER SIZE VISIBILITY CHART

|  |  |  |  |
| --- | --- | --- | --- |
| *Letter Size*   (inches) | Visibility Distance (feet)  Series C     Series D     *Series E* | | |
| 4 | 168 | 200 | 232 |
| 5 | 210 | 250 | 290 |
| 6 | 252 | 300 | 348 |
| 7 | 294 | 350 | 406 |
| 8 | 336 | 400 | 464 |
| 9 | 378 | 450 | 522 |
| 10 | 420 | 500 | 580 |
| [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO) | 462 | 550 | 638 |
| 12 | 504 | 600 | 696 |
| [13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX) | 546 | 650 | 754 |
| [14](../level2/PTIIICOOR_CH14FIPR.docx#PTIIICOOR_CH14FIPR) | 588 | 700 | 812 |

*Diagram and example:*

[where:]

A is entrance closest to approaching motor vehicles

B is entrance or exit

Q and R are fuel-dispensing devices

X is point on entrance which is closest to approaching motor vehicles

Y is detached point-of-sale sign

Distance between points X and Y is 40 feet

*Analysis:* If sign Y were located at point X, Series C 12″, or Series D 10″, or Series E 9″ is permissible. If sign Y were at point on diagram 40 feet further from point X, 496′ + 40′ = 536′, then Series C 13″, or Series D 11″, or Series E 10″ is permissible.

(9) Periods and decimal points, if any, on such signs shall be the following diameters in inches:

TABLE D

REQUIRED DIAMETERS FOR  
DECIMAL POINTS AND PERIODS

|  |  |
| --- | --- |
| *Per-Letter Size for*   Series C, D or E *(inches)* | *Diameter for Decimal*  Points and Periods *(inches)* |
| 6 | 111/32 |
| 7 | 15/8 |
| 8 | 17/8 |
| 9 | 21/8 |
| 10 | 23/8 |
| [11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO) | 23/8 |
| [12](../level2/PTIIICOOR_CH12EL.docx#PTIIICOOR_CH12EL) | 23/8 |
| [13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX) | 3 |

(c) Every person, partnership, firm, corporation, or other legal entity operating a gas station and selling or offering to sell at such gas station's motor vehicle fuel-dispensing devices any kind of motor vehicle fuel(s) upon a condition(s) of sale or at a price which differs from the condition(s) of sale or the price displayed on the sign required by [Section 8A-4](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4GAPRSIEQGE)(a) and (b) shall be required publicly and continuously to display a supplemental sign on the top of each such motor vehicle fuel-dispensing device which shall conform to the following requirements:

(1) The supplemental sign shall display the price per gallon to the nearest one-tenth (0.1) of a cent, inclusive of all taxes, for the kind of motor vehicle fuel available for sale at the particular motor vehicle fuel-dispensing device if the price displayed within or upon the motor vehicle fuel-dispensing device differs from the price displayed on the sign required by [Section 8A-4](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4GAPRSIEQGE)(a) and (b).

(2) The supplemental sign shall display any conditions of sale to obtain the kind of motor vehicle fuel at the particular motor vehicle fuel-dispensing device which differ from the conditions of sale displayed on the sign required by [Section 8A-4](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4GAPRSIEQGE)(a) and (b) for that kind of motor vehicle fuel, e.g., "cash" price, "credit card" price, "self-service" price, "full-service" price, etc.

(3) The supplemental sign shall be displayed on top of the motor vehicle fuel-dispensing device so that the information on the supplemental sign can be read by the operator of a motor vehicle purchasing that particular kind of motor vehicle fuel on the side of the motor vehicle fuel-dispensing device which displays the availability of that kind of motor vehicle fuel.

(4) Arabic numerals shall be used to express the price per gallon, if required, and shall be at least three (3) inches in height and one-half (½) of an inch in width in a color(s) which contrasts with the field of the sign. Periods and decimal points shall be three-quarters of an inch in diameter.

(5) The field of said sign shall be a solid color.

(6) Letters on said sign shall be at least one (1) inch in height and one-quarter (¼) of an inch in width in a color(s) which contrasts with the field of the sign. Periods and decimal points shall be at least one-quarter (¼) of an inch in diameter.

(d) The provisions of Sections [8A-4](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4GAPRSIEQGE) and [8A-4.1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4.1SAEF) shall be supplemental to the requirements of [Section 8A-81](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-81GEPODUDI) of the Code of Miami-Dade County, Florida, and Section 5F-1.04 of the Florida Administrative Code.

(e) Municipal sign ordinances regulating the size, location, style, or content of signs shall prevail in the event of conflict with Sections [8A-4](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4GAPRSIEQGE) and [8A-4.1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4.1SAEF)

(f) All such signs must comply with the requirements of the *South Florida Building Code.*

(g) All signs displayed on top of the pump or other motor vehicle fuel-dispensing device shall be exempt from all zoning and permit requirements of this Code.

(h) All signs displayed as part of a permitted detached point-of-sale sign shall be exempt from all zoning and permit requirements of this Code. However, this provision shall not be construed to authorize any more detached point-of-sale signs than otherwise authorized by this Code.

(i) The provisions of Sections [8A-4](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4GAPRSIEQGE) and [8A-4.1](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-4.1SAEF) shall be enforced by the Miami-Dade County Consumer Protection Division in the incorporated and unincorporated areas of Miami-Dade County.

(j) Violations of this section shall be punishable by a fine not to exceed two hundred and fifty dollars ($250.00) or by imprisonment in the County Jail for a period not to exceed thirty (30) days or by both. Each day during any portion of which a violation occurs constitutes a separate offense.

(k) The Director of the Miami-Dade County Consumer Protection Division may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this section or any lawful order of the Director of the Miami-Dade County Consumer Protection Division to enjoin any violation of this section. The court may award reasonable costs for investigation, enforcement, and litigation to the Director of the Miami-Dade County Consumer Protection Division in any civil action authorized herein.

(l) Every person, partnership, firm, corporation or other legal entity operating a device dispensing fuel for motorboats at a marina shall publicly and continuously display on the top of each such device dispensing said fuel a sign which shall be visible to motorboat traffic in the water and which shall conform to the following requirements:

(1) The sign shall clearly and legibly state the kinds of motorboat fuel available for sale at the particular dispensing device and the minimum retail price per gallon to the nearest one-tenth (0.1) of a cent, inclusive of all taxes, for each kind of motorboat fuel available for sale at the particular dispensing device. Each kind of motorboat fuel shall be positioned on the sign so as to be adjacent to the minimum retail price for the particular kind of motorboat fuel.

(2) Arabic numerals shall be used to express the minimum retail price per gallon.

(3) Arabic numerals, letters, periods and decimal points on said signs shall be on a solid field.

(4) Letters and arabic numerals on said signs shall be at least six (6) inches in height and three-quarters of an inch in width.

(5) The colors of the arabic numerals, letters, periods and decimal points shall contrast with the field of the sign.

(6) Periods and decimal points shall be one and eleven-thirty-seconds (111/32) inches in diameter.

(Ord. No. 80-15, § 1, 3-4-80; Ord. No. 80-97, § 1, 9-16-80; Ord. No. 81-8, § 1, 2-3-81; Ord. No. 83-84, § 1, 9-20-83; Ord. No. 83-107, § 1, 11-15-83; Ord. No. 84-38, § 1, 5-15-84)

Sec. 8A-4.1. Same—Definitions.

(a) *Motor vehicle* is defined herein as that term is defined in Florida Statutes, Section 320.01(1), as may be amended from time to time.

(b) *Gas station* as used herein as defined as that term is defined in [Section 33-1](../level3/PTIIICOOR_CH33ZO_ARTIINGE.docx#PTIIICOOR_CH33ZO_ARTIINGE_S33-1DE)(51) of the Code of Miami-Dade County, Florida, as may be amended from time to time.

(c) *Kind of motor vehicle fuel* shall mean the nature of the fuel; e.g., leaded, regular, unleaded, premium unleaded, premium leaded, super regular, super leaded, super unleaded, gasohol, diesel. "Kind" shall not mean the particular octane rating of the motor vehicle fuel.

(d) *Minimum retail price* shall mean the lowest retail price for a particular kind of motor vehicle fuel actually available for sale to the public at the particular gas station; e.g., lowest available premium unleaded, lowest available regular, etc.

(Ord. No. 80-15, § 2, 3-4-80)

Sec. 8A-5. Prohibition of price gouging during declared state of emergency.

(1) It is prima facie evidence that a price is unconscionable if:

a. The amount charged represents a gross disparity between the price of the commodity or rental or lease of any dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the thirty (30) days immediately prior to a declaration of a state or emergency, and the increase in the amount charged is not attributable to additional casts incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or national or international market trends; or

b. The amount charged grossly exceeds the average price at which the same or similar commodity was readily obtainable in the trade area during the thirty (30) days immediately prior to a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or national or international market trends.

(2) Upon a declaration applicable to any portion of Miami-Dade County of a state of emergency by the Governor, the Mayor, the Board of County Commissioners, the County Manager or Director of the Miami-Dade Police Department, it shall be unlawful for a person or his agent or employee to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to food, water, ice, chemicals, petroleum products, lumber, supplies, services, provisions, or equipment, or any dwelling unit or self-storage facility, that is necessary for consumption or use as a direct result of the emergency. This prohibition shall remain in effect until the declaration expires or is terminated.

(3) A price increase approved by an appropriate government agency shall not be a violation of this section.

(4) This section shall not apply to sales by growers, producers, or processors of raw or processed food products, except for retail sales of such products to the ultimate consumer within the area of the declared state of emergency.

(5) a. Any person or entity who suffers a loss as result of a violation of any provision of this article may, in addition to any other available remedy, recover compensatory damages, attorney's fees and court costs from the person or entity committing the violation.

b. Any person or entity who proves the violation of any provision of this article occurred willfully or in bad faith shall recover from the person or entity committing the violation as compensatory damages three-fold the actual damages sustained or two hundred dollars ($200.00), whichever is greater, in addition to any other recovery available under law of this article.

(6) In addition to the remedies elsewhere provided in this article, the County Manager or his or her designee shall have the authority to institute a civil action in a court of competent jurisdiction: (i) to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of this [Section 8A-5](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-5PRPRGODUDESTEM); (ii) to impose and recover a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) for each violation of this [Section 8A-5](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-5PRPRGODUDESTEM); and (iii) to recover any sums and costs expended by the county in tracing, investigating, preventing, controlling, abating or remedying violation of this [Section 8A-5](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-5PRPRGODUDESTEM). Each day during any portion of which such violation occurs constitutes a separate violation. In any such action in which the county prevails the court shall award the county reasonable attorney's fees.

(7) The County Manager or his or her designee shall have the power to investigate compliance with the requirements of this [Section 8A-5](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-5PRPRGODUDESTEM) and incident thereto may subpoena witnesses, administer oaths and require the production of records.

(8) In addition to the remedies elsewhere provided in this article, any person found guilty of violating any provision of this [Section 8A-5](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-5PRPRGODUDESTEM) may be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment in the county jail for a period not to exceed sixty (60) days, or both.

(Ord. No. 92-89, § 2, 8-27-92; Ord. No. 95-187, § 1, 10-17-95; Ord. No. 01-179, § 1, 11-6-01)

Sec. 8A-6. Disclosure requirements for retail shutter sales.

(a) It shall be an unlawful business activity and a deceptive trade practice for any vendor, contractor, material supplier, individual, business association, corporation or firm to sell or offer for sale at retail shutters without making the disclosure required in this section. For purposes of this section, shutters shall mean shutters intended to protect the exterior windows and other openings of a structure in the event of a hurricane or other storm, and which have not been approved by the Office of Building Code Compliance of Miami-Dade County as having complied with the wind load tests enacted pursuant to Ordinance 93-14, as amended, and impact tests enacted pursuant to Ordinance Number 93-141, as amended.

(b) Any and all establishments where shutters are sold or offered for sale at retail shall publicly and continuously display and maintain on the premises of such establishment, within one hundred (100) feet of the area where the shutters are being sold or offered for sale at retail, a clear and legible sign stating:

CERTAIN LAWS HAVE BEEN ENACTED SUBJECTING SHUTTERS TO IMPACT AND WIND LOAD REQUIREMENTS. THESE LAWS BECOME EFFECTIVE ON SEPTEMBER 1, 1994. SOME OR ALL OF THE SHUTTERS OFFERED FOR SALE AND WHICH YOU MAY BE PURCHASING MAY NOT SATISFY THOSE REQUIREMENTS. THE INSTALLATION OF SHUTTERS REQUIRES A PERMIT FROM YOUR BUILDING DEPARTMENT. IF YOU HAVE ANY QUESTIONS CONTACT YOUR BUILDING DEPARTMENT.

SE HAN PROMULGADO CIERTAS LEYES SOMETIENDO A LAS CONTRAVENTANAS (SHUTTERS) A REQUERIMIENTOS DE IMPACTO Y DE VELOCIDAD DE VIENTO QUE ENTRARAN EN VIGOR EL PRIMERO DE SEPTIEMBRE DE 1994. ES POSIBLE QUE ALGUNAS O TODAS LAS CONTRAVENTANAS QUE ESTEN A LA VENTA Y QUE USTED DESEE COMPRAR NO SATISFAGAN ESTOS REQUERIMIENTOS. LA INSTALACION DE CONTRAVENTANAS REQUIERE UN PERMISO DE SU DEPARTAMENTO DE CONSTRUCCION. SI TIENE ALGUNA PREGUNTA, POR FAVOR COMUNIQUESE CON SU DEPARTAMENTO DE CONSTRUCCION.

GEN SETEN LWA KI PASE KI MANDE KE YO TESTE TOUT PARAVAN KONT CHOK AK KONT GWO FOS VAN. LWA SA-YO AP EFEKTIV A PATI LER SEPTAM 1994. GEN SETEN PARAVAN OUSNON TOUT PARAVAN KI DISPONIB SOU MACHE-A KE OU TA VLE ACHETE KAPAB PA REPONN A EKZIJANS LWA-SA YO. TOUT INSTALAYSON PARAVAN EKZIJE YOUN PEMI DEPATMAN KI OKIPE AFE KONSTRIKSYON. SI OU GEN YOUN KESYON SOU ZAFE-SA-A, KONTAKTE BIWO DEPATMAN-AN KI NAN ZON LAKAY-OU.

(c) Any proposed contract for the retail sale of a shutter shall contain or be accompanied by a disclosure document which contains the disclosure language set forth in subsection (b) above.

(d) Shutters which have not met the impact and wind load tests shall be separately identified as not having satisfied those tests by a sign displayed prominently and continuously within one hundred (100) feet of the area where being sold and offered for sale at retail. Such sign shall also identify which products offered for sale, if any, have satisfied the impact and wind load tests. Any product sold which satisfies the impact and wind load tests shall be accompanied by a copy of the letter of acceptance from the Office of Building Code Compliance certifying the product's compliance.

(e) The County Manager or his designee may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this section. The court may award to Miami-Dade County reasonable costs for investigation, enforcement, and attorneys' fees in any civil action authorized herein.

(Ord. No. 94-81, § 1, 5-5-94; Ord. No. 94-102, § 1, 5-17-94; Ord. No. 94-145, § 1, 7-14-94)

Sec. 8A-7. Prohibition of solicitation of motor vehicle repair work near State of Florida motor vehicle inspection stations.

(a) It shall be unlawful for any person to offer to perform or solicit motor vehicle repair work as defined in [Section 8A-161.1](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.1DE)(ee) of this Code if said solicitation or offer occurs within one thousand (1,000) yards of any State of Florida Motor Vehicle Inspection Station located anywhere in Miami-Dade County, Florida, measured by following a straight line from the nearest point of the State of Florida Motor Vehicle Inspection Station property, on any public road or public right-of-way as defined by F.S. § 334.03(22) and (23), as same may be amended from time to time. This provision shall not apply to any business possessing a current occupational license.

(b) If any person violates any of the provisions of this section, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court. Each day of continued violation shall be considered as a separate offense.

(Ord. No. 98-17, § 1, 2-3-98)

Sec. 8A-8. Title.

Sections [8A-8](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-8TI)—8A-8.4 shall be known and may be cited as the "Merchandising of Tobacco Products Including Flavored Tobacco Products Ordinance."

(Ord. No. 02-20, § 1, 1-29-02; Ord. No. 13-07, § 1, 1-23-13)

Sec. 8A-8.1. Intent.

Sections [8A-8](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-8TI)—8A-8.4 is intended to prevent the sale to and possession of tobacco products including flavored tobacco products of all types, including, but not limited to, flavored tobacco products that resemble candy, such as pellets, film strips and twisted sticks, by persons under the age of 18 by regulating the placement of such products. Sections [8A-8](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-8TI)—8A-8.4 shall not be interpreted or construed to prohibit the sale or delivery of tobacco products including flavored tobacco products, which are otherwise lawful or regulated pursuant to Chapter 569, Florida Statutes.

(Ord. No. 02-20, § 1, 1-29-02; Ord. No. 13-07, § 1, 1-23-13)

Sec. 8A-8.2. Definitions.

For the purpose of Sections [8A-8](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-8TI)—8A-8.4, the following definitions shall apply:

(a) *Business* means any sole proprietorship, joint venture, corporation or other business formed for profit making or non-profit purposes in both the incorporated and unincorporated areas of Miami-Dade County, including retail establishments where goods or services are sold.

(b) *Characterizing flavor* means a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

(c) *Component part* means any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

(d) *Constituent* means any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product. Such term shall include a smoke constituent.

(e) *Flavored tobacco product* means any tobacco product or any component part thereof that contains a constituent that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

(f) *Person* means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or other legal entity.

(g) *Self-service merchandising* means the open display of tobacco products to which the public has access without the intervention of the vendors, store owner, or other store employee.

(h) *Smoke constituent* means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

(i) *Tobacco products* means any substance which contains tobacco, including, but not limited to, cigars, chewing tobacco, pellets, film strips, twisted sticks, other forms designed to look like candy, loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing, or chewing.

(j) *Tobacco retailer* means any person or business that operates a store, stand, booth, concession, or other place at which sales of tobacco products are made to purchasers for consumption or use.

(k) *Vendor-assisted* means the customer has no access to tobacco produces without the assistance of the vendor, store owner, or other store employee.

(Ord. No. 02-20, § 1, 1-29-02; Ord. No. 13-07, § 1, 1-23-13)

Sec. 8A-8.3. Self-service merchandising prohibited.

No person, business, tobacco retailer, or other establishment subject to Sections [8A-8](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-8TI)—8A-8.4 shall sell, permit to be sold, offer for sale, or display for sale any tobacco products or any flavored tobacco product by means of self-service merchandising or any other means other than vendor-assisted sales unless access to the premises by persons under the age of eighteen (18) is prohibited by the person, business, tobacco retailer, or other establishment or prohibited by law.

(Ord. No. 02-20, § 1, 1-29-02; Ord. No. 13-07, § 1, 1-23-13)

Sec. 8A-8.4. Application and enforcement.

This section shall be applicable in incorporated and unincorporated areas of Miami-Dade County, with the enforcement of the provisions of Sections [8A-8](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-8TI)—8A-8.4 being the responsibility of Miami-Dade County, including the Miami-Dade Police Department and the Regulatory and Economic Resources Department or their successor departments, in the unincorporated area and being the responsibility of the respective municipalities in the incorporated area. In addition to any other penalties provided by law, a violation of any provision of Sections [8A-8](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-8TI)—8A-8.4 shall constitute a civil offense punishable by the applicable civil penalty provided in the schedule of civil penalties pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code and the remedies contained in Article III of [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) of the Code.

(Ord. No. 02-20, § 1, 1-29-02; Ord. No. 13-07, § 1, 1-23-13)

### ARTICLE IA. JUNK DEALERS AND SCRAP METAL PROCESSORS

[Sec. 8A-9. Short Title; Purpose.](#BK_4FD07DCAC8BDA35B8798760DDEB8C35D)

[Sec. 8A-9.1. Definitions.](#BK_AF5BE781C7407760144D005E64800436)

[Sec. 8A-9.2. Recordkeeping.](#BK_CEA36A38428D88244FDB35881E9C34CD)

[Sec. 8A-9.3. Limitation on Cash Transactions for Regulated Metals Property and Prohibitions of Cash Transactions for Restricted Regulated Metals Property.](#BK_B8C32F17C3276E11E9C886E285BC3E0A)

[Sec. 8A-9.4. Restrictions on Purchases.](#BK_8F750FA118E79DF652A04831E981E886)

[Sec. 8A-9.5. Certain acts and practices prohibited.](#BK_C5A88970E9966E787DDE2CF25260D8AC)

[Sec. 8A-9.6. Applicability, enforcement and training.](#BK_3B2FD59312436F1155CDA180EBC15136)

[Sec. 8A-9.7. Penalty.](#BK_3DEE8258CCE39927F308758098AB997F)

[Secs. 8A-10—8A-50. Reserved.](#BK_00FBFE548D0B6294DDA2826EA0DC2E6E)

Sec. 8A-9. Short Title; Purpose.

(1) Sections [8A-9](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9SHTIPU)—8A-9.6 shall be known and may be cited as the "Junk Dealers and Scrap Metal Processors Ordinance".

(2) The purpose of the Junk Dealers and Scrap Metal Processors Ordinance is to protect the public health, safety and welfare by impeding the sale of stolen regulated metals property and thereby deterring the theft of regulated metals property.

(Ord. No. 11-17, § 4, 4-4-11; Ord. No. 13-48, § 1, 6-4-13)

Sec. 8A-9.1. Definitions.

In construing this section, unless the context requires otherwise, the following words or phrases shall mean:

(a) *Ferrous metals* means any metals containing significant quantities of iron or steel.

(b) *Fixed location* means any site occupied by a secondary metals recycler as owner of the site or as lessee of the site under a lease or other rental agreement providing for occupation of the site by the secondary metals recycler for a total duration of not less than 364 days.

(c) *Junk* means old or scrap copper, brass, rags, batteries, paper, trash, rubber, debris, waste, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other scrap ferrous or nonferrous material.

(d) *Junk dealer* means any person who is not a traveling junk dealer within the purview of [Section 8A-204](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-204TRJUDE) or [8A-237.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-237.1TRJUDE) and is engaged in the business of maintaining and operating a junkyard and includes a secondary metals recycler as defined herein.

(e) *Junkyard* means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(f) *Nonferrous metals* means metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof, excluding precious metals such as gold, silver and platinum.

(g) *Person* means any individual, agency, firm, association or corporation.

(h) *Personal identification card* means a valid Florida driver license, Florida identification card issued by the Department of Highway and Safety and Motor Vehicles, an equivalent form of identification issued by another state, a passport, or an employment authorization issued by the United States Bureau of Citizenship and Immigration Services that contains an individual's photograph and current address.

(i) *Purchase transaction* means a transaction in which a junk dealer, scrap metal processor or secondary metals recycler gives consideration for regulated metals property.

(j) *Regulated metals property* means any item composed primarily of any nonferrous metals. The term shall include, without limitation, copper, brass, and bronze pipe, piping and tubing and wire which is or can be used for transmission or distribution in a utility or communications system. The term shall also include stainless steel beer kegs and manholes but shall not include aluminum beverage containers, used beverage containers, or similar beverage containers.

(k) *Restricted regulated metals property* means any regulated metals property listed in [Section 8A-9.4](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.4REPU), the sale of which is restricted as provided in [Section 8A-9.3](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.3LICATRREMEPRPRCATRREREMEPR)

(l) *Scrap metal processing plant* means an establishment or place of business maintaining and operating machinery and equipment used to process scrap iron, steel and other metals to specifications prescribed by, and for sale to, mills and foundries.

(m) *Scrap metal processor* means any person maintaining and operating a scrap metal processing plant and shall include a secondary metals recycler as defined herein.

(n) *Secondary metals recycler* means any person who:

(1) Is engaged, from a fixed location or otherwise, in the business of gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or

(2) Has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof.

(Ord. No. 11-17, § 4, 4-4-11; Ord. No. 13-48, § 1, 6-4-13)

Sec. 8A-9.2. Recordkeeping.

(a) Every person engaging in or operating as a junk dealer or scrap metal processor shall maintain a legible record of all purchase transactions to which such junk dealer or scrap metal processor is a party.

(b) The following information must be maintained on a form approved by the applicable law enforcement agency for each purchase transaction:

(1) The name and address of the junk dealer or scrap metal processor.

(2) The name, initials, or other identification of the individual entering the information on the ticket.

(3) The date and time of the transaction.

(4) The weight, quantity, or volume, and a description of the type of regulated metals property purchased in a purchase transaction. Every scrap metal processor and junk dealer shall further identify the type of regulated metals property using the code of classifications for regulated metals property and restricted regulated metals property provided by the Miami-Dade Police Department.

(5) The amount of consideration given in a purchase transaction for the regulated metals property.

(6) A signed statement from the person delivering the regulated metals property stating that she or he is the rightful owner of, or is entitled to sell, the regulated metals property being sold. If the purchase involves a stainless steel beer keg, the seller must provide written documentation from the manufacturer that the seller is the owner of the stainless steel beer keg or is an employee or agent of the manufacturer.

(7) The distinctive number from the personal identification card of the person delivering the regulated metals property to the junk dealer or scrap metal processor.

(8) A description of the person from whom the regulated metals property were acquired, including:

a. Full name, current residential address, workplace, and home and work phone numbers.

b. Height, weight, date of birth, race, gender, hair color, and any other identifying marks.

c. The right thumbprint, free of smudges and smears.

d. Vehicle description to include the make, model, and tag number of the vehicle and trailer of the person selling the regulated metals property.

e. Any other information required by the form approved by the applicable law enforcement agency.

(9) A photograph, videotape, or digital image of the regulated metals being sold.

(10) A photograph, videotape, or similar likeness of the person receiving consideration in which such person's facial features are clearly visible taken at the time of the purchase transaction.

(c) For the purchase of articles other than regulated metals property, the purchaser shall keep a full and complete record showing from whom and when each article was purchased or acquired and to whom sold and the date of each sale.

(d) The records required to be kept by sub-paragraphs (a), (b) and (c) and Section 538.19, Florida Statutes, shall be maintained by the purchaser on a form approved by the applicable law enforcement agency for a period of not less than five (5) years and shall at all reasonable times be subject to inspection by any local law enforcement officer commissioned in the State and the Miami-Dade Inspector General's Office. Local law enforcement shall implement a regular inspection process of secondary metal recyclers. The process shall include a report being automatically generated and sent to the Florida Department of Revenue for every violation of this ordinance and of Part II of Chapter 538 of the Florida Statutes. The Miami-Dade Police Department shall provide a report annually to the Board of County Commissioners on compliance and enforcement of this ordinance and Part II of Chapter 538 of the Florida Statutes.

(e) If the purchase transaction involves the transfer of regulated metals property from a secondary metals recycler registered with the State to another secondary metals recycler registered with the State, the secondary metals recycler receiving the regulated metals property shall record the name and address of the secondary metals recycler from which it received the regulated metals property in lieu of the requirements of paragraph (b)(8) above.

(f) Every junk dealer and scrap metal processor shall post notice of the prohibition of cash transactions contained in this ordinance and the prohibition of certain acts and practices contained in [section 8A-9.5](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.5CEACPRPR) herein at every junkyard, scrap metal processing plant and any other facility where a junk dealer or scrap metal processor conducts business. The notice shall be in English, Spanish and Creole.

(g) In the event of an emergency or act of God such as a hurricane, every scrap metal processor and junk dealer shall comply with an evacuation order or any other order issued by an authorized official of Miami-Dade County.

(Ord. No. 11-17, § 4, 4-4-11; Ord. No. 13-48, § 1, 6-4-13)

Sec. 8A-9.3. Limitation on Cash Transactions for Regulated Metals Property and Prohibitions of Cash Transactions for Restricted Regulated Metals Property.

(a) Consideration for the purchase of regulated metals property that exceeds $1,000.00 shall be made by check issued to the seller and payable to the seller of the regulated metals property or by a voucher issued to the seller of the regulated metals property which can be used at an on-site electronic device which produces, retains and stores an accounting of all of the information required in [section 8A-9.2](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.2RE)

(b) A junk dealer or scrap metal processor shall not enter into any cash transaction for the purchase of restricted regulated metals property listed in [section 8A-9.4](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.4REPU)

(c) Consideration for the purchase of restricted regulated metals property shall be made by check issued to the seller of the restricted regulated metals property and payable to the seller in accordance with the procedure for payment provided in section 538.235 of the Florida Statutes or by a voucher issued to the seller which can be used at an on-site electronic device which produces, retains and stores an accounting of all of the information required in [Section 8A-9.2](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.2RE)

(Ord. No. 11-17, § 4, 4-4-11; Ord. No. 13-48, § 1, 6-4-13)

Sec. 8A-9.4. Restrictions on Purchases.

A junk dealer or scrap metal processor shall not purchase any of the following items of restricted regulated metals property without obtaining reasonable proof that the seller owns the property (such as a receipt or bill of sale) or reasonable proof that the seller is an employee, agent, or contractor of a governmental entity, utility company, cemetery, railroad, manufacturer, or other person, business or entity owning the property and the seller is authorized to sell the item of restricted regulated metal property on behalf of the person, business, or entity. Reasonable proof of authorization to sell the property includes, but is not limited to, a signed letter on the owner's letterhead, dated no later than 90 days before the sale, authorizing the seller to sell the property. The scrap metal processor or junk dealer shall require reasonable proof of ownership for each individual item of restricted regulated metals property that is offered for purchase.

(a) Manhole cover.

(b) An electric light pole or other utility structure and its fixtures, wires and hardware that are readily identifiable as connected to the utility structure.

(c) A guard rail.

(d) A street sign, traffic sign, or traffic signal and its fixtures and hardware.

(e) Communication, transmission, distribution, and service wire from a utility, including copper or aluminum busbars, connectors and grounding plates or grounding wire.

(f) A funeral marker or funeral vase.

(g) An historical marker.

(h) Railroad equipment, including, but not limited to, a tie plate, signal house, control box, switch plate, E clip, or rail tie junction.

(i) Any metal item that is observably marked upon reasonable inspection with any form of the name, initials, or logo of a governmental entity, utility company, cemetery or railroad.

(j) A copper, aluminum, or aluminum copper condensing or evaporator coil, including its tubing or rods, from an air conditioning or heating unit, excluding coils from window air conditioning or heating units and motor vehicle air-conditioning or heating units.

(k) An aluminum or stainless steel container or bottle designed to hold propane for fueling forklifts.

(l) A stainless steel beer keg.

(m) A catalytic converter or any part of a catalytic converter unless purchased as part of a motor vehicle.

(n) Metallic wire that was burned in whole or in part to remove insulation.

(o) A brass or bronze commercial valves or fittings, referred to as a "fire department connection and control valve" or an "FDC valves" that is commonly used on structures for access to water for the purpose of extinguishing fires.

(p) A brass or bronze commercial potable water backflow preventer valve that is valves commonly used to prevent backflow of potable water from commercial structures into municipal domestic water service systems.

(q) A shopping cart.

(r) A brass water meter.

(s) A storm grate.

(t) A brass or aluminum sprinkler head used in commercial agriculture.

(u) Three (3) or more automotive or marine batteries.

(v) Any battery containing lead larger than five (5) inches and not included in subsection [8A-9.4](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.4REPU)(u).

(Ord. No. 11-17, § 4, 4-4-11; Ord. No. 13-48, § 1, 6-4-13)

Sec. 8A-9.5. Certain acts and practices prohibited.

It is unlawful for a scrap metal processor to do or allow any of the following acts:

(1) Purchase regulated metals property, restricted regulated metals property, or ferrous metals before 7:00 a.m. or after 6:00 p.m. on weekdays, and before 7:00 a.m. or after 3:00 p.m. on Saturdays and anytime on Sundays.

(2) Purchase regulated metals property, restricted regulated metals property, or ferrous metals from any location other than a fixed location.

(3) Purchase regulated metals property from a seller who:

(a) Uses a name other than his or her own name or the registered name of the seller's business;

(b) Is younger than 18 years of age; or

(c) Is visibly or apparently under the influence of drugs or alcohol.

(Ord. No. 13-48, § 1, 6-4-13)

Sec. 8A-9.6. Applicability, enforcement and training.

(a) This ordinance shall apply to and be enforced in both the incorporated areas and unincorporated areas of Miami-Dade County. This ordinance shall not apply to purchases of regulated metals property from sellers exempt pursuant to Section 538.22, Florida Statutes.

(b) Every junk dealer and scrap metal processor shall receive training from the Miami-Dade Police Department on the requirements of the Junk Dealers and Scrap Metal Processors Ordinance and Chapter 538 Part II of the Florida Statutes. The Miami-Dade Police Department shall issue a certificate upon completion of such training. No permit under [Section 15-17](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA_S15-17PEREDESOWAMA) of this Code shall be issued or renewed to a junk dealer or scrap metal processor without providing a certificate of completion of training. Every junk dealer and scrap metal processor owner must receive training. Every junk dealer and scrap metal processor that owns more than one location must have at least one employee from each location receive training. Within thirty (30) days of issuance from the Department of Revenue of a temporary registration or registration renewal, every junk dealer or scrap metal processor shall schedule training with the Miami-Dade Police Department. The junk dealer and scrap metal processor must complete training no later than 60 days from the Department of Revenue's issuance of the temporary registration or registration renewal. The Miami-Dade Police Department shall charge and collect fees for training at the rates established by separate implementing order, which shall not become effective until approved by the Board of County Commissioners.

(Ord. No. 11-17, § 4, 4-4-11; Ord. No. 13-48, § 1, 6-4-13)

Sec. 8A-9.7. Penalty.

Any person violating [Section 8A-9.2](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.2RE), [8A-9.3](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.3LICATRREMEPRPRCATRREREMEPR) or [8A-9.4](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.4REPU) shall, upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment in the County jail for not more than 60 days, or by both such fine and imprisonment. Each violation shall be deemed a separate offense for which a separate fine shall be assessed regardless of whether two or more violations occurred in one transaction. Any person who is convicted of a second or subsequent violation of [Section 8A-9.2](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.2RE), [8A-9.3](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.3LICATRREMEPRPRCATRREREMEPR) or [8A-9.4](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.4REPU) shall, upon conviction, be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment in the County jail not to exceed six (6) months or by both such fine and imprisonment.

Any person who violates or fails to comply with any provision of this ordinance shall also be subject to a fine in the amount of one thousand dollars ($1,000.00) in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) is hereby amended to include such fine. Each item of restricted regulated metals property listed in [Section 8A-9.4](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.4REPU) that a scrap metal processor or junk dealer purchases in violation of this ordinance shall be deemed a separate violation for which a separate fine shall be assessed. The County, in addition to the sanctions contained herein, may take any other appropriate legal action, including, but not limited to emergency prohibitory and mandatory injunctive action, to enforce the provisions of this article.

(Ord. No. 11-17, § 4, 4-4-11; Ord. No. 13-48, § 1, 6-4-13)

Secs. 8A-10—8A-50. Reserved.

### ARTICLE II. BULK SALES OF PLANTS, AVOCADOS, LIMES AND MANGOES [[2]](#BK_7BCB66D673EDD621C478AB91E2A6AA04)

[Sec. 8A-51. Definitions.](#BK_4FD8C87EA8CF732ABA494A2EBC19A27E)

[Sec. 8A-52. Bulk sales, transportation or purchase without certificate, prohibited.](#BK_D35021AAD1E80B20380E807417966EC4)

[Sec. 8A-53. Certificates—Distribution; contents.](#BK_4F7362146396455CC7CAE0D6A3EF93BF)

[Sec. 8A-54. Same—Grower, transporter and purchaser to fill out; certificate to accompany said fruit or plants during transportation; grower, transporter and purchaser to retain copy.](#BK_A26AF9840311BFE4F29B5FA61C9AB053)

[Sec. 8A-55. Exemptions from article provisions.](#BK_EBE40BAB42FD7CADACCBB0589C3A2150)

[Sec. 8A-56. Penalty for violations.](#BK_47DDF146CB59257471469EDDF751587A)

[Sec. 8A-57. Article provisions declared supplemental.](#BK_72B3E5EF723552D75D000ADFF7EE118F)

[Secs. 8A-58—8A-64. Reserved.](#BK_A0E75ECD4E5DD7A7805F2D912C3E3DD4)

Sec. 8A-51. Definitions.

As used in this article:

(a) *Bulk* means six (6) or more plants, or quantities of fruit in excess of one (1) bushel by weight or fifty-five (55) pounds.

(b) *Fruit* means avocados, limes, and mangoes.

(c) *Grower* means any person who grows said plants or fruit for sale in bulk.

(d) *Plants* means trees, shrubs, vines, foliage, buds, bulbs, seeds, and all other plants and plant parts.

(Ord. No. 71-28, § 1, 3-16-71; Ord. No. 90-114, § 1, 10-16-90)

Sec. 8A-52. Bulk sales, transportation or purchase without certificate, prohibited.

It shall be unlawful for any person to sell, transport or purchase said fruit or plants in bulk without completing a certificate as hereinafter provided.

(Ord. No. 71-28, § 1, 3-16-71; Ord. No. 90-114, § 1, 10-16-90)

Sec. 8A-53. Certificates—Distribution; contents.

The Miami-Dade Police Director shall provide and distribute a certificate form, to be completed by growers, transporters and purchasers of said fruit or plants in bulk, which certificate form shall provide for information to be inserted indicating the date of the purchase from the grower, the name and address of the growers, transporters and purchaser, which of the said fruit or plants is sold, the quantity of said fruit or plants, if any, the origin of said fruit or plants and the license tag number of the vehicle, if any, used to transport said fruit or plants from the place of sale by the grower.

(Ord. No. 71-28, § 1, 3-16-71; Ord. No. 90-114, § 1, 10-16-90)

Sec. 8A-54. Same—Grower, transporter and purchaser to fill out; certificate to accompany said fruit or plants during transportation; grower, transporter and purchaser to retain copy.

Every grower, transporter and purchaser of said fruit or plants in bulk shall complete the certificate form provided and distributed by the Miami-Dade Police Director, indicating the date of the purchase from the grower, the name and address of the grower, transporter and purchaser, which of the said fruit or plants is sold, the quantity of said fruit or plants sold, the specific variety of said fruit or plants, if any, the origin of said fruit or plants and the license tag number of the vehicle, if any, used to transport said fruit or plants from the place of sale by the grower. Said certificate shall accompany said fruit or plants during the transportation thereof. Each grower, transporter and purchaser shall retain a carbon copy or duplicate of said completed certificate for a period of sixty (60) days following the date of purchase from the grower.

(Ord. No. 71-28, § 1, 3-16-71; Ord. No. 90-114, § 1, 10-16-90)

Sec. 8A-55. Exemptions from article provisions.

This article shall not apply:

(a) To the transaction of said fruit or plants by the grower prior to sale; or

(b) To avocados and limes after inspection by the Florida State Department of Agriculture when accompanied by a certificate of inspection; or

(c) To the transportation of said fruit or plants by license wholesale produce or nursery dealers; or

(d) To said fruit or plants purchased outside Miami-Dade County, Florida; or

(e) To the transportation of said fruit or plants between two (2) locations at which the transporter or his employer maintain a place of business; or

(f) To persons growing said fruit or plants for personal consumption and not for the purposes of sale; or

(g) To retail sales of said fruit or plants.

(Ord. No. 71-28, § 1, 3-16-71; Ord. No. 90-114, § 1, 10-16-90)

Sec. 8A-56. Penalty for violations.

Any person convicted of violating this article shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

(Ord. No. 71-28, § 1, 3-16-71; Ord. No. 90-114, § 1, 10-16-90)

Sec. 8A-57. Article provisions declared supplemental.

The provisions of this article are not intended to and shall not be construed as changing, modifying, amending, repealing, superseding or conflicting with any provisions or sections of the Florida Statutes, but shall be construed as supplemental and additional thereto and not as a substitute therefor.

(Ord. No. 71-28, § 1, 3-16-71; Ord. No. 90-114, § 1, 10-16-90)

Secs. 8A-58—8A-64. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 66-23, §§ 1—9, enacted June 7, 1966, and effective thirty (30) days thereafter, amended the Code to add the provisions codified as Art. II, §§ 8A-51—8A-59. Ord. No. 71-28, § 1, enacted March 16, 1971 amended the article "to read as follows," replacing §§ 8A-51—8A-59 with §§ 8A-51—8A-57, thereby effecting a total revision of the article. [(Back)](#BK_CB43BC391DFB4AD82E74DF90988E10EC)

**State Law reference—** Florida Avocado, Mango and Lime Sales Law, F.S. § 570.55. [(Back)](#BK_CB43BC391DFB4AD82E74DF90988E10EC)

### ARTICLE III. UNIFORM TRADE STANDARDS [[3]](#BK_D3A045CD2CB0080CB5F873CE2DD85F14)

[DIVISION 1. - IN GENERAL](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE.docx)

[DIVISION 2. - DIRECTOR AND INSPECTORS](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx)

[DIVISION 3. - SALE OF COMMODITIES](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO.docx)

[DIVISION 4. - OFFENSES; PROSECUTION; PENALTIES](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE.docx)

[DIVISION 5. - ADVERTISEMENT AND SALE OF MINI BIKES AND GO-CARTS](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV5ADSAMIBIRT.docx)

[DIVISION 6. - Miami-Dade COUNTY DRYCLEANING AND LAUNDERING ORDINANCE](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV6MIDECODRLAOR.docx)

[DIVISION 7. - MOTOR VEHICLE TITLE LOANS](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO.docx)

FOOTNOTE(S):

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**Editor's note—** Article III, Divisions 1—4, §§ 8A-65—8A-75, 8A-80—8A-90, 8A-93—8A-111, 8A-115—8A-124, are derived from Ord. No. 68-52, §§ 1—50, enacted September 19, 1968, effective October 1, 1968. Section 51 of said ordinance authorized inclusion of the ordinance provisions in this Code subject to renumbering or relettering to conform to the Code format. [(Back)](#BK_163589AB4500D339B984DF2C40C85AB9)

**State Law reference—** Weights and measures, F.S. Ch. 531. [(Back)](#BK_163589AB4500D339B984DF2C40C85AB9)

#### DIVISION 1. IN GENERAL

[Sec. 8A-65. Short title.](#BK_69796EA75F7BEFDB8CA1F8F31E79346C)

[Sec. 8A-66. Declaration of legislative intent.](#BK_75478226DD19E52F060F8D3F45446FF3)

[Sec. 8A-67. Applicability.](#BK_4AB9E0F0DEC650163284D09B69FC1207)

[Sec. 8A-68. Repealing laws in conflict herewith.](#BK_4A1523868A5F9F67F91A9C397639C1AF)

[Sec. 8A-69. Superseding City ordinances and codes and certain County ordinances.](#BK_BEC2782BE8761277B479E951D2348B2A)

[Sec. 8A-70. Definitions.](#BK_7DAC5352394FBC42AB49D20C2E58E550)

[Sec. 8A-71. Definitions of special units of measure.](#BK_E787675D5649AE17BB5A021FCFE0FD31)

[Sec. 8A-72. Systems of weights and measures.](#BK_087EAFA78E4FC1BB9127AF772B1E06EE)

[Sec. 8A-73. Construction of contracts.](#BK_E00250AC2572B7A14EBDDB59FA493491)

[Sec. 8A-74. Field standards and equipment; verification.](#BK_DA6C82467B33711D6FF7D418F2CBECA2)

[Sec. 8A-75. Fair Packaging and Labeling Act, rules adopted.](#BK_606636EF344F4E1A8EE771ED8DF80924)

[Sec. 8A-76. Notice of penalties for removal of shopping carts.](#BK_096F9E78D22949C134FA5FEA41FB2FC3)

[Sec. 8A-76.1. Shopping carts.](#BK_CBF5AB8A697D908F4F94A0BD031825EF)

[Secs. 8A-77—8A-79. Reserved.](#BK_E86BACA33576678EB39E707A8DF6A3A4)

Sec. 8A-65. Short title.

This article shall be designated and cited as the Uniform Trade Standards Ordinance of Miami-Dade County.

(Ord. No. 68-52, 9-19-68)

Sec. 8A-66. Declaration of legislative intent.

The provisions and penalties of this article are supplemental to all other laws and ordinances.

(Ord. No. 68-52, § 48, 9-19-68)

Sec. 8A-67. Applicability.

It is hereby provided that this article shall constitute a uniform law applicable in all the unincorporated and incorporated areas of Miami-Dade County, Florida.

(Ord. No. 68-52, § 45, 9-19-68)

Sec. 8A-68. Repealing laws in conflict herewith.

All municipal charters, municipal ordinances, municipal resolutions, special laws applying to and within this County and general laws applying only to this County, or any general laws applying only to this County, or any general law which this County Commission is specifically authorized by the Home Rule Amendment to the Florida Constitution (Article VIII, Section 11) to supersede, nullify, or amend, or any part of such charters, ordinances, resolutions or laws, in conflict with any provision of this article are hereby repealed.

(Ord. No. 68-52, § 49, 9-19-68)

Sec. 8A-69. Superseding City ordinances and codes and certain County ordinances.

It is further provided that this article shall pertain to all violations hereof within this County and supersedes and nullifies those provisions of any and all municipal ordinances and codes, including those adopted as a County ordinance, which define or penalize any act recognized and declared in this article to be a violation thereof. This article shall not be deemed to supersede or nullify any municipal ordinance imposing additional regulations upon the sale of or advertising of Kosher meats or meat products sanctioned in accordance with Orthodox Hebrew religious requirements.

(Ord. No. 68-52, § 46, 9-19-68)

Sec. 8A-70. Definitions.

When used in this article:

(a) *Person.* The word "person" shall be construed to mean both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies and associations.

(b) *Weight(s) and (or) measure(s).* The words "weight(s) and (or) measure(s)" shall be construed to mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices, except that the term shall not be construed to include meters for the measurement of electricity, gas (natural or manufactured), or water when the same are operated in a public utility system. Such electricity, gas, and water meters are hereby specifically excluded from the purview of this article, and none of the provisions of this article shall be construed to apply to such meters or to any appliances or accessories associated therewith.

(c) *Sell; sale.* The words "sell" and "sale" shall be construed to include barter and exchange.

(d) *Director; Inspector.* The terms "Director" and "Inspector" shall be construed to mean, respectively, the County Manager or his delegate, as Director of Trade Standards and Inspectors of Trade Standards of Miami-Dade County.

(e) *Intrastate commerce.* The term "intrastate commerce" shall be construed to mean any and all commerce or trade that is begun, carried on, and completed wholly within the limits of the State of Florida, and the phrase "introduced into intrastate commerce" shall be construed to define the time and place at which the first sale and delivery of a commodity is made within the State, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.

(f) *Commodity in package form.* The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this article. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or measure, shall be construed to be a commodity in package form.

(g) [*Complete purchase price.*] The term "complete purchase price" shall mean the price paid by the purchaser to the seller at the time of the sale and shall include all charges except taxes levied at the retail level.

(Ord. No. 68-52, § 1, 9-19-68; Ord. No. 85-61, § 1, 9-3-85)

Sec. 8A-71. Definitions of special units of measure.

The term "barrel" when used in connection with fermented liquor, shall mean a unit of thirty-one (31) gallons. The term "ton" shall mean a unit of two thousand (2,000) pounds avoirdupois weight. The term "cord" when used in connection with wood intended for fuel purposes, shall mean the amount of wood that is contained in a space of one hundred twenty-eight (128) cubic feet when the wood is ranked and well stowed.

(Ord. No. 68-52, § 3, 9-19-68)

Sec. 8A-72. Systems of weights and measures.

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one (1) or the other of these systems shall be used for all commercial purposes in Miami-Dade County. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in this County.

(Ord. No. 68-52, § 2, 9-19-68)

Sec. 8A-73. Construction of contracts.

Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in Sections [8A-71](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE_S8A-71DESPUNME) and [8A-72](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE_S8A-72SYWEME) of this article, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.

(Ord. No. 68-52, § 36, 9-19-68)

Sec. 8A-74. Field standards and equipment; verification.

The field standards used by the County shall be verified by the State weights and measures office upon their initial receipt and at least once each two (2) years thereafter.

(Ord. No. 68-52, § 4, 9-19-68)

Sec. 8A-75. Fair Packaging and Labeling Act, rules adopted.

Rules having the force and effect of law as authorized under Sections 4, 5, and 6 of the Fair Packaging and Labeling Act (P.L. 89-755) that supersede State and local laws which are less stringent than or require information different from said act, are hereby adopted by reference as published in the Federal Register as part of this article. No person shall distribute or cause to be distributed, offer for sale or sell, in this County any packaged consumer commodity unless in conformity with the Fair Package and Labeling Act and/or the rules which shall be established by the promulgating authority.

(Ord. No. 68-52, § 16, 9-19-68)

Sec. 8A-76. Notice of penalties for removal of shopping carts.

(a) Shopping cart identification sign required for retail establishments. Every retail sales establishment which utilizes shopping carts, as defined by F.S. § 506.502(10), in the operation of its business shall affix an identification sign on the shopping cart providing the name, address and phone number of the retail establishment.

(b) Every retail sales establishment which utilizes shopping carts, as defined by Florida Statutes, Section 506.501(10), in the operation of its business shall affix the following notice to all such carts which shall be clearly legible in the English, Spanish and Creole languages and shall state the following:

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.

(c) Every owner of a stand-alone retail sales establishment which utilizes shopping carts or owner of a shopping center in which one or more of the retail sales establishments utilizes shopping carts, as defined by Florida Statutes, Section 506.502(10), in the operation of its business shall post signs at the entrance(s) and exit(s) of its parking area(s) which shall be clearly legible in the English, Spanish and Creole languages and which shall provide, in substantial form, the information required in [Section 8A-76](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE_S8A-76NOPERESHCA)(b). As an alternative, universal language signs designed to convey the warning required in [Section 8A-76](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE_S8A-76NOPERESHCA)(b) may be used.

(d) Any establishment desiring an exemption from [Section 8A-76](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE_S8A-76NOPERESHCA)(a), (b) and (c) shall file a petition for exemption and enclose an appropriate application fee to be determined by the County Manager. A petition for an exemption from the requirements of this section may be granted by the Director of the Consumer Services Department to any retail establishment which:

(1) Constructs 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.

(e) Failure to abide by [Section 8A-76](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE_S8A-76NOPERESHCA)(a), (b) or (c) shall constitute a violation and result in a civil penalty as provided in [chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN). Nothing herein shall make illegal the removal of a shopping cart with the consent or permission of the owner of the shopping cart.

(Ord. No. 05-20, § 1, 1-27-05)

Sec. 8A-76.1. Shopping carts.

(a) Procedure for handling identifiable shopping carts found on public property.

(1) Employees and officers of Miami-Dade County shall be deemed agents of Miami-Dade County and any identifiable shopping carts found by them on public property during the course of their official duties shall be reported to the Department of Solid Waste Management. The Department shall collect the shopping carts and place them in storage.

(2) The Director of the Department of Solid Waste Management or his designee shall provide reasonable notice to the owner of the shopping cart as designated on the shopping cart's identification sign to retrieve the property.

(3) The owner of the shopping cart shall have ten (10) days from receipt of the notice to retrieve the property.

(4) If the shopping cart is not claimed by the owner within the time specified in this section or if the Department cannot contact the owner for failure to provide the identification information required under [Section 8A-76](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV1INGE_S8A-76NOPERESHCA) (a) of this Code, the title to such property shall vest in Miami-Dade County and shall be disposed of by the Department.

(b) Procedure for handling unidentifiable shopping carts found on public property. All unidentifiable shopping carts found on public property shall be handled in accordance with F.S. ch. 705, as amended from time to time.

(c) The Department of Solid Waste Management is delegated the authority to enforce this section.

(Ord. No. 97-213, § 1, 12-2-97; Ord. No. 05-20, § 2, 1-27-05)

Secs. 8A-77—8A-79. Reserved.

#### DIVISION 2. DIRECTOR AND INSPECTORS

[Sec. 8A-80. Director of Trade Standards; inspectors.](#BK_E4C80BD2182D70621368230BB7B49E23)

[Sec. 8A-81. General powers and duties of Director.](#BK_6091AC0747F55239D48E000DED2E5A13)

[Sec. 8A-82. Specific powers and duties of Director—Issuance of regulations; testing at County-supported institutions.](#BK_0995FBF3D053196851B7746966CB6301)

[Sec. 8A-82.1. Same—Acceptance of assurances of compliance.](#BK_40D51135E5F142D177C934D5BD0D5C72)

[Sec. 8A-83. Same—General testing.](#BK_3440E0AD08D1B44751A4125B8A7B1B4B)

[Sec. 8A-84. Same—Investigations.](#BK_42FEC73C0C50E0EDF8475EFBA9C6F079)

[Sec. 8A-85. Same—Inspection of packages.](#BK_C212F8327F01799C1B9E127A3DF7FF7C)

[Sec. 8A-86. Same—Stop-use, stop-removal, and removal orders.](#BK_EC65D765844B9B11E8B8AA80060BA77D)

[Sec. 8A-87. Same—Disposition of correct and incorrect apparatus.](#BK_4EDB60DA2AC5784C848FDB7AD43F1D82)

[Sec. 8A-88. Same—Police powers; right of entry and stoppage.](#BK_259A64EFD28A370C11718F23593E0097)

[Sec. 8A-89. Powers and duties of inspectors.](#BK_0908F8EEE2CF2F888FA2B8049DC7B626)

[Sec. 8A-90. Duty of owners of incorrect apparatus.](#BK_5C5987267227C939825F3583714F2542)

[Secs. 8A-91, 8A-92. Reserved.](#BK_CBE0BF2537B8FF762D43711F6AA9BE80)

Sec. 8A-80. Director of Trade Standards; inspectors.

The County Manager is authorized to establish a division or Office of Trade Standards, which shall be operated under his administrative direction, supervision and control. The office may be called the Trade Standards Office or other suitable title, as the Manager may determine. The County Manager shall have power to appoint a Director of Trade Standards and such inspectors and other personnel as necessary to perform the duties prescribed by this article and administrative orders. The Director and his Secretary shall be in the exempt service.

(Ord. No. 68-52, § 5, 9-19-68)

Sec. 8A-81. General powers and duties of Director.

The Director shall have the custody of the County standards of weight and measure and of the other standards and equipment provided for by this article, and shall keep accurate records of the same. The Director shall enforce the provisions of this article. The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44 and supplements thereto or any publication revising or superseding Handbook 44 not in conflict with state regulations, shall be the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices in this County, and are hereby adopted by reference as part of this article in the same manner and to the same effect as if said specifications, tolerances and other technical requirements were set out in full herein. For the purposes of this article, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; other apparatus shall be deemed to be "incorrect." He shall have and keep a general supervision over weights and measures offered for sale, sold, or in use in the County. He shall annually make to the County Manager a report of all the activities of his office.

(Ord. No. 68-52, § 6, 9-19-68)

Sec. 8A-82. Specific powers and duties of Director—Issuance of regulations; testing at County-supported institutions.

(a) *Regulations.* The Director shall issue from time to time reasonable regulations for the enforcement of this article, which regulations shall have the force and effect of law.

(b) *Testing at County-supported institutions.* The Director shall from time to time test all weights and measures used in checking the receipt and disbursement of supplies in every institution for the maintenance of which monies are appropriated by the County Commission, reporting his findings in writing, to the executive officer of the institution concerned.

(Ord. No. 68-52, § 7, 9-19-68)

Sec. 8A-82.1. Same—Acceptance of assurances of compliance.

The Director of the Miami-Dade County Consumer Protection Division may terminate an investigation or an action commenced under any provision of this chapter upon acceptance by the Director of a verified, written assurance, executed by the person or persons who are the subject of the investigation or action, of voluntary compliance with the provisions of this chapter. Acceptance of an assurance by the Director may be conditioned, in the discretion of the Director, upon a verified, written commitment by said person or persons to reimburse consumers, to take other corrective action deemed appropriate by the Director, and to reimburse Miami-Dade County for the costs of investigation, enforcement and litigation. An executed assurance shall not be evidence of a prior violation of this chapter. No such assurance shall act as a limitation upon any action or investigation by the Director of the Miami-Dade County Consumer Protection Division in the enforcement of this chapter, nor shall such assurance act as a limitation upon any action or remedy available to a person aggrieved by a violation of the provisions of this chapter. Each violation of any of the terms and conditions of a verified, written assurance by the person or persons who executed the assurance shall constitute a separate offense under this chapter.

(Ord. No. 83-35, § 1, 6-7-83)

Sec. 8A-83. Same—General testing.

When not otherwise provided by law, the Director shall have the power to inspect and test, and ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. It shall be the duty of the Director, within a twelve-month period, or less frequently if in accordance with a schedule issued by him, and as much oftener as he may deem necessary, to inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or count, or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or count; provided, however, that with respect to single-service devices, that is, devices designed to be used commercially only once and to be then discarded, and with respect to devices uniformly mass-produced, as by means of a mold or die, and are not susceptible of individual adjustment tests may be made on representative samples of such devices; and the lots of which such samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections of and tests on such samples.

(Ord. No. 68-52, § 8, 9-19-68)

Sec. 8A-84. Same—Investigations.

The Director shall investigate complaints made to him concerning violations of the provisions of this article and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this article and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

(Ord. No. 68-52, § 9, 9-19-68)

Sec. 8A-85. Same—Inspection of packages.

The Director shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, or exposed for sale, sold or in the process of delivery, to determine whether the same contain the amounts represented and whether they are kept, offered, or exposed for sale or sold, in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented, or are found to be kept, offered, or exposed for sale in violation of law, the Director may order them off sale and may so mark or tag them as to show them to be illegal. In carrying out the provisions of this section, the Director may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from the representative of such lot. No person shall (1) sell, or keep, or offer, or expose for sale in intrastate commerce any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section unless and until such package or amount of commodity has been brought into full compliance with all legal requirements, or (2) dispose of any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section and that has not been brought into compliance with legal requirements, in any manner except with the specific approval of the Director.

(Ord. No. 68-52, § 10, 9-19-68)

Sec. 8A-86. Same—Stop-use, stop-removal, and removal orders.

The Director shall have the power to issue stop-use orders, stop-removal orders, and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this article he deems it necessary or expedient to issue such orders, and no person shall use, remove from the premises specified, or fail to remove from the premises specified any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section.

(Ord. No. 68-52, § 11, 9-19-68)

Sec. 8A-87. Same—Disposition of correct and incorrect apparatus.

The Director shall approve for use and seal or mark with appropriate devices such weights and measures as he finds upon inspection and test to be correct, and shall reject and mark or tag as "rejected" such weights and measures as he finds, upon inspection or test, to be incorrect, but which in his best judgment are susceptible of satisfactory repair. The Director shall condemn, and may seize and may destroy, weights and measures found to be incorrect that, in his best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and may be destroyed by the Director if not corrected as required by [Section 8A-90](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-90DUOWINAP) of this article or if used or disposed of contrary to the requirements of [Section 8A-90](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-90DUOWINAP) of this article.

(Ord. No. 68-52, § 12, 9-19-68)

Sec. 8A-88. Same—Police powers; right of entry and stoppage.

With respect to the enforcement of this article and any other ordinance or State statute dealing with false advertising, consumer protection, trade standards and weights and measures that he is, or may be, empowered to enforce, the Director of the Miami-Dade Police Department may deputize the Director of the Trade Standards Department and his inspectors. When so deputized the Director is vested with special police powers, and is authorized to arrest any violator of the said ordinances or statutes, and to seize and impound as material evidence, any incorrect or unsealed weights and measures or amounts or packages of commodity used, retained, offered or exposed for sale, or sold in violation of law. In the performance of his official duties, the Director is authorized upon probable cause to enter and go into or upon, any structure or premises, and to stop any violating person and require him to proceed, to such place within the County as the Director or his authorized inspector may specify.

(Ord. No. 68-52, § 13, 9-19-68)

Sec. 8A-89. Powers and duties of inspectors.

The powers and duties given to and imposed upon the Director by Sections [8A-82](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82SPPODUDISSRETECOPPIN) through [8A-88](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-88SAOLPORIENST) and [8A-122](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE_S8A-122PREV) of this article are hereby given to and imposed upon the inspectors also, when acting under the instructions and at the direction of the Director.

(Ord. No. 68-52, § 14, 9-19-68)

Sec. 8A-90. Duty of owners of incorrect apparatus.

Weights and measures that have been rejected under the authority of the Director shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within thirty (30) days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially re-examined and found to be correct or until specific written permission for such use is issued by the rejecting authority.

(Ord. No. 68-52, § 15, 9-19-68)

Secs. 8A-91, 8A-92. Reserved.

#### DIVISION 3. SALE OF COMMODITIES

[Sec. 8A-93. Method of sale of commodities—General.](#BK_DB64461BE36FB016E86700CAADD4E045)

[Sec. 8A-94. Same—Packages; declarations of quantity and origin; variations; exemptions.](#BK_265E6FECBEC5C8680C35EBB0316D1297)

[Sec. 8A-95. Same—Declarations of unit price on random.](#BK_E2C473B70695CDD4A5F9B87051CE3F47)

[Sec. 8A-96. Same—Misleading packages.](#BK_BAA384770BD9104B3AB38195374597E0)

[Sec. 8A-97. Same—Advertising packages for sale.](#BK_197B37F23ADD1B0410F5B66303F8A30D)

[Sec. 8A-98. Same—Packages and labeling, requirements, variations generally.](#BK_0D83BD6A65F31E9B1820202C5927D4EE)

[Sec. 8A-98.1. Perishable food packaged for sale to be labeled with terminal shelf life date; definitions; promulgation of rules and regulations.](#BK_9D7DBCCC08A6468F2A2CD7A6FE16BA71)

[Sec. 8A-98.2. Sale of certain meats, poultry, fish or seafood prohibited unless packaged in transparent containers.](#BK_50CC0257085CDE7EDC6C33F625BC5A59)

[Sec. 8A-99. Sale by net weight.](#BK_36E8CC62A3BEC35BC3060C3D49E89520)

[Sec. 8A-100. Meat, poultry, and seafood.](#BK_74F547512C81BF3C504FC798B3A990E9)

[Sec. 8A-101. Bread.](#BK_44F645910D87AE952C59CF4774012891)

[Sec. 8A-102. Butter, oleomargarine and margarine.](#BK_547D2C25FC7D1248A1162057482C8F14)

[Sec. 8A-103. Fluid dairy products.](#BK_EE0A9C753DA5B3BB6EF12E4E6BF328EC)

[Sec. 8A-104. Flour, corn meal and hominy grits.](#BK_974D62DE912A3829D85C13E1B080CA89)

[Sec. 8A-105. Bulk deliveries sold in terms of weight and delivered by vehicle.](#BK_90BD4A5A4E05BF1EB19E75585D182C85)

[Sec. 8A-106. Furnace and stove oil.](#BK_5C362DA93825B043899E3D9D52B5DF75)

[Sec. 8A-107. Berries and small fruits.](#BK_83FF5616D67297AAFFF2B7282AA04308)

[Sec. 8A-108. Misleading advertisements prohibited.](#BK_335A01FF1CFAC25FEFBA4C40E43C95BC)

[Sec. 8A-109. Advertising meats for sale.](#BK_95F5C75F633A4AD6D71106A7BFDB7823)

[Sec. 8A-110. Complete price; representations; official terms.](#BK_73C5DEB7CB76BB28CC3CBD1B3F99FCAB)

[Sec. 8A-110.1. Tipping policies.](#BK_0E98CF7B45B9DA5958DCE5683002B0CA)

[Sec. 8A-111. Misrepresentation of price.](#BK_B6A55FE086D5F77212C92135AE26BFA0)

[Sec. 8A-111.1. Obstruction of price screen.](#BK_C558F64F65FB4876EE3A1419F8153E6B)

[Sec. 8A-112. Scales for checkweighing of prepackaged commodities required.](#BK_7F90DA5F987176A747EE17364335C670)

[Sec. 8A-113. Deceptive trade practices.](#BK_4FC2B3A77BD2AE043F9805732CCAE297)

[Sec. 8A-113.1. Negative option marketing programs.](#BK_9CB3B94B9923FBD7BC1C6424A632B696)

[Sec. 8A-114. Baby diaper-changing accommodations.](#BK_C69968BE07122595691D286F3975D88F)

Sec. 8A-93. Method of sale of commodities—General.

Commodities in liquid form shall be sold only by liquid measure or by weight, and except as otherwise provided in this article, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count; provided, that liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold; and provided further that the provisions of this section shall not apply (1) to commodities when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to commodities in containers standardized by a law of the state or by federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer when sold by cubic measure.

(Ord. No. 68-52, § 17, 9-19-68)

Sec. 8A-94. Same—Packages; declarations of quantity and origin; variations; exemptions.

Except as otherwise provided in this article, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container, (2) the net quantity of the contents in terms of weight, measure, or count, and (3) in the case of any package kept, offered, or exposed for sale, or sold any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor; provided that in connection with the declaration required under clause (2), neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in a package shall be used.

(Ord. No. 68-52, § 18, 9-19-68)

Sec. 8A-95. Same—Declarations of unit price on random.

In addition to the declarations required by [Section 8A-94](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO_S8A-94SAACDEQUORVAEX) of this article, any commodity in package form, the package being one (1) of a lot containing random weights, measures, or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weights, measure, or count.

(Ord. No. 68-52, § 19, 9-19-68)

Sec. 8A-96. Same—Misleading packages.

No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled, as to mislead the purchaser as to quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the Director.

(Ord. No. 68-52, § 20, 9-19-68)

Sec. 8A-97. Same—Advertising packages for sale.

Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package; provided that where the law or regulation requires a dual declaration of net quantity to appear on the package, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure (the declaration that is required to appear first and without parentheses on the package) need appear in the advertisement; and provided further that there shall not be included as part of the declaration required under this section such qualifying terms as "when packed," "minimum," "not less than" or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example "jumbo," "giant," "full", and the like) that tends to exaggerate the amount of commodity in the package.

(Ord. No. 68-52, § 21, 9-19-68)

Sec. 8A-98. Same—Packages and labeling, requirements, variations generally.

Packaging and labeling regulations adopted by the National Conference on Weights and Measures, sponsored by the National Bureau of Standards, may be promulgated by the Director upon filing such regulations with the Clerk of the Board of County Commissioners, which regulations shall thereafter have the force and effect of law.

(Ord. No. 68-52, § 22, 9-19-68)

Sec. 8A-98.1. Perishable food packaged for sale to be labeled with terminal shelf life date; definitions; promulgation of rules and regulations.

(a) It shall be unlawful for any perishable food, as defined below, to be packaged for sale, unless the packager thereof causes to be stamped, printed or otherwise conspicuously marked on its container or any label affixed thereto a clearly specified, uncoded, calendar date which shall be the terminal shelf life date of the food.

(b) The following definitions shall apply whenever the term is used in this section:

(1) *Calendar date* shall mean the month and day of the month.

(2) *Marked* shall mean stamped, printed or otherwise conspicuously marked on its container or any label affixed thereto.

(3) *Perishable food* shall mean fresh packaged perishable meat, poultry, fish, and dairy products, excluding canned, frozen or vacuum packaged products.

(c) The Director of the Consumer Protection Division, in consultation with the Miami-Dade County Health Department and the effected industry, shall have the authority to promulgate rules and regulations not inconsistent with the ordinance for the determination of the terminal shelf life date for individual food products, which rules and regulations, when approved by the County Commission is provided in subsection (e) below, shall have the force and effect of law in the County.

(d) Notice of such rules and regulations and all proposed changes thereto shall be published once in a newspaper of general circulation in Miami-Dade County at least thirty (30) days before the County Commission meeting at which they are to be considered. Said notice shall be sufficient if made in substantially the following form:

"Notice is hereby given that the Director of the Consumer Protection Division proposes rules and regulations relating to the shelf life dating of perishable foods, pursuant to Ordinance No. 71-80. In general, the proposed rules and regulations provide … [the dots represent a general description of the proposed rules and regulations]. A complete copy of the proposed rules and regulations is available upon request from the Miami-Dade County Consumer Protection Division. A public hearing will be held to consider any rules and regulations."

In addition, the notice shall state the address and telephone number of the Consumer Protection Division.

(e) Rules and regulations shall be considered by the County Commission at public hearing.

(Ord. No. 71-80, §§ 1—3, 10-5-71; Ord. No. 72-7, § 1, 2-1-72)

Sec. 8A-98.2. Sale of certain meats, poultry, fish or seafood prohibited unless packaged in transparent containers.

(a) It shall be unlawful for any owner, manager, or supervisor of a retail store or any independently operated department thereof to sell or offer or expose for sale, at retail, any prepackaged, unprocessed and untreated fresh meat (exclusive of viscera), poultry, (except poultry or poultry products subject to and not exempted from the application of 21 U.S.C.A. § 451-70, as amended), fish or seafood, unless the package is colorless and transparent on all sides, exclusive of labeling, or unless at least seventy (70) percent of the bottom of said packaging shall be transparent, such transparency to be uniformly distributed to expose the bottom of the meat, poultry, fish or seafood while the top shall be completely visible, exclusive of labeling, which labeling shall not occupy more than ten (10) percent of one (1) side or sides or five (5) square inches, whichever is greater, of the packages whereon such labeling is affixed.

(b) The portion or segment of a product visible in a sealed package or container shall, at the time of packaging, accurately reflect a reasonably true representation of the quality, size and freshness of the total contents.

(Ord. No. 71-95, §§ 1, 2, 12-1-71; Ord. No. 72-38, § 1, 7-5-72; Ord. No. 73-89, § 1, 10-16-73)

Sec. 8A-99. Sale by net weight.

The word "weight" as used in this article in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

(Ord. No. 68-52, § 23, 9-19-68)

Sec. 8A-100. Meat, poultry, and seafood.

Except for immediate consumption on the premises where sold, or as one (1) of several elements comprising a ready-to-eat meat sold as a unit for consumption elsewhere than on the premises where sold, all meat, meat products, poultry (whole or parts), and all seafood except shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight. When meat, poultry, or seafood is combined with or associated with some other food element or elements to form either a distinctive food product or a food combination, such food product or combination shall be offered or exposed for sale and sold by weight, and the quantity representation may be the total weight of the product or combination, and a quantity representation need not be made for each of the several elements of the product or combination.

(Ord. No. 68-52, § 28, 9-19-68)

Sec. 8A-101. Bread.

Each loaf of bread and each unit of a twin or multiple load of bread, made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, shall weigh one-half (½) pound, three-quarter (¾) pound, one (1) pound, one and one-quarter (1¼) pounds, one and one-half (1½) pounds, or a multiple of one (1) pound, avoirdupois weight, within reasonable variation of tolerance that shall be promulgated by regulation by the Director; provided that the provisions of this section shall not apply to biscuits, buns, or rolls, weighing four (4) ounces or less, or to "stale bread" sold and expressly represented at the time of sale as such, or to specialty breads offered for retail sale under refrigeration, or to "fancy breads", such as fruit breads and such other breads as shall be defined as "fancy breads" in rules and regulations promulgated by the Director of the Consumer Protection Division in the manner provided by subsections [8A-98.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO_S8A-98.1PEFOPASABELATESHLIDADEPRRURE)(c), (d) and (e). The marking provisions of [Section 8A-94](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO_S8A-94SAACDEQUORVAEX) shall apply to wrapped and unwrapped, loaves of bread. If the bread is unwrapped, the information required by [Section 8A-94](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO_S8A-94SAACDEQUORVAEX) shall be stated on a label or by pan impression or other mechanical means. Each unwrapped loaf of bread, if labeled, shall have affixed thereon in a conspicuous place, a label of white paper at least one (1) inch square, or if round, at least one (1) inch in diameter, upon which shall be printed the required information in black or blue ink in type. If this information is given by pan impression or other mechanical means, the letters and figures showing the required information shall be plain and legible.

(Ord. No. 68-52, § 29, 9-18-68; Ord. No. 69-24, § 1, 4-1-69; Ord. No. 75-8, § 1, 2-4-75; Ord. No. 91-143, § 1, 12-17-91)

Sec. 8A-102. Butter, oleomargarine and margarine.

Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight and only in units of one-quarter (¼) pound, one-half (½) pound, one (1) pound, or multiples of one (1) pound, avoirdupois weight.

(Ord. No. 68-52, § 30, 9-19-68; Ord. No. 68-80, § 1, 12-17-68)

Sec. 8A-103. Fluid dairy products.

All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of one (1) gill, one-half (½) liquid pint, ten (10) fluid ounces, one (1) liquid pint, one (1) liquid quart, one-half (½) gallon, one (1) gallon, one and one-half (1½) gallons, two and one-half (2½) gallons or multiples of one (1) gallon; provided that packages in units of less than one (1) gill shall be permitted.

(Ord. No. 68-52, § 31, 9-19-68)

Sec. 8A-104. Flour, corn meal and hominy grits.

When in package form, and when packed, kept, offered or exposed for sale or sold, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal, and hominy grits shall be packaged only in units of two (2), five (5), ten (10), twenty-five (25), fifty (50) or one hundred (100) pounds, avoirdupois weight; provided that packages in units of less than two (2) pounds or more than one hundred (100) pounds shall be permitted.

(Ord. No. 68-52, § 32, 9-19-68)

Sec. 8A-105. Bulk deliveries sold in terms of weight and delivered by vehicle.

When a vehicle delivers to an individual purchaser a commodity in bulk, and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated, in ink or other indelible marking equipment, and, in clarity, equal to type or printing: (1) The name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery expressed in pounds, and, if the net weight is derived from determinations of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds. One (1) of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered, on demand, to the Director or the Deputy Inspector, who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser; provided that if the purchaser himself carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him.

(Ord. No. 68-52, § 33, 9-19-68)

Sec. 8A-106. Furnace and stove oil.

All furnace and stove oil shall be sold by liquid measure or by net weight in accordance with the provisions of [Section 8A-93](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO_S8A-93MESACOEN) of this article. In the case of each delivery of liquid fuel not in package form, and in an amount greater than ten (10) gallons in the case of sale by liquid measure or one hundred (100) pounds in the case of sale by weight, there shall be rendered to the purchaser, either (a) at the time of delivery or (b) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink or other indelible substance, there shall be clearly and legibly stated (1) the name and address of the vendor, (2) the name and address of the purchaser, (3) the identity of the type of fuel comprising the delivery, (4) the unit price (that is, the price per gallon or per pound, as the case may be), of the fuel delivered, (5) in the case of sale by liquid measure, the liquid volume of the delivery, together with any meter readings from which such liquid volume has been computed, expressed in terms of the gallons and its binary or decimal subdivisions, and (6) in the case of the sale by weight, the net weight of the delivery, together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.

(Ord. No. 68-52, § 34, 9-19-68)

Sec. 8A-107. Berries and small fruits.

Berries and small fruits shall be offered and exposed for sale and sold by weight, or by measure in open containers having capacities of one-half (½) dry pint, one (1) dry pint, or one (1) dry quart; provided that the marking provisions of [Section 8A-94](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV3SACO_S8A-94SAACDEQUORVAEX) of this article shall not apply to such containers.

(Ord. No. 68-52, § 35, 9-19-68)

Sec. 8A-108. Misleading advertisements prohibited.

(a) It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or any thing of any nature whatsoever, or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this County, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or by any other manner or means whatever, any assertion, representation or statement of fact, concerning such real or personal property or services, professional or otherwise, or concerning any circumstances or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(b) It shall be unlawful by means of exaggerated variations in the comparative size, location or position of letters, figures or other markings or characters on any price tag, sign, posters, notice, display or advertisement or other public representation of any nature whatsoever, to mislead or deceive, or to attempt to mislead or deceive the public, as to the true nature, price, quantity, quality, brand, or character of any goods, wares, merchandise, services, facilities, or accommodations, or as to the nature of, or the reason, if any is offered, for the sale or offering for sale, so being made to the public.

(c) Where the property or services so advertised are available for purchase by the general public, the word "wholesale" or any grouping of words designed to impart a similar meaning as the word "wholesale," shall not be used in the advertisement unless the following words are clearly and prominently displayed: "This offer is available to distributors or dealers only, not to the public."

(d) It shall be unlawful to advertise, or otherwise represent to the public in any manner whatsoever:

(1) A representation of brand, quality, quantity, trade name or other character of any property or services that is untrue or misleading.

(2) A sale or an offer for sale of any property or service which is contingent upon the concurrent purchase of any other property or service, unless clearly spelled out in the advertising.

(3) A rate advertised on the premises of any motel, hotel, apartment, rooming house, or any other room accommodations of any nature or kind whatever if such accommodations are not in fact available at the advertised rate at the time advertised. It is the specific intent of this subsection that such advertised accommodations not be fully occupied and unavailable for rent or lease at the time advertised.

(e) This article does not apply to any publisher of a newspaper, magazine or other publications, or the owner or operator of a radio or television station, or any other owner or operator of a media primarily devoted to advertising, who publishes, broadcasts, or otherwise disseminates an advertisement in good faith without knowledge of its false, deceptive or misleading character.

(Ord. No. 68-52, § 24, 9-19-68; Ord. No. 72-9, § 1, 2-15-72; Ord. No. 72-28, § 1.5, 5-30-72)

Sec. 8A-109. Advertising meats for sale.

Any advertising of the edible part of the muscle of U.S.D.A.-graded beef, veal, calf, lamb, yearling mutton or mutton for sale, whether by means of signs, posters, placards, handbills, newspaper displays, or by any other advertising media, where the price is advertised, shall show the grade marked in accordance with the United States Department of Agriculture official grading standards and any subsequent revisions thereof. When any of the aforesaid portions of meat are advertised with the price thereof and the meat is not U.S.D.A.-graded ("unrolled," "no-rolled") then the advertisement shall clearly disclose the fact that the meat is non-U.S.D.A.-graded by stating: "Not U.S.D.A.-graded." If the aforesaid non-U.S.D.A.-graded meat is imported from outside of the United States of America, then the advertisement shall clearly disclose the fact that the meat is non-U.S.D.A.-graded and imported by stating: "Not U.S.D.A.-graded—Imported." The following are United States Department of Agriculture official grades and marks of said grades:

(1) For beef, veal or calf: (1) U.S. Prime, (2) U.S. Choice, (3) U.S. Good, (4) U.S. Standard, (5) U.S. Commercial, and (6) U.S. Utility.

(2) For lamb, yearling mutton and mutton: (1) U.S. Prime, (2) U.S. Choice, (3) U.S. Good, (4) U. S. Utility, and (5) U.S. Cull.

Grade marks shall be displayed in a plain and conspicuous manner and be no less in size or prominence than any trade or brand names denoting quality. Similarly, meats required hereby to be displayed with the statements "Not U.S.D.A.-graded" or "Not U.S.D.A.-graded—Imported," shall display such statements in a plain and conspicuous manner and be no less in size or prominence than any trade or brand names denoting quality.

All prepackaged individual packages of the aforesaid portions of meat sold or offered for sale shall display by label the prescribed grades and grade marks or, alternatively, either of the following statements: "Not U.S.D.A.-graded" or "Not U.S.D.A.-graded—Imported."

The absence of grade marks on cuts of meat stamped by the U.S. Department of Agriculture in its prescribed manner shall be prima facie evidence of violation of this section.

All grading shall be done by the U.S. Department of Agriculture.

(Ord. No. 68-52, § 27, 9-19-68; Ord. No. 83-36, § 1, 6-7-83)

Sec. 8A-110. Complete price; representations; official terms.

It shall be unlawful to advertise, or otherwise represent to the public in any manner whatsoever:

(a) A price or price reference of a commodity, service or other thing of value unless such price presentation is the complete purchase price. The complete purchase price advertised must be the price most prominently emphasized.

(b) A representation in any manner of brand, quality, quantity, trade name, or other character of any property or service that is untrue or misleading.

(c) Terms such as "Public Notice," "Public Sale," "Ordered Sold," etc., unless there is an official act by a governmental agency concerning the subject of application for such terms.

(d) When an offer is made in an advertisement and there is a contingency, condition or limitation on the offer, such contingency, condition or limitation shall be conspicuously stated in a place contiguous to the complete purchase price quoted.

(Ord. No. 68-52, § 26, 9-19-68; Ord. No. 85-61, § 2, 9-3-85; Ord. No. 88-33, § 1, 5-3-88)

Sec. 8A-110.1. Tipping policies.

(1) *Definitions.*

(a) *Business* shall mean any food service establishment in which tipping ordinarily occurs or which has a tipping policy.

(b) *Permit* shall mean to allow, permit, accept, request or require.

(c) *Status* shall mean the race, color, religion, ancestry, national origin, age, sex, sexual orientation, pregnancy, disability, marital status or familial status of an individual or any person associated with that individual.

(d) *Tip* shall mean any gratuity or service charge associated with a business's provision of any goods or services.

(e) *Tipping* shall mean the custom, policy or practice of permitting tips.

(2) *Nondiscrimination in Tipping.* No business shall permit any tip based upon an individual's status.

(3) *Posting of Tipping Policies.* Each business shall provide notice of (A) whether the business includes an automatic tip in its bill, and if so, the amount or method of calculation of the automatic tip; and (B) the following language: "IT IS ILLEGAL IN MIAMI-DADE COUNTY FOR ANY BUSINESS TO CONDONE IN ANY MANNER TIPPING BASED ON THE RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, AGE, SEX, SEXUAL ORIENTATION, PREGNANCY, DISABILITY, MARITAL STATUS OR FAMILIAL STATUS OF THE PERSON OR PERSONS GIVING OR RECEIVING THE TIP. If you have a complaint, you may call the Miami-Dade County Consumer Services Department Hotline at (305) 375-3677." This notice shall be posted conspicuously, either on a sign or in a statement on the business's menu or price listing in the same form and manner as the other items on the menu or price listing, and written in a legible manner in English, Spanish and Creole.

(4) *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.

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

(Ord. No. 99-163, § 1, 12-7-99)

Sec. 8A-111. Misrepresentation of price.

Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to and of the same general design and style as, and at least one-half (½) the height and width of the numeral representing the whole cents.

(Ord. No. 68-52, § 25, 9-19-68)

Sec. 8A-111.1. Obstruction of price screen.

It shall be unlawful for any person to sell at retail or offer to sell at retail any item or service to any retail customer by utilizing a cash register or similar device when:

(1) The retail customer is within five (5) feet of such register or similar device at the time the retail sale occurs, and

(2) The retail customer's view of the price screen of the cash register or similar device is obstructed in any way at the time the retail sale occurs.

(Ord. No. 94-14, § 1, 1-20-94)

Sec. 8A-112. Scales for checkweighing of prepackaged commodities required.

It shall be unlawful for any person engaged in the business of selling prepackaged meat, poultry, edible fish or produce in package form for retail sale and which is not weighed in the presence of customers to refuse or neglect to provide each retail outlet where said products are sold with a readily accessible price computing scale for customer checkweighing usage or to refuse to reweigh any of the aforesaid commodities in the presence of a prospective customer, when so requested. Decimal pound conversion charts or tables shall be provided where markings on packages are designated in the decimal system showing equivalents of the decimal pound (one hundred (100) divisions) to the customary ounce divisions, reduced to quarter ounce fractions thereof (sixty-four (64) divisions).

(Ord. No. 69-74, § 1, 10-22-69; Ord. No. 85-61, § 3, 9-3-85)

Sec. 8A-113. Deceptive trade practices.

A person engages in a deceptive trade practice when, in the course of his business, vocation, or occupation, he:

(a) Passes off goods or services as those of another;

(b) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(c) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by another;

(d) Uses deceptive representations or designations of geographic origin in connection with goods or services;

(e) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;

(f) Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used of secondhand;

(g) Represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(h) Disparages the goods, services or business of another by false or misleading representation of fact;

(i) Advertises goods or services with intent not to sell them as advertised;

(j) Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(k) Makes false or misleading statements of fact concerning the reasons for, existence of or amounts of price reductions.

(l) Sells, causes to have sold, or promotes the sale of any residential or commercial habitable structure, located in the incorporated or unincorporated areas of Miami-Dade County, the permit for which was applied for after August 24, 1992 and prior to September 1, 1994, without including in the contract for such sale, or in a rider to such contract, and in all pamphlets, fliers, and marketing brochures used to promote the sale of such structures, the following disclosure in not less than ten-point bold-face type:

THIS RESIDENTIAL OR COMMERCIAL HABITABLE STRUCTURE WAS CONSTRUCTED PURSUANT TO A BUILDING PERMIT APPLIED FOR PRIOR TO SEPTEMBER 1, 1994. AS A RESULT, THE CONSTRUCTION OF SUCH STRUCTURE WAS NOT REQUIRED TO MEET CERTAIN POST-HURRICANE ANDREW AMENDMENTS TO THE SOUTH FLORIDA BUILDING CODE. A SUMMARY OF THE SEPTEMBER 1, 1994 AMENDMENTS TO THE SOUTH FLORIDA BUILDING CODE MAY BE OBTAINED FROM THE Miami-Dade COUNTY BUILDING CODE COMPLIANCE OFFICE LOCATED AT 140 W. FLAGLER STREET, SUITE 1603 (PH. 375-2901).

Notwithstanding the foregoing, this subsection shall not apply to: (i) sales of used residential habitable structures owned by individuals where such owners are natural persons not affiliated with any business entity in connection with such sale, or (ii) sales of any residential or commercial habitable structure being constructed pursuant to approved building plans for which a statement of building code compliance has been issued and sealed by a professional engineer or architect stating that such building plans are in compliance with the Post-Andrew Building Code Amendments identified in the following sentence, provided such plans do in fact comply with the Post-Andrew Building Code Amendments. For purposes of this section, Post-Andrew Building Code Amendments shall refer to all building code amendments adopted by Miami-Dade County Ordinance No. 93-141 (impact tests), No. 94-65 (shutters), No. 94-79 (wind load), and No. 94-100 (roofing).

In order to prevail under this section, a complainant need not prove competition between the parties or actual confusion of misunderstanding.

Any person who engages in a deceptive trade practice as defined in this section shall be guilty of a misdemeanor and be punished as specified in [Section 8A-116](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE_S8A-116GEPEVIAR) of the Code of Miami-Dade County, Florida.

(Ord. No. 73-96, § 1, 11-20-73; Ord. No. 95-132, § 1, 7-25-95; Ord. No. 95-196, § 1, 11-7-95)

Note—Ord. No. 95-196, adopted Nov. 7, 1995, amended § 8A-113(l) to read as herein set out. Section 4 of said ordinance enacted sunset provisions which provided as follows: This article shall become effective ten (10) days after the date of enactment and shall sunset five years from the effective date hereof. Upon becoming effective, the exemption contained in Section 8A-113(l)(ii) hereof shall apply retroactively to August 4, 1995, provided, however, that to be eligible for such retroactive application of exemption (ii) a person or entity must meet all of the requirements enumerated in such exemption no later than November 17, 1995, and provided further that such exemption shall not apply retroactively whenever such application would impair or diminish substantial substantive rights, including, without limitation, contract rights or defenses.

Sec. 8A-113.1. Negative option marketing programs.

(1) *Negative option marketing programs restricted.* It shall be unlawful for a person to engage in a negative option marketing program without a written contract with the consumer in which the consumer expressly agrees to participate in the negative option marketing program. No contract provisions binding a consumer to participate in a negative option marketing program shall be valid for a period longer than twenty-four (24) months from the date they were signed by the consumer.

(2) *Definition.* "Negative option marketing program" as used in this section means a contract under which a seller either:

(a) Sends to a consumer an announcement, advertising or notice that:

(i) The supplier proposes to send goods or provide services to the consumer (other than periodic supplements to previously acquired merchandise), and

(ii) The consumer is required to pay for those goods or services unless the consumer affirmatively communicates that the consumer refuses to accept the goods or services; or

(b) Sends to a consumer a notice accompanying goods or services unless the customer affirmatively communicates that the consumer refuses to accept the goods or services.

(3) *Contract provisions.* Any negative option contract without the following provisions shall be unlawful.

(a) *All negative option contracts.* All negative option contracts must advise the consumer that the consumer's future silence in the face of an offer will constitute an acceptance of the offered goods or service. The contract must specify the terms of the negative option including the type of goods or service to be offered; the time period (of not less than ten (10) days) in which the goods or service can be declined; the methods by which the consumer can decline the goods or service; the right of a consumer to withdraw from the negative option at any time; and the method by which the consumer can withdraw from the negative option program.

(b) *Avoiding adhesion contracts.* If the contract contains any provision concerning matters other than the negative option, the negative option provisions of the contract will be invalid unless; (1) they contain all of the terms required in subsection (3)(a); (2) they are printed in type as large as the second largest type used on the contract and under no circumstances less than ten (10) point type; (3) they contain the following language in a separate, blocked section in immediate proximity to the signature line in the largest type used on the contract: "WARNING: IF YOU SIGN THIS CONTRACT, THE COMPANY WILL HAVE THE RIGHT, FOR THE NEXT 24 MONTHS, TO BILL YOU FOR GOODS OR SERVICES THAT YOU DO NOT SPECIFICALLY ORDER, IF YOU FAIL TO RESPOND TO THEIR NOTICES AND DECLINE THE GOODS OR SERVICES WITHIN THE PERIOD PRESCRIBED BY THIS CONTRACT."; (4) they are located together near the warning required in subsection (3)(b)(3); (5) they provide a place next to the negative option provisions on which the consumer can check and initial whether she accepts or rejects the negative option provisions; (6) they provide and state that there is no penalty for declining to participate in the negative option.

(4) *Unordered goods or services.* Any goods or services delivered pursuant to a negative option marketing program that is not in compliance with this section shall be deemed unordered goods or services which the consumer may use or dispose of without any cost or obligation.

(5) *Scope of regulation.* This section will not apply to any type of negative option marketing program which is subject to federal or State regulations or laws when such regulations or laws have the effect of preempting local ordinances. This section shall apply to consumer goods and services that are purchased for personal, home, or residential use.

(6) *Legal effect.* This section shall not be construed to authorize contracts otherwise illegal or to create any contractual obligation or duty on the part of a consumer that does not exist under the common law of contracts of the State of Florida.

(Ord. No. 91-68, § 2, 7-9-91)

Sec. 8A-114. Baby diaper-changing accommodations.

A. *Requirement to provide accommodations.* After the effective date of the ordinance from which this section derives, every new establishment or use as defined herein shall be required to provide baby diaper-changing accommodations in accordance with the requirements of this section. Each such establishment or use shall be required to provide, at each floor level containing restrooms, at least one (1) accommodation that is accessible to women and one (1) that is accessible to men, or a single accommodation accessible to both. Each such establishment shall provide signage indicating the location of the baby diaper-changing accommodations. Any shopping center, mall or other facility encompassing multiple establishments and having a central directory shall indicate on the directory the location of all such accommodations.

B. *Definitions.*

(1) *New establishment or use* under this section shall mean the following establishments or uses that are instituted or substantially modified after the effective date of the ordinance from which this section derives:

(a) Theaters and movie-houses;

(b) Sports arenas, complexes and coliseums;

(c) Stadiums;

(d) Convention centers, auditoriums, cultural complexes and exhibition halls;

(e) Libraries;

(f) Passenger terminals;

(g) Permanent amusement park structures;

(h) Shopping centers of more than 25,000 square feet;

(i) Restaurants with seating capacity of at least fifty (50) seats serving food for consumption on premises, except where there is a centrally located restroom facility with diaper-changing accommodations within 300 feet of the entrance of the restaurant;

(j) Tourist attractions; and

(k) Retail stores in excess of 5,000 square feet in size.

(2) A *new establishment or use* shall be deemed to be instituted on the date a certificate of use and occupancy or comparable certification regarding lawful occupancy is issued, or if the establishment or use has unlawfully failed to obtain such certification prior to occupancy, upon the first date of occupancy for its present use. A new establishment or use shall be deemed to be substantially modified so as to require compliance with this section upon any reconstruction, rehabilitation, addition or other improvement of the existing building or facility occupied by the establishment or use, if such reconstruction, rehabilitation, addition or other improvement requires more than fifty (50) percent of the gross floor area occupied by the establishment or use to be rebuilt. It is provided, however, that no establishment or use shall be deemed to be substantially modified if no structural changes are made to any existing restroom in the building or facility occupied by the establishment or use.

(3) *Baby diaper-changing accommodation* shall mean a safe, sanitary and convenient baby diaper-changing station, deck, table or similar amenity which is installed or placed in a separate, designated location in an establishment or use subject to the provisions of this section. Such accommodations may include, but are not limited to, stations, decks and tables in women's and men's restrooms or unisex/family restrooms.

C. *Exemptions.* A new establishment or use shall not be subject to the provisions of this section if compliance would create a hardship. Under this section, a hardship shall mean that:

(1) No reasonable physical alternative exists for providing baby diaper-changing accommodations; or

(2) The cost of providing such accommodation exceeds ten (10) percent of the cost of constructing, purchase or substantially modifying the building or facility occupied by the establishment or use.

D. *Violation.* Failure to comply with the provisions of this section shall result in a violation subject to the penalties in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of this Code.

(Ord. No. 98-184, § 1, 12-15-98)

#### DIVISION 4. OFFENSES; PROSECUTION; PENALTIES

[Sec. 8A-115. Specific penalties and offenses.](#BK_AF8EAE6F3C0B9A9657F6B339ABCD811C)

[Sec. 8A-116. General penalty for violation of article.](#BK_8C3D3AB46DC30DC28E5D91E8CA32AAFE)

[Sec. 8A-117. Hindering or obstructing officer; penalties.](#BK_82AA52ABD410EB5C46F3394F28A284D8)

[Sec. 8A-118. Impersonation of officer; penalties.](#BK_55FC8735AAE084B060B43CBE8E5F8009)

[Sec. 8A-119. Adoption by reference of certain state misdemeanor statutes.](#BK_39C3313D0359017773D451DB4E39B7F5)

[Sec. 8A-120. Court of appropriate jurisdiction vested with trial jurisdiction.](#BK_28E19596DA2E18AE795F16B318F1D637)

[Sec. 8A-120.1. Reserved.](#BK_545463344F0BF7BCADA57C2EB4D4F379)

[Sec. 8A-121. Summons and complaint.](#BK_85802B1F738805DDE7AEADA3E2197A46)

[Sec. 8A-122. Presumptive evidence.](#BK_4F5EA1032D93330DB12E1A5E4C77BAF8)

[Sec. 8A-123. Validity of prosecutions.](#BK_89A7BA4DA838070B075BB47060CF27C7)

[Sec. 8A-124. Enforcement procedure; remedies; attorneys fees; costs.](#BK_BFE9D13BB545BC859352CB79E97F8BFA)

Sec. 8A-115. Specific penalties and offenses.

Any person who, by himself or by his servant or agent, or as the servant or agent of another person, performs any one (1) of the acts enumerated in subsections (a) through (j) of this section shall be guilty of a violation of this article, and upon a first conviction thereof shall be punished by a fine of not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment in the discretion of the court of appropriate jurisdiction; and upon a second conviction thereof, he shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment in the County Jail for not less than ten (10) days nor more than sixty (60) days or by both such fine and imprisonment in the discretion of the court of appropriate jurisdiction and upon a third conviction, he shall be punished by a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) and by imprisonment in the County Jail for not less than thirty (30) days nor more than one (1) year.

(a) Using, or having in possession for the purpose of using, for any commercial purpose specified in [Section 8A-83](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-83SAENTE), selling, offering or exposing for sale or hire, or having in possession for the purpose of selling or hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure.

(b) Using or having in possession for the purpose of current use, for any commercial purpose specified in [Section 8A-83](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-83SAENTE), a weight or measure that does not bear a seal or mark such as is specified in [Section 8A-87](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-87SAISCOINAP), unless such weight or measure has been exempted from testing by the provisions of [Section 8A-83](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-83SAENTE)

(c) Disposing of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(d) Removing from any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

(e) Selling or offering or exposing for sale, less than the quantity represented of any commodity, thing or service.

(f) Taking more than the quantity represented of any commodity, thing, or service when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.

(g) Keeping for the purpose of sale, advertising or offering or exposing for sale, or selling any commodity, thing, or service in a condition or manner contrary to law or regulation.

(h) Using in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

(i) Packaging for sale perishable food without a label specifying the terminal shelf life date expressed as a calendar date.

(j) Selling or offering or exposing for sale, at retail, any prepackaged, unprocessed or untreated, fresh meat, exclusive of viscera, unless the package is colorless and transparent on all sides, exclusive of labeling, or unless at least seventy (70) percent of said packaging shall be transparent to expose the bottom of the meat while the top shall be completely visible, exclusive of labeling which labeling shall not occupy more than ten (10) percent of one (1) side or sides or five (5) square inches, whichever is greater, of the package whereon such labeling is affixed.

(Ord. No. 68-52, § 39, 9-19-68; Ord. No. 71-80, § 4, 10-5-71; Ord. No. 71-95, § 3, 12-21-71; Ord. No. 72-38, § 2, 7-5-72)

Sec. 8A-116. General penalty for violation of article.

Unless otherwise specifically provided herein, any persons violating any of the provisions of this article shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for a period not to exceed sixty (60) days or by both such fine and imprisonment in the discretion of the court of appropriate jurisdiction.

(Ord. No. 68-52, § 43, 9-19-68)

Sec. 8A-117. Hindering or obstructing officer; penalties.

Any person who shall hinder or obstruct in any way the Director or an inspector in the performance of his official duties shall be guilty of a violation of this article and upon conviction thereof shall be punished by a fine of not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment in the discretion of the court of appropriate jurisdiction.

(Ord. No. 68-52, § 37, 9-19-68)

Sec. 8A-118. Impersonation of officer; penalties.

Any person who shall impersonate in any way the Director or an inspector by the use of his seal or a counterfeit of his seal, or in any other manner, shall be guilty of a violation of this article and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than one (1) year, or by both such fine and imprisonment in the discretion of the court of appropriate jurisdiction.

(Ord. No. 68-52, § 38, 9-19-68)

Sec. 8A-119. Adoption by reference of certain state misdemeanor statutes.

(a) All statutes of the State of Florida defining and prohibiting false advertising and offenses relating to consumer protection, trade standards, and weights and measures, defined by State law as misdemeanors, are adopted and incorporated by reference as part of this article to the same extent and to the same effect as if the provisions of each such statute were set out in full herein defining and prohibiting each such offense against the State to be an act prohibited by or an offense in violation of this article.

(b) All such acts defined as misdemeanors in said State statutes are hereby prohibited and declared to be violations of this article, and any person or corporation shall, upon conviction in the court of appropriate jurisdiction for violation thereof, be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment in the discretion of the court.

(Ord. No. 68-52, § 44, 9-19-68)

Sec. 8A-120. Court of appropriate jurisdiction vested with trial jurisdiction.

(a) All violations of this article shall be prosecuted only in the court of appropriate jurisdiction which shall have original, exclusive jurisdiction to try all cases arising hereunder; provided, however, that where an act is recognized by State law as a misdemeanor and by this article as an offense, complaints against persons charged with such unlawful acts may be filed and prosecuted in the court of appropriate jurisdiction.

(b) When and if any officer of a State agency deems it desirable and in the public interest to prosecute in the court of appropriate jurisdiction violators of State laws, rules and regulations adopted by reference herein, he shall do so with the permission of the prosecuting attorney, and may have summonses or warrants issued as he deems appropriate.

(Ord. No. 68-52, § 47, 9-19-68)

Sec. 8A-120.1. Reserved.

**Editor's note—**

Section 3 of Ord. No. 91-65, adopted June 20, 1991, repealed former [§ 8A-120.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE_S8A-120.1RE), relative to costs, which derived from Ord. No. 81-7, § 1, adopted Feb. 3, 1981.

Sec. 8A-121. Summons and complaint.

This County may provide, in quadruplicate, suitable serial numbered forms of summons and complaint for notifying alleged violators to appear and answer to charges of violating this article. Such forms may be issued to and receipted for by the law enforcement officials. The County Court Clerk shall each month report to the County Court Judges the disposition made by the law enforcement officials of all such forms issued to them. All law enforcement officials making arrests or issuing summons with promise to appear shall use this form.

(Ord. No. 68-52, § 50, 9-19-68)

Sec. 8A-122. Presumptive evidence.

For the purpose of this article proof of the existence of a weight or measure or a weighing or measuring device in or about any building enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand or vehicle.

(Ord. No. 68-52, § 41, 9-19-68)

Sec. 8A-123. Validity of prosecutions.

Prosecutions for violation of any provision of this article are declared to be valid and proper notwithstanding the existence of any other valid general or specific statute of the State or ordinance of this County dealing with matters that may be the same as or similar to those covered by this article.

(Ord. No. 68-52, § 42, 9-19-68)

Sec. 8A-124. Enforcement procedure; remedies; attorneys fees; costs.

(a) It shall be unlawful for any person to violate any of the provisions of Article III, Article XI and Article XIA of this chapter. In addition to any other judicial or administrative remedies provided by law or this chapter, the Director of the Miami-Dade County Consumer Protection Division shall have the following judicial remedies available to enforce the provisions of Article III, Article XI and Article XIA of [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) of the Code of Miami-Dade County, Florida:

(1) The Director may institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of any of the provisions of Article III, Article XI, and Article XIA of [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) of the Code of Miami-Dade County, Florida.

(2) The Director may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) for each violation of the provisions of Article III, Article XI, and Article XIA of [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) of the Code of Miami-Dade County, Florida. Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(3) The Director may institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief:

(i) To recover any sums and costs expended by the Director for tracing, investigating, preventing, controlling, abating or remedying violations of Article III, Article XI, and Article XIA of [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) of the Code of Miami-Dade County, Florida.

(ii) To provide restitution to any consumers injured by any violation of Article III, Article XI, and Article XIA of [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) of the Code of Miami-Dade County, Florida.

(b) Upon the rendition of a judgment or decree by any of the courts of this State against any person and in favor of the Director of the Miami-Dade County Consumer Protection Division under any of the provisions of Article III, Article XI, or Article XIA of this chapter, the trial court, or, in the event of an appeal in which the Director prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this article by the Director. Cessation of any violation of any of the aforesaid provisions of this chapter whatsoever, prior to rendition of a judgment or entry of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the aforesaid provisions of this chapter, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director, for which attorney's fees shall be awarded by the trial court as set forth hereinabove.

(c) All the judicial and administrative remedies in Article III, Article XI, and Article XIA of [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) of the Code of Miami-Dade County, Florida, are independent and cumulative.

(Ord. No. 68-52, § 40, 9-19-68; Ord. No. 91-65, § 4, 6-20-91)

#### DIVISION 5. ADVERTISEMENT AND SALE OF MINI BIKES AND GO-CARTS [[4]](#BK_32A9B3870FA5DFAEAFDC625987195E6E)

[Sec. 8A-124.1. Acts prohibited.](#BK_8128987912212FC4D7867A8F0467CA43)

[Sec. 8A-124.2. Penalty.](#BK_86BB10D414EEBC7BA909A8F997794E75)

[Secs. 8A-124.3, 8A-124.4. Reserved.](#BK_4EB800BD255382EDADB62AA241896A8F)

Sec. 8A-124.1. Acts prohibited.

(a) It shall be unlawful for a seller or distributor of mini bikes, being motor-driven cycles as defined in Section 30-1(22) [now [30-202](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-202DE)(23)], Code of Miami-Dade County, Florida, or go-carts, being motor vehicles as defined in Section 30-1(23) [now [30-202](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-202DE)(21)], Code of Miami-Dade County, Florida, to display or advertise such products misleadingly as to create the impression that such vehicle may be operated at any place within Miami-Dade County, whether or not on private property, by a person who does not have a valid operator's license, or that the vehicle may be operated at any place within Miami-Dade County if the vehicle does not possess the required motor vehicle inspection certificate. All such advertisements or displays shall contain the following words: "It is unlawful to operate this vehicle at any place within Miami-Dade County, whether or not on private property, if the operator does not have a valid operator's license to operate a motor vehicle, as required by Section 30-13 [now [30-213](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-213INDRDRLI)(2)], Code of Miami-Dade County, Florida; if the vehicle does not possess the State inspection certificate, as required by Section 30-119 [now [30-390](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-390INVEREEX)] of the Code of Miami-Dade County, Florida; and it is unlawful to operate this vehicle on any street in the County, if the vehicle is not licensed in accordance with State law; or if the operator is not wearing a safety helmet or shield as required by law."

(b) It shall also be unlawful for any seller of a mini bike or go-cart as defined, or like vehicle, to sell such vehicle without having first obtained a signed statement from the purchaser which includes therein the words: "I have been informed that it is unlawful to operate this vehicle at any place within Miami-Dade County, whether or not on private property, if the operator does not have a valid operator's license to operate a motor vehicle, as required by Section 30-13 [now [30-213](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-213INDRDRLI)(2)], Code of Miami-Dade County, Florida; if the vehicle does not possess the State inspection certificate, as required by Section 30-119 [now [30-390](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-390INVEREEX)] of the Code of Miami-Dade County, Florida; and it is unlawful to operate this vehicle on any street in the County, if the vehicle is not licensed in accordance with State law; or if the operator is not wearing a safety helmet or shield as required by law." This signed statement shall be obtained in duplicate, the seller giving one (1) copy to the purchaser, and retaining the signed original for a period of one (1) year from the date of sale, during which period it shall be made available for inspection on demand to any law enforcement officer of this State.

(Ord. No. 71-39, § 1, 5-4-71)

Sec. 8A-124.2. Penalty.

Violation of any provision of [Section 8A-124.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV5ADSAMIBIRT.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV5ADSAMIBIRT_S8A-124.1ACPR) shall be punishable as provided in [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE).

(Ord. No. 71-39, § 2, 5-4-71)

Secs. 8A-124.3, 8A-124.4. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 71-39, §§ 1 and 2, adopted May 4, 1971, has been included herein as part of Ch. 8A, Art. III at the request of the County. Designation as Div. 5, §§ 8A-124.1 and 8A-124.2 was at the discretion of the editors. [(Back)](#BK_759E5D0C8C1D10497C86BAC15102D608)

#### DIVISION 6. Miami-Dade COUNTY DRYCLEANING AND LAUNDERING ORDINANCE

[Sec. 8A-124.5. Definitions.](#BK_12EE4A2066E9C563FC58E7527764EC81)

[Sec. 8A-124.6. Intent and application.](#BK_17C029DB92C53C7560C48F5FDF2C868C)

[Sec. 8A-124.7. Claims.](#BK_6050C15319967B966E382CF7AE3CBDFC)

[Sec. 8A-124.8. Gender price discrimination forbidden.](#BK_25608960D45E89ABCCE14BADC9DC746E)

[Sec. 8A-124.9. Private cause of action.](#BK_799BA906969F84694F2D41FD7BDD7F57)

[Sec. 8A-124.10. Enforcement procedure; remedies; attorney's fees; costs.](#BK_6A4A238CB58CF5D9917573B353758A22)

[Sec. 8A-124.10.5. Dry cleaning and laundry price sign requirements.](#BK_409C65F02CE7B565BBFCA2DB2C2F294C)

Sec. 8A-124.5. Definitions.

(a) *Article* shall mean Division 6 of Article III of [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) of the Code of Miami-Dade County, Florida, and any rules, regulations and standards promulgated pursuant to this article.

(b) *Customer* shall be a person who inquires about, makes a request for, or purchases cleaning.

(c) *Miami-Dade County* means Miami-Dade County, Florida.

(d) *Cleaner* shall mean any person that is in the business of performing cleaning or presents itself to the public as being in the business of performing cleaning.

(e) *Cleaning* shall mean the cleansing of clothing and other fabrics either with substantially nonaqueous organic solvents, including but not limited to petroleum naptha, or in any other manner.

(f) *Director* shall mean the County Manager or the County Manager's designee. This definition shall apply to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code of Miami-Dade County, Florida, when utilizing the provisions of this article.

(g) *Person* shall mean an individual, partnership, joint venture, association, corporation, trust or any other legal entity.

(h) *Warranty* shall mean an express or implied guarantee provided by a cleaner to a customer with respect to the cleaner's repair, replacement or compensation for defective cleaning.

(Ord. No. 97-14, § 1, 2-25-97)

Sec. 8A-124.6. Intent and application.

(a) The provisions of this article shall be construed liberally to promote the following policies:

(1) To establish the law governing consumer protection for drycleaning and laundering practices within this county.

(2) To address drycleaning and laundering practices in this County in a manner that is not inconsistent with federal law and the laws of this state relating to consumer protection and drycleaning and laundering.

(b) It is the intent of this article to seek to secure the satisfaction and confidence of customers and members of the public when utilizing a cleaner. This article shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effectuate the purposes set forth herein and to protect the public. This article shall be known and cited as the "Miami-Dade County Drycleaning and Laundering Ordinance."

(c) Nothing in this article shall be construed to remove the authority or jurisdiction of any state or local agency with respect to goods or services regulated or controlled under other provisions of law or ordinance.

(d) This article is not applicable to an act or practice required or expressly permitted by federal law or the laws of this state.

(e) The provisions of this article shall be deemed supplemental to all county and municipal ordinances. In the event of a conflict between any of the provisions of this article and any provision of any county or municipal ordinance, the provision which establishes the most stringent standard shall prevail.

(Ord. No. 97-14, § 1, 2-25-97)

Sec. 8A-124.7. Claims.

(a) A customer shall have a period up to thirty (30) days after receipt of cleaning to notify a cleaner in writing of any claim for loss, damage or delay resulting from the cleaner's performance.

(b) Each claim filed against a cleaner shall be promptly and thoroughly investigated by the cleaner. If the claim cannot be satisfied in fifteen (15) days, the cleaner shall advise the claimant of the status of the claim and the reason for the delay. A cleaner shall object to or satisfy a customer's claim no later than thirty (30) days after receipt of the claim.

(Ord. No. 97-14, § 1, 2-25-97)

Sec. 8A-124.8. Gender price discrimination forbidden.

No cleaner may discriminate against a customer because of a customer's gender with respect to the price charged for like cleaning. Nothing in this section prohibits price differences based specifically upon the amount of time, difficulty, or cost of providing the cleaning.

(Ord. No. 97-14, § 1, 2-25-97)

Sec. 8A-124.9. Private cause of action.

(a) It shall be unlawful for a cleaner to refuse to perform its warranty if a warranty applies. When a warranty applies, a cleaner violates this article in bad faith by failing to perform an applicable warranty within thirty (30) days of a customer's written notice of claim.

(b) Any person who suffers a loss as a result of a violation of any provision of this article may, in addition to any other available remedy, recover compensatory damages, attorney's fees and court costs from the person committing the violation.

(c) Any person who proves the violation of any provision of this article occurred willfully or in bad faith shall recover from the person committing the violation as compensatory damages threefold the actual damages sustained, with minimum damages in the amount of two hundred dollars ($200.00), in addition to any other recovery available under law or this article.

(Ord. No. 97-14, § 1, 2-25-97)

Sec. 8A-124.10. Enforcement procedure; remedies; attorney's fees; costs.

(a) It shall be unlawful for any person to violate any of the provisions of this article. In addition to any other judicial or administrative remedies provided by law, rule, regulation, ordinance or this article, the Director shall have the following judicial remedies available to enforce the provisions of this article:

(1) The Director may institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of any of the provisions of this article.

(2) The Director may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) for each violation of any of the provisions of this article. Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(3) The Director may institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief:

(i) To recover any sums and costs expended by the Director for tracing, investigating, preventing, controlling, abating or remedying any violation of any of the provisions of this article.

(ii) To provide restitution to any customers or consumers injured by any violation of any of the provisions of this article.

(b) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director under any of the provisions of this article, the trial court, or, in the event of an appeal in which the Director prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this article by the Director. Cessation of any violation of any of the provisions of this article whatsoever, prior to rendition of a judgment or entry of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this article, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director, for which attorney's fees shall be awarded by the trial court as set forth hereinabove.

(c) All the judicial and administrative remedies in this article are independent and cumulative.

(Ord. No. 97-14, § 1, 2-25-97)

Sec. 8A-124.10.5. Dry cleaning and laundry price sign requirements.

Every cleaner shall post a clear and conspicuous sign in plain view to all customers and potential customers that shall state the price the customer is to be charged for cleaning each article of clothing and other fabric. It is unlawful to charge a price that exceeds the applicable price on the sign. Nothing in this section shall prohibit a cleaner from charging a price higher than the applicable price stated on the sign when special handling is necessary that results in an increase to the price listed, provided that the amount of and reason for the difference in price is disclosed to the customer. Cleaning provided by means of a pick-up and drop-off delivery service shall be exempt from the requirements of this section.

(Ord. No. 08-128, § 1, 11-20-08)

#### DIVISION 7. MOTOR VEHICLE TITLE LOANS

[Sec. 8A-124.11. Title.](#BK_D9848744F53A9B7E590D0CBCEC2B7025)

[Sec. 8A-124.12. Definitions.](#BK_0845B0B7B2DB8ED30FDF160745FDC2C1)

[Sec. 8A-124.13. Motor vehicle title loan transactions.](#BK_7617CA0DFB7A45083EC5052CF0F70DCD)

[Sec. 8A-124.14. Maximum interest rate and charges.](#BK_C312336D258BA3E864D0ED389E26674E)

[Sec. 8A-124.15. Transaction satisfaction and default.](#BK_CA3F56F4329CE8AC2B8DA3495873CDEE)

[Sec. 8A-124.16. Right to redeem; lost title loan agreements.](#BK_0CE184ACFA0B454430F3BA6273F7C1C0)

[Sec. 8A-124.17. Licenses.](#BK_26ACEF360086D231CFBA8181F7C659FA)

[Sec. 8A-124.18. Record keeping.](#BK_311B8A345D954F560C7406AA573BB8E9)

[Sec. 8A-124.19. Violations.](#BK_1F835B4ABF959757A6748BF4437C28FD)

[Sec. 8A-124.20. Enforcement and penalties.](#BK_86E94408167EC3E5BE666C3045471D94)

[Sec. 8A-124.21. Assurances of compliance.](#BK_F0EE9491FD94F0B922DA86A91F4E62FD)

[Sec. 8A-124.22. Civil penalties.](#BK_284AF3B005E47E3B232C30C83D42C908)

[Sec. 8A-124.23. Criminal penalties.](#BK_FAF5EA2FDF132BDE604ABADCD2414F0E)

[Sec. 8A-124.24. Additional remedy to borrower, private right of action.](#BK_D3E0A80AF5380215F71092AA279C1EFC)

[Sec. 8A-124.25. Duties, functions, powers and responsibilities of Director.](#BK_E801F99CE461BCD67B676F8B958F99FD)

Sec. 8A-124.11. Title.

This division shall be known and cited as the "Title Loan Ordinance of Miami-Dade County, Florida."

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.12. Definitions.

As used in this division:

(a) *Commission* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(b) *Department* means the Miami-Dade County Consumer Services Department.

(c) *Motor vehicle* means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on public highways and streets, used to transport persons or property, and propelled by power other than muscular power, but excluding vehicles which run only upon a track.

(d) *Person* includes, but is not limited to, any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(e) *Title loan* means a loan of money secured by bailment of a certificate of title to a motor vehicle.

(f) *Title loan agreement* means a written agreement whereby the title loan lender agrees to make a loan of a specific sum of money to a borrower, and the borrower agrees to give the title loan lender a security interest in an unencumbered motor vehicle certificate of title owned by the borrower.

(g) *Title loan lender* means any person who is engaged in the business of making title loans or engaging in title loan agreements with borrowers, which includes, but is not limited to, secondhand dealers, as defined in Chapter 538, Florida Statutes, as may be amended.

(h) *Ultimate equitable owner* means a natural person who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether such natural person owns or controls such ownership interest through one (1) or more natural persons or one (1) or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.13. Motor vehicle title loan transactions.

(a) A title loan lender may engage in a title loan transaction if the following conditions are met:

(1) The title loan lender maintains physical possession of the motor vehicle certificate of title.

(2) The borrower maintains possession of, or control over, the motor vehicle throughout the term of the loan.

(3) The borrower is not required to pay rent or any other charge for the use of the motor vehicle.

(4) The title loan lender holds a current active license issued by the Department pursuant to this division.

(5) The title loan lender delivers to the borrower, at the time the loan is made, a written title loan agreement available in English, Spanish or Creole that contains the following information:

a. The make, model and year of the motor vehicle to which the loan relates.

b. The vehicle identification number, or other comparable identification number, along with the license plate number, if applicable, of the motor vehicle to which the loan relates.

c. The name, address, date of birth, physical description, and social security number of the borrower.

d. The date of the transaction.

e. The identification number and the type of identification, including the issuing agency, accepted from the borrower.

f. The amount of money advanced, designated as the "amount financed."

g. The maturity date of the title loan agreement.

h. The total title loan charge payable on the maturity date, designated as the "finance charge."

i. The total amount, amount financed plus finance charge, which must be paid to redeem the loan property on the maturity date, designated as the "total amount of all payments."

j. The annual percentage rate, computed in accordance with the regulations adopted by the Federal Reserve Board pursuant to the Federal Truth-in-Lending Act.

k. The name and address of the title loan office.

l. The name and address of the Department as well as a Department telephone number to which borrowers may address complaints.

m. A statement printed in not less than fourteen (14) point, bold type that:

1. Your vehicle has been pledged as security for this loan and if you do not repay this loan in full, including the finance charge, YOU WILL LOSE YOUR VEHICLE. YOU ARE ENCOURAGED TO REPAY THIS LOAN AT THE END OF THE LOAN PERIOD. THE LENDER IS NOT REQUIRED TO EXTEND OR RENEW YOUR LOAN.

2. THIS LOAN HAS A VERY HIGH INTEREST RATE. DO NOT COMPLETE THIS LOAN TRANSACTION IF YOU HAVE THE ABILITY TO BORROW FROM ANOTHER SOURCE AT A RATE LOWER THAN TWO AND ONE-HALF PERCENT (2½%) PER MONTH OR AN ANNUAL PERCENTAGE RATE OF THIRTY PERCENT (30%).

The contract shall contain a blank line below the statement for the initials of the borrower.

n. A statement that "The borrower represents and warrants that the motor vehicle and the certificate of title are not stolen, it has no liens or encumbrances against it, the borrower has the right to enter into this transaction, and the borrower will not attempt to sell the motor vehicle or apply for a duplicate certificate of title while the title loan agreement is in effect."

o. Immediately above the signature of the borrower, a statement that "I, the borrower, declare that the information I have provided is true and correct and I have read and understand the foregoing document."

p. A blank line for the signature of the borrower; and

(6) The title loan lender displays, in a prominent place in the title loan premises, a sign no smaller than three (3) feet by five (5) feet with the following message in letters no less than one (1) inch high: IF YOU RECEIVE A TITLE LOAN, YOUR VEHICLE WILL BE PLEDGED AS SECURITY FOR THE LOAN. IF YOU DO NOT REPAY THIS LOAN IN FULL, INCLUDING ALL FINANCE CHARGES, YOU WILL LOSE YOUR VEHICLE. SHOULD THE VEHICLE BE SOLD, YOU ARE ENTITLED TO ANY PROCEEDS OF THE SALE IN EXCESS OF THE AMOUNT OWED ON THE TITLE LOAN AND THE REASONABLE EXPENSES OF REPOSSESSION AND SALE.

THIS LOAN HAS A VERY HIGH INTEREST RATE. DO NOT COMPLETE A TITLE LOAN TRANSACTION IF YOU HAVE THE ABILITY TO BORROW MONEY FROM ANOTHER SOURCE AT AN INTEREST RATE LOWER THAN TWO AND ONE-HALF PERCENT (2½%) PER MONTH OR AN ANNUAL PERCENTAGE RATE OF THIRTY PERCENT (30%). IF YOU HAVE A COMPLAINT, YOU MAY CALL THE MIAMI-DADE COUNTY CONSUMER SERVICES DEPARTMENT AT (CURRENT PHONE NUMBER).

(b) No part of this division shall be construed to impair or affect the obligation of any title loan agreement or contract that was lawfully entered into prior to the effective date of this division. A title loan made before the effective date of Ordinance No. 99-36, which was May 7, 1999, may be renewed or extended after the effective date of Ordinance No. 99-36 at the interest rate agreed upon by the parties prior to May 7, 1999 provided:

(i) The previously agreed upon interest rate does not violate chapter 538, Florida Statutes; and

(ii) The title loan agreement in question does not specifically state that the agreement is nonrenewable.

(c) Any title loan made without benefit of a license is void, in which case the person making the title loan forfeits the right to collect any moneys, including principal and interest charged on the title loan, from the borrower in connection with such agreement. The person making the title loan shall return to the borrower the loan property, the titled personal property pledged or the fair market value of such titled personal property, and all principal and interest paid by the borrower. The borrower is entitled to receive reasonable attorney's fees and costs in any action brought by the borrower to recover from the person making the title loan the loan property, the titled personal property, or the principal and interest paid by the borrower.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.14. Maximum interest rate and charges.

(a) A title loan lender may charge a maximum interest rate of two and one-half (2½) percent per thirty (30) day period the title loan agreement remains outstanding and unsatisfied provided, however, that said maximum interest rate shall not exceed a maximum annual interest rate of thirty (30) percent. The maximum interest rate provided for herein shall, upon the effective date of this section, supersede the maximum interest rate established by Ordinance No. 99-36. In determining compliance with the maximum interest and finance charges, the computation must be simple interest and not add-on interest or any other interest computation.

(b) The annual percentage rate that may be charged in a title loan transaction may equal, but not exceed, the annual percentage rate that must be computed and disclosed as required by the Federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. When the period for which the charge is computed is more or less than one (1) month, the maximum rate for the period must be computed on the basis of one-thirtieth (1/30) the applicable monthly interest rate, multiplied by the number of days of the period.

(c) Any transaction involving a borrower's delivery of a motor vehicle certificate of title in exchange for the advancement of funds on the condition that the borrower shall or may redeem or repurchase the certificate of title upon the payment of a sum of money, whether the transaction be characterized as a "buy-sell agreement," "sale-leaseback agreement," or otherwise, shall be deemed a violation of this division if such sum exceeds the amount that a title loan lender may collect in a title loan agreement under this division or if the terms of the transaction otherwise conflict with the permitted terms and conditions of a title loan agreement under this division.

(d) No charges, including interest, in excess of the combined total of all charges permitted by this section shall be allowed. Notwithstanding the foregoing, a title loan lender may charge a one-time fee equivalent to the amount actually paid by the title loan lender to record a lien securing the title loan lender's interest in the motor vehicle certificate of title owned by the borrower.

(e) It shall be unlawful for secondhand dealers as defined in Section 538.03, Florida Statutes (1997), as same may be amended from time to time, to charge an interest rate on a motor vehicle title loan transaction entered into after the effective date of the ordinance from which this subsection derives greater than eighteen (18) percent, as provided in Section 687.03, Florida Statutes. Motor vehicle title loan transaction means a loan of money secured by bailment of a certificate of title to a motor vehicle where the borrower maintains possession of, or control over, the motor vehicle throughout the term of the loan, and the borrower is not required to pay rent or any other charge for the use of the motor vehicle.

(Ord. No. 99-36, § 1, 4-27-99; Ord. No. 99-62, § 1, 6-8-99)

**Editor's note—**

The maximum interest rate provided for in Ord. No. 99-36, § 1, adopted April 27, 1999, and codified in subsection [8A-124.14](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO_S8A-124.14MAINRACH)(e) has been superseded by Ord. No. 99-62, § 1, adopted June 8, 1999, codified in subsection 124.14(a).

Sec. 8A-124.15. Transaction satisfaction and default.

(a) When the title loan has been paid in full, the title loan lender must deliver to the borrower a certificate of title clear of all encumbrances placed upon the title by the title loan lender within thirty (30) days of such payment in full.

(b) If a borrower fails to repay all amounts legally due under the title loan agreement on or before the end of the title loan's maturity date or any extension thereof and fails to make a payment on the loan within thirty (30) days after the end of the loan's maturity date or any extension thereof, whichever is later, the title loan lender may take possession of the titled personal property. A lender may take possession of the titled personal property only through an agent who is licensed by the state to repossess motor vehicles.

(c) Prior to engaging a repossession agent, the lender shall afford the debtor an opportunity to make the titled personal property available to the lender at a place, date, and time reasonably convenient to the lender and the borrower. Prior to taking possession of titled personal property, the lender shall afford the borrower a reasonable opportunity to remove from the titled personal property any personal belongings without charge or additional cost to the borrower. Once the lender takes possession of the titled personal property, the lender, at the lender's sole expense and risk, may authorize a third party to retain physical possession of the titled personal property.

(d) Upon taking possession of titled personal property, the lender may dispose of the titled personal property by sale but may do so only through a motor vehicle dealer licensed under Section 320.27, Florida Statutes. At least 10 days prior to sale, the lender shall notify the borrower of the date, time, and place of the sale and provide the borrower with a written accounting of the principal amount due on the title loan, interest accrued through the date of the lender taking possession of the titled personal property, and any reasonable expenses incurred to date by the lender in taking possession of, preparing for sale, and selling the titled personal property. At any time prior to sale, the lender shall permit the borrower to redeem the titled personal property by tendering a money order or certified check for the principal amount of the title loan, interest accrued through the date of the lender taking possession, and any reasonable expenses incurred to date by the lender in taking possession of, preparing for sale, and selling the titled personal property. Nothing in this act nor in any title loan agreement shall preclude a borrower from purchasing the titled personal property at any sale.

(e) Any such sale or disposal shall vest in the purchaser the right, title, and interest of the owner and the title loan lender.

(f) Within thirty (30) days after the sale of the titled personal property, the borrower is entitled to receive all proceeds from the sale of the motor vehicle in excess of the principal amount due on the loan, interest on the loan up to the date of the lender taking possession, and the reasonable expenses incurred by the lender in taking possession of, preparing for sale, and selling the titled personal property. The borrower is entitled to reasonable attorneys' fees and costs incurred in any action brought to recover such proceeds that results in the title loan lender being ordered to return all or part of such amount.

(g) The borrower shall not be personally liable to the lender for any balance due on the title loan remaining after applying the proceeds of the sale of the titled personal property to the principal amount due on the title loan, interest accrued through the date of the lender taking possession, and any reasonable expenses incurred by the lender in taking possession of, preparing for sale, and selling the titled personal property unless such balance exceeds two thousand dollars ($2,000.00). If such balance exceeds two thousand dollars ($2,000), the lender shall be entitled to reasonable attorneys' fees and costs incurred in any action brought to recover such balance that results in a judgment in favor of the lender.

(h) The rights and remedies referred to in this section are cumulative. Except as otherwise provided in this section, the disposal of titled personal property is subject to the provisions of ch. 679, Florida Statutes.

(i) In taking possession and disposing of titled personal property by sale or otherwise, the title loan lender shall at all times proceed in a commercially reasonable manner.

(j) For purposes of this division, nonpublic sales or disposal of a motor vehicle between licensees and business affiliates or family members are sales and disposal that are presumed not to be commercially reasonable.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.16. Right to redeem; lost title loan agreements.

(a) Any person presenting identification as the borrower and presenting the borrower's copy of the title loan agreement to the title loan lender is presumed to be entitled to redeem the certificate of title described in the title loan agreement; however, if the title loan lender determines that the person is not the borrower, the title loan lender is not required to allow the redemption of the certificate of title by such person. The person redeeming the certificate of title must sign the borrower's copy of the title loan agreement, which the title loan lender may retain to evidence such person's receipt of the certificate of title. The title loan lender shall provide the borrower with a copy of the signed title loan agreement. A person redeeming the certificate of title who is not the borrower must show identification to the title loan lender, together with written authorization from the borrower, and the title loan lender shall record that person's name and address on the title loan agreement retained by the title loan lender. In any such case, the person redeeming the certificate of title who is not the borrower shall be provided a copy of such signed form as evidence of such transaction.

(b) If the borrower's copy of the title loan agreement is lost, destroyed, or stolen, the borrower must notify the title loan lender, in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt, and receipt of such notice shall invalidate such title loan agreement if the certificate of title has not previously been redeemed. Before delivering the certificate of title or issuing a new title loan agreement, the title loan lender shall require the borrower to make a written statement of loss, destruction, or theft of the borrower's copy of the title loan agreement. The title loan lender shall record on the written statement the type of identification and the identification number accepted from the borrower, the date the statement is given, and the number or date of the title loan agreement lost, destroyed or stolen. The statement shall be signed by the title loan lender or the title loan office employee who accepts the statement from the borrower.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.17. Licenses.

(a) No person may engage in business as a title loan lender or advertise to engage in business as a title loan lender unless the title loan lender has a valid license issued by the Department. A separate license shall be required for each physical location of title loan business. The Department shall issue more than one (1) license to an applicant if that applicant complies with the requirements of this section for each license.

(b) An application for a license pursuant to this section must be submitted to the Department on such form as the Department may prescribe. If the Department determines that a license should be granted, it shall issue the license for a period not to exceed two (2) years. A non-refundable application and license fee shall accompany an initial application for each title loan application.

(c) An application for license renewal pursuant to this section must be submitted to the Department on such form as the Department may prescribe. A title loan lender shall pay an annual license renewal fee. Renewal of registrations may be staggered over the annual period by the Director of the Department. A license that is not renewed at the end of each annual period shall automatically become inactive. An inactive license may be reactivated within ninety (90) days after the date it became inactive upon the submission of a completed reactivation form and payment of a reactivation fee. No inactive license may be reactivated after ninety (90) days.

(d) All fees required pursuant to this section, including the initial application and license fee, license renewal fee, replacement fee and reactivation fee shall be established by administrative order approved by the Commission.

(e) Each license must specify the location for which it is issued and shall be conspicuously displayed at that location. If the address of the principal place of business of the title loan lender is different from the location for which the license is issued, the license must state the address of the principal place of business of the title loan lender. When a title loan lender wishes to move a title loan office to another location the title loan lender shall give thirty (30) days prior written notice to the Department by certified or registered mail return receipt requested, and the Department shall then amend the license accordingly after payment of a replacement fee. A license issued pursuant to this section is not transferable or assignable.

(f) A title loan lender licensed pursuant to this section shall designate and maintain an agent in this state for service of process.

(g) A title loan lender licensed pursuant to this section shall apply to the Department for a new license upon a change in ownership of twenty-five (25) percent or more of the licensed title loan lender at any title loan location or office.

(h) No license shall be issued or renewed unless the applicant has complied with the following:

(1) Filed with the Department a bond in the amount of one hundred thousand dollars ($100,000.00) for each license with a surety company qualified to do business in this state. The bond shall be to the Department and in favor of any consumer who is injured in the context of a title loan transaction by the fraud, misrepresentation, breach of contract, financial failure or other failure of the business, unfair or deceptive trade practice, disclosure violation, or violation of any provision of this division by the title loan lender. The performance bond shall be maintained in the full amount specified herein throughout the term of the license and for one (1) year after the license expires or is terminated, without reduction or allowances for any amounts which are withdrawn or paid pursuant to this division. An injured consumer may bring an action in a court of competent jurisdiction against the surety bond. The court shall award to a prevailing consumer reasonable attorneys' fees and costs, including appellate attorneys' fees and costs. The surety bond shall require that any surety company canceling a bond provided to a title loan lender pursuant to this section shall notify the Department of such cancellation in writing at least forty-five (45) days before cancellation.

(2) Not have pled nolo contendere to, or been convicted or found guilty of a felony within the last ten (10) years regardless of whether adjudication was withheld, or not be acting as an ultimate equitable owner for someone who has pled nolo contendere to, or been convicted or found guilty of a felony within the preceding ten (10) years, regardless of whether adjudication was withheld.

(3) Not have pled nolo contendere to, or been convicted or found guilty of a crime involving fraud, dishonest dealing, or any act of moral turpitude regardless of whether adjudication was withheld, or not be acting as an ultimate equitable owner for someone who has pled nolo contendere to, or been convicted or found guilty of a crime involving fraud, dishonest dealing, or any act of moral turpitude, regardless of whether adjudication was withheld.

(4) Not have pled nolo contendere to, or been convicted or found guilty of a crime directly related to the duties and responsibilities of a title loan lender within the preceding ten (10) years regardless of whether adjudication was withheld, or not be acting as an ultimate equitable owner for someone who has been convicted of a crime directly related to the duties and responsibilities of a title loan lender within the preceding ten (10) years, regardless of whether adjudication was withheld.

(5) Filed with the Director a true, correct and complete application on the form prescribed by the Department.

(6) Paid the initial, renewal or reactivation fee, as applicable.

(7) Submitted to a background investigation resulting in a determination by the Director of the Department that:

a. Each corporate or partnership applicant is qualified under the laws of Florida to do business under the trade name or names under which it has applied for a license.

b. No fraud or willful or knowing misrepresentation or false statement was made in the application.

c. No judgment against the applicant arising out of the activity of title loan lending practices, unless a stay or reversal of the judgment is procured through the courts.

(8) Complied with the provisions of this division.

(i) If an applicant for a title loan lending license is other than a corporation, the eligibility requirements of Subsections (h)(2), (3) and (4) apply to each direct or ultimate equitable owner.

(j) If an applicant for a title loan lending license is a corporation, the eligibility requirements of Subsections (h)(2), (3) and (4) apply to each direct or ultimate equitable owner of at least twenty-five (25) percent of the outstanding equity interest of such corporation and to each director and executive officer.

(k) The Department shall determine the form of the license and may perform criminal background checks as appropriate.

(l) Licensees shall report changes in address, location of records, and any change of an executive officer within thirty (30) days of the change.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.18. Record keeping.

(a) Every title loan lender licensed by the Department shall maintain, at the principal place of business designated on the license, all books, accounts, records, and documents necessary to determine the title loan lender's compliance with this division.

(b) The Department may authorize maintenance of records at a location other than a principal place of business. The Department may require books and records to be produced and available at a reasonable and convenient location within Miami-Dade County, Florida.

(c) All books, accounts, records, documents and receipts for expenses paid by the title loan lender on behalf of the borrower, including each contract signed by the borrower and expenses incurred by the title loan lender in event of foreclosure and property recovery, shall be preserved by the title loan lender and shall be made available to the Department for examination for five (5) years after the date of original entry.

(d) The Department may prescribe the minimum information to be shown in the books, accounts, records and documents of licensees.

(e) Title loan lenders shall keep all certificates of title in fireproof or fire-resistant storage while the certificates are in the lender's possession.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.19. Violations.

The following acts shall constitute violations of this division and unfair and deceptive trade acts or practices:

(a) Failing to comply with any provision of this division, any provision of resolutions adopted by the Commission pursuant to this division, or any written agreement entered into with the County.

(b) Committing any act of fraud, misrepresentation, deceit, or gross negligence, regardless of reliance by or damage to a borrower, or any illegal activity in connection with a title loan transaction under this division.

(c) Fraudulently misrepresenting, circumventing or concealing any matter required to be stated or furnished to a borrower pursuant to this division.

(d) Imposition of illegal charges in any title loan transaction.

(e) Engaging in false, deceptive, or misleading advertising.

(f) Failing to maintain, preserve and keep available for examination, all books, accounts, or other documents required by this division, resolution of the Commission, state or federal law, or any agreement entered into with the Department.

(g) Aiding, abetting, or conspiring with another person to circumvent or violate any of the requirements of this division, or the requirements of any state or federal law regulating title loan lenders.

(h) Refusing to permit inspection of books or records in an investigation or examination by the Department or failure or refusal to comply with a subpoena or order issued by the Department.

(i) Engaging in criminal conduct in the course of business as a title loan lender.

(j) Knowingly entering into a title loan agreement with a person under the age of eighteen (18) years.

(k) Making any agreement that requires or allows for the personal liability of the borrower or the waiver of any of the provisions of this division.

(l) Knowingly entering into a title loan agreement with any person who is under the influence of drugs or alcohol when such condition is visible or apparent, or with any person using a name other than his or her own name or the registered name or his or her business.

(m) Entering into a title loan agreement in which the amount of money advanced in consideration for the loan secured by any single certificate of title exceeds one-third (1/3) of the value of the motor vehicle. The value of the motor vehicle shall be determined by reference to the loan value in the current Southeastern Edition of the National Automobile Dealer's Association Official Used Car Guide. The value may vary based upon documented unique characteristics of the motor vehicle.

(n) Failing to exercise reasonable care in the safekeeping of a certificate of title or motor vehicle repossessed pursuant to this division.

(o) Failing to return a certificate of title or repossessed motor vehicle to a borrower, with any and all of the title lender's liens on the property properly released, within thirty (30) days of the payment of the full amount due, unless the property has been seized or impounded by an authorized law enforcement agency, taken into custody by a court, or otherwise disposed of by court order.

(p) Charging or receiving any finance charge, interest, cost, or fee which is not permitted by this division.

(q) Engaging in business as a title loan lender without a current, active license issued by the Department pursuant to this division.

(r) Refusing to accept partial repayment of the amount financed when all accrued finance charges have been paid.

(s) Charging a prepayment penalty.

(t) Capitalizing any unpaid finance charge as part of the amount financed in the renewal of a title loan agreement.

(u) Failing to account for and remit to the borrower all surplus proceeds from the disposal of the borrower's motor vehicle, within thirty (30) days of disposal.

(v) Advertising in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, Florida, which advertisement identifies a motor vehicle title loan lender offering loans regulated by this article, unless the advertisement includes the license number issued by the Department and the name under which the business is licensed. For the purposes of this subsection, any advertisement shall be defined to include any announcement, listing, display, entry or other written or oral statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading, where the heading describes or encompasses any kind of repair work regulated under this article without a current valid license required by the Department.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.20. Enforcement and penalties.

(a) It shall be the duty and responsibility of all law enforcement officials to assist in the enforcement of this division and the code to the extent that it is within their jurisdiction to do so.

(b) The Department shall maintain a system by which licensees are given written notices of all violations. Department personnel shall be permitted to enter the business premises of a person who provides services pursuant to this division to ascertain whether the license is current, and to examine books and records as required by this division.

(c) In addition to all other penalties, remedies or other enforcement measures established within this division, or otherwise provided by law, violations of this division shall be subject to civil penalties as provided in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code, and penalties shall be imposed as set forth in the schedule of penalties therein. The Department is authorized to enforce the provisions of this division by, among other means, administrative fines as provided herein. Each day of a continuing violation shall be deemed a separate violation.

(d) The Department may enter into written assurances of compliance pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-124.21](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO_S8A-124.21ASCO) of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this division.

(e) The Department is also authorized to enforce the provisions of this division by suspension or revocation of a license upon notice and hearing as provided in this section unless the licensee waives such notice and hearing. Licenses are subject to suspension or revocation when it shall appear that:

(1) The licensee has failed to comply with or has violated any provision of this division; or

(2) The license was obtained by an application in which any material fact was omitted or falsely stated.

(f) Appeals from actions, decisions or determinations of the Director of the Department shall be governed by [Section 8A-161.23](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.23APACDEDEDIJURE) of the Code.

(g) In addition to any other judicial or administrative remedies provided by law, rule, regulation, ordinance or this division, the Director of the Department shall have the judicial remedies available to enforce the provisions of this division as provided in [Section 8A-161.22](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.22ENPRREATFECO) of the Code.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.21. Assurances of compliance.

Each violation of any of the terms and conditions of a verified, written assurance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code with respect to the matters regulated under this division shall constitute a separate offense under this division by the persons who executed the assurance, their respective officers, directors, agents, servants, employees and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the assurance of compliance. Decisions, actions, and determinations of the Director, pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-124.20](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO_S8A-124.20ENPE)(d) or assurances of compliance executed thereunder, shall not be subject to review pursuant to [Section 8A-124.20](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO_S8A-124.20ENPE).

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.22. Civil penalties.

Any person who violates any of the provisions of this division or any cease and desist order of the Director or any written notice to correct a violation or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this division with respect to matters regulated under this division or any other lawful order of the Director or any condition, limitation, or restriction of a license, registration, certificate, or permit issued by the Director, shall be subject to the judicial imposition and recovery of a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) per offense. Each day during any portion of which such violation occurs or continues to occur constitutes a separate offense. Such monies recovered by the Director shall be deposited in a separate county fund to be used exclusively for enforcement of this division.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.23. Criminal penalties.

If any person violates or fails or refuses to obey or comply with any of the provisions of this division or any lawful order of the Director or any cease and desist order of the Director or any notice to correct a violation of the Director or any written assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this division, or any condition, limitation, or restriction of a license, registration, certificate, or permit issued by the Director, such person, upon conviction of any such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the county jail, or both, in the discretion of the court. Each day or portion thereof of continuing violation shall be deemed a separate offense.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.24. Additional remedy to borrower, private right of action.

Any borrower injured by a violation of this part may bring an action for recovery of damages including twice the interest previously paid and the forfeiture of all interest charged, or contracted to be charged or reserved. Said borrower may recover reasonable attorney's fees and costs of such action. An award may be entered for punitive damages. The remedies provided for under this part are in addition to any other procedures or remedies for any violation provided in any other law or ordinance.

(Ord. No. 99-62, § 1, 6-8-99)

Sec. 8A-124.25. Duties, functions, powers and responsibilities of Director.

The duties, functions, powers and responsibilities of the Director of the Department shall include, among others, the following:

(a) Enforce all of the provisions of this article.

(b) Upon receipt of complaints or upon the Director's initiative, investigate, inspect, sample, and test any matters regulated hereunder.

(c) Institute civil actions or proceedings to enforce all the provisions of this article and subpoenae issued by the Director, including seeking mandatory and prohibitory injunctions, the imposition and recovery of civil penalties and such other remedies, recoveries, and attorneys fees as set forth in [Section 8A-161.22](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.22ENPRREATFECO). Such civil actions or proceedings may be instituted by the Director whether or not a cease and desist order or notice to correct the violation or other lawful order of the Director has been issued or other administrative proceeding is pending.

(d) Prosecute through the State Attorney in the criminal courts for violations of this article.

(e) Deny, revoke, suspend and issue licenses and impose conditions, limitations, and restrictions upon same in accordance with [Section 8A-124.17](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO_S8A-124.17LI) and [8A-124.2](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV5ADSAMIBIRT.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV5ADSAMIBIRT_S8A-124.2PE)(e) of this Code. Notwithstanding the foregoing, no revocation or suspension of a license by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-161.23](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.23APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later.

(f) Issue subpoenae to compel the presence of any person or document or thing at any hearing, conference or proceeding authorized herein upon information or belief by the Director that a violation of any provision of this article has occurred or may occur.

(g) Inquire into the practices, functions and policies of any and all motor vehicle title loan companies and make such recommendations to the Commission as the Director may deem necessary.

(h) Administer oaths and certify official acts of the Director.

(i) Investigate, upon the Director's initiative, the practices of any motor vehicle title loan company.

(j) Apply to any judge of the circuit or county court, criminal or civil division, for the issuance of an administrative search warrant.

(k) Conduct a program for monitoring consumer satisfaction levels in the field of motor vehicle title loan and make such monitoring information available to the Commission and the public.

(l) Render, in the Director's discretion, assistance and technical advice to motor vehicle title loan companies.

(m) Institute informal conferences for discussing and resolving any matter covered by this article.

(n) Publish and disseminate information to the public concerning motor vehicle title loan.

(o) Submit to the Commission proposed rules, regulations, and standards to effectuate the purposes of this article. No such proposed rules, regulations, and standards shall become effective until approved by the Commission by ordinance.

(p) Provide motor vehicle title loan companies, at least annually, with information concerning the rules, regulations, and standards enacted during the immediate past year.

(q) Issue cease and desist orders, notices to correct violations, and any other lawful orders of the Director which shall briefly set forth the general nature of the violation of this article and specify the time within which the violation shall be rectified or stopped. If an order to cease and desist or notice to correct violations or any other lawful order of the Director is not obeyed the Director shall have the power and authority to revoke or suspend the license, if any has been issued, or deny the issuance of a license, and take such other action authorized by this article. Notwithstanding the foregoing, no revocation or suspension of a registration by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-161.23](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.23APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later. Orders to cease and desist, notices to correct violations, and any other lawful orders of the Director hereunder may be enforced by the institution by the Director of civil actions for mandatory and prohibitory injunctions, civil penalties and other remedies, recoveries, and attorneys fees as set forth in [Section 8A-161.22](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.22ENPRREATFECO) of the Code of Miami-Dade County in a court of competent jurisdiction.

(r) Appoint and designate, in the Director's discretion, various technical advisory panels.

(s) Enter into written assurances of compliance pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-124.21](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV7MOVETILO_S8A-124.21ASCO) of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this article.

(t) The powers of the Director enumerated in this article shall be in addition to and not a limitation of any other powers of the Director pursuant to any other provisions of this article or any other provisions of law or ordinance.

(Ord. No. 99-62, § 1, 6-8-99)

### ARTICLE IV. COMMUNITY ANTENNA TELEVISION SYSTEMS [[5]](#BK_284694196DB035DC6E85092EF0C04A68)

[Sec. 8A-125. Intent and application.](#BK_E614151000274B6A8BC57C2C4EA6E287)

[Sec. 8A-126. Definitions.](#BK_C45CCC6DFA713695AE357F7739C14477)

[Sec. 8A-127. License required.](#BK_237244D170FF6B34497DD99516042E21)

[Sec. 8A-128. Application procedure; information required.](#BK_E08A7EC9DBBF6291CBBEC65EAB7BECAB)

[Sec. 8A-128.1. Regulation.](#BK_9D78603280FA999CA52D00D756A2C95B)

[Sec. 8A-128.2. Evaluation.](#BK_CE022B5CFA0BFCECDFA8FFBFB512D9F3)

[Sec. 8A-128.3. Organization.](#BK_3344FE65DC28C7D93F6BA5593B227652)

[Sec. 8A-128.4. Rules and regulations.](#BK_AA43E025947314CE2B8DEE04F8B1939F)

[Sec. 8A-128.5. Jurisdiction and powers.](#BK_076BA4565CBA7278E6CDC30C76377FEA)

[Sec. 8A-128.6. Review of the County Manager's decisions.](#BK_BD53B40ABF52BF481FCF14B18CA66F1F)

[Sec. 8A-129. License fee and public property charge.](#BK_B687125EDEAF485A519CAE72172EF12B)

[Sec. 8A-130. Service charges.](#BK_D2593AD3135C466461780DADDCDEBB7C)

[Sec. 8A-131. Number of channels, channel reservation.](#BK_9687259528316867C0B9287EEA72E307)

[Sec. 8A-132. Prohibition of certain activities.](#BK_CA14C8EEEF0B76ABE311A7A3D46943D8)

[Sec. 8A-133. Minimum reception standards.](#BK_52CAE7A554BB66894537D6D121244891)

[Sec. 8A-134. Installation of Distribution System.](#BK_89245BE7F8CF134854797752B6831F3E)

[Sec. 8A-135. Termination of service; refunds.](#BK_A8E5F3AD2815E803DE4A5D958E022715)

[Sec. 8A-136. Flow-through of refunds.](#BK_90DA208EF5D46CE12382D915E9F9E686)

[Sec. 8A-137. Liability and indemnification.](#BK_8E8C5D8ED1A41E4CD43629A816EC577C)

[Sec. 8A-138. Time limitations.](#BK_F7B8E02C555AA9646C5C5B4062004137)

[Sec. 8A-139. Nonexclusive License.](#BK_0C0D74A9D102FC437A9055D994CBD2B9)

[Sec. 8A-140. Ownership, control, transfer of License.](#BK_07DFB268C245E84029D994B35E2C20D9)

[Sec. 8A-141. Audit, books and records.](#BK_CE126F892BF7611197EB9F9F21CDA91B)

[Sec. 8A-142. Filing and communications with regulatory agencies.](#BK_96E09009705C4B419AA978A2192AEDC5)

[Sec. 8A-143. Forfeiture of License.](#BK_82CAAA487C123283244F0622A9E96A90)

[Sec. 8A-144. County's right of intervention.](#BK_A54E6200413CD6A83A6A474ED060FEEC)

[Sec. 8A-145. Further agreement and waiver by Licensee.](#BK_E0412AA79E04C0AE2E2537478A3772A6)

[Sec. 8A-145.1. Modifications to federal regulations.](#BK_176E2B84E794132F6A13E06ED84395C9)

[Sec. 8A-145.2. Severability.](#BK_749AE857B3D696193D7DB614C3FC5281)

[Sec. 8A-146. Reserved.](#BK_8C6AB7D738C1467D2B9ED9BBD9155CA5)

Sec. 8A-125. Intent and application.

It is the intent of this article to provide for the control of community antenna television service in all unincorporated and incorporated areas of Miami-Dade County, to provide for its safe and orderly installation, to establish fees and service charges for its use, and to establish a system of licensing, inspection and charges by Miami-Dade County. The application of this section is also intended to encompass those Licensees who are required, pursuant to [Section 8A-127](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-127LIRE), to obtain a permit.

(Ord. No. 74-88, §§ 2, 3, 10-15-74; Ord. No. 82-66, § 1, 7-20-82)

Sec. 8A-126. Definitions.

(a) *CATV (community antenna television system)* shall mean any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one (1) or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such terms shall not include:

(1) Any such facility that serves fewer than fifty (50) subscribers, or

(2) Any such facility that serves only the residents of one (1) or more apartment dwellings under common ownership, control, or management, and commercial establishments located on the premises of such an apartment house.

CATV shall be deemed to include all transmission and distribution facilities located in, under, over, along, across or upon any highway, street, alley, right-of-way, easement or any public property.

(b) *County* shall mean Miami-Dade County, Florida.

(c) *Commission* shall mean the Board of County Commissioners of Miami-Dade County, or its representative.

(d) *License* shall mean the License granted to the applicant for permission to install and operate CATV systems in Miami-Dade County.

(e) *Distribution System* shall include all means of transmission of all signals.

(f) *Lead-in* shall be the individual lead wire or cable from the distribution system to each individual household or connection.

(g) *Licensee* shall be the corporation, partnership, individual, or other entity granted a License for CATV by the Board of County Commissioners of Miami-Dade County.

(h) *County Manager* shall mean the Miami-Dade County Manager, as appointed by the Board of County Commissioners of Miami-Dade County.

(i) *Gross Receipts* shall mean all revenue derived directly or indirectly by the Licensee, its affiliates, subsidiaries, parents and any person in which the Licensee has a financial interest, from or in connection with the furnishing of regular subscriber services, the carriage of broadcast signals and required nonbroadcast services. Gross Receipts may include all revenues from services upon which the FCC's regulations allow application of percentage franchise fees.

(j) *Federal Communications Commission (FCC)* shall mean that agency as presently constituted by the United States Congress, or any successor agency.

(k) *Priority Service Area* shall mean that area of the County assigned by the Commission wherein the Licensee is authorized to provide CATV service. The Priority Service Area need not include all licensed areas.

(Ord. No. 74-88, §§ 2, 4, 10-15-74; Ord. No. 82-66, § 1, 7-20-82)

Sec. 8A-127. License required.

A License may be issued to a Licensee, its successors and assigns, granting the nonexclusive right, privilege and permit for a period of fifteen (15) years, to install, maintain and operate transmission and distribution facilities and additions thereto in, under, over, along, across and upon the present and future highways, streets, alleys, rights-of-way, easements and public property in the unincorporated and incorporated areas of Miami-Dade County for the purpose of transmission and distribution by cable of audio and video signals by means of electrical impulses for sale to inhabitants of said County. The Licensee may, at the Commissioner's option and in its discretion and after a full public hearing affording due process, be renewed for additional periods of at least ten (10) years' duration. No person, corporation or other entity shall install or operate CATV facilities within any unincorporated or incorporated areas of Miami-Dade County, without first having received a License from Miami-Dade County.

(Ord. No. 74-88, §§ 2, 5, 10-15-74; Ord. No. 77-9, § 1, 12-20-77; Ord. No. 82-66, § 1, 7-20-82)

Sec. 8A-128. Application procedure; information required.

(a) License applications shall contain or be accompanied by the following information:

(1) Name, address and telephone number of applicant.

(2) Names of all officers and directors of corporate applicant.

(3) Copy of contract to be utilized for individual customer service which shall include all fees, charges, rentals, etc., during the first five (5) years of operation.

(4) Estimated date installation of main distribution system will be commenced.

(5) Locations of antennae and transmitter.

(6) Certificates of liability insurance coverage in the minimum amounts specified by this article.

(7) Performance bond as required by [Section 8A-137](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-137LIIN)(d) of this article.

(8) Information on the applicant's past experience in the cable television industry.

(9) Audited financial statements of the applicant for the past two (2) years.

(10) Financial forecasts of the proposed system.

(11) Any other information deemed necessary by the County Manager in order to evaluate the application.

(b) Except for applications specified in subparagraph (c) below, License applications may only be filed during the months of January and July of each year.

(c) Applications from applicants which have been issued a municipal License, franchise or permit may be filed and processed at any time provided that:

(1) The application does not seek to provide service in areas located in the unincorporated areas of the County; and

(2) The municipal License was granted after an investigation and public hearing process comparable to that process provided for in this article.

The County Manager may, after verifying that an application meets the requirements of this paragraph, waive the notice and comment requirements specified in subparagraph (e) below.

(d) Each application shall be accompanied by a nonrefundable fee of one thousand dollars ($1,000.00) to cover the cost of initial processing.

(e) The County Manager or his designee shall investigate all applications to ensure that all information provided is correct, that the applicant has the financial, technical and managerial background and resources to provide the proposed services. Upon receipt of any application, the Manager shall publish notice thereof, which notice shall request written comments regarding the application. All such written comments shall be submitted at least sixty (60) days before the public hearing required by subparagraph (f) below.

(f) The County Manager or his designee shall prepare a report to the Commission regarding the application, which report shall consider and respond to any comments received and shall contain the County Manager's recommendations concerning the application. The Manager shall schedule a public hearing before the Commission to consider the application and the Manager's report. Notification of any License hearing must be published one (1) time each for two (2) successive weeks in a newspaper of general Miami-Dade County circulation. The County Commission then will approve, disapprove or take any other action it finds to be in the public interest. The Commission may, by resolution, assign a priority service area to the Licensee.

(g) Upon the issuance of a nonexclusive License by the County Commission the Licensee shall pay all reasonable costs, fees and other obligations incurred by the County and which the County may legally be required to pay in the examining, preparing, advertising and awarding of the License. These costs, fees and other obligations shall include, but shall not be limited to, reasonable consulting fees, printing, advertising and other costs as deemed appropriate by the County Manager. With the exception of stated consulting fees and expenses which are not excessive and can be shown as direct costs to the County, amounts paid to the County by the Licensee in reimbursement of these expenses shall be amortized over the term of the License and shall be applied as a credit against the annual percentage fee specified in [Section 8A-129](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-129LIFEPUPRCH) for that year.

(Ord. No. 74-88, §§ 2, 6, 10-15-74; Ord. No. 77-91, § 2, 12-20-77; Ord. No. 82-66, § 1, 7-20-82)

Sec. 8A-128.1. Regulation.

The County Manager is hereby vested with the power, authority and jurisdiction to regulate and control cable antenna television systems, as defined herein, and shall exercise the powers and perform the duties and functions prescribed by this chapter under the direct jurisdiction and legislative control of the Board of County Commissioners.

(Ord. No. 74-88, §§ 2, 7, 10-15-74)

Sec. 8A-128.2. Evaluation.

The County Manager may designate qualified individuals to assist in the evaluation of franchise applicants and Licensee performance. No member designated by the County Manager shall be employed by or connected with any privately owned CATV system in Miami-Dade County or have any special financial interest, directly or indirectly, in any such CATV system operating in Miami-Dade County. This does not preclude members from the private and public broadcasting industry from being selected.

(Ord. No. 74-88, §§ 2, 8, 10-15-74; Ord. No. 82-66, § 1, 7-20-82)

Sec. 8A-128.3. Organization.

The County Public Works Department or other agency designated by the County Manager, shall provide staff support to the County Manager for proper regulation of Licensee performance in Miami-Dade County, insuring quality service for all subscribers. The County Attorney shall serve as legal counsel to the County Manager in all matters relating to CATV.

(Ord. No. 74-88, §§ 2, 9, 10-15-74)

Sec. 8A-128.4. Rules and regulations.

The County Manager shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this article. Such rules and regulations shall establish a procedure for the Manager's approval of the installation of CATV distribution systems, which procedure shall provide for the orderly, logical progressive expansion or extension of CATV systems throughout the entire County. Such rules and regulations shall conform to the provisions of this article and shall not conflict with the Constitution and General Laws of the State of Florida, and the Constitution and laws of the United States, and the rules and regulations of any agency, State or federal, having jurisdiction, including, but not limited to, the Federal Communications Commission. Rules and regulations promulgated by the County Manager shall insure fair and equitable treatment for all municipalities affected by cable service, particularly [those rules] concerning utilization of local government use channels. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by resolution by the County Commission and filed with the Clerk of the Commission. Upon approval by the Commission, such rules and regulations shall prescribe forms for use by Licensees in compliance with the provisions of this chapter. Any member of the County Manager's staff, so designated by the County Manager, may administer oaths, certify to official acts, issue subpoenas, and compel the attendance of witnesses and the production of papers, account books, contracts, documents and other records, data or information, when necessary, convenient, or appropriate in the discharge of the duties of the Office. The County Manager, or duly authorized representatives of the County Manager, may during all reasonable hours enter upon any premises or property owned, operated or occupied by any Licensee as defined herein, and may set upon and use thereon all necessary apparatus and appliances for the purpose of making investigations, inspections, examinations and tests, and of exercising any of the powers conferred upon the County Manager by this article; provided, however, that such Licensee shall have the right to be notified of and be represented at the making of such investigations, inspections, examinations or tests. Should the State of Florida or the Federal Communications Commission require the Licensee to deliver any signals in addition to those required by this article, or perform or refrain from performing any act the performance or nonperformance of which is inconsistent with any of the provisions of this article or the License, the County Manager shall institute immediate action, which shall not be more than thirty (30) days in time, to recommend to the Commission appropriate action concerning the article or License. Licensee shall be subject to and bound by the FCC modification of the franchise fee limitation specified in Section 76.31 of the Federal Communications Commission Rules or any successor rule thereto.

(Ord. No. 74-88, §§ 2, 10, 10-15-74; Ord. No. 77-91, § 3, 12-20-77; Ord. No. 82-66, § 1, 7-20-82)

Sec. 8A-128.5. Jurisdiction and powers.

The County Manager shall exercise jurisdiction and have the power and authority to regulate and supervise each License as defined herein in respect to service and Service Areas within Miami-Dade County, in accordance with the standards set by the provisions of this article. This jurisdiction shall be exclusive and superior to that of all other boards, agencies, commissions, political subdivisions, and municipalities in Miami-Dade County, Florida, and in case of conflict all lawful acts, orders, rules and regulations of the County Manager shall in each instance prevail, subject to the Constitution and General Laws of the State of Florida. In the exercise of such jurisdiction, the County Manager shall be vested with the power, and it shall be the County Manager's duty, to prescribe classifications, standards of quality and measurement and redundancy factors, and service rules and regulations to be observed and complied with by each Licensee embraced within the terms of this article, with the exception of the public access channels, to prescribe uniform systems and classifications of accounts for each CATV Licensee, as defined herein, which, among other things, shall set up adequate, fair and reasonable depreciation rates and schedules; to require each Licensee to furnish and file periodic reports and other reasonable information and data for the proper administration and enforcement of the provisions of this article; to require appropriate administrative personnel or departments of the County government to perform the work of compiling factual data and information necessary or reasonably required by the County Manager for the proper performance of the duties and functions imposed upon it by the provisions of this article; and to take such actions necessary for the protection and preservation of the public safety and welfare in respect to the transmission of CATV systems furnished within Miami-Dade County, Florida, in accordance with the terms and provisions of this article. The County Manager shall further insure that the Licensee serve the best interest of the total community in Miami-Dade County, Florida, and provide full television service to the extent permitted by the FCC.

(Ord. No. 74-88, §§ 2, 11, 10-15-74; Ord. No. 77-91, § 4, 12-20-77)

Sec. 8A-128.6. Review of the County Manager's decisions.

All decisions of the County Manager shall be subject to review by the Miami-Dade County Commission. Appeals from the Commission's decisions shall be by compliance with the appropriate Florida Appellate Rules. Service on the County Manager may be made by serving the County Manager or other party designated by him to accept service and serving a copy of said service with the County Attorney.

(Ord. No. 74-88, §§ 2, 12, 10-15-74)

Sec. 8A-129. License fee and public property charge.

(a) Each Licensee shall pay to Miami-Dade County a quarterly License fee based upon the Licensee's gross receipts (as defined in [Section 8A-126](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-126DE) of this article) during the preceding quarter in the following amounts:

(i) Four (4) percent of gross revenues derived from the unincorporated areas of the County; and

(ii) One (1) percent of gross revenues derived from the incorporated areas in the County.

The Licensee shall be allowed a credit for any payments to the County in reimbursement of expenses as provided in [Section 8A-128](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-128APPRINRE)(g) of this article.

(b) Reserved.

(c) In the event the total of the payments due from a Licensee to the County pursuant to [Section 8A-129](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-129LIFEPUPRCH)(a)(ii) above and the payments due a municipality pursuant to a municipal License or franchise exceeds five (5) percent of the Licensee's Gross Receipts, then the municipal License or franchise shall be superseded to the extent necessary to reduce the total payment to five (5) percent of the Licensee's Gross Receipts, within the one (1) percent required by [Section 8A-129](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-129LIFEPUPRCH)(a)(ii) being paid to the County and the balance being paid to the municipality.

(d) For purposes of this [Section 8A-129](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-129LIFEPUPRCH) "franchise fees" means any tax, fee or assessment of any kind imposed by a municipality on a Licensee solely because of its status as a CATV Licensee and does not include nonmonetary requirements such as, by way of example, services, facilities, or equipment, imposed by the municipal License or franchise; any taxes, fees, or assessments of general applicability; and any payments or capital costs for municipal public, educational, or governmental access facilities.

(e) Nothing herein shall be construed, directly or indirectly, to authorize or direct any changes in existing municipal franchises or Licenses which would require the payment of additional franchise fees to municipalities.

(f) The four (4) percent License fee specified in [Section 8A-129](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-129LIFEPUPRCH)(a)(i) above shall remain in effect with respect to each existing County License for the remainder of the particular License term. The County License fee in the unincorporated area of the County for all Licenses issued after December 1, 1985, and all renewals of existing Licenses shall be the maximum fee allowed by law.

(g) All municipal ordinances, franchises and Licenses in conflict with this [Section 8A-129](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-129LIFEPUPRCH) are hereby repealed to the extent of such conflict.

(Ord. No. 74-88, §§ 2, 13, 10-15-74; Ord. No. 85-68, § 1, 9-18-85)

Sec. 8A-130. Service charges.

The rates charged by the Licensee shall be filed annually with the County Manager. No increase in established rates by the Licensee shall become effective until at least thirty (30) days' written notice is given to the Miami-Dade County Manager and to all customers served by the Licensee. The Licensee may at any time reduce the established rate.

(Ord. No. 74-88, §§ 2, 14, 10-15-74; Ord. No. 77-91, § 5, 12-20-77; Ord. No. 78-22, § 1, 4-4-78)

Sec. 8A-131. Number of channels, channel reservation.

(a) The Licensee shall provide minimum requirements in accordance with Section 76.252 of the Federal Communications Commission Rules.

(b) The Licensee shall agree to provide one (1) outlet CATV service without charge to each public school and recognized public institution of higher learning. This does not include commercial educational enterprises (computer schools, beauty schools, etc.).

(c) The Licensee shall provide without charge, subject to the rules and regulations of the FCC, public emergency broadcast capabilities whereby, at the request of designated County official(s) service on all channels may be interrupted in order to make such public emergency broadcasts.

(d) The Licensee shall provide, to the extent not inconsistent with FCC requirements, facilities capable of allowing each subscriber's standard television receiver to receive all standard broadcast television signals and all regular, required nonbroadcast services at no additional charge above the standard monthly rate.

(e) The Licensee shall provide and maintain at least one (1) specially designated and noncommercial public access channel which shall be operated in accordance with prevailing federal regulations.

(f) The Licensee shall provide and maintain, without charge, at least four (4) specially designated channels for use and programming by local tax supported educational authorities in the elementary, secondary and college level fields, as well as instructional television for adults. This does not include commercial educational enterprises (computer schools, beauty schools, etc.). Initially, only one (1) such channel shall be required from the Licensee, unless and until the County Manager determines the need for additional educational channels does exist and so notifies the Licensee. The Licensee, after such notification by the County Manager, shall provide such required channels forthwith.

(g) The Licensee shall provide and maintain, without charge, at least one (1) specially designated channel for local government use.

(h) At those daily time segments during which no signals are transmitted over public access channels or local government channels the Licensee may utilize such channels for any purpose consistent with the provisions of this article.

(i) The Licensee may be required to interconnect its system with other cable systems operating in Miami-Dade County, to the extent that such interconnection is done at the request of and in conjunction with County and local school officials who seek such interconnection to foster educational goals.

(j) The Licensee shall provide two-way capability pursuant to the rules and regulations of the FCC and shall provide the following at no charge to Miami-Dade County:

(1) Two-way capability to be made available without charge to the Miami-Dade County School Board to be used and programmed as desired by such School Board. The system shall provide interconnecting terminals to provide signal into the system at locations designated by the Board. Public tax-supported institutions of higher education also shall be provided with such two-way capability. The two-way capability referred to here applies to those channels required by [Section 8A-131](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-131NUCHCHRE)(f).

(2) Two-way channel of secure, wideband capability for local governmental use, as provided in [Section 8A-131](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-131NUCHCHRE)(g), at no additional charge, except for such special terminal devices (converters) as may be required. The Licensee shall provide the interconnecting terminals to provide entrance into the system, but the County shall provide the programming and programming equipment necessary to use the service of this channel.

(k) The Licensee shall provide that the signal of each television station carried shall be received at a designated place on the subscriber's channel selector as prescribed by the County Manager, which shall be uniform for every CATV system in the County insofar as technology permits.

(Ord. No. 74-88, §§ 2, 15, 10-15-74; Ord. No. 77-91, § 6, 12-20-77)

Sec. 8A-132. Prohibition of certain activities.

(a) The Licensee shall not engage in the following activities without prior approval of the Commission:

(1) Sale or service of television sets.

(2) Recommendations, by Licensee or his employees, of specific television appliance dealers or servicemen for sales or service.

(b) No property owner:

(1) Shall charge any fees for the installation and service of a CATV system without prior approval of the County Manager.

(2) Can deny any individual who occupies said property the right to have installed a system and have it serviced by a Licensee.

(3) Charge any fee to a Licensee without prior approval of the County Manager.

(Ord. No. 74-88, §§ 2, 16, 10-15-74)

Sec. 8A-133. Minimum reception standards.

The Licensee shall establish and guarantee minimum technical reception standards at the terminals of each television set services, said standards to be approved by the Commission. The following minimum technical reception standards are herewith established:

(a) The Licensee shall maintain and operate the system in accordance with technical and measurement standards currently in effect under the rules and regulations of the Federal Communications Commission and the rules and regulations of the County Manager.

(b) The Licensee shall maintain and operate the system and render efficient service in accordance with the rules and regulations established or to be established by the Commission. Provided, however, the Licensee shall not exceed the radiation limits established in Section 76.605 of the Federal Communications Commission Rules adopted February 2, 1972, thereby operating the system so as to cause the least amount of interference with television reception, radio reception, telephone communications or other installations which are now or may hereafter be installed and in use in the County.

(c) The television signals carried by the Licensee at no time shall be altered, interrupted, or blacked out in any way by the Licensee except as authorized by appropriate law or regulation and as may be necessary for technical adjustments or for the signal changes provided by such equipment as set-top converters.

(d) The Licensee shall provide and make available accurately calibrated test equipment for the testing of all service and operational standards outlined herein and shall conduct tests as requested by the County under the supervision of a County representative in order to establish the level of performance of the system.

(e) The Licensee shall provide a local service channel in addition to the six (6) channels required by [Section 8A-131](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-131NUCHCHRE) herein. The local service channel shall provide local weather information and time with continuous FM background music. Further use for public service, civic organizations, and charitable causes is also hereby authorized.

(f) The Licensee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruption insofar as possible shall be preceded by notice and shall occur during periods of minimum use of the system.

(g) The Licensee shall maintain an office in the County which shall be open during all usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustment may be received at any time. The Licensee shall respond to all service calls promptly and correct malfunctions as promptly as possible, but in any event within forty-eight (48) hours after notice thereof, except where the cause and extent of failure-causing damage is beyond the control of the Licensee.

(Ord. No. 74-88, §§ 2, 17, 10-15-74; Ord. No. 77-91, § 7, 12-20-77)

Sec. 8A-134. Installation of Distribution System.

(a) The entire Distribution System of the Licensee, including poles, wires, cables, appurtenances and facilities, shall be located or relocated and so erected as not to interfere with travel over, in, on or under any public way and with reasonable ingress and egress to abutting property. All installations shall be in accordance with County standards and specifications and under permit issued by the Public Works Department. The construction, operation and maintenance of the system by the Licensee shall be in accord with good engineering practices and shall be in full compliance with the National Electric Safety Code and applicable laws, regulations and ordinances and as from time to time such are amended and revised.

(b) When any portion of any public way within the unincorporated or incorporated areas of the County is required to be excavated for the purpose of installing any portion of the Licensee's Distribution System or lead-in system, such excavation shall be at the expense of the Licensee and under inspection by the County appropriate governmental agency having jurisdiction. Repair and replacement of the property so excavated shall not be restricted to the actual trench, ditch or path excavated but shall include any and all portions of the public way disturbed, including pavement, curbing, sidewalks, drainage facilities, swales, parkways, and grassed areas, and shall conform to the standards prescribed by the manual of public works construction.

(c) The conditions on street occupancy shall be as follows:

(1) All transmissions and distribution structures, poles, fixtures, lines, and equipment erected by the Licensee within the County shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who may join any of the said streets, alleys or other public ways and places. All facilities shall be placed in such a manner as will not interfere with the usual travel on any public way.

(2) In case of disturbance of any street, sidewalk, alley, public way, or paved area, the Licensee shall, at its own cost and expense and in a manner approved by the appropriate governmental agency having jurisdiction replace and restore such street, sidewalk, alley, public way, or paved area in as good a condition as before the work involving such disturbance was done.

(3) If at any time during the period of the License any appropriate governmental agency having jurisdiction shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other public way, the Licensee, upon reasonable notice by such governmental agency, shall move, remove, or adjust its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense. However, if such activities as are delineated in this subsection are undertaken pursuant to any urban renewal projects, then the Licensee shall be treated in a manner similar to other utilities with regard to responsibility for payment for such removal, adjustments of poles, wires, etc., as may be required.

(4) The Licensee shall, on the request of any person holding a building moving permit issued by any appropriate governmental agency having jurisdiction, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the Licensee shall have the authority to require such payment in advance. The Licensee shall be given forty-eight (48) hours advance notice to arrange for such temporary wire changes.

(5) The Licensee shall have the authority to trim trees upon, and overhanging, streets, alleys, sidewalks, and public ways and places of the County so as to prevent the branches of such trees from coming in contract with the wires and cables of the Licensee. Such trimming work shall be done by the Licensee at its own expense, and it shall be subject to the prior approval and inspection of the appropriate governmental agency having jurisdiction.

(6) In all sections of the County where the cables, wires or other like facilities of public utilities are placed underground, either by voluntary action on the part of any utility or by requirement of an existing or subsequent statute, ordinance or other enactment of law the Licensee shall place its cables, wires, or other like facilities under- ground, without cost to Miami-Dade County and without right to any reimbursement from Miami-Dade County for any costs incurred by the Licensee.

(Ord. No. 74-88, §§ 2, 18, 10-15-74; Ord. No. 77-91, § 8, 12-20-77)

Sec. 8A-135. Termination of service; refunds.

(a) If any subscriber of the Licensee of less than three (3) years terminates his subscription because of the Licensee's failure to render service of the type and quality provided for herein, or if the Licensee terminates service to a subscriber of less than three (3) years without good cause or because the Licensee ceases to operate the CATV business authorized hereunder for any reason except expiration of a License granted hereunder, the Licensee shall refund to such subscriber that portion of the initial tap-in and connection charges paid by the subscriber representing the unused remainder of the three-year period, determined by prorating to the date of notice of termination on a month-unit basis. Said refund shall be subject to approval by the County Manager.

(b) Upon termination of service to any subscriber the Licensee shall promptly remove all its facilities and equipment from the premises of the subscriber upon request.

(Ord. No. 74-88, §§ 2, 19, 10-15-74)

Sec. 8A-136. Flow-through of refunds.

If during the term of a License granted hereunder, the Licensee receives refunds of any payments, it shall without delay notify the County Manager, suggest a plan for flow-through of the refunds to its subscribers and retain such refunds pending order of the County Manager. After considering the plan submitted by the Licensee, the County Manager shall order the flow-through of the refunds to the Licensee's subscribers in a fair and equitable manner.

(Ord. No. 74-88, §§ 2, 20, 10-15-74)

Sec. 8A-137. Liability and indemnification.

(a) The Licensee shall pay all reasonable damages and penalties which the County or other governmental entity may legally be required to pay as a result of the License granted hereunder. These damages or penalties shall include, but shall not be limited to, damages arising out of copyright infringements and all other damages arising out of the installation, operation, or maintenance of the CATV system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this article.

(b) The Licensee shall pay all reasonable expenses incurred by the County or other governmental entity in defending itself with regard to all damages and penalties mentioned in (a) above. The expenses shall include all incidental expenses, including attorney fees, and shall also include the reasonable value of any services rendered by the County Attorney or his assistants or by any employee of the County.

(c) The Licensee shall maintain and pay for liability insurance insuring the County and the Licensee with regard to all damages charged against the County and the Licensee resulting from the installation, development, maintenance or expansion of the CATV system authorized by this article in the following minimum amounts:

(1) One hundred thousand dollars ($100,000.00) for bodily injury or death to any one (1) person with an aggregate limit for any one (1) occurrence of five hundred thousand dollars ($500,000.00) for bodily injury or death.

(2) One hundred thousand dollars ($100,000.00) property damage resulting from any one (1) accident.

(3) Automobile liability insurance covering all owned, nonowned and hired vehicles used in connection with the Licensee's work in amounts as indicated in (1) and (2) above.

(4) Contractual liability insurance covering all liability arising out of the terms of the License agreement.

(5) Worker's compensation insurance as required by Chapter 440, Florida Statutes.

(d) The Licensee shall maintain throughout the term of its License a faithful performance bond with a surety approved by the County, in the penal sum of one hundred thousand dollars ($100,000.00) upon the condition that the Licensee shall truly observe, fulfill and perform each term and condition of this article and its License and that in case of any breach of condition of the bond, the amount thereof shall be recoverable from the principal and surety thereof by the County for all damages resulting from the failure of the Licensee to well and faithfully observe and perform any provision of this article or the License issued hereunder.

(e) All insurance policies required above shall be issued in companies authorized to do business under the laws of the State of Florida and have been approved by the Risk Management Division of Miami-Dade County. The Licensee shall furnish certificates of insurance to the County prior to commencing any operations under the License agreement, which certificates shall clearly indicate that the Licensee has obtained insurance in the type, amount and classifications in strict compliance with this section. No material change or cancellation shall be permitted without thirty (30) days prior notice to the County.

(Ord. No. 74-88, §§ 2, 21, 10-15-74; Ord. No. 77-91, § 9, 12-20-77)

Sec. 8A-138. Time limitations.

The Licensee shall, within sixty (60) days after the issuance of said License, apply to the Federal Communications Commission for any required permits or Licenses and shall begin service within one (1) year thereafter. Following the receipt of all required permits and Licenses and other necessary approvals, the Licensee shall accomplish significant construction of its cable television system and shall thereafter reasonably and equitably extend energized trunk cable to twenty (20) percent of the Licensee's County-franchised area each year, until service is available to substantially all residents of such area. Additional time to complete construction may be granted by the County Manager for good cause shown upon request of the Licensee. Licensee need not, but may, at its option, provide service to areas having fewer than sixty (60) homes in front of each linear mile of trunk line cable.

(Ord. No. 74-88, §§ 2, 22, 10-15-74; Ord. No. 77-91, § 10, 12-20-77)

Sec. 8A-139. Nonexclusive License.

No License issued hereunder shall be construed or considered an exclusive License, nor shall the same vest any exclusive rights in any Licensee.

(Ord. No. 74-88, § 2, 23, 10-15-74)

Sec. 8A-140. Ownership, control, transfer of License.

(a) The Licensee shall at all times be the sole owner or lessee of all the facilities and property, real and personal, of the CATV business operating under License issued by Miami-Dade County.

(b) Any change of thirty (30) percent or more of the ownership of the Licensee's business or transactions which may later affect the transference of the ownership shall be submitted to the County Manager for prior approval. By its acceptance of a License under this article the Licensee specifically acknowledges and agrees that any such change in ownership and control occurring without prior approval of the County Manager shall constitute a violation of the terms of the License, and render it subject to cancellation at the discretion of the County Manager.

(c) Upon the foreclosure or other judicial sale of all or a substantial part of the system, or upon termination of any lease covering all or a substantial part of the system, the Licensee shall notify the Commission of such fact, and such notification shall be treated as a notification that a transfer of License has taken place, and the provisions of [Section 8A-140](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-140OWCOTRLI)(d) of this Code governing the consent of the County Manager to such transfer of License shall apply.

(d) No assignment of any License granted hereunder shall be valid and effective to transfer any interest or to bind the County without prior approval of the County Manager. In considering any request for transfer of License the County Manager may require such information, records, books of accounts, or other data as it may deem necessary and proper to evaluate the qualifications of the proposed assignee.

(Ord. No. 74-88, §§ 2, 24, 10-15-74; Ord. No. 77-91, § 11, 12-20-77)

Sec. 8A-141. Audit, books and records.

(a) The Licensee hereunder shall maintain books or records of accounts, which shall be annually audited by a certified public accountant, and said audit shall be submitted to the County Manager. The County Manager shall have the right, at any time, at the expense of the County, to cause an audit to be made of the said Licensee, within the public interest.

(b) The Licensee shall file with the Public Works Department true and accurate maps or plats of all existing and proposed installations.

(c) The Licensee shall file annually with the County Manager not later than sixty (60) days after the end of the Licensee's fiscal year a copy of its report to its stockholders, as well as so much of the books of account of the Licensee as are necessary for independent ascertainment of the gross income from operations of the Licensee by the County or its agent.

(d) The Licensee shall keep on file with the County Manager a current list of its shareholders and bondholders, if a corporation. If not a corporation, then a record of the appropriate ownership percentages in the Licensee shall be so filed.

(Ord. No. 74-88, §§ 2, 25, 10-15-74)

Sec. 8A-142. Filing and communications with regulatory agencies.

Copies of all petitions, applications and communications submitted by the Licensee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or State regulatory Commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to a License granted under this article, shall also be submitted simultaneously to the County Manager.

(Ord. No. 74-88, §§ 2, 26, 10-15-74)

Sec. 8A-143. Forfeiture of License.

(a) In addition to all other rights and powers of the County by virtue of a License granted under this article or otherwise, the County reserves the right to terminate and cancel a License granted under this article and all rights and privileges of the Licensee hereunder in the event that the Licensee:

(1) Materially violates any provision of a License granted hereunder, or any rule, order or determination of the County Manager or the Commission made pursuant to a License granted under this article, except where such violation, other than under [Section 8A-140](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-140OWCOTRLI) or subsection (b) below, is without fault of the Licensee or occurs through excusable neglect.

(2) Becomes insolvent, unable or unwilling to pay its debts or is adjudged bankrupt.

(3) Attempts to dispose of any of the facilities of property of its CATV business to prevent the County from recovering any payments due or any losses or damages arising out of the License.

(4) Attempts to evade any of the provisions of a License granted hereunder or practices any fraud or deceit upon the County.

(5) Fails to begin, or to complete, construction under a License granted hereunder before such time limitation established herein.

(b) After a License is granted under this article and if Licensee fails to maintain the minimum reception standards as herein set forth or fails to abide by the terms and conditions of this article, after reasonable notice by the County Manager, said Licensee may be subject to having its License cancelled by the Commission who shall notify the Licensee of the time and place of a meeting of the Commission at which the cancellation of said License shall be considered. The Licensee shall have an opportunity, in person or by attorney, to defend or explain its position to said Commission and may offer witnesses or evidence in support of its position.

(c) Termination and cancellation of License shall be by resolution and shall in no way affect any of the County's rights under a License granted under this article or any provision of law.

(d) The Commission shall have the right to cancel a License one hundred twenty (120) days after the appointment of a receiver, or trustee, to take over and conduct the business of the Licensee, whether in receivership, reorganization, bankruptcy, or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of the one hundred twenty (120) days, or unless:

(1) Within one hundred twenty (120) days after election or appointment such receiver or trustee shall have fully complied with all of the provisions of this chapter and remedied all defects thereunder; and

(2) Such receiver or trustee, within one hundred twenty (120) days shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this chapter and License granted to the Licensee.

(Ord. No. 74-88, §§ 2, 27, 10-15-74; Ord. No. 77-91, § 12, 12-20-77)

Sec. 8A-144. County's right of intervention.

The Licensee shall agree not to oppose intervention by the County in any suit or proceeding to which the Licensee is a party.

(Ord. No. 74-88, §§ 2, 28, 10-15-74)

Sec. 8A-145. Further agreement and waiver by Licensee.

The Licensee shall agree to abide by all provisions of a License granted under this article and further that it will not at any future time set up against the County or the County Manager the claim that the provisions of the License are unreasonable, arbitrary or void.

(Ord. No. 74-88, §§ 2, 29, 10-15-74)

Sec. 8A-145.1. Modifications to federal regulations.

All Licenses shall be subject to the applicable provisions of the Federal Communications Commission Regulations, and any modifications to those regulations shall be considered a part of the License within one (1) year of the adoption of the modification or at the time of License renewal, whichever occurs first.

(Ord. No. 74-88, §§ 2, 30, 10-15-74; Ord. No. 77-91, § 13, 12-20-77)

Sec. 8A-145.2. Severability.

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

(Ord. No. 74-88, §§ 2, 31, 10-15-74)

Sec. 8A-146. Reserved.

**Editor's note—**

Ord. No. 77-91, [§ 14](../level2/PTIIICOOR_CH14FIPR.docx#PTIIICOOR_CH14FIPR), adopted Dec. 20, 1977, repealed former [§ 8A-146](../level3/PTIIICOOR_CH8ABURE_ARTIVCOANTESY.docx#PTIIICOOR_CH8ABURE_ARTIVCOANTESY_S8A-146RE), which section provided a specific penalty for violations of the article; said former section was derived from Ord. No. 74-88, §§ 2, [32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE), adopted Oct. 15, 1974.

FOOTNOTE(S):

--- (**5**) ---

**Editor's note—** Ord. No. 74-88, § 1, enacted Oct. 15, 1974, repealed former Art. IV, §§ 8A-125—8A-146, relative to community antenna television systems. Sections 2-32 of said Ord. No. 74-88 enacted a new Art. IV as herein set out. [(Back)](#BK_4B6E2BB271C30B23DB77BADA315F4128)

 Former Art. IV was derived from Ord. No. 70-75, §§ 1—22, adopted Sept. 29, 1970, and Ord. No. 73-54, §§ 1—8, adopted May 15, 1973. [(Back)](#BK_4B6E2BB271C30B23DB77BADA315F4128)

**Cross reference—** Cable television regulations, Ch. 8AA. [(Back)](#BK_4B6E2BB271C30B23DB77BADA315F4128)

**State Law reference—** CATV franchises, F.S. § 166.046. [(Back)](#BK_4B6E2BB271C30B23DB77BADA315F4128)

### ARTICLE V. CHECK-CASHING SERVICES [[6]](#BK_CF336959E7FA5B7A52DAFAB071C59EF1)

[Sec. 8A-147. Schedule of charges—Display required.](#BK_92DC510ED99CA9DD91B078ECD2BAAA23)

[Sec. 8A-148. Same—Exceptions.](#BK_09DA6C01F6B95DC08132D5CF3CE5187D)

[Sec. 8A-149. Penalty.](#BK_A93C62D1D1DBE2D5390C58CD707CE5A9)

[Sec. 8A-150. Countywide application of article.](#BK_0D703646667523FE752E27DADBE3C177)

Sec. 8A-147. Schedule of charges—Display required.

It shall be unlawful for any person, firm, corporation or business establishment to make a charge for cashing checks, regardless of whether the charge be in the form of a required cash payment or a deduction from the proceeds of the check, without displaying, in a conspicuous place near the cashier, a sign printed in a plainly legible fashion setting forth the schedule of charges therefor.

(Ord. No. 71-8, § 1, 1-6-71; Ord. No. 78-77, § 1, 11-7-78; Ord. No. 80-66, § 1, 6-17-80)

Sec. 8A-148. Same—Exceptions.

This article shall not apply to banks or trust companies organized under the laws of this State, to any national banks, or to any federally chartered savings and loan associations.

(Ord. No. 71-8, § 2, 1-6-71)

Sec. 8A-149. Penalty.

Any person conviction of violating this article shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 71-8, § 3, 1-6-71)

Sec. 8A-150. Countywide application of article.

This article shall be applicable in all the unincorporated and incorporated areas of Miami-Dade County, Florida.

(Ord. No. 71-8, § 4, 1-6-71)

FOOTNOTE(S):

--- (**6**) ---

**Editor's note—** Article V, §§ 8A-147—8A-150, is derived from Ord. No. 71-8, §§ 1—4, enacted Jan. 6, 1971. This article was included as a part of this Code pursuant to § 7, thereof. [(Back)](#BK_CCFEBA6A2F850209C44D066FA6DCE971)

### ARTICLE VI. PRIVATE SECURITY AGENCIES [[7]](#BK_735FCD30D7D4F210BB92F1BB42F8DC8F)

[Sec. 8A-151. Private security agencies; uniforms and vehicles; certain insignia prohibited.](#BK_5041C9423BF6DA058DEB44F215A8CFE7)

[Sec. 8A-152. Private security guards; wearing of certain uniforms prohibited.](#BK_C25374C425C56872756D8B8CB36786E4)

[Sec. 8A-153. Penalty for violation of article.](#BK_AD413D58154262B6F8528FBA98FA2827)

Sec. 8A-151. Private security agencies; uniforms and vehicles; certain insignia prohibited.

It shall be unlawful for any person:

(1) To wear a badge, shield, clothing or uniform displaying in any manner the word "police," "sheriff," "deputy" or any group of words which includes the said words or any other marking or insignia customarily used to identify municipal police officers or officers of the Miami-Dade Police Department, unless such person is in fact a federal, State, County or municipal law enforcement officer; or

(2) To own or operate a motor vehicle in the County marked or identified by the word "police" or any group of words which includes the said word or any other marking or insignia identifying the vehicle as a police vehicle, including but not limited to stars, badges, or shields, unless such vehicle is owned and operated by a federal, State, County or municipal law enforcement agency.

(Ord. No. 71-2, § 1, 1-6-71)

Sec. 8A-152. Private security guards; wearing of certain uniforms prohibited.

After June 1, 1971, it shall be unlawful for any employee of any private security agency to wear any badge, uniform, or insignia of such similarity of design, color or inscription to the official badge, uniform, or insignia of the Miami-Dade Police Department or of any municipal police department of the County which is indistinguishable therefrom at a distance of twenty (20) feet.

(Ord. No. 71-2, § 2, 1-6-71)

Sec. 8A-153. Penalty for violation of article.

Every person who is convicted of a violation of this article shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days or by both such fine and imprisonment.

(Ord. No. 71-2, § 3, 1-6-71)

FOOTNOTE(S):

--- (**7**) ---

**Cross reference—** Intrusion and burglar security, Ch. 8C. [(Back)](#BK_518918548F8587F03A8BF1A1E2CA711B)

**State Law reference—** Investigative and patrol services, F.S. ch. 493. [(Back)](#BK_518918548F8587F03A8BF1A1E2CA711B)

### ARTICLE VII. TRUTH IN MOTORBOAT REPAIRS AND ESTIMATES [[8]](#BK_D8B6CB3FC0B05784566075ABCD1E7C08)

[Sec. 8A-154. Definitions.](#BK_967D501264920573B35CA440FD0138A4)

[Sec. 8A-155. False charges for motorboat repairs and parts.](#BK_6AB10CF12175865AAA304BD60EB50BBC)

[Sec. 8A-156. Estimate of repairs required.](#BK_58EB16D363493359D9F644797CBF472B)

[Sec. 8A-157. Notification of customer.](#BK_B84BCAFA5B3E5E64A5A4D084337EB6AB)

[Sec. 8A-158. Failure to notify of additional charges.](#BK_637CC0DB839AFCEE26722E46B27F8AA1)

[Sec. 8A-159. Reserved.](#BK_294351A61D21922C60DA5E4DCBC43071)

[Sec. 8A-160. Notice to customers.](#BK_BB7543C460ED83DFF4AFEC286D5EAFFE)

[Sec. 8A-160.1. Detailed invoice required.](#BK_A798F95D690727FB9B94F34A17419540)

[Sec. 8A-161. Criminal penalties.](#BK_03C01035AD05C23399DABA8DF4BBE324)

Sec. 8A-154. Definitions.

When used in this article:

(a) *Motorboat* shall mean any vessel which is propelled by power and is limited to Class A boats as defined by the Federal Motor Boat Act of 1940 as boats propelled by power which are under sixteen (16) feet in length.

(b) *Repairs* shall include mechanical repairs, alterations, and the additions of equipment, supplies or parts, as well as body repairs; including but not limited to tune-ups, brake, transmissions, engine repairs, body work, hull work, painting, and maintenance services.

(Ord. No. 71-20, § 1, 2-16-71; Ord. No. 72-52, §§ 1, 2, 9-19-72; Ord. No. 92-38, § 1, 5-19-92)

**Editor's note—**

[Section 8A-154](../level3/PTIIICOOR_CH8ABURE_ARTVIITRMOREES.docx#PTIIICOOR_CH8ABURE_ARTVIITRMOREES_S8A-154DE) is derived from and has been amended from time to time by ordinances indicated in the history note following the section. Editorial analysis of ordinances adding, deleting or revising definitions is omitted.

**Amendment note**—Article VII, §§ [8A-154](../level3/PTIIICOOR_CH8ABURE_ARTVIITRMOREES.docx#PTIIICOOR_CH8ABURE_ARTVIITRMOREES_S8A-154DE)—8A-161, is derived from Ord. No. 7-20, §§ 1—8, enacted Feb. 16, 1971. This article was codified pursuant to § 10 thereof.

Sec. 8A-155. False charges for motorboat repairs and parts.

It is unlawful for a person to knowingly charge for any services which are not actually performed in repairing a motorboat, or to knowingly charge for any parts which are not actually furnished, or to knowingly misinform a customer concerning what is wrong with his motorboat, or to fraudulently substitute parts when such substitution has no relation to the repairing or servicing of the motorboat.

(Ord. No. 71-20, § 2, 2-16-71; Ord. No. 92-38, § 1, 5-19-92)

Sec. 8A-156. Estimate of repairs required.

A person engaged in the business of motorboat repairs shall furnish to the customer a written estimate of repairs which shall state the total estimate cost of (1) parts: parts shall be listed with reasonable particularity and identified by brand name and designation as to whether new or used parts are to be installed; (2) labor; (3) incidental services; (4) the charges, if any, for the release of the motorboat in the event that the motorboat is not repaired; and (5) the charges, if any, for making the estimate. The customer may, in writing, waive this requirement. If no charge is recorded for the making of an estimate, it shall be unlawful to so charge for an estimate. No person shall be required to prepare a written estimate of repairs for jobs under fifty dollars ($50.00) nor until such person has made a visual inspection of the motorboat to be repaired; provided, however, that if inspection indicates an estimated repair cost in excess of fifty dollars ($50.00), an estimate in accordance with the terms and provisions of this article shall be required prior to the commencement of repair work. The customer shall be given a signed copy of the written estimate of repairs. No person engaged in the business of motorboat repairs shall solicit or demand a waiver of any customer's rights herein enumerated as a pre-condition to acceptance of repair work.

(Ord. No. 71-20, § 3, 2-16-71; Ord. No. 71-79, § 1, 10-5-71; Ord. No. 92-38, § 1, 5-19-92)

**Amendment note**—Ord. No. 71-79, § 1, amended [§ 8A-156](../level3/PTIIICOOR_CH8ABURE_ARTVIITRMOREES.docx#PTIIICOOR_CH8ABURE_ARTVIITRMOREES_S8A-156ESRERE) by adding the last sentence prohibiting the solicitation of waiver of the customer's rights.

Sec. 8A-157. Notification of customer.

In the event that a determination is made that the actual charges for the repairs to be made will exceed the total written estimate for repairs given under [Section 8A-156](../level3/PTIIICOOR_CH8ABURE_ARTVIITRMOREES.docx#PTIIICOOR_CH8ABURE_ARTVIITRMOREES_S8A-156ESRERE) by the sum of ten dollars ($10.00) or ten (10) percent of the total written estimate, whichever is less, the customer shall be immediately notified by fax, telephone, telegram, mail or written notice of the new estimate charges. Such notification shall be at the expense of the person engaged in the business of motorboat repairs. A customer so notified may authorize the repairs based upon the new estimate charges or may cancel the order for repairs. (If the customer authorizes or cancels by telephone, it must be confirmed in writing.) If the order for repair is cancelled by the customer, the unrepaired or partially repaired motorboat shall be released immediately, in reasonable like condition as and where received for repair and upon payment of whatever charge is imposed for the release of the unrepaired motorboat in an amount not to exceed the estimate therefor as provided in [Section 8A-156](../level3/PTIIICOOR_CH8ABURE_ARTVIITRMOREES.docx#PTIIICOOR_CH8ABURE_ARTVIITRMOREES_S8A-156ESRERE)(4) hereof, if such estimate was included in the written estimate of repairs.

(Ord. No. 71-20, § 4, 2-16-71; Ord. No. 92-38, § 1, 5-19-92)

Sec. 8A-158. Failure to notify of additional charges.

In the event the customer is not notified of any additional charges for repair, the repaired motorboat must be released upon payment by the customer of not more than an amount equal to the original written estimate plus ten dollars ($10.00) or ten (10) percent of the original written estimate, whichever is the lesser. In no event shall a customer be required to pay more than the above amount if he did not receive notification of a change in the estimate and confirm the same in writing.

(Ord. No. 71-20, § 5, 2-16-71; Ord. No. 92-38, § 1, 5-19-92)

Sec. 8A-159. Reserved.

**Editor's note—**

Former [§ 8A-159](../level3/PTIIICOOR_CH8ABURE_ARTVIITRMOREES.docx#PTIIICOOR_CH8ABURE_ARTVIITRMOREES_S8A-159RE), relative to storage charges, was deleted pursuant to the amendment of Art. VII by Ord. No. 92-38, § 1, adopted May 19, 1992. The provisions of former [§ 8A-159](../level3/PTIIICOOR_CH8ABURE_ARTVIITRMOREES.docx#PTIIICOOR_CH8ABURE_ARTVIITRMOREES_S8A-159RE) derived from Ord. No. 71-20, § 6, 2-16-71; Ord. No. 72-52, § 3, 9-19-72; Ord. No. 80-53, § 1, 6-3-80)

Sec. 8A-160. Notice to customers.

All business establishments which engage in motorboat repair shall post, in a conspicuous place, a sign measuring not less than two (2) feet in width and three (3) feet in length, written in a legible manner as follows:

"Under the provisions of the Miami-Dade County Code, all customers are entitled to an estimate before repair work is begun and this business must comply with those provisions of the Miami-Dade County Code. If you have a complaint about the way services were provided, you may call the Miami-Dade County Consumer Services Department at (current phone number)."

"Bajo las normas de la Codigo del Condado de Miami-Dade, todo cliente derecho a un estimado de costo antes de comenzar cualquier trabajo de reparacion, y este establecimiento debe regirse de las provisiones del Codigo del Condado de Miami-Dade. Si tiene alguna queja acerca de la forma en que le prestaron servicios, usted puede llamar al Miami-Dade County Consumer Services Department al (numero de telefono actual)."

"Dapre Kod lalwa nan Miami-Dade County tout kliyan ki bay fe yon reparasyon nan yon shop, gen dwa ekzije yon estimasyon pri-a avan travay-la komanse. Biznis-la oblije respekte lawa Miami-Dade County sa-a. Si ou gen plent pou pote sou jan ke yo te bay sevis yo, ou met rele Dapatman ki rele Miami-Dade County Consumer Services lan nimero (nan nimero telefonn sa a)."

(Ord. No. 71-20, § 7, 2-16-71; Ord. No. 92-38, § 1, 5-19-92)

Sec. 8A-160.1. Detailed invoice required.

All work done by a person engaged in the business of motorboat repairs shall be recorded on an invoice detailing and describing all services or work performed and all parts supplied and the exact charge for each such part or service. In addition, if any used parts are supplied, the invoice shall clearly identify such part and state that fact. One (1) copy of such invoice shall be given to the customer upon completion of the repair work.

(Ord. No. 71-79, § 2, 10-5-71; Ord. No. 92-38, § 1, 5-19-92)

**Editor's note—**

Ord. No. 71-79, § 2, amended this Code by adding provisions designated as § 8A-160A which provisions were redesignated [§ 8A-160.1](../level3/PTIIICOOR_CH8ABURE_ARTVIITRMOREES.docx#PTIIICOOR_CH8ABURE_ARTVIITRMOREES_S8A-160.1DEINRE) by the editors to conform to the numbering system used throughout this Code.

Sec. 8A-161. Criminal penalties.

If any person violates or fails or refuses to obey or comply with any of the provisions of this article such person, upon conviction of any such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court. Each day or portion thereof of continuing violation shall be deemed a separate offense.

(Ord. No. 71-20, § 8, 2-16-71; Ord. No. 92-38, § 1, 5-19-92)

FOOTNOTE(S):

--- (**8**) ---

**Editor's note—** Article VII, §§ 8A-154—8A-161, is derived from Ord. No. 71-20, §§ 1—8, enacted Feb. 16, 1971. This article was codified pursuant to § 10, thereof. [(Back)](#BK_4959C26DC9C70C821B43C817C9F7C1A4)

**State Law reference—** Florida Motor Vehicle Repair Act, F.S. § 559.901 et seq. [(Back)](#BK_4959C26DC9C70C821B43C817C9F7C1A4)

### ARTICLE VIIA. MOTOR VEHICLE REPAIR ORDINANCE

[Sec. 8A-161.1. Definitions.](#BK_AB072CC21A1047D4D557F08709F62079)

[Sec. 8A-161.2. Intent and application.](#BK_B5849AEAF854E356112BC61070FF1C21)

[Sec. 8A-161.3. Exemptions; conflict.](#BK_7D83C14ADB86B4C08B8DC67FB3275C06)

[Sec. 8A-161.4. Registration required.](#BK_3DF495838E95E4DDB65C82482D28EA59)

[Sec. 8A-161.5. Application for registration.](#BK_C49F3B2294E2BFCD4613774E8E9B6F54)

[Sec. 8A-161.6. Registration; criterion for issuance.](#BK_A4969ED2A6B334CE57BC80051FA07AE5)

[Sec. 8A-161.7. Records; inspection; complaint retention and handling.](#BK_B64FF9672B69178FEE6AF395BDEB7099)

[Sec. 8A-161.8. Denial, revocation and suspension of registration, certificates or permit.](#BK_CC8BED797A4E0FD603D08393CC49D5F0)

[Sec. 8A-161.9. Unfair and deceptive practices.](#BK_CB657855B5C90187ED7A828C8FD440E0)

[Sec. 8A-161.10. Adoption by reference of portions of Florida Motor Vehicle Repair Act.](#BK_C27B0A64D50E36D12C25E6459955532D)

[Sec. 8A-161.11. Adoption by reference of rules regulating motor vehicles adopted by state pursuant to Section 501.205, Florida Statutes.](#BK_E57B651A3F36305E94D56EE692DD5AE6)

[Sec. 8A-161.13. Assurances of compliance.](#BK_AF74D6AA789206EF8ED8AE16B2BB42E7)

[Sec. 8A-161.14. Notice to customers.](#BK_2717BE086A91DBDC872AD94E8DEDBE1F)

[Sec. 8A-161.15. Written analysis.](#BK_B191F9ED2CD8DE396F9F70AC30A5A919)

[Sec. 8A-161.16. Reserved.](#BK_6F1D3C2F792D0C058ECEA6D6A1526C83)

[Sec. 8A1-161.17. Reserved.](#BK_0E67908741A6BEDE91367A6C77D35CD1)

[Sec. 8A-161.18. Civil penalties.](#BK_9FC1A1C012D8D55511CC09BE1F84D3FB)

[Sec. 8A-161.19. Criminal penalties.](#BK_98E938A5C7181B95EFA52AD4599134F3)

[Sec. 8A-161.20. Presumption of continuous operation.](#BK_DF0AAA6AAC079253ED4BA0110287A85C)

[Sec. 8A-161.21. Private cause of action.](#BK_7D6D99E8D063B854E0C73BB0E729966E)

[Sec. 8A-161.22. Enforcement procedure; remedies; attorneys fees; costs.](#BK_EA35254EF0B79C1ED83D36538C74E0F1)

[Sec. 8A-161.23. Appeals from actions, decisions or determinations of the Director; judicial review.](#BK_0FB620A711F8590527F84D5F263020C1)

[Sec. 8A-161.24. Specialty and master mechanics required.](#BK_0E12A77FFD5E5E16FE7619622674FAA1)

[Sec. 8A-161.25. Specialty mechanic and paint/body technician certification; repair work categories; master mechanic certification.](#BK_0F9425A838DA8EFEB55B99C3410931B4)

[Sec. 8A-161.26. Certification required; contents of application.](#BK_058CEC8731AA70427C5DE655F2D1CE28)

[Sec. 8A-161.27. Examination of mechanics and technicians required; contents of examination; testing by other agencies.](#BK_D0BC179E20CAF944FF0C1C0EE7AE110A)

[Sec. 8A-161.27.1. Limited authorization.](#BK_F6FF160D093AE62B1AA4CC7879F19307)

[Sec. 8A-161.28. Mechanic apprentice permit; criterion for issuance; paint/body apprentice permit; education and training program.](#BK_E7557D6B9D11CC087882B3B54D4CD36B)

[Sec. 8A-161.29. Repair work categories for specialty and master mechanic certifications for heavy-duty trucks; examination.](#BK_FF264D5BE9473F18A849F6770A9115A0)

[Sec. 8A-161.30. Reserved.](#BK_CEB8AF3096658799F98DE3979E800988)

[Sec. 8A-161.31. Mechanic and technician certification; criterion for issuance; effective date; renewal; conditions, limitations, and restrictions; functioning as mechanic or technician after expiration date.](#BK_59512F577B98CF299A182B8132410DCF)

[Sec. 8A-161.32. Loss, destruction, or mutilation of registration, certificate or permit; replacement.](#BK_EA879F08F0E4061AD159E3481847C9D2)

[Sec. 8A-161.33. Display of certificate; certification number.](#BK_190796EA21E94072D75A61C0B7F4C620)

[Sec. 8A-161.34. Items required for motor vehicle body repair facilities and motor vehicle paint facilities.](#BK_EF6D210F34D03B5F923967513BB38C9A)

[Sec. 8A-161.34.1. Items required for motor vehicle mechanical repair facilities.](#BK_8C3AAB2F97DE5DBBBBA75B50467E8410)

[Sec. 8A-161.34.2. Reserved.](#BK_D72BFDE10440A191548C9246A526EF8E)

[Sec. 8A-161.35. Reserved.](#BK_7BC6D729730EC3F77E908D44B2475949)

[Sec. 8A-161.36. Director's duties, functions and powers.](#BK_AD9136108013D21D60618E25A300D27E)

[Sec. 8A-161.37. Prohibition on publication of written advertisements without registration number.](#BK_7B1844819D3F643C2117FF21F6969C2F)

Sec. 8A-161.1. Definitions.

(a) *Advertise* shall mean to advise, announce, apprise, command, give notice of, inform, make known, or publish any material which calls to the attention of the public availability of motor vehicle products offered for sale by motor vehicle repair shops or repair work.

(b) *Article* shall mean Article VIIA of the Code of Miami-Dade County, Florida, and any rules, regulations, and standards promulgated pursuant to this article.

(b-1) *ASE* shall mean the certification examinations designed and administered by the National Institute for Automotive Service Excellence.

(c) *Automobile* and *light truck* shall mean a motor vehicle which has a gross vehicle weight of less than ten thousand (10,000) pounds.

(d) *Certification* or *certificate* shall mean the authorization by the Director required by this article for repair work to be performed by a master mechanic, specialty mechanic, motor vehicle body repair technician, or motor vehicle paint technician.

(e) *Collision, structural repair* and *paint facility* shall mean a motor vehicle repair shop which rebuilds, repairs, restores or alters motor vehicles by mending, straightening, replacing, adding or customizing parts or portions of the body of a motor vehicle or performing structural repair work on a motor vehicle, including all repair work which may be performed by a structural repair facility and a cosmetic and paint repair facility pursuant to this article.

(f) *Commission* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(g) *Charge* shall mean money, fee, emolument, quid pro quo, barter, remuneration, pay, reward, indemnification or satisfaction.

(h) *Contract* shall mean a written or oral agreement, understanding, arrangement or similar circumstances whereby a person agrees that another person shall perform repair work, including, but not limited to, labor, diagnosis, repair, reconditioning, replacement, adjustment, or alteration, directly or indirectly, upon a motor vehicle.

(i) *Cosmetic and paint repair facility* shall mean a motor vehicle repair shop which paints or repaints motor vehicles which are owned by other persons and which does not perform repair work such as replacement of any body panels, bumpers or repair of any structural damage of motor vehicles.

(j) *Customer* shall mean a person who inquires about, makes a request for, or purchases motor vehicle products or repair work from a motor vehicle repair shop or a person who seeks repair work or motor vehicle products under the terms of a warranty issued by a motor vehicle repair shop. This term shall include "customer" as defined by Section 559.903(1), Florida Statutes, as amended from time to time, and includes the owner, the agent or authorized representative of the owner of the motor vehicle or a person in lawful possession of the motor vehicle.

(k) *Director* shall mean the County Manager or his designee. This definition shall apply to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code of Miami-Dade County, Florida, when utilizing the provisions of this article.

(l) *Heavy-duty truck* shall mean a motor vehicle which has a gross vehicle weight of ten thousand (10,000) pounds or more and includes both single unit and combination tractor trailer or tractor semitrailer vehicles.

(m) *Lien* shall mean a charge, security, or encumbrance upon a motor vehicle, including when the law itself, without the stipulation of the parties, raises an implication or legal consequence from the relationship of the parties or the circumstances of their dealings.

(n) *Master mechanic* shall mean a motor vehicle mechanic or specialty mechanic who has obtained a certificate from the Director in all of the specific motor vehicle mechanic repair work categories pursuant to this article. This term shall also include a master heavy-duty truck mechanic.

(o) *Material fact* shall mean a fact which is used by a person as a premise upon which a conclusion is based.

(p) *Mechanic apprentice* shall mean a person who desires to learn through on-the-job training to become a specialty mechanic or a master mechanic and has obtained a permit from the Director pursuant to this article.

(q) *Minor repair services* shall mean the replacement or installation of motor vehicle light bulbs, tires, lamp globes, air filters, oil filters, windshield wiper blades, minor or ornamental accessories, or motor vehicle lubrications or oil changes. This term shall also include the replacement, adjustment, repair, or servicing of the following motor vehicle parts and assemblies:

(1) Air cleaner element.

(2) Brake pedal pads.

(3) Carburetor air cleaner.

(4) Clutch pedal pads.

(5) Trunk latch.

(6) Wheel covers or hubcaps.

(7) Wheels or tire mounting, except alignment.

(8) Windshield washer hose.

(9) Windshield washer tank.

(r) *Motor vehicle* shall mean:

(1) Motor vehicle, as defined by Section 559.903(6), Florida Statutes, as same may be amended from time to time.

(s) *Motor vehicle body repair facility* shall mean a motor vehicle repair shop which rebuilds, repairs or restores physically-damaged motor vehicles by mending, straightening, or replacing a portion or portions of the body of a motor vehicle or performing structural repairs on a motor vehicle.

(t) *Motor vehicle body repair technician* or *body technician* shall mean any person who repairs, rebuilds, or restores the bodies of motor vehicles owned by other persons and has obtained a certificate pursuant to this article.

(u) *Motor vehicle mechanic* shall mean a person who performs mechanical repair work on motor vehicles, including the reconditioning, replacement, adjustment, or alteration of the operating condition, including any component or subassembly of a motor vehicle. Motor vehicle mechanics shall be limited to those persons who have received a permit or certification from the Director.

(v) *Motor vehicle mechanical repair facility* shall mean a motor vehicle repair shop which performs any type of repair work other than the kinds of repair work performed by: a motor vehicle body repair facility; motor vehicle painting facility; collision, structural repair and paint facility; or cosmetic and paint facility.

(w) *Motor vehicle paint technician* or *paint technician* shall mean any person who paints, repaints, or refinishes motor vehicles owned by other persons and has obtained a certificate pursuant to this article.

(x) *Motor vehicle painting facility* shall mean a motor vehicle repair shop which paints, repaints, or refinishes motor vehicles.

(y) *Motor vehicle products* shall mean any goods sold or offered for sale by a motor vehicle repair shop in conjunction with the provision of repair work.

(z) *Motor vehicle repair shop* shall mean any person advertising, offering to perform or performing repair work on motor vehicles owned by other persons and includes, but is not limited to, new car dealers and used car dealers, garages, service-stations, self-employed individuals, truck stops, paint and body shops, brake, muffler or transmission shops and shops doing upholstery or glass work, as well as employees of any of the foregoing who perform repair work, but excluding the following:

(i) A person performing repair work on the motor vehicles of a single commercial or industrial establishment or governmental agency.

(ii) A person performing repair work on his own or the person's family member's car.

(aa) *Paint/body apprentice* shall mean a person who desires to learn through on-the-job training to become a motor vehicle body repair technician or a motor vehicle paint technician, as the case may be, and has obtained a permit from the Director pursuant to this article.

(bb) *Permit* shall mean the authorization by the Director required by this article for a person to learn through on-the-job training to become a specialty mechanic, master mechanic, motor vehicle body repair technician or a motor vehicle paint technician.

(cc) *Person* shall mean an individual, partnership, joint venture, association, corporation, trustee or any other legal entity.

(dd) *Registration* shall mean the authorization by the Director required by this article for the operation of a motor vehicle repair shop in Miami-Dade County, Florida.

(ee) *Repair work* shall mean the reconditioning, adjustment, alteration, maintenance, or diagnosis of the operating condition of a motor vehicle, with or without the replacement of any component or subassembly of a motor vehicle. This term shall include "repair work" as defined by Section 559.903(9), Florida Statutes, as amended from time to time. This term shall also include the provision of motor vehicle products.

(ff) *Representation* shall mean a statement made by a motor vehicle repair shop or by any officer, agent, servant, or employee thereof to a customer with respect to some past, present, or future fact, circumstance, or set of facts pertinent to the contract with the customer.

(gg) *Specialty mechanic* shall mean a motor vehicle mechanic who has obtained a certificate from the Director for a specific motor vehicle mechanic repair work category pursuant to this article. This term shall also include a specialty heavy-duty truck mechanic.

(hh) *Structural repair facility* shall mean a motor vehicle repair shop which performs structural restoration repair work on motor vehicles owned by other persons, both frame or unibody construction, including suspension and alignment.

(ii) *Warranty* shall mean an express or implied guarantee provided by a motor vehicle repair shop to a customer with respect to the merchantability, the integrity of the subject of a contract or of the motor vehicle repair shop's responsibility for the replacement or repair of defective motor vehicle products or repair work, or both, assuring performance, product, or conditions as promised or declared.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 93-142, § 1, 12-14-93; Ord. No. 95-136, § 1, 7-25-95; Ord. No. 95-137, § 5, 7-25-95; Ord. No. 97-69, § 2, 6-3-97; Ord. No. 97-70, § 1, 6-3-97; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.2. Intent and application.

It is the intent of this article to seek to secure the satisfaction and confidence of customers and members of the public in obtaining repair work by regulating motor vehicle repair shops and repair work. This article shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effectuate the purposes set forth herein. This article shall be known and cited as the "Motor Vehicle Repair Ordinance."

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.3. Exemptions; conflict.

(a) Unless the means of doing or engaging in a motor vehicle repair business, including the operation of a motor vehicle repair shop, is adopted for the purposes of evading or avoiding the provisions of this article, and except as otherwise provided in this article, this article shall not apply to gasoline stations exclusively engaged in the business of selling motor vehicle fuels and lubricants. Any person providing minor repair services is hereby deemed to be a motor vehicle repair shop and is subject to this article except that those employees of such a motor vehicle repair shop performing only minor repair services shall not be required to obtain a certificate pursuant to this article.

(b) Unless the act or practice of repairing, servicing or reconditioning of a motor vehicle or engaging in the activity of a master or specialty mechanic or a paint/body technician is adopted for the purposes of evading or avoiding the provisions of this article, this article shall not apply to a person who:

(1) Performs repair work upon, replaces, reconditions, adjusts, analyzes, diagnoses, or alters the operating condition of his or her own or at the person's immediate family member's motor vehicle and for which there is evidence of ownership of such motor vehicle available to the Director for inspection upon the request of the Director.

(2) Is a master or specialty mechanic, a motor vehicle mechanic, a paint/body apprentice, a mechanic apprentice, a motor vehicle body repair technician or a motor vehicle paint technician who is in the full-time employ of an automotive manufacturer and is engaged solely in that capacity for repair work on motor vehicles owned by or being produced by the automotive manufacturer.

(3) Performs repair work exclusively for a single commercial, industrial, or governmental establishment, or two (2) or more establishments related by common ownership or corporate affiliation.

(4) Performs work on a door lock cylinder, glove compartment lock cylinder or trunk lock cylinder of a motor vehicle for the purpose of gaining access to the motor vehicle unless the work involves the separate removal of any component or any component part of a system that serves solely as a passive restraint.

(5) Performs work on a motor vehicle for the purpose of removing, re-keying, rebuilding, or repairing a door lock cylinder, glove compartment lock cylinder, or trunk lock cylinder unless the work involves the separate removal of any component or any component part of a system that serves solely as a passive restraint.

(6) Performs work on a motor vehicle for the purpose of removing re-keying, rebuilding or repairing an ignition lock cylinder unless the work involves the separate removal of any component or any component part of a system that serves solely as a passive restraint, or involves the dismantling of any portion of the steering column beyond or below the ignition lock cylinder.

(7) Performs work on any lock cylinder which is part of a steering column or other component of a motor vehicle if the component containing the lock cylinder is removed from the motor vehicle for the purpose of removing, re-keying, rebuilding or repairing the lock cylinder and if the component containing the lock cylinder is removed from the motor vehicle by any person who has obtained the appropriate registration and certification pursuant to this article or by any person set forth in (b)(1), (2), or (3) above.

(8) When engaged in the business of selling automobile new parts and equipment, performs minimal automobile maintenance repairs, provided that all of the following conditions are satisfied:

(a) Such repairs are performed at no charge, solely as a courtesy for which no payment is charged or received;

(b) The sum of the repairs performed on an individual vehicle shall take no more than a total of twenty (20) minutes to perform;

(c) Such repairs shall not include oil changes, oil filter changes, transmission fluid changes, transmission fluid filter changes, engine coolant or engine antifreeze changes, brake fluid changes, power steering fluid changes, tire repair, tire installation, tire rotation, or any other repair that falls within the scope of the repair certification categories set forth in [Section 8A-161.25](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.25SPMEPABOTECEREWOCAMAMECE)(2)(a)—(e) and (g) of this Code;

(d) The price(s) charged by the person for automobile parts or equipment is not increased because of the performance of such repairs;

(e) The repairs are performed by an employee of the person;

(f) All residual, discarded, or waste products, parts, equipment, packaging, fluids, and other materials left over from such repairs are stored or disposed of by the person immediately after the completion of the repairs, in compliance with all applicable laws, ordinances, and regulations governing the storage, handling, and disposal of such items; and

(g) A sign measuring not less than two (2) feet in width and three (3) feet in length is posted in a conspicuous place inside each of the person's business premises locations, announcing, in legible written form, the following:

"This facility is not a motor vehicle repair shop and is only authorized to perform minimal automobile maintenance repairs taking no more than 20 minutes to complete. This facility and its employees are not permitted to charge anyone for performing automobile repairs."

"Esta facilidad no es un taller de reparaciones de vehículos de motor y solamente está autorizada a realizar reparaciones mínimas de mantenimiento de automóviles que tomen no más de 20 minutos para terminar. Esta facilidad y sus empleados no están permitidos cobrar por reparaciones de automóvil."

"Plas sa a se pa yon garaj e li sèlman otorize pou'l fè ti sèvis reparasyon ak antretyen oto ki pa pran plis pase 20 minit. Plas sa a ak amplwaye'l yo pa otorize pou kolekte lajan nan men pèson pou ranje mashin."

(c) The provisions of this article shall be deemed supplemental to all county and municipal ordinances. In the event of a conflict between any of the provisions of this article and any provision of any county or municipal ordinance, the provision which establishes the most stringent standard shall prevail.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 94-188, § 1, 10-7-94; Ord. No. 09-103, § 2, 11-17-09)

Sec. 8A-161.4. Registration required.

Unless otherwise exempt pursuant to the provisions of this article, no person shall operate a motor vehicle repair shop, including, but not limited to, motor vehicle mechanical repair facility, motor vehicle body repair facility or motor vehicle painting facility, or perform repair work, unless the person has obtained a registration from the Director pursuant to the provisions of this article. Each such person shall be required to obtain a registration as provided herein during the period commencing May 24, 1993 and ending on August 23, 1993. Thereafter, all such persons shall obtain a registration from the Director pursuant to the provisions of this article prior to operating a motor vehicle repair shop including, but not limited to, any motor vehicle mechanical repair facility, motor vehicle body repair facility or motor vehicle painting facility or prior to performing repair work.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 92-119, § 1, 10-13-92)

Sec. 8A-161.5. Application for registration.

(a) Each application for registration, renewal registration, and duplicate registration shall be on a form prescribed by the Director and shall be accompanied by a fee in such amount as shall be established by administrative order of the county manager. Said fee shall be effective upon approval by the Commission.

(b) The fees payable hereunder shall be deposited in a separate county fund and shall be used exclusively by the Director for the administrative and enforcement functions of the Director set forth in this article. No part of said fund shall be used for purposes other than the aforesaid.

(c) Each application for registration shall contain the following information:

(1) The name, address, and form of ownership of the motor vehicle repair shop, and for a corporation, the date and place of incorporation.

(2) The name and address of each of the motor vehicle repair shop's resident agents, officers, directors, and partners in the state and outside of the state.

(3) A description of the motor vehicle repair shop applying for registration which shall include:

a. The types of businesses operated.

b. The types of repair work performed.

c. The number and types of motor vehicle mechanics, master mechanics, specialty mechanics, paint/body technicians, mechanic apprentices, and paint/body apprentices employed for the performance of repair work.

d. In the case of motor vehicle body repair facilities and motor vehicle painting facilities, designation by the applicant as one (1) of the following:

1. Collision, structural repair and repaint facility;

2. Structural repair facility; or

3. Cosmetic and paint repair facility.

(4) A copy of each of the documents, instruments, forms, contracts, or other papers used by the applicant for registration when dealing with the public with respect to repair work, including, but not limited to, estimates, diagnoses, invoices, warranties, and all documents otherwise used to comply with this article, including all documents upon which the motor vehicle repair shop requires the customer's signature.

(5) State sales tax number certificate of registration.

(6) Federal Employer Identification Number.

(7) County Occupational License.

(8) Municipal occupational license, if appropriate.

(9) County Hazardous Waste Permit.

(10) Fictitious Name Registration or Articles of Incorporation Certificate.

(11) Other information and items as the Director shall require to enforce the provisions of this article.

(d) A person operating a motor vehicle repair shop at more than one (1) location in Miami-Dade County, Florida, shall file a single application for registration annually, which, together with the other information required by this article, shall clearly indicate the location of and the individual person in charge of each motor vehicle repair shop location. Application fees shall be required for each motor vehicle repair shop location.

(e) If the name or address of the motor vehicle repair shop changes but such change does not involve a change in ownership, the motor vehicle repair shop shall notify the Director in writing of the change within ten (10) days of such change. Appropriate changes shall be made on the renewal registration application when due.

(f) Change of ownership.

(1) In the event of a change of ownership of a motor vehicle repair shop, a new registration and payment of new registration fees shall be required. The motor vehicle repair shop may continue to operate provided that the motor vehicle repair shop has filed a completed application for registration with the Director and paid all applicable fees. For purposes of this subsection "change of ownership" shall mean a change in the ownership or operators of a motor vehicle repair shop which is either a sole proprietorship or partnership.

(2) Corporations owning or operating a motor vehicle repair shop which has a change of ten (10) percent or more of the ownership of the corporation shall notify the Director of the change no later than thirty (30) days after the date of change.

(g) A motor vehicle repair shop registration shall become effective upon the date the application is approved by the Director. Notwithstanding any provision in this article, the Director may stagger the registration over an annual period, may shorten or extend the one-year period to facilitate the workload, and prorate the fee accordingly. A motor vehicle repair shop registration shall be renewed annually by the motor vehicle repair shop. A motor vehicle repair shop shall file the application for renewal of the registration with the Director no later than thirty (30) days prior to the expiration of the registration of the motor vehicle repair shop.

(h) A motor vehicle repair shop may continue to operate after the expiration date of the registration, pending approval of the renewal application by the Director, if the completed renewal application with applicable fees has been received by the Director on or before the expiration date. If a completed renewal application with applicable fees is filed after the expiration date, the motor vehicle repair shop may operate from and after the date on which the completed application with applicable fees is received by the Director, pending approval of the renewal application by the Director. A renewal fee in such amount as established by administrative order of the County Manager shall be required by the Director if the application for renewal registration is received by the Director after the expiration date of the registration.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.6. Registration; criterion for issuance.

The criterion for issuance of a registration by the Director shall be compliance by the motor vehicle repair shop with all of the applicable provisions of this article and submission to the Director of a completed application for registration and applicable fees. A registration may be issued by the Director subject to such conditions, restrictions, and limitations imposed by the Director as the Director deems necessary to protect consumers and customers, provided said conditions, restrictions, and limitations are consistent with the provisions of this article. Violation of such a condition, restriction, or limitation of a registration shall be a violation of this article.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.7. Records; inspection; complaint retention and handling.

(a) All motor vehicle repair shops shall maintain intact and in legible condition all the records required by this article for a period of two (2) years from the date of the creation of the particular record. All motor vehicle repair shops shall keep on file all written customer complaints presented to the shop for a period of two (2) years. The premises of all motor vehicle repair shops shall be open to the Director for inspection, investigation, sampling, testing or for such other purposes as are necessary for the enforcement and administration of this article during the business hours of the motor vehicle repair shop and in no event not less than between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.

(b) Each complaint filed with the Director against a motor vehicle repair shop shall be provided to the motor vehicle repair shop by the Director and the motor vehicle repair shop shall promptly and thoroughly investigate said complaint. If the complaint cannot be satisfied within ten (10) days from receipt by the motor vehicle repair shop, the motor vehicle repair shop shall advise the Director of the status of the complaint and the reason for the delay. A motor vehicle repair shop shall object to or satisfy the complaint filed by the consumer and provide the Director with a written response stating the disposition of the complaint, the specific reasons for the objection, if applicable, and the name(s) of the person(s) involved in the repair work, no later than twenty (20) days after receipt of the complaint by the motor vehicle repair shop.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-70, § 1, 6-3-97)

Sec. 8A-161.8. Denial, revocation and suspension of registration, certificates or permit.

The Director may deny, revoke, or suspend a registration, certificate or permit issued pursuant to the provisions of this article if the Director determines that the motor vehicle repair shop, master mechanic, specialty mechanic, mechanic apprentice, paint/body apprentice, motor vehicle body repair technician, or motor vehicle paint technician has:

(a) Violated any provision of this article, or

(b) Misrepresented or concealed a fact on the application, renewal application, or replacement application for a registration, certificate, or permit, or

(c) Aided or abetted a person who has not obtained a registration, certificate, or permit to evade or avoid the provisions of this article, or

(d) Engaged in any conduct as part of the provision of repair work or motor vehicle products which constitutes fraud, or

(e) Advertised that the motor vehicle repair shop, motor vehicle mechanic, mechanic apprentice, master mechanic, specialty mechanic, paint/body technician or paint/body apprentice has a registration, certificate, or permit other than through said registration's, certificate's, or permit's plain and prominent display on all of the premises of the motor vehicle repair shop where repair work or motor vehicle products are provided to or offered for sale to the public, or

(f) Violated any condition, limitation, or restriction of a registration, certificate, or permit imposed by the Director, or

(g) Was enjoined by a court of competent jurisdiction from engaging in the trade or business of repair work or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article, or

(h) If the person is a corporation or partnership, a stockholder, officer, director, or partner thereof committed an act or omission which would be a cause for denying, revoking, or suspending a registration, certificate, or permit issued to the officer, director, stockholder, or partner as an individual, or

(i) Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance, or any other lawful order of the Director, or

(j) Was convicted of a violation of this article.

Notwithstanding the foregoing, no revocation or suspension of a registration by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-161.23](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.23APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-3-97)

Sec. 8A-161.9. Unfair and deceptive practices.

(1) It shall be a violation of this article and an unfair and deceptive practice to:

(a) Make, either written or orally, an untrue or misleading statement of a material fact with respect to any activities regulated by this article;

(b) Fail to reveal a material fact, the omission of which tends to mislead or deceive the customer and which fact could not reasonably be known by the customer;

(c) Fail, upon return to the customer of a motor vehicle upon which repair work has been performed, to provide a written statement which describes the repair work performed by the motor vehicle repair shop to the customer which discloses:

(i) The name or other identification established by the motor vehicle repair shop of the motor vehicle mechanic, master mechanic, specialty mechanic, or paint/body technician who performed or supervised the diagnosis and the repair work for the customer.

(d) Make or charge for repairs which have not been expressly or impliedly authorized by the customer;

(e) Misrepresent that repairs have been made to a motor vehicle;

(f) Misrepresent that certain parts and repairs are necessary to repair a vehicle;

(g) Misrepresent that the vehicle being inspected or diagnosed is in a dangerous condition or that the customer's continued use of the vehicle may be harmful or cause great damage to the vehicle;

(h) Fraudulently alter any customer contract, estimate, invoice, or other document;

(i) Fraudulently misuse any customer's credit card;

(j) Make false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle;

(k) Substitute used, rebuilt, salvaged, or straightened parts for new replacement parts without notice to the motor vehicle owner and to his insurer if the cost of repair is to be paid pursuant to an insurance policy and the identity of the insurer or its claims adjuster is disclosed to the motor vehicle repair shop;

(l) Cause or allow a customer to sign any work order that does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair;

(m) Fail or refuse to give to a customer a copy of any document requiring the customer's signature upon completion or cancellation of the repair work;

(n) Depart from or disregard, in any material respect, accepted motor vehicle repair industry standards. Compliance with published vehicle manufacturer, parts manufacturer, or equipment manufacturer or recognized after market repair manual specifications shall create a presumption that the motor vehicle body repair and/or paint technician has followed accepted motor vehicle body repair and/or paint industry standards;

(o) Have repair work subcontracted without complying with Sections [8A-161.34](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.34ITREMOVEBOREFAMOVEPAFA) and 8A-161.31.1;

(p) Conduct the business of motor vehicle repair in a location other than that stated on the registration certificate;

(q) Rebuild or restore a rebuilt vehicle without the knowledge of the owner in such a manner that it does not conform to the original vehicle manufacturer's established repair procedures or specifications and allowable tolerances for the particular model and year;

(r) Accept a customer's motor vehicle for repair and not honor his agreement with a customer to repair the customer's motor vehicle as represented in the written estimate;

(s) Refuse to make, with due diligence, a bona fide attempt to perform any necessary corrections or additional repairs without extra charge to conform the repair work to any guarantee or warranty or other agreement as stated on the written repair estimate and invoice;

(t) Loan a motor vehicle to another without the express written authority of the vehicle's owner or lessee;

(u) Perform any other act that is a violation of this article or any act that constitutes fraud or misrepresentation.

(2) Advertisements and representations. It shall be a violation of this article and an unfair and deceptive practice to advertise or make representations of, either directly or indirectly:

(a) Motor vehicle products or repair work when there is a material contingency, condition, or limitation on the offer, unless the contingency, condition, or limitation is stated contemporaneously with the offer in a manner clearly and easily understood by the customer.

(b) That motor vehicle mechanics or technicians employed by a motor vehicle repair shop are "certified," "licensed," or otherwise qualified when that representation gives the impression that all motor vehicle mechanics or technicians employed by the motor vehicle repair shop are certified or licensed if in fact they are not.

(c) The words "certification," "permit," "licensing," "registration," or words of similar import, of a motor vehicle repair shop, motor vehicle mechanic, master mechanic, specialty mechanic, paint/body technician, or mechanic or paint/body apprentice, by an organization, association, governmental entity, or other program or authority other than the Director, without clearly and conspicuously disclosing the source of the "certification," "permit," "licensing," or "registration," and adding the disclaimer "not the Miami-Dade County Consumer Protection Division."

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-70, § 1, 6-3-97; Ord. No. 06-17, § 1, 2-7-06)

Sec. 8A-161.10. Adoption by reference of portions of Florida Motor Vehicle Repair Act.

Section 559.905, Florida Statutes, through Section 559.919, except Section 559.915 relating to records retention, Florida Statutes, as same may be amended from time to time, are adopted hereby and incorporated herein by reference thereto as if the provisions of each such statutes were set out in full herein and each violation of said statutes is a violation of this article.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-70, § 1, 6-3-97)

Sec. 8A-161.11. Adoption by reference of rules regulating motor vehicles adopted by state pursuant to Section 501.205, Florida Statutes.

All rules regulating repair work adopted by the State of Florida pursuant to Section 501.205, Florida Statutes, as said rules may be amended from time to time, are adopted hereby and incorporated herein by reference thereto as if the provisions of each of such rules were set out in full herein and each violation of said rules is a violation of this article.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.13. Assurances of compliance.

Each violation of any of the terms and conditions of a verified, written assurance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code with respect to the matters regulated under this article shall constitute a separate offense under this article by the persons who executed the assurance, their respective officers, directors, agents, servants, employees and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the assurance of compliance. Decisions, actions, and determinations of the Director, pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-161.36](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.36DIDUFUPO)(t) or assurances of compliance executed thereunder, shall not be subject to review pursuant to [Section 8A-161.23](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.23APACDEDEDIJURE).

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.14. Notice to customers.

All motor vehicle repair shops shall post, in a conspicuous place at each of the business premise locations of the motor vehicle repair shop, a sign measuring not less than two (2) feet in width and three (3) feet in length, written in a legible manner as follows:

"Under the provisions of the Miami-Dade County Code, all customers are entitled to an estimate before repair work is begun and this business must comply with those provisions of the Miami-Dade County Code. If you have a complaint about the way services were provided, you may call the Miami-Dade County Consumer Services Department at (current phone number)."

"Bajo las provisiones del codigo del Condado de Miami-Dade, todos los clientes tienen derecho a un presupuesto antes de que se comienzen lost trabajos de reparacion y esta empresa debe cumplir con tales provisiones del codigo del Condado de Miami-Dade. Si tiene alguna queja acerca de la forma en que le prestaron servicios, usted puede llamar al Miami-Dade County Consumer Services Department al (numero de telefono actual).

"Dapre Kod lalwa nan Miami-Dade County tout kliyan ki bay fe yon reparasyon nan yon shop, gen dwa ekzije yon estimasyon pri-a avan travay-la komanse. Biznis-la oblije reseckte lawa Miami-Dade County sa-a. Si ou gen plent pou pote sou jan ke yo te bay sevis yo, ou met rele Depatman ki rele Miami-Dade County Consumer Services lan nimero (nan nimero telefonn sa a)."

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.15. Written analysis.

Upon the request of any customer, all motor vehicle repair shops shall provide a written analysis, based upon diagnostic testing, to the customer, in addition to the written estimate, prior to performing any repair work for the customer. Such written analysis shall also include the length of time necessary for such repair. In the event that the motor vehicle is not repaired within the time specified in the written analysis, the motor vehicle repair shop shall provide in writing a new analysis as to the time necessary to complete the repairs. The motor vehicle customer must give written approval for such extension or the vehicle must be returned to the customer within 48 hours from the disapproval of such extension. The customer may require that, in lieu of the above, a summary of the results of the aforesaid written analysis be communicated to the customer by fax, telephone, mail, telegram, or orally, with personal delivery of the complete written analysis to occur at a later time of the customer's choosing. The customer may, in writing, waive the requirements of this section. No motor vehicle repair shop shall solicit or demand a waiver of any customer's rights herein enumerated as a pre-condition to acceptance of repair work.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 06-17, § 2, 2-7-06)

Sec. 8A-161.16. Reserved.

**Editor's note—**

Ordinance No. 97-69, § 2, adopted June 3, 1997, deleted [§ 8A-161.16](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.16RE) in its entirety. Formerly, such section pertained to waivers and extensions of time and derived from Ord. No. 92-38, § 2, 5-19-92.

Sec. 8A1-161.17. Reserved.

**Editor's note—**

Ordinance No. 97-69, § 2, adopted June 3, 1997, deleted § 8A-161.17 in its entirety. Formerly, such section pertained to procedure governing waivers and extensions of time and derived from Ord. No. 92-38, § 2, 5-19-92.

Sec. 8A-161.18. Civil penalties.

Any person who violates any of the provisions of this article or any cease and desist order of the Director or any written notice to correct a violation or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article with respect to matters regulated under this article or any other lawful order of the Director or any condition, limitation, or restriction of a registration, certificate, or permit issued by the Director, shall be subject to the judicial imposition and recovery of a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) per offense. Each day during any portion of which such violation occurs or continues to occur constitutes a separate offense. Such monies recovered by the Director shall be deposited in a separate county fund to be used exclusively for enforcement of this article.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.19. Criminal penalties.

If any person violates or fails or refuses to obey or comply with any of the provisions of this article or any lawful order of the Director or any cease and desist order of the Director or any notice to correct a violation of the Director or any written assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article, or any condition, limitation, or restriction of a registration, certificate, or permit issued by the Director, such person, upon conviction of any such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the county jail, or both, in the discretion of the court. Each day or portion thereof of continuing violation shall be deemed a separate offense.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.20. Presumption of continuous operation.

Except as expressly provided otherwise in this article, any person operating a motor vehicle repair shop without first obtaining a registration pursuant to this article shall be presumed to be operating such motor vehicle repair shop on a continuous basis without a registration from the date the registration was first required by this article. Such presumption may be overcome by evidence presented by the person operating the motor vehicle repair shop. This section creates a rebuttable presumption of continuous operation.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.21. Private cause of action.

Any person who suffers a loss as a result of a violation of any of the provisions of this article, any lawful order of the Director, any cease and desist order or notice to correct a violation issued by the Director or any written assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article, shall recover compensatory damages, punitive damages, attorneys fees, and court costs from the person committing such violation. Nothing herein shall be construed to require the Director to bring any such action on behalf of a private person.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.22. Enforcement procedure; remedies; attorneys fees; costs.

(a) It shall be unlawful for any person to violate any of the provisions of this article. In addition to any other judicial or administrative remedies provided by law, rule, regulation, ordinance, or this article, the Director shall have the following judicial remedies available to enforce the provisions of this article:

(1) The Director may institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of any of the provisions of this article.

(2) The Director may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) for each violation of any of the provisions of this article. Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(3) The Director may institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief:

(i) To recover any sums and costs expended by the Director for tracing, investigating, preventing, controlling, abating or remedying any violation of any of the provisions of this article.

(ii) To provide restitution to any customers or consumers injured by any violation of any of the provisions of this article.

(b) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director of the Miami-Dade County Consumer Protection Division under any of the provisions of this article the trial court, or, in the event of an appeal in which the Director prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this article by the Director. Cessation of any violation of any of the provisions of this article whatsoever, prior to rendition of a judgment or entry of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this article, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director, for which attorney's fees shall be awarded by the trial court as set forth hereinabove.

(c) All the judicial and administrative remedies in this article are independent and cumulative.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.23. Appeals from actions, decisions or determinations of the Director; judicial review.

(a) Any person regulated by this article who is aggrieved by any action, decision or determination of the Director pursuant to this article may request an administrative hearing before a hearing officer to appeal the action, decision or determination of the Director which resulted in the grievance. Appeal by administrative hearing of the action, decision or determination complained of shall be accomplished by filing a written request with the Director within fifteen (15) days after the date of the action, decision or determination complained of, a written notice of appeal which shall set forth the nature of the action, decision or determination to be reviewed and the basis for the administrative hearing. A timely request for administrative hearing shall be scheduled and heard by a hearing officer pursuant to [Section 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, Florida. Customers shall not be deemed to be persons regulated by this article for the purposes of this section. The Hearing Officer shall set the matter for hearing on the earliest practicable regularly scheduled hearing date or as soon as possible, but no sooner than ten (10) days after the request has been filed and shall cause notice of the hearing to be served upon the aggrieved party by first class mail. The notice may include, but not be limited to, the applicable Sections of [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(b)(2) through (9) of the Code of Miami-Dade County, Florida. The hearing officer shall hear and consider all relevant facts in accordance with the procedures set forth in Sections [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(e), (f), (g), (i), (j), (k), (l), (m)(2), and (n) of the Code of Miami-Dade County (any reference in these sections to Inspector shall mean "Director" and to violator shall mean "the person filing the appeal"), and may affirm, modify or reverse the action, decision or determination appealed from. The decision of the Hearing Officer shall constitute final administrative review and no rehearing shall be permitted. Nothing herein shall be construed to prevent or prohibit the Director from instituting any civil or criminal action or proceeding authorized by this article at any time.

(b) The Director, the Miami-Dade County Consumer Advocate, or any person regulated by this article who is aggrieved by any decision of the Hearing Officer may appeal a final order of the Hearing Officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with procedures and within the time provided by the Florida Rules of Appellate Procedure for review of administrative action. The words "action," "decision" and "determination" as used herein shall not include the filing or institution of any action, conference or proceeding by the Director in any court otherwise. Customers shall not be deemed to be persons regulated by this article for the purposes of this section.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-3-97)

Sec. 8A-161.24. Specialty and master mechanics required.

(a) Effective October 1, 1998, all motor vehicle repair shops shall have at least one (1) specialty or master mechanic or paint/body technician in its employ who has obtained a certificate in each category of repair work which the motor vehicle repair shop provides or offers to provide to the public.

(b) Effective October 1, 1995, any repair work performed by any person who has not obtained a certificate shall be supervised, inspected and approved in writing by a motor vehicle mechanic or technician who has obtained a certificate in the applicable category of repair work in accordance with the provisions of this article. The requirements of this provision shall not apply to minor repair services.

(1) A master mechanic shall neither inspect, supervise nor approve repair work performed by more than three (3) motor vehicle mechanic apprentices.

(2) A specialty mechanic, paint technician, or body technician shall neither inspect, supervise nor approve repair work performed by more than two (2) motor vehicle mechanics or two (2) paint/body apprentices.

(c) Effective October 1, 1995, and until December 31, 1998, repair work which is not deemed to be a minor repair service as defined in this article shall only be performed by a master or specialty mechanic or paint/body technician who has obtained a certificate in the applicable category of the repair work, or by a person issued a limited authorization, or by an apprentice whose work is inspected and approved by a master or specialty mechanic or paint/body technician who has obtained a certificate in the applicable category of the repair work.

(d) Effective January 1, 1999, repair work which is not deemed to be a minor repair service as defined in this article shall only be performed by a master or specialty mechanic or paint/body technician who has obtained a certificate in the applicable category of the repair work, or by a specialty mechanic, paint/body technician, or apprentice whose work is inspected and approved by a master or specialty mechanic or paint/body technician who has obtained a certificate in the applicable category of the repair work.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 94-63, § 1, 4-19-94; Ord. No. 95-136, § 2, 7-25-95; Ord. No. 96-124, § 1, 7-18-96; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.25. Specialty mechanic and paint/body technician certification; repair work categories; master mechanic certification.

(1) A person may obtain certification as a specialty mechanic or paint and body technician by having passed an examination which the Director has determined is an adequate test of a person's ability to perform certain types of motor vehicle repair work.

(2) The motor vehicle mechanic repair work certification categories for automobiles and light trucks shall be:

(a) Engine repair.

(b) Automatic transmission/trans axle.

(c) Manual drive trains and rear axle.

(d) Front end.

(e) Brakes.

(f) Electrical/electronic systems.

(g) Heating and air conditioning.

(h) Engine performance.

(3) The motor vehicle non-mechanical repair work certification categories for automobiles and light trucks shall be:

(a) Non-structural analysis and damage repair.

(b) Painting and refinishing.

(c) Structural analysis and damage repair.

(4) A person may apply for a specialty mechanic certificate in any or all of the above mechanical repair work categories but shall be required to pay only one (1) certification fee if the person submits all the completed applications with the applicable fees for more than one (1) repair work category at one (1) time.

(5) A person may apply for a master mechanic's certificate if such person has passed examinations as a specialty mechanic in all eight (8) categories of motor vehicle mechanical repair work.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-70, § 1, 6-3-97)

Sec. 8A-161.26. Certification required; contents of application.

Any person seeking or obtaining employment as a specialty or master mechanic, motor vehicle body repair technician, or motor vehicle paint technician shall first apply for and obtain a certificate for such employment from the Director. Applications for a specialty or master mechanic certificate or for a motor vehicle body repair technician certificate or for a motor vehicle paint technician certificate shall be made on a form prescribed by the Director and shall include:

(a) The name and home address of the applicant.

(b) The motor vehicle mechanic repair work category or paint/body technician category for which the applicant is applying and the verified results of the required examination.

(c) Documentation demonstrating that the applicant has successfully passed the ASE examination, or other examination approved by the Director, in the specific repair work categories for which the applicant is applying.

(d) Effective January 1, 2000, documentation that the applicant has earned the continuing education hours required by [Section 8A-161.31](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.31METECECRISEFDARECOLIREFUMETEAFEXDA), in accordance with an approved program, pursuant to [Section 8A-161.28](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.28MEAPPECRISPABOAPPEEDTRPR)

(e) Other relevant information as the Director shall require.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.27. Examination of mechanics and technicians required; contents of examination; testing by other agencies.

(1) Effective January 1, 1999, all applicants for certificates shall, every five (5) years, be required to have passed an ASE examination or other examination approved by the Director, designed to test the applicant's competency to correctly diagnose and perform repair work in the specific repair work certification category for which the applicant is applying. The examination shall be offered in English, Spanish and Creole; provided, however, in the event an examination in three (3) languages is not developed and ready for implementation by October 1, 1998, the requirement that the examination be offered in three (3) languages shall be eliminated. In addition to ASE, the Director may approve additional agencies for the purpose of administering such examinations.

(2) Any person who demonstrates, in a sworn statement approved by the Director, that as of December 31, 1998, he or she had performed motor vehicle repair or paint and body work for at least twenty (20) years and he or she was at least sixty (60) years of age on December 31, 1998, may obtain a certificate, provided the person meets all other requirements of this article.

(3) Any person with a current and valid limited authorization on June 2, 1998 who is unable to pass the required exam by January 1, 1999 may obtain a restricted specialty mechanic or paint and body technician certificate in the applicable category of repair work for a period of 12 months, unless the person elects to apply for an apprentice permit, if said person provides the Director with the required exam results indicating that the applicant has not passed the exam, and the applicant meets all other requirements of this article. A restricted specialty mechanic or paint and body technician is subject to all provisions of this article, including completion of the required continuing education hours; however, a restricted specialty mechanic or paint and body technician may not inspect or approve the repair work of others. A restricted specialty mechanic or paint and body technician who fails to pass the required exam by January 1, 2000 shall be issued an apprentice permit.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 95-136, § 3, 7-25-95; Ord. No. 96-124, § 2, 7-18-96; Ord. No. 97-70, § 1, 6-3-97; Ord. No. 98-77, § 1, 6-2-98; Ord. No. 02-34, § 1, 2-26-02)

Sec. 8A-161.27.1. Limited authorization.

(1) Effective October 1, 1995, and until December 31, 1998, any person who does not furnish the Director with passing scores on the examinations required for certification under this article shall receive a limited authorization to perform repair work, unless such person elects to apply for an apprentice permit.

(2) The Director shall issue a limited authorization to any applicant who complies with all of the applicable requirements set forth in this article and submission to the Director of a completed application and applicable fees established by administrative order.

(3) With the exception of [Section 8A-161.24](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.24SPMAMERE)(c) and (d) and [Section 8A-161.26](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.26CERECOAP)(b), all requirements, responsibilities, obligations, provisions, penalties, and other references in this article pertaining to certification, master or specialty mechanics, or body repair or paint technicians shall be deemed applicable to limited authorizations.

(4) All limited authorizations shall expire on December 31, 1998.

(5) The Director shall issue documentary proof of limited authorization which shall be prominently displayed in a conspicuous location in the motor vehicle repair shop location where such person is employed.

(Ord. No. 95-136, § 4, 7-25-95; Ord. No. 96-124, § 3, 7-18-96; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.28. Mechanic apprentice permit; criterion for issuance; paint/body apprentice permit; education and training program.

(1) Any person unable to obtain certification as a specialty or master mechanic, motor vehicle body repair technician, or motor vehicle paint technician as provided in this article who desires on-the-job training to learn to become a specialty or master mechanic, motor vehicle body repair technician or motor vehicle paint technician, may apply to the Director for a mechanic apprentice permit or paint/body apprentice permit on a form prescribed by the Director. The Director may issue a mechanic apprentice or paint/body apprentice permit to any applicant who complies with all of the applicable requirements set forth in this article and submission to the Director of a completed application for a permit and applicable fees. A permit may be renewed annually upon payment of the required renewal fee and submission of a completed renewal application prescribed by the Director. Notwithstanding any provisions in this article, the Director may stagger the apprentice permit over an annual period, may shorten or extend the one-year period to facilitate the workload, and prorate the fee accordingly. A renewal fee in such amount as established by administrative order of the County Manager shall be required if the application is filed with the Director after the expiration of the permit. Permits may be issued by the Director subject to such conditions, limitations, and restrictions imposed by the Director as the Director deems necessary to protect consumers and customers, provided such conditions, limitations, and restrictions are consistent with the provisions of this article. Violation of such a condition, limitation or restriction of a permit shall be a violation of this article. A mechanic apprentice shall be employed by a motor vehicle repair shop which has obtained a registration and shall be required to work under the direct supervision of a specialty or master mechanic, as the case may be, during the entire time of the apprentice's employment as an apprentice. A paint/body apprentice shall be employed by a motor vehicle repair shop which has obtained a registration and shall be required to work under the direct supervision of a motor vehicle body repair technician or motor vehicle paint technician, as the case may be, during the entire time of the apprentice's employment as an apprentice.

(2) The Director may designate schools, academies, or other similar establishments to provide mechanic apprentice or paint/body apprentice education if said establishments, schools, or academies meet criteria for designation established by rules promulgated by the County Manager. Establishments, schools, or academies may also be designated by the Director to engage in continuing education and training programs for specialty and master mechanics, motor vehicle body repair technicians, and motor vehicle paint technicians. Designation of such establishments, schools, or academies shall also be in accordance with criteria established by rules promulgated by the County Manager.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.29. Repair work categories for specialty and master mechanic certifications for heavy-duty trucks; examination.

(1) Repair work categories for the certification of specialty or master mechanics for heavy-duty trucks are:

(a) Engine repair, gasoline/diesel.

(b) Drive trains.

(c) Brakes and braking systems.

(d) Suspension and steering systems.

(e) Electrical systems.

(2) All persons applying to the Director to obtain certification as a specialty heavy-duty truck mechanic shall have passed an examination in one (1) or more of the above repair work categories. A person applying for certification as a master heavy-duty truck mechanic shall have passed an examination in all of the above five (5) repair work categories.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.30. Reserved.

Sec. 8A-161.31. Mechanic and technician certification; criterion for issuance; effective date; renewal; conditions, limitations, and restrictions; functioning as mechanic or technician after expiration date.

(1) A master or specialty mechanic's certification, motor vehicle body repair technician certification, and motor vehicle paint technician certification shall become effective upon the date the certification is approved in writing by the Director. A certification may be renewed annually upon payment of the required renewal fee and submission of a completed renewal application prescribed by the Director. Notwithstanding any provision in this article, the Director may stagger the certification over an annual period, may shorten or extend the one-year period to facilitate the workload, and prorate the fee accordingly.

(2) The criterion for issuance of a certificate by the Director shall be compliance by the applicant with all the applicable provisions of this article and submission to the Director of a completed application for certification and applicable fees. Certificates may be issued by the Director subject to such conditions, limitations, and restrictions imposed by the Director as the Director deems necessary to protect customers and consumers, provided such conditions, limitations, and restrictions are consistent with the provisions of this article. Violation of such a condition, limitation, or restriction of a certificate shall be a violation of this article.

(3) A specialty or master mechanic, motor vehicle body repair technician or motor vehicle paint technician who has obtained a certificate may continue to be employed as a specialty or master mechanic or paint/body technician after the expiration date of said mechanic's or technician's certificate, pending approval of the renewal application for the certificate, if the renewal application has been received by the Director on or before the expiration date of the certificate. If a renewal application is filed after the expiration date, the specialty or master mechanic or paint/body technician may temporarily be so employed without a valid and current certificate after the date upon which the application for renewal is received by the Director, pending approval of the renewal application by the Director. A renewal fee in such amount as established by administrative order of the County Manager shall be required if the application is filed with the Director after the expiration date of the certificate.

(4) Effective January 1, 2000, renewal of the certificate may only be obtained if the mechanic or paint and body technician has earned sixteen (16) annual hours of continuing education in accordance with an approved program, pursuant to [Section 8A-161.28](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.28MEAPPECRISPABOAPPEEDTRPR)

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.32. Loss, destruction, or mutilation of registration, certificate or permit; replacement.

In the event of loss, destruction, or mutilation of a registration, certificate or permit issued pursuant to the provisions of this article, the person to whom the registration, certificate or permit was issued may obtain a replacement thereof upon furnishing satisfactory proof of loss, destruction, or mutilation to the Director and payment of the applicable fee established by administrative order of the county manager. Applications for a replacement registration, certificate or permit shall include the following information:

(a) Name and address of the applicant.

(b) A verified explanation of the loss, destruction, or mutilation of the registration, certificate or permit.

(c) Such other items and information as may be required by the Director.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.33. Display of certificate; certification number.

A master or specialty mechanic, motor vehicle body repair technician, or motor vehicle paint technician who has obtained a certificate issued by the Director shall prominently display such certificate in a conspicuous location in the motor vehicle repair shop location where such person is employed. A master or specialty mechanic, motor vehicle body repair technician, or motor vehicle paint technician who has obtained a certificate and performs repair work on, inspects, approves, or supervises a particular repair work, shall affix such mechanic's or technician's name and certification number, as assigned by the Director, to all written documents provided to the customer.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.34. Items required for motor vehicle body repair facilities and motor vehicle paint facilities.

(a) In addition to all other requirements of this article, each motor vehicle body repair facility and each motor vehicle paint facility shall have the following:

(i) Proof of garage liability insurance in an amount not less than fifty thousand dollars ($50,000.00), combined single limit, and garage-keepers legal liability insurance.

(ii) A complete set of current printed or electronic crash manuals for repair work performed by the motor vehicle body repair facility or motor vehicle paint facility.

(iii) Evidence of active management participation in the operation of the motor vehicle body repair facility or motor vehicle paint facility in such form as required by the Director.

(b) In addition to all other requirements of this article, each cosmetic and paint repair facility shall have the following:

(i) An on-site spray booth in good working order.

(ii) Guarantees for workmanship of repair work, including paint and material, if any, shall be prominently displayed to the public on the premises, and shall state the mileage or time periods for which the guarantees are effective.

(iii) An operable paint application system with the ability to produce an appropriate finish.

(c) In addition to all other requirements of this article, each structural repair facility shall have the following in good working order, as applicable:

(i) An operable metal inert gas welder (MIG).

(ii) An ability to raise (lift, rack or bench) motor vehicles for inspection.

(iii) Source of dimensions covering frames, upper body dimensions and wheel alignment specifications (blueprints) for the types of motor vehicles upon which repair work will be performed.

(iv) A measuring device suitable for each type of motor vehicle upon which repair work will be performed, symmetrical or asymmetrical, as well as body structural dimensions including the upper body.

(v) A four-point anchoring system to hold motor vehicles in a stationary position during structural and body pulls and which is suitable for the type of motor vehicle upon which repair work is being performed.

(vi) Electrical or hydraulic equipment to make multiple and structural pulls for straightening.

(vii) Guarantees for workmanship, including parts and materials (subject to manufacturer's warranty), if any, shall be prominently displayed to the public on the premises of the motor vehicle repair shop and shall state the mileage or time periods for which the guarantees are effective.

(d) In addition to all other requirements of this article, each collision, structural repair and paint facility shall comply with all the requirements of subsections (b) and (c) hereinabove.

(e) Notwithstanding the foregoing, each motor vehicle body repair facility and motor vehicle paint facility which holds itself out as providing specified repair services and does not itself meet the specialized equipment requirements of this section, may be deemed to comply, provided:

(i) The motor vehicle body repair facility and motor vehicle repair facility has disclosed on its application that it subcontracts with a motor vehicle repair shop and the subcontracted motor vehicle repair shop maintains such specialized equipment in good and working order and has received a motor vehicle repair registration from the Director; and

(ii) The motor vehicle body repair facility and motor vehicle paint facility obtains from the customer, prior to the commencement of the repair work, a signed acknowledgment which discloses the following language in no less than ten-point bold face type:

This shop does not have certain specialized equipment required for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as MVR (state the registration number).

(iii) However, if the customer leaves the motor vehicle at the motor vehicle body repair facility or motor vehicle paint facility during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the motor vehicle body repair facility or motor vehicle paint facility, the customer must be notified, prior to the commencement of any repair work, by telephone, facsimile, mail or any other means, that the motor vehicle body repair facility or motor vehicle paint facility does not have certain specialized equipment required for the type of repair work involved and repairs of this type are subcontracted to another motor vehicle body repair facility or motor vehicle paint facility identifying the MVR facility by the registration number.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-2-97)

Sec. 8A-161.34.1. Items required for motor vehicle mechanical repair facilities.

(a) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities shall have the following:

(i) Proof of garage liability insurance in an amount not less than fifty thousand dollars ($50,000.00), combined single limit, and garage-keepers legal liability insurance.

(ii) Evidence of active management participation in the operation of the motor vehicle mechanical repair facility in such form as required by the Director.

(iii) Set of current manuals for motor vehicles to be repaired.

(b) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon suspensions or steering shall have the following equipment, in good working order:

(i) Wheel alignment system.

(ii) Wheel balancer.

(c) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon brake systems shall have the following equipment, in good working order:

(i) Pressure bleeder.

(ii) Asbestos collection equipment.

(iii) Micrometer and drum gauge.

(d) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon electrical systems shall have the following, in good working order:

(i) Battery charger.

(ii) Battery/charging/starting systems tester.

(e) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon heating and air-conditioning systems shall have the following, in good working order:

(i) Recycling or recovery equipment.

(ii) Leak detector.

(iii) Air-conditioning charging station.

(f) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon engines, including but not limited to tune-ups, shall have the following, in good working order:

(i) Engine analyzer with or in addition to a gas analyzer.

(ii) Data stream access device.

(g) Notwithstanding the foregoing, each motor vehicle mechanical repair facility which holds itself out as providing specified repair services and does not itself meet the specialized equipment requirements of this section, may be deemed to comply, provided:

(i) The motor vehicle mechanical repair facility has disclosed on its application that it subcontracts with a motor vehicle repair shop and the motor vehicle repair shop maintains such specialized equipment in good and working order and has received a motor vehicle repair registration from the Director; and

(ii) The motor vehicle mechanical repair facility obtains from the customer, prior to the commencement of the repair work, a signed acknowledgment which discloses the following language in no less than ten-point bold face type:

This shop does not have certain specialized equipment required for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as MVR (state the registration number).

(iii) However, if the customer leaves the motor vehicle at the motor vehicle mechanical repair shop during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the motor vehicle repair shop, the customer must be notified, prior to the commencement of any repair work, by telephone, facsimile, mail or any other means, that the motor vehicle repair shop does not have certain specialized equipment required for the type of repair work involved and repairs of this type are subcontracted to another motor vehicle repair shop identifying the MVR facility by the registration number.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-3-97)

Sec. 8A-161.34.2. Reserved.

**Editor's note—**

Ord. No. 95-137, § 1, adopted July 25, 1995, repealed [§ 8A-161.34.2](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.34.2RE), relative to the Miami-Dade County Consumer Services Board, which derived from Ord. No. 93-142, § 2, adopted Dec. 14, 1993. Current provisions regarding the Miami-Dade County Consumer Services Board are set out in Section 2-956 of this Code.

Sec. 8A-161.35. Reserved.

**Editor's note—**

Ord. No. 95-137, § 1, adopted July 25, 1995, repealed [§ 8A-161.35](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.35RE), relative to the jurisdiction and duties of the Miami-Dade County Consumer Services Board, which derived from Ord. No. 92-38, § 2, adopted May 19, 1992. Current provisions regarding the Miami-Dade County Consumer Services Board are set out in Section 2-956 of this Code.

Sec. 8A-161.36. Director's duties, functions and powers.

The duties, functions, powers and responsibilities of the Director shall include the following:

(a) Enforce all of the provisions of this article.

(b) Upon receipt of complaints or upon the Director's initiative, investigate, inspect, sample, and test any matters regulated hereunder.

(c) Institute civil actions or proceedings to enforce all the provisions of this article and subpoenae issued by the Director, including seeking mandatory and prohibitory injunctions, the imposition and recovery of civil penalties and such other remedies, recoveries, and attorneys fees as set forth in [Section 8A-161.22](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.22ENPRREATFECO). Such civil actions or proceedings may be instituted by the Director whether or not a cease and desist order or notice to correct the violation or other lawful order of the Director has been issued or other administrative proceeding is pending.

(d) Prosecute through the State Attorney in the criminal courts for violations of this article.

(e) Deny, revoke, suspend and issue registrations, certificates, and permits and impose conditions, limitations, and restrictions upon same in accordance with [Section 8A-161.6](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.6RECRIS), [Section 8A-161.8](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.8DERESURECEPE), [Section 8A-161.28](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.28MEAPPECRISPABOAPPEEDTRPR) and [Section 8A-161.31](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.31METECECRISEFDARECOLIREFUMETEAFEXDA) of this Code. Notwithstanding the foregoing, no revocation or suspension of a registration by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-161.23](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.23APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, which ever is later.

(f) Issue subpoenae to compel the presence of any person or document or thing at any hearing, conference or proceeding authorized herein upon information or belief by the Director that a violation of any provision of this article has occurred or may occur.

(g) Inquire into the practices, functions and policies of any and all motor vehicle repair shops, motor vehicle mechanics, master mechanics, mechanic apprentices, paint/body apprentices, specialty mechanics and paint/body technicians and make such recommendations to the Commission as the Director may deem necessary.

(h) Administer oaths and certify official acts of the Director.

(i) Investigate, upon the Director's initiative, the practices of any motor vehicle repair shop, motor vehicle mechanic, mechanic apprentice, paint/body apprentice, master mechanic, specialty mechanic or paint/body technician.

(j) Apply to any judge of the circuit or county court, criminal or civil division, for the issuance of an administrative search warrant.

(k) Conduct a program for monitoring consumer satisfaction levels in the field of repair work and make such monitoring information available to the Commission and the public.

(l) Render, in the Director's discretion, assistance and technical advice to motor vehicle mechanics, master mechanics, specialty mechanics and paint/body technicians.

(m) Institute informal conferences for discussing and resolving any matter covered by this article.

(n) Publish and disseminate information to the public concerning motor vehicle repair shops, motor vehicle mechanics, master mechanics, specialty mechanics and paint/body technicians.

(o) Submit to the Commission proposed rules, regulations, and standards to effectuate the purposes of this article. No such proposed rules, regulations, and standards shall become effective until approved by the Commission by ordinance.

(p) Provide motor vehicle repair shops, motor vehicle mechanics, master mechanics, specialty mechanics, and paint/body technicians, at least annually, with information concerning the rules, regulations, and standards enacted during the immediate past year.

(q) Issue cease and desist orders, notices to correct violations, and any other lawful orders of the Director which shall briefly set forth the general nature of the violation of this article and specify the time within which the violation shall be rectified or stopped. If an order to cease and desist or notice to correct violations or any other lawful order of the Director is not obeyed the Director shall have the power and authority to revoke or suspend the registration, certificate, or permit, if any has been issued, or deny the issuance of a registration, certificate, or permit, and take such other action authorized by this article. Notwithstanding the foregoing, no revocation or suspension of a registration by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-161.23](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.23APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, which ever is later. Orders to cease and desist, notices to correct violations, and any other lawful orders of the Director hereunder may be enforced by the institution by the Director of civil actions for mandatory and prohibitory injunctions, civil penalties and other remedies, recoveries, and attorneys fees as set forth in [Section 8A-161.22](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.22ENPRREATFECO) of the Code of Miami-Dade County in a court of competent jurisdiction.

(r) Appoint and designate, in the Director's discretion, various technical advisory panels.

(s) Enter into written assurances of compliance pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-161.13](../level3/PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR.docx#PTIIICOOR_CH8ABURE_ARTVIIAMOVEREOR_S8A-161.13ASCO) of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this article.

(t) The powers of the Director enumerated in this article shall be in addition to and not a limitation of any other powers of the Director pursuant to any other provisions of this article or any other provisions of law or ordinance.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-3-97)

Sec. 8A-161.37. Prohibition on publication of written advertisements without registration number.

(a) No person may knowingly publish an advertisement in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, Florida, which advertisement identifies a motor vehicle repair shop offering repair work regulated by this article, unless the advertisement includes the registration number issued by the Director.

(b) For the purposes of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other written statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading, where the heading describes or encompasses any kind of repair work regulated under this article.

(Ord. No. 92-38, § 2, 5-19-92)

### ARTICLE VIII. AUTOMATIC TELEPHONE DIALING ALARM SYSTEM

[Sec. 8A-162. Definition.](#BK_389E992F822FA5F200342E76AF9F1FB1)

[Sec. 8A-163. Prohibited alarm system.](#BK_2EB374414C22F8B4D93983B033F3E57C)

[Sec. 8A-164. Removal of unlawful system.](#BK_171FE7993148982FD273FE044228B77E)

[Sec. 8A-165. Civil liability.](#BK_3236D406671B0BB4831876910F6C165A)

[Sec. 8A-166. Penalty for violation of article.](#BK_414819ACE42AD7743F162B4C7599DD48)

[Secs. 8A-167—8A-170. Reserved.](#BK_899C8F03ED7688938FFC665B4390E2B3)

Sec. 8A-162. Definition.

The term *automatic telephone dialing alarm system* shall include any system which, upon being activated, automatically transmits by telephone or telephone line, a recorded message or any other electronic or emergency or mechanical alarm signal to the Miami-Dade Police Department Communications Center or any telephone line leased by Miami-Dade County and installed within any facility operated by the Miami-Dade Police Department. However, public coin telephone alarm systems; alarm systems which are utilized by government departments or agencies of Miami-Dade County, Florida; or alarm systems which transmit to the Miami-Dade Police Department Communications Center live voices capable of two-way communication; or alarm systems which are automatically answered by the response of a private security or alarm service agency to the premises are expressly excluded from the definition of the term "automatic telephone dialing alarm system" as used in this article.

(Ord. No. 71-40, § 1, 5-4-71)

Sec. 8A-163. Prohibited alarm system.

It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, own, possess, or operate an automatic telephone dialing alarm system connected to any exchange telephone trunk line within Miami-Dade County, Florida, which automatic telephone dialing alarm system is regulated to make telephonic connection with any telephone line leased by Miami-Dade County and installed within any facility operated by the Miami-Dade Police Department.

(Ord. No. 71-40, § 2, 5-4-71)

Sec. 8A-164. Removal of unlawful system.

The supervisor, Communications Bureau, Miami-Dade Police Department, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system, installed or operated in violation of [Section 8A-163](../level3/PTIIICOOR_CH8ABURE_ARTVIIIAUTEDIALSY.docx#PTIIICOOR_CH8ABURE_ARTVIIIAUTEDIALSY_S8A-163PRALSY), shall order the owner, operator or lessee to disconnect and cease operation of the system within seventy-two (72) hours of receipt of the order. Any automatic telephone dialing alarm system installed prior to the effective date of this article shall be removed within thirty (30) days of such date. It shall be unlawful for any person, natural or corporate, to fail to comply with any of the provisions of this section.

(Ord. No. 71-40, § 3, 5-4-71)

Sec. 8A-165. Civil liability.

The Miami-Dade Police Department shall be under no obligation to respond to any message or signal transmitted in violation of [Section 8A-162](../level3/PTIIICOOR_CH8ABURE_ARTVIIIAUTEDIALSY.docx#PTIIICOOR_CH8ABURE_ARTVIIIAUTEDIALSY_S8A-162DE) of this article and Miami-Dade County, Florida; the Miami-Dade Police Department and its officers, employees and agents, shall not be liable for any failure to respond.

(Ord. No. 71-40, § 4, 5-4-71)

Sec. 8A-166. Penalty for violation of article.

Violation of any provision of this article shall be punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment in the Miami-Dade County Jail for a term not to exceed sixty (60) days, or both such fine and imprisonment.

(Ord. No. 71-40, § 5, 5-4-71)

Secs. 8A-167—8A-170. Reserved.

### ARTICLE IX. LOCAL BUSINESS TAX RECEIPT [[9]](#BK_D926AD2EA5A952866069B35371268338)

[Sec. 8A-171. Local business taxes imposed.](#BK_8AD40690E8504072DEED534AC158FCD3)

[Sec. 8A-171.1. Reserved.](#BK_B52A5E98CE73E7B76D729F0384B1FC4C)

[Sec. 8A-171.2. Additional tax on local business tax receipts imposed; disposition of proceeds; report; applicability.](#BK_F6C4D138ECB3613FF271CCE205DB8443)

[Sec. 8A-172. Doing business without local business tax receipt.](#BK_3AB7E162349C2D3594AD7E9ED3B5A89B)

[Sec. 8A-172.1. Partial exemption in enterprise zones.](#BK_C4CE03758B0A8FCD308D024468C4D1EA)

[Sec. 8A-172.2. Reserved.](#BK_A6F5F3B2644B4261FF0D3688BB55B33F)

[Sec. 8A-172.3. Future review of local business tax rates.](#BK_78E324AFDF6C11C0090D85C708FC8E9C)

[Sec. 8A-173. Definitions.](#BK_C938E9FC8724A6E58B232E55BB59B8B4)

[Sec. 8A-174. Disposition of taxes collected.](#BK_6DB5FD2338E3DE147FF8A99543CFA1C8)

[Sec. 8A-175. Term of local business tax receipt taxes and transfer.](#BK_6E8F1D583D49FB3BAD09C4572A424CAB)

[Sec. 8A-175.1. Revocation and refusal to renew.](#BK_ABBB367BE51D460129C65502914D3701)

[Sec. 8A-176. When local business tax payable; date due and delinquent; penalties.](#BK_53EE10ED4918757FFFFF6E8911277823)

[Sec. 8A-177. Two-year limit for charging additional fees, charges, penalties; collection after certain payments, etc., limitations; refunds.](#BK_DE05464693BBE76DC8A8941C75537266)

[Sec. 8A-178. Issuance of local business tax receipt; application.](#BK_5BCCF54F42802E1BDB0918678AC34C59)

[Sec. 8A-178.1. Home-based business tax receipt.](#BK_46CD2197D64607D1C6168737E5CAD93A)

[Sec. 8A-179. Display of local business tax receipt.](#BK_08E550E6C80CB39F5AB132DBF4E04DED)

[Sec. 8A-180. Reserved.](#BK_DC5E6F594FAA62B380C9496315C60F7C)

[Sec. 8A-181. Method of collection of delinquent local business taxes.](#BK_54F46B203558B6170ECB673A3A679E12)

[Sec. 8A-182. Cumulative effect of article.](#BK_CF70C687903B995FBE78D371471B354B)

[Sec. 8A-183. Lottery and gambling not authorized.](#BK_65A140239FB3E36AA849A75F2BCD3947)

[Sec. 8A-183.1. Pari-mutuel wagering.](#BK_2A9306F618D08BE187924B6D07D9167B)

[Sec. 8A-183.2. Reserved.](#BK_A51D341D57C5347AEDF5F4BCF3748805)

[Sec. 8A-184. Exemption allowed: Certain disabled person, the aged, widows and widowers with minor dependents.](#BK_293E8B2E094983148066F63A49F3CEAD)

[Sec. 8A-185. Exemptions allowed: Disabled veterans of any war, or their unremarried widows or widowers.](#BK_63F85EB68367947CEADCD9CA1A857138)

[Sec. 8A-186. Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural and tropical fish farm products; certain exemptions.](#BK_0CBB2CD02450747268AC1C8FB1D32D64)

[Sec. 8A-187. Religious tenets; exemption.](#BK_71CA16F0A8D5A525B735C26DDE248984)

[Sec. 8A-188. Charitable, etc., organizations; occasional sales, fund raising; exemption.](#BK_F4C74E0819B085D80782CC35C7D54D08)

[Sec. 8A-189. School activities; certain exemption.](#BK_BF416C541088FFEC8B910CB687277619)

[Sec. 8A-189.1. Film industry; partial exemption.](#BK_59EA57FEB99BC0B93B8765218C285533)

[Sec. 8A-189.2. Exemption for nonresident persons regulated by Department of Business and Professional Regulation.](#BK_D019D0D704B5891CCBE42D75B19507D4)

[Sec. 8A-189.3. Exemption for broker associates and sales associates.](#BK_8F9C2BC99A6899CB8B485E4E88ADBED0)

[Sec. 8A-189.4. Exemptions, general.](#BK_E63C80167EB9CEFD200A91916DB0128E)

[Sec. 8A-190. Advertising space renters.](#BK_6475A2D3854208490AD8FF70F02AE4D2)

[Sec. 8A-191. Amusement facilities/devices (non-coin).](#BK_3F047218B30EDA7380EFDCB19518D106)

[Sec. 8A-192. Hotels, apartments, motels, etc., as defined in Chapter 509.](#BK_E3BAB335F0E970D8A58EF07856D4C00B)

[Sec. 8A-192.1. Commercial, industrial or office space.](#BK_2161995DF2A3E208A66CD12A8E3B222A)

[Sec. 8A-193. Cemeteries, crematories, etc.](#BK_2F691A33DE7C8A1B10228B301DEA2B61)

[Sec. 8A-194. Carnivals & Circuses, traveling shows, etc.](#BK_A363F8386FB0F20674B66C8CA9931F96)

[Sec. 8A-195. Eating establishments.](#BK_B4A579632F28BF0CBDD771D19434E160)

[Sec. 8A-195.1 Catering business.](#BK_4FC94FBC1B9FDB56104668905A75F685)

[Sec. 8A-196. Contracting.](#BK_CCFAB578104DC1EF084897B5892E6B33)

[Sec. 8A-197. Dancing or entertainment, etc.](#BK_B283C869D8FF994152E0CAC7DD1F3981)

[Sec. 8A-198. Electric power plants, gas plants and community television antenna companies.](#BK_717408E6205189F4DE67C923517A6575)

[Sec. 8A-199. Fortunetellers, clairvoyants, etc.; local business tax; exemptions.](#BK_BF48AA203EE752A6AA07AC83CA73E22E)

[Sec. 8A-200. Fortunetellers, clairvoyants, etc., County permit required; penalty.](#BK_E1EB3B604712BE3FBF6D1DB7FAB61610)

[Sec. 8A-201. Reserved.](#BK_5417F449658C7F98404EDD0B0C9051FE)

[Sec. 8A-201.1. Mobile home setup operations.](#BK_7FC185D7A10D3132270C587693520F2D)

[Sec. 8A-202. Title insurance, abstract companies, etc.](#BK_E1849D47234930158BD09D9D0D0A4832)

[Sec. 8A-203. Junk dealers; local business tax receipt requirements.](#BK_8192202503DCF73F7F14BC6C2C0BE727)

[Sec. 8A-204. Traveling junk dealers.](#BK_1CB83E2719D29F1DDB503E1BE9AE7483)

[Sec. 8A-205. Liquefied petroleum gas; distributors; installers, and manufacturers.](#BK_264AFB545834CFAE2D85230BC5E8475E)

[Sec. 8A-206. Manufacturing, recycling, processing, etc.](#BK_5C11FD375B39AE38E630065DD35EFCA4)

[Sec. 8A-207. Unclassified businesses not otherwise provided for.](#BK_07B5077A8302CAC4586683644070D038)

[Sec. 8A-207.1. Administrative office, operation center.](#BK_0AA0D6370657FE8CC96A154DAAD08814)

[Sec. 8A-208. Movies, playhouses, stadiums, auditoriums, etc.](#BK_848F1E718C95CCC8CE11910416CF1E92)

[Sec. 8A-209. Pawnbrokers.](#BK_02BF366A3C32B13A18392F6FBE4537DF)

[Sec. 8A-210. Pawnbrokers; reports to Director; penalty.](#BK_D00B56CEDBD94ABC1870809A21433CC7)

[Sec. 8A-211. Permanent exhibits, admission facilities, etc.](#BK_65044EAAC536CAFE8C0C872A8C2D7470)

[Sec. 8A-212. Professions, professional associations.](#BK_3141DFBC03F5CC4F62BD97A5FABDC2AE)

[Sec. 8A-212.1. Reserved.](#BK_81B199EE96F481E17F95C7173814430A)

[Sec. 8A-213. Service business/multiple service business.](#BK_843CF916A3460C16A7952EC1B8670B66)

[Sec. 8A-213.1. Passenger transportation services.](#BK_782BE4D2D3C79E267B12F243589EA5B2)

[Sec. 8A-214. Retail sales.](#BK_93D007E02D46204B0A414F1076756607)

[Sec. 8A-215. Educational, training institutions](#BK_53BCCF44B0369D9B26BC459DCD342BE1)

[Sec. 8A-216. Non-vocal communications, etc.](#BK_03B4760064545020B15CFCE477128E76)

[Sec. 8A-217. Local exchange telecommunication company.](#BK_030C77DFEF44D9F84FE3B00CA87AB5A6)

[Sec. 8A-217.1. Communication business.](#BK_87D07D39A2FE1A698347A9F22D9CEF1E)

[Sec. 8A-218. Dealer in intangible personal property.](#BK_947EF7A136CE3EE7344CDEC2A1F14CDE)

[Sec. 8A-219. Bank, Savings & trust companies, etc.](#BK_A917863C95E8F451AB1253E3B1155180)

[Sec. 8A-220. Dealer in tangible personal property; and exemption of motor vehicles.](#BK_2BFDC384D1060CFA775FCD0EA1D1521C)

[Sec. 8A-221. Vending, service & amusement machines.](#BK_AF602CF187EC43D299D5E9BC991FAC7D)

[Sec. 8A-222. Water companies and sewage disposal companies.](#BK_39C377E3E165DFF0C8C8888448E9AE1E)

[Sec. 8A-223. Local business taxes against railroads.](#BK_BED12203C76186133020E7AF00B0B3BE)

[Sec. 8A-223.1. Schedule of taxes.](#BK_96A5FD96D84B9D265B398E956DC5A1A3)

Sec. 8A-171. Local business taxes imposed.

No person shall engage in or manage any business, profession or occupation in Miami-Dade County for which a local business tax is required by this article without first obtaining the required license or licenses from the County Tax Collector.

With respect to each place where a business or profession is located, a separate local business tax receipt shall be required for each type of business, business classification or profession conducted therein. For purposes of this chapter, a business or profession will be deemed located where it exists at an identifiable physical location or where representation to the public has been made as to the situs of the business or profession. Fees or licenses paid to any regulatory Board, Commission or officer for permits, registration, examination or inspection shall be in addition to and not in lieu of any local business tax receipt required by this article.

For the purpose of this chapter, any representation by any person of being engaged in any business, occupation or profession for which a local business tax receipt is required under this chapter shall constitute evidence of the liability of such person to pay a local business tax, whether or not such person actually transacts any business or practices any profession. Displaying a sign or advertisement indicating the operation of business, occupation or profession at a given location, advertising a business, occupation or profession in the classified section of the telephone directory, or any other media or publication, shall also constitute evidence that such person is holding himself out to the public as being engaged in business, occupation or profession.

For purposes of this chapter the issuance of a local business tax receipt or receipts to a business or professional shall not be deemed to constitute evidence of the business' or the professional's entitlement to conduct its activities pursuant to other provisions of applicable law.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 93-80, § 1, 7-29-93; Ord. No. 01-118, § 2, 7-12-01; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-171.1. Reserved.

**Editor's note—**

Ord. No. 86-5, § 1, adopted Feb. 4, 1986, repealed Ord. No. 85-50 and reset the license tax rates to their July 1, 1985 level. Ord. No. 85-50 imposed an additional tax for economic growth and to support the symphony. It was codified as [§ 8A-171.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-171.1RE). The editor has adjusted the fees in [§ 8A-186](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-186FAAQGRHOFLTRPITRFIFAPRCEEX) to reflect their July 1, 1985, level.

Sec. 8A-171.2. Additional tax on local business tax receipts imposed; disposition of proceeds; report; applicability.

(a) All applicants for new or renewed local business tax receipt pursuant to this article shall pay an additional amount of tax equal to fifty (50) percent of the amount otherwise due under this article, and such additional tax is hereby levied and imposed.

(b) The proceeds of such additional tax shall be placed in a separate interest-earning account and this revenue, plus accrued interest, shall be distributed each fiscal year to the Miami-Dade County Beacon Council, Inc.

(c) The Miami-Dade County Beacon Council, Inc. shall furnish a written annual report to the Board of County Commissioners. The Beacon Council shall include in said annual report a clear statement on its uses of the eight (8) percent of local business tax revenues previously allocated to the Metro-Miami Action Plan Trust for similar purposes.

(d) All collection and enforcement procedures provided by this article shall be applicable to the additional tax levied herein. However, [Section 8A-174](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-174DITACO) of the Code shall not apply to any revenues derived from the additional tax imposed herein.

(Ord. No. 87-38, § 1, 6-11-87; Ord. No. 06-191, § 1, 12-19-06; Ord. No. 08-112, § 3, 10-7-09)

**Editor's note—**

Ord. No. 87-38, § 1, adopted June 11, 1987, amended Art. IX of this chapter by the addition of a new section, which provisions have been included herein at the discretion of the editor as [§ 8A-171.2](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-171.2ADTALOBUTAREIMDIPRREAP)

Sec. 8A-172. Doing business without local business tax receipt.

It shall be unlawful and a violation of this section for any person to carry on or conduct any business or profession for which a receipt is required without first obtaining such receipt. Any person convicted of a violation of this section shall be punished by:

(1) A fine not to exceed double the amount required for such receipt;

(2) Imprisonment in the county jail for a period not to exceed sixty (60) days;

(3) Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

(4) Fines in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County; or

(5) Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 06-191, § 1, 12-19-06; Ord. No. 10-52, § 2, 9-21-10)

Sec. 8A-172.1. Partial exemption in enterprise zones.

There shall be an exemption of fifty (50) percent of the local business tax required herein for any business, occupation or profession that is located in an enterprise zone as defined in Chapter 290, Florida Statutes. Any receipt issued with the exemption authorized in this section is nontransferable.

A business, occupation or profession shall apply for the exemption provided herein by presenting proof of eligibility to the Miami-Dade Office of Community and Economic Development (OCED) in a form approved by this Board, prior to July thirty-first (31st) of each local business tax year beginning the following October 1, for which the exemption is sought. Such proof shall be made by means of a statement filed under oath with OCED indicating that the permanent business location or branch office is in an enterprise zone. OCED shall determine eligibility from the statement filed by the applicant and shall then forward it to Miami-Dade Local Business Tax Section of the Tax Collector Division of the Miami-Dade County Finance Department for its processing.

This section shall be deemed repealed if Section 205.054, Florida Statutes expires as provided for upon the expiration of the Florida Enterprise Zone Act, pursuant to Section 290.016, Florida Statute. In the event that Section 205.054, Florida Statute expires, no license shall be issued with the exemption authorized in this section for any period beginning in or after that date.

(Ord. No. 88-26, § 1, 4-19-88; Ord. No. 06-191, § 1, 12-19-06)

**Cross reference—** Property tax exemption in enterprise zones, § 29-81 et seq.

Sec. 8A-172.2. Reserved.

Sec. 8A-172.3. Future review of local business tax rates.

Two (2) years after adoption of this article [Ordinance No. 95-109] and every other year thereafter, the County Commission may review and consider the local business taxes established pursuant to this article and may amend them to the extent permitted by § 205.0535(4), Florida Statutes.

(Ord. No. 95-109, § 2, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-173. Definitions.

For the purposes of this article the following terms and phrases shall have a meaning ascribed as follows:

(1) *Business, profession and occupation* do not include the customary religious, charitable or educational activities of nonprofit religious, nonprofit charitable and nonprofit educational institutions in this State; which institutions are more particularly defined and limited as follows:

(a) Religious institutions shall mean churches and ecclesiastical or denominational organizations, or established physical places for worship in this State at which nonprofit religious services and activities are regularly conducted and carried on, and shall also mean church cemeteries.

(b) Educational institutions shall mean State tax-supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, Department of Education or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.

(c) Charitable institutions shall mean only nonprofit corporations operating physical facilities in Florida at which are provided charitable services, a reasonable percentage of which shall be without cost to those unable to pay.

(2) *Receipt* shall mean the document that is issued by the local governing authority, which bears the words "Local Business Tax Receipt" and evidences that the person in whose name the document is issued has complied with the provisions of this article relating to the business tax.

(3) *Local business tax* shall mean the fees charges and the method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection. Unless otherwise provided by law, these are deemed regulatory and in addition to, but not in lieu of, any local business tax imposed under the previsions of this article.

(4) *Person* shall mean any individual, firm, partnership, joint adventure, syndicate or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver or other fiduciary and shall include the plural as well as the singular.

(5) *Professional* means any person engaged in the practice of a special calling including but not limited to, the profession of chiropractic, medicine, dentistry, accounting, financial planning or law. A separate local business tax receipt for each person engaged in the practice of such profession is required, whether practicing by himself, or in partnership, or employed by another. Said local business tax receipt is personal and is not transferable to another professional.

(6) *Admission facility* means any facility or place of business that charges a set fee for entering said facility or place of business which entitles the person or persons paying such fee to participate in or observe events, exhibits or services provided inside the facility or place of business including but not limited to amusement parks, art exhibits, or any other form of exhibitions in which a set fee is charged.

(7) *Investments.* For the purpose of this chapter, investments refers to the committing of other persons' money or capital in order to gain profit.

(8) *Employee* means a person who is compensated for performing a service for a business which has the right to control and direct the person who performs the services as to the details and means by which the services are performed. A person may be considered an employee of a business for local business taxation purposes regardless of whether that business directly pays wages to such person, or pays Social Security tax or federal unemployment tax or withholds income tax for such person; or whether such business designates such person as an independent contractor or subcontractor. For purposes of determining the number of employees of a business, profession or occupation subject to the local business tax requirements of this article, principals shall be deemed employees, as shall persons employed on a seasonal, temporary or part-time basis. Volunteers shall not be considered employees.

(9) *Independent contractor* has the same meaning as provided in Section 440.02(15)(d)(1)(a) and (b), Florida Statutes.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 93-80, § 2, 7-29-93; Ord. No. 95-109, § 3, 6-20-95; Ord. No. 98-161, § 1, 11-5-98; Ord. No. 01-118, § 4, 7-12-01; Ord. No. 06-191, § 1, 12-19-06; Ord. No. 13-32, § 1, 4-2-13)

Sec. 8A-174. Disposition of taxes collected.

(1) Miami-Dade County shall retain all local business tax revenue collected from businesses, professions or occupations whose places of business are located within the unincorporated areas of the County as per Section 205.0536, Florida Statutes.

(2) Any revenues derived from businesses, professions or occupations whose places of business are located within a municipality, exclusive of the costs of collection, must be apportioned between the unincorporated area of the County and the incorporated municipalities located therein by a ratio derived by dividing their respective populations by the population of the County. As used in this section, the term "population" means the latest official state estimate of population certified under Section 186.901, Florida Statutes.

(3) The revenues so apportioned shall be sent to the governing authority of each municipality according to its ratio and to the governing authority of the County according to the ratio of the unincorporated area within fifteen (15) days following the month of receipt.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 1, 9-20-77; Ord. No. 95-109, § 4, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-175. Term of local business tax receipt taxes and transfer.

(1) No local business tax receipt shall be issued for more than one (1) year, and all receipts expire on September 30 of each year; and it shall be the responsibility of each receiptholder to obtain a renewal of his local business tax receipt on or before October first of each year as long as such business, service, occupation or profession is performed in Miami-Dade County. The mailing of renewal applications by the Tax Collector is a courtesy reminder. Failure to receive the renewal application shall not constitute a valid reason for not renewing the local business tax receipt.

(2) Any business local business tax receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to ten (10) percent of the annual local business tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00) and presentation of evidence of the sale and the original receipt.

(3) Upon written request and presentation of the original receipt, any receipt may be transferred from one (1) location to another location in the same County upon payment of a transfer fee of up to ten (10) percent of the annual local business tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00).

(4) Upon presentation of the original receipt by the receiptholder and any documentary evidence the Tax Collector requires, a change of business name may be established upon payment of a fee of up to ten (10) percent of the annual local business tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00).

(5) It shall be the duty of every person taking over or purchasing an existing business which is required to be receipted under this article to notify the Tax Collector of the County within thirty (30) days, and upon failure to do so the person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars ($100.00) or confined in the County Jail for not more than six (6) months, or both, in the discretion of the court.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 93-80, § 3, 7-29-93; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-175.1. Revocation and refusal to renew.

Notwithstanding any other provision of this article, the tax collector shall revoke or refuse to renew the local business tax receipt of any individual, business or entity, or the parent company of such individual, business or entity which is doing business with Cuba in violation of federal law.

(Ord. No. 93-45, § 1, 5-18-93; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-176. When local business tax payable; date due and delinquent; penalties.

(1) All receipts shall be sold by the Tax Collector beginning August 1 of each year and are due and payable on or before September 30 of each year and shall expire on September 30 of the succeeding year. Those receipt not renewed by September 30 shall be considered delinquent and subject to a delinquency penalty of ten (10) percent for the month of October, plus an additional five (5) percent penalty for each month of delinquency thereafter until paid, provided that the total delinquency penalty shall not exceed twenty-five (25) percent of the local business tax fee for the delinquent establishment.

(2) Any person engaging in or managing any business, occupation or profession without first obtaining a local business tax receipt, if required hereunder, shall be subject to a penalty of twenty-five (25) percent of the receipt determined to be due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required local business tax receipt within one hundred fifty (150) days after the initial notice of tax due, and who does not obtain the required local business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to two hundred fifty dollars ($250.00).

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 93-80, § 4, 7-29-93; Ord. No. 98-161, § 3, 11-5-98; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-177. Two-year limit for charging additional fees, charges, penalties; collection after certain payments, etc., limitations; refunds.

(1) Whenever any authorized County officer or agency, annually, for two (2) or more consecutive years, shall have received the taxes and fees tendered for a local business tax receipt or receipts delivered to the applicant for the operation and conduct by the holder thereof of the place or places of business or stores therein designated, no such officer or agency shall thereafter prohibit the operation of such places of business or stores thereunder, nor issue or enforce any warrant against the holder of such receipts or any other person or concern, or the property of such holder or any other person or concern, for any additional local business taxes, penalties, interest, or costs for such place or places of business or stores under the law under which such receipts were issued, for the periods comprehended by such receipts; nor shall any right of action of any nature exist or proceedings of any nature be had or taken for any additional taxes for such places of business or stores for the local business tax receipt years for which such licenses were so issued.

(2) Whenever any local business tax required by this chapter to be paid to the Tax Collector shall remain unpaid after its due date for a period of three (3) years, no action may be commenced to enforce the payment of such delinquent tax or any penalty or interest that may be due thereon.

(3) The Tax Collector is hereby authorized and empowered to refund any moneys paid for local business taxes imposed under this chapter which constitute:

(a) An overpayment;

(b) A payment where no tax is due; and

(c) Any payment made in error.

Provided, further, that any such refund not applied for within one (1) year from the date the original local business tax became due shall be forever barred. A finding by any regulatory body or agency that a business or a profession is not entitled to conduct its activities shall not be grounds for a request for refund of any local business tax receipt paid.

(4) Refunds as provided by this section shall be granted upon presentation of the original receipted local business tax receipt in question and documentary evidence supporting the request for refund as may be required by the Tax Collector.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 2, 9-20-77; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-178. Issuance of local business tax receipt; application.

(1) No local business tax receipt shall be issued except upon written application of the person applying for the same. The Tax Collector, before issuing a local business tax receipt based wholly or in part upon capacity, number of persons employed, or any other contingency, shall require the person applying for such receipt to file, under oath, a statement giving full and complete information relative to the capacity, number of persons employed, or other contingency, as the case may be. The applications and statements required by this section shall be retained as a part of the records of the Tax Collector's Office. It shall be the duty of every receiptholder to notify the Tax Collector in writing of any changes affecting the local business tax receipt during the receipt year.

(2) As a prerequisite to receiving a local business tax receipt or transferring a local business tax receipt hereunder, the applicant or new owner must present either:

(a) a copy of the applicant's or new owner's current fictitious name registration, issued by the Division of Corporations of the Department of State; or

(b) a written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Fictitious Name Act.

(3) No receipt shall be issued unless the federal employer identification number or social security number is obtained from the person to be receipted.

(4) Any person applying for or renewing a Miami-Dade County local business tax receipt must comply with all statutory prerequisites to issuance of a local business tax receipt as may be set forth in Chapter 205, Florida Statutes or any other applicable law at the time of application or renewal.

(5) Unless otherwise provided by state law, any person applying for, or renewing, a Miami-Dade County local business tax receipt to practice any profession or engage in or manage any business or occupation regulated by the Department of Business and Professional Regulation, the Florida Supreme Court, any other state regulatory agency, including any board or commission thereof, or a statewide or national professional association, must exhibit an active state and/or national certificate, registration, or license or proof of copy of the same, before such local business tax receipt may be issued, as required by Section 205.194, Florida Statutes, any other section of Chapter 205, or other provisions of Florida law as may from time to time be enacted. The Tax Collector shall have available those provisions of Chapter 205 which require the production of such regulatory certificates, registrations or licenses.

(6) The failure of a person to file a written application for a local business tax receipt shall not affect the Tax Collector's authority to assess the local business tax and issue a receipt in addition to the imposition of penalties provided for in this article, where a business or professional is found to be operating without the required receipt.

(7) Any person who, in an original or renewal application to the Tax Collector for a local business tax receipt based upon capacity, number of persons employed, or any other contingency, makes a false statement under oath of capacity, number of persons employed, or other contingency, shall be deemed guilty of a misdemeanor and punished as provided by law.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 01-118, § 8, 7-12-01; Ord. No. 06-191, § 1, 12-19-06; Ord. No. 13-32, § 3, 4-2-13)

Annotation—CAO 76-5.

Sec. 8A-178.1. Home-based business tax receipt.

Any person engaged in a profession or occupation who uses his own personal residence but which use does not involve the creation, maintenance, distribution or sale of any merchandise or goods may apply for a local business tax receipt. Such applicant may list his home address as the place of business, as long as the use of his residence is in compliance with all applicable city and County zoning requirements and shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 95-109, § 5, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-179. Display of local business tax receipt.

The person obtaining the local business tax receipt shall keep the same displayed conspicuously at the place of business and in such a manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the County. Upon failure to do so he shall be subject to the payment of another local business tax for engaging in or managing the business or occupation for which the receipt was obtained.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-180. Reserved.

**Editor's note—**

Ord. No. 80-91, § 1, enacted Sept. 2, 1980, repealed [§ 8A-180](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-180RE), concerning the monthly report to the State of the County Tax Collector. Said section derived from Ord. No. 72-44, § 1, adopted Aug. 15, 1972.

Sec. 8A-181. Method of collection of delinquent local business taxes.

Whenever any person who is subject to the payment of a local business tax or privilege business tax provided by this or any other law shall fail to pay the same when due, the Tax Collector may issue a warrant directed to the Director of the Miami-Dade Police Department of the County, commanding him to levy upon and sell any real or personal property of the person liable for said local business tax within his jurisdiction for the amount thereof and the cost of executing the warrant and to return such warrant to the officer issuing same and to pay to him the money collected by virtue thereof within sixty (60) days from the date of the warrant. The officer to whom the warrant may be delivered shall proceed in all respects and in the same manner prescribed by law in regard to executions issued against property upon judgments of a circuit court, and shall be entitled to the same fee for his services in executing the warrant, to be collected in the same manner. The officer issuing the warrant may file a copy of the warrant with the Clerk of the Circuit Court of the Eleventh Judicial Circuit, and the Clerk shall record the same, whereupon the amount of the warrant and recording fee shall become a lien upon the title to and interest, whether legal or equitable, in any property, whether real, personal or mixed, of the person against whom the warrant is issued, in the same manner and to the same extent as a judgment duly docketed in the Office of the Clerk of the Circuit Court with execution duly issued and in the hands of the Director of the Miami-Dade Police Department. Any person subject to, and who fails to pay, a receipt or privilege tax required by this law shall, on petition of the officer to whom the said local business tax is payable, be enjoined by the Circuit Court from engaging in the business for which he has failed to pay said receipt, until such time as he shall pay the same with costs of such action.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-182. Cumulative effect of article.

(1) Fees or licenses paid to any board, Commission or officer for permits, registration, examination, inspection or other regulatory purposes shall be in addition to and not in lieu of any local business tax required by this article or other law unless otherwise expressly provided by law.

(2) The local business tax required by this article is a local business tax only. No local business tax receipt issued hereunder shall have the effect of superseding or nullifying any other regulatory or zoning law of the State of Florida, Miami-Dade County or any municipality therein.

(3) No ministerial assistance or cooperation extended to any agency, branch or department of local, state or federal government by the Tax Collector in conjunction with its assessment and collection of local business taxes, whether required by other provisions of law or by agreement, shall be deemed to be regulatory activity.

(4) The provisions of this article are cumulative and in addition to all other State, County and municipal law providing for the collection of local business taxes, permit fees and charges, including but not limited to Sections [10-24](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-24OCLIVATHCOPAMU) through [10-28](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-28SHFEPAMU), inclusive, of the Miami-Dade County Code of Ordinances. No local business tax receipt issued hereunder shall exempt the receiptholder from any other license, permit or tax required by law.

(5) The provisions of this article are cumulative and in addition to the enforcement provisions of [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code of Ordinances, except that this article shall govern in the event of inconsistencies.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 06-191, § 1, 12-19-06)

Annotation—CAO 76-5.

Sec. 8A-183. Lottery and gambling not authorized.

No provision of this article shall be construed to authorize gambling or the operation of a lottery not otherwise allowed by law.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-183.1. Pari-mutuel wagering.

The board approves and authorizes all pari-mutuel wagering facilities within Miami-Dade County holding valid permits and licenses issued by the Division of Pari-mutuel Wagering pursuant to Chapter 550, Florida Statutes to apply for and receive local business tax receipts and to conduct all card room activities authorized by Florida Law and in particular Section 849.086, Florida Statutes (Chapter 96-364, Laws of Florida, 1996) as may be amended from time to time. These facilities shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 96-131, § 1, 9-10-96; Ord. No. 06-191, § 1, 12-19-06; Ord. No. 13-32, § 5, 4-2-13)

Sec. 8A-183.2. Reserved.

Sec. 8A-184. Exemption allowed: Certain disabled person, the aged, widows and widowers with minor dependents.

(1) All permanently disabled persons physically incapable of manual labor, widows or widowers with minor dependents, and persons sixty-five (65) years of age or older, with not more than one (1) employee or helper, and who use their own capital only, not in excess of one thousand dollars ($1,000.00), shall be allowed to engage in any business or occupation in counties in which they live without being required to pay for a local business tax receipt. The exemption provided by this section shall be allowed only upon the certificate of the County physician, or other reputable physician, that the applicant claiming the exemption is a permanently disabled person, the nature and extent of the disability being specified therein, and in case the exemption is claimed by a widow or widower with minor dependents, or a person over sixty-five (65) years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a local business tax receipt which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon.

(2) In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a local business tax receipt to sell intoxicating liquors, malt and vinous beverages or for the operation of any slot machine, punchboard or any other gaming or gambling device.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 93-80, § 5, 7-29-93; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-185. Exemptions allowed: Disabled veterans of any war, or their unremarried widows or widowers.

(1) Any bona fide, permanent resident elector of the State who served as an officer or enlisted man in the United States Army or Army Reserve, United States Air Force or Air Force Reserve, National Guard, United States Navy or Naval Reserve, United States Coast Guard or Coast Guard Reserve, United States Marine Corps or Marine Corps Reserve, or any temporary members thereof, who have actually been or may hereafter be reassigned by the Army, Air Force, Navy, Coast Guard or Marines to active duty, during any war, declared or undeclared, armed conflicts, crises, etc., since the Spanish-American War, beginning April 21, 1896, who was honorably discharged from the service of the United States, and who at the time of his application for a local business tax receipt as hereinafter mentioned shall be disabled from performing manual labor, shall, upon sufficient identification, proof of being a permanent resident elector in the State and production of an honorable discharge from the service of the United States during the aforesaid period of time, respectively, be granted a local business tax receipt to engage in any business or occupation in the State which may be carried on mainly through the personal efforts of the receiptholder as a means of livelihood and for which the County or municipal receipt does not exceed the sum of fifty dollars ($50.00) for each without payment of any local business tax otherwise provided for by law; or shall be entitled to an exemption to the extent of fifty dollars ($50.00) on any local business tax receipt to engage in any business or occupation in the State which may be carried on mainly through the personal efforts of the receiptholder as a means of livelihood where either the County or municipal local business tax receipt for such business or occupation shall be more than fifty dollars ($50.00). The exemption heretofore referred to shall extend to and include the right of receiptholder to operate an automobile for hire not exceeding five (5) passenger capacity, including the driver when it shall be made to appear that such automobile is bona fide owned, or contracted to be purchased by the receiptholder and is being operated by him as a means of livelihood and that the proper local business tax receipt for the operation of such motor vehicle for private use has been applied for and attached to said motor vehicle and the proper fees therefor paid by the receiptholder.

(2) When any such person shall apply for a local business tax receipt to conduct any business or occupation for which either the County or municipal local business tax as fixed by law shall exceed the sum of fifty dollars ($50.00), the remainder of such local business tax in excess of fifty dollars ($50.00) shall be paid by him in cash.

(3) Each and every tax collecting authority of this State, of each County thereof, and of each municipality therein shall issue to such persons as may be entitled hereunder a local business tax receipt pursuant to the foregoing provision and subject to the conditions thereof. Such receipt when issued shall be marked across the face thereof "Veterans Exempt License"—"Not Transferable." Before issuing the same, proof shall be duly made in each case that the applicant is entitled under the conditions of this law to receive the exemption herein provided for. The proof may be made by establishing to the satisfaction of such tax collecting authority by means of certificate of honorable discharge or certified copy thereof that he is a veteran within the purview of this section and by exhibiting:

(a) A certificate of government-rated disability to an extent of ten (10) percent or more;

(b) The affidavit or testimony of a reputable physician who personally knows the applicant and who makes oath that the applicant is disabled from performing manual labor as a means of livelihood;

(c) The certificate of the veteran's service officer of the County in which applicant lives, duly executed under the hand and seal of the chief officer and secretary thereof, attesting the fact that the applicant is disabled and entitled to receive a receipt within the meaning and intent of this section;

(d) By the production of a pension certificate issued to him by the United States by reason of such disability; or

(e) Such other reasonable proof as may be required by the tax collecting authority to establish the fact that such applicant is so disabled.

All receipts issued under this section shall be in the same general form, and shall expire at the same time, as other State, County and municipal licenses are fixed by law to expire.

(4) All receipts obtained under the provisions of this section by the Commission of fraud upon any issuing authority shall be deemed null and void. Any person who has fraudulently obtained any such receipt, or who has fraudulently received any transfer of a receipt issued to another, and has thereafter engaged in any business or occupation requiring a local business tax receipt under color thereof shall be subject to prosecution as for engaging in a business or occupation without having the required receipt under the laws of the State. Such receipt shall not be issued in any County other than the County wherein said veteran is a bona fide resident citizen elector, unless such veteran applying therefor shall produce to the tax collecting authority in such County a certificate of the tax collector of his home County to the effect that no exemption from receipt has been granted to such veteran in his home County under the authority of this section.

(5) In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a local business tax receipt to sell intoxicating liquors, malt and vinous beverages.

(6) The unremarried widow or widower of the deceased disabled veteran of any war in which the United States Armed Forces participated will be entitled to the same exemptions as the disabled veteran.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 93-80, § 6, 7-29-93; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-186. Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural and tropical fish farm products; certain exemptions.

(1) The selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products and products manufactured therefrom, except intoxicating liquors, wine, or beer, shall be exempt from County local business tax, when such products were grown or produced by such person in the state. The management of wholesale farmers' produce markets shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA), that will entitle its stall tenants to deal in agricultural and horticultural products without obtaining individual receipts, but individual receipts shall be required of such tenants unless such receipt is obtained for the market.

(2) Every person, other than nonprofit cooperative associations, engaged in the business of packing, processing, or canning agricultural products not grown by him, shall for each place of business pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA); provided said receipts shall not exceed one hundred fifty dollars ($150.00).

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 2, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 6, 6-20-95; Ord. No. 06-191, § 1, 12-19-06; Ord. No. 13-32, § 7, 4-2-13)

Sec. 8A-187. Religious tenets; exemption.

Nothing in this article shall be construed to require a local business tax receipt for practicing the religious tenets of any church.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-188. Charitable, etc., organizations; occasional sales, fund raising; exemption.

No local business tax receipt shall be required of any charitable, religious, fraternal, youth, civic, service, or other such organization when the organization makes occasional sales or engages in fund-raising projects when the projects are performed exclusively by the members thereof and when the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-189. School activities; certain exemption.

College and high school students may, with the approval of the athletic association or authority of their school, sell the pennants, badges, insignia and novelties of their school without being required to pay a local business tax.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-189.1. Film industry; partial exemption.

Any person not domiciled in Miami-Dade County that comes to film in the County for either: (a) not more than three (3) times per fiscal year and for not more than thirty (30) consecutive days each such time, or (b) not more than once per fiscal year and not for more than ninety (90) consecutive days, shall be exempt from paying an local business tax. For purposes of this section the term "film" shall be defined in the same manner as set forth in [Section 2-11.14](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.14FIPRPUNECOPR)(a), Code of Miami-Dade County.

(Ord. No. 01-118, § 6, 7-12-01; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-189.2. Exemption for nonresident persons regulated by Department of Business and Professional Regulation.

No fee for a local business tax receipt may be levied on any person performing work or services on a temporary or transitory basis in Miami-Dade County if the person is engaging in or managing a business, profession, or occupation regulated by the Department of Business and Professional Regulation and has paid a local business tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained, and in no event shall any work or services performed in a place other than the county or municipality where the permanent business location or branch office is maintained be construed as creating a separate business location or branch office of that person. Any properly receipted contractor asserting an exemption under this section who is unlawfully required by the local governing authority to pay a local business tax, or any registration or regulatory fee equivalent to the local business tax, shall have standing to challenge the propriety of the local government's actions, and the prevailing party in such a challenge is entitled to recover a reasonable attorney's fee.

(Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-189.3. Exemption for broker associates and sales associates.

(1) An individual licensed and operating as a broker associate or sales associate under Chapter 475, Florida Statutes, is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt.

(2) An individual exempt under this section is not subject to penalties under this article for the failure of a principal or employer to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual exempt under this section may not be required by Tax Collector to apply for an exemption from a local business tax, otherwise prove his or her exempt status, or pay any tax or fee related to a local business tax.

(3) A principal or employer who is required to obtain a local business tax receipt may not be required by Tax Collector to provide personal or contact information for individuals exempt under this section in order to obtain a local business tax receipt.

(Ord. No. 13-32, § 9, 4-2-13)

Sec. 8A-189.4. Exemptions, general.

In addition to those exemptions set forth in this article, all exemptions from local business taxes provided for in the Florida Statutes are recognized and adopted.

(Ord. No. 06-191, § 1, 12-19-06; Ord. No. 13-32, § 9, 4-2-13)

Sec. 8A-190. Advertising space renters.

Every person renting for profit advertising space in or on any boat, car, bus, truck or other vehicle shall pay a local business tax for each such boat, car, bus, truck or other vehicle operated by him as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 3, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 7, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-191. Amusement facilities/devices (non-coin).

(1) Every person who operates for a profit any game, amusement or recreational device, contrivance, or facility not otherwise receipted by some other law of this State shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA), on each game, amusement or recreational device, contrivance or facility.

(2) Any person who operates any of the above devices for profit under the sponsorship of merchants or merchants association or charitable, religious or educational institution shall be receipted under this section. This local business tax receipt shall be good for one (1) location only; however, the receiptholder may return to the same location during the same receipt year without obtaining an additional receipt other than for any additional devices.

(Ord. No. 72-33, § 1, 8-15-72; Ord. No. 80-91, § 4, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 8, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-192. Hotels, apartments, motels, etc., as defined in Chapter 509.

Every person engaged in the business of renting accommodations, as defined in Chapter 509, Florida Statutes shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA). The unit count to be used in this section shall be the same as used by the Division of Hotels and Restaurants of the Department of Business Regulation under Section 509.251, Florida Statutes.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 3, 9-20-77; Ord. No. 80-91, § 5, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 9, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-192.1. Commercial, industrial or office space.

Any person who owns commercial, industrial and/or office space and is engaged in renting or leasing that space shall pay an local business tax on the aggregate square footage owned and leased by said person, as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 01-118, § 10, 7-12-01; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-193. Cemeteries, crematories, etc.

Every person engaged in the business of operating for a profit a cemetery, mausoleum, crematorium, or similar place or institution, shall for each place of business pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 6, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 93-80, § 7, 7-29-93; Ord. No. 95-109, § 10, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-194. Carnivals & Circuses, traveling shows, etc.

(1) Shows of all kinds, including circuses, vaudeville, minstrels, theatrical, traveling shows, exhibitions or amusement enterprises, including carnivals, vaudeville, minstrels, rodeos, theatrical games or tests of skill, riding vaudeville, dramatic repertoire and all other shows or amusements, or any exhibition giving performances under tents or temporary structures of any kind, whether such tents or temporary structures are covered or uncovered, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA), for each day.

(2) Exempt from the provisions of this section are public fairs, expositions, as defined in Chapter 616, Florida Statutes and exhibits held by bona fide nonprofit organizations on the premises of a receipted public lodging establishment in connection with a convention.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 7, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 93-80, § 8, 7-29-93; Ord. No. 95-109, § 11, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-195. Eating establishments.

Every person engaged in the business of operating a restaurant, cafe, snack bar, take-out service, dining room, drive-in eating establishment, or other public eating place, whether operated in conjunction with some other line of business or not, shall pay a local business tax, as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA). The unit count to be used in this section shall be the same as used by the Division of Hotel and Restaurants of the Department of Business and Professional Regulations under Section 509.251, Florida Statutes.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 8, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 12, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-195.1 Catering business.

Each person primarily engaged in offering food provisions and related services at banquet halls, weddings, etc. shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-196. Contracting.

(1) Each person who contracts or subcontracts to construct, alter, repair, dismantle or demolish buildings, roads, bridges, viaducts, sewers, water and gas mains or engages in the business of construction, alteration, repairing, dismantling or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains must obtain a local business tax receipt as a contractor. The local business tax shall be determined by the maximum number of persons actually employed, or to be employed during the receipted year, as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 9, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 13, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-197. Dancing or entertainment, etc.

(1) Every person who operates any place for profit where dancing is permitted or where entertainment is provided for a charge, such as variety programs or exhibitions, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA). The local business tax receipt required by this section shall be in addition to any other license required by law, and the operation of such a place as herein described shall not be construed to be incidental to some other business; provided, that a receipt may be issued for one (1) night only, upon the payment of one hundred fifty dollars ($150.00), but in such cases the Tax Collector must write across the receipt the words: "Good for one (1) night only."

(2) Exempted from the provisions of this act [section] are:

(a) Variety exhibitions conducted or exhibited in a motion picture theater which pays the annual local business tax as provided by law.

(b) Any traveling variety show or band which performs under the control of a charitable or fraternal organization, with the organization putting on the show on its own account and paying the show a fixed compensation (not on a percentage basis).

(c) Local cultural or concert music organizations or professionals' or artists' organizations which appear under the auspices of such local cultural or concert music organizations.

(d) Educational institutions and off-campus professional talent, when employed by such institutions for student entertainment, such as sports events, musical concerts, dance bands and dramatic productions, when such activities are produced or conducted under the auspices of such educational institutions.

(e) Traveling shows put on by local merchants, where no admission is charged, either directly or by increasing the price of items sold.

(f) Dances or variety entertainments given by local performers, the proceeds of which are given to local charities.

(g) Any dance held by any group of private individuals who hold square dances and square dance competitions for recreation rather than profit, and where the only charge made is to cover actual expenses incurred by the individuals in sponsoring the square dances or square dance competitions.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 10, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 14, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-198. Electric power plants, gas plants and community television antenna companies.

(1) Every person engaged in the business of furnishing electric power, gas or community television antenna service in Miami-Dade County for profit shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) if not a utility franchised by the County for which franchise fee is paid.

(2) Municipal corporations which own and operate their own electric power plant or gas plant shall not be subject to the above local business taxes.

(3) Every person engaged in the business of furnishing electric power, gas or community television antenna service in Miami-Dade County for a profit shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) if a utility franchised by the County for which a franchise fee is paid.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 11, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 16, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

**Cross reference—** Community television antenna systems, § 8A-125 et seq.; cable television regulations, Ch. 8AA.

Sec. 8A-199. Fortunetellers, clairvoyants, etc.; local business tax; exemptions.

(1) Every fortuneteller, clairvoyant, palmist, astrologer, phrenologist, character reader, hypnotist, graphologist, spirit medium, absent-treatment healer, or mental healer and every person engaged in any occupation of a similar nature shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(2) This section does not apply to Christian churches who heal the sick by prayer or regularly ordained ministers of churches who are members of Florida State Spiritualist Ministerial Association whose charters are filed in the Library of Congress and on record in the State capital in Tallahassee.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 12, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-200. Fortunetellers, clairvoyants, etc., County permit required; penalty.

(1) No local business tax receipt to engage in the occupation of fortunetelling or any other pursuit for which a business tax receipt is required by [Section 8A-199](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-199FOCLETLOBUTAEX) of this chapter shall be issued to any person unless such person holds a permit therefor given by the Clerk of the Board of County Commissioners. No permit shall be issued until after the following conditions are fulfilled:

(a) The applicant shall have been a resident of Florida for at least two (2) years and shall be a registered voter in the County where the permit and receipt are applied for.

(b) The applicant shall supply written recommendations from not less than five (5) reputable citizens of the County which recommend the applicant as being of good moral character.

(c) The application, with a recent photograph of the applicant which shall become a permanent part of the permit, shall be presented to the Clerk, who shall make investigation and examination of the applicant and his or her moral character, then either issue or deny the permit. In making this determination on the character of the applicant, the clerk shall be governed by the following provisions:

(i) The Clerk shall not consider a past arrest of the applicant which did not result in a conviction; provided, however, allegations which are the basis for any pending criminal charges may be considered if the charges are pending when the application is considered.

(ii) If the applicant has had his or her civil rights restored, the Clerk shall only consider acts or omissions on the part of the applicant subsequent to the restoration of civil rights.

(iii) In the case of subsequent applications of the same applicant, the clerk shall only consider acts or omissions on the part of the applicant which have occurred subsequent to the date of the issuance of prior permits to the applicant.

(d) Any applicant or other person dissatisfied with the decision of the Clerk may, within ten (10) days from the date of action by the Clerk, apply to the County Commission to review the action of the Clerk. In such event, witnesses shall be sworn and the rules of evidence applicable to quasi-judicial proceedings shall govern. The determination of the Board shall be final unless overturned by a court of competent jurisdiction.

(2) All County law enforcement officers shall aid and assist the Clerk of the Board of County Commissioners in conducting the examination of any applicant for the permit required for this section.

(3) Every receiptholder comprehended by this section shall at all times while engaging in the occupation for which licensed display at the place of business both the receipt and the permit herein required. Failure or refusal so to do shall be prima facie evidence of engaging in such occupation without a local business tax receipt.

(4) Anyone guilty of engaging in any occupation comprehended by [Section 8A-199](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-199FOCLETLOBUTAEX) of this chapter, without a receipt and the permit required by this section or who shall obtain any such permit for receipt by fraud or deceit shall, for the first offense, be punished by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than sixty (60) days. For a second or subsequent offense, he shall be imprisoned in the State prison for not less than six (6) months nor more than two (2) years and may, in addition, be fined not to exceed five thousand dollars ($5,000.00).

(5) This section does not apply to Christian churches who heal the sick by prayer or to regularly ordained ministers of churches who are members of Florida State Spiritualist Ministerial Association whose charters are filed in the Library of Congress and on record in the State capital in Tallahassee.

(6) The permit required by this section and the local business tax receipt authorized by [Section 8A-199](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-199FOCLETLOBUTAEX) of this chapter shall be required whether the person engages in the practice within a municipality or in the unincorporated area.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 4, 9-20-77; Ord. No. 79-31, § 2, 4-17-79; Ord. No. 81-80, § 1, 7-7-81; Ord. No. 06-191, § 1, 12-19-06)

Annotation—CAO 80-35.

**Cross reference—** Local business license tax for fortunetellers, etc., in unincorporated areas, § 8A-236 et seq.

Sec. 8A-201. Reserved.

**Editor's note—**

Ord. No. 06-191, § 1, adopted Dec. 19, 2006, repealed [section 8A-201](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-201RE) in its entirety. Former [section 8A-201](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-201RE) pertained to the insurance adjuster, and derived from Ord. No. 72-44, § 1, adopted Aug. 15, 1972; Ord. No. 80-91, [§ 13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX), adopted Sept. 2, 1980; Ord. No. 85-72, § 1, adopted Sept. 19, 1985; Ord. No. 86-5, § 1, adopted Feb. 4, 1986; Ord. No. 95-109, [§ 17](../level2/PTIIICOOR_CH17HO.docx#PTIIICOOR_CH17HO), adopted June 20, 1995.

Sec. 8A-201.1. Mobile home setup operations.

A duly receipted mobile home dealer or a duly receipted mobile home manufacturer, or an employee of such dealer or manufacturer, who performs setup operations as defined in Section 320.822, Florida Statutes, may not be required by Miami-Dade County to be receipted to engage in such activities; however, such dealer or manufacturer shall be required to obtain a local business tax receipt for his or her permanent business location or branch office, which receipt shall not require for its issuance any conditions other that those required by Chapter 320, Florida Statutes.

(Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-202. Title insurance, abstract companies, etc.

Every person, firm or corporation engaged in the business of trading, bartering, serving or selling title insurance as owner, agent, broker or otherwise shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) for each place of business.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 14, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 18, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-203. Junk dealers; local business tax receipt requirements.

(1) Every person engaged in business as a scrap metal processor as defined in [Section 8A-9.1](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.1DE) shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(2) Every person engaged in business as a junk dealer as defined in [Section 8A-9.1](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.1DE) shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 5, 9-20-77; Ord. No. 80-91, § 15, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 19, 6-20-95; Ord. No. 06-191, § 1, 12-19-06; Ord. No. 11-17, § 2, 4-4-11)

Sec. 8A-204. Traveling junk dealers.

(1) Each person who travels from place to place purchasing junk shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) and he shall, before leaving any village or incorporated town or city, submit to the chief of police or marshal a list of the junk he has purchased together with the name and permanent address of the person from whom purchased.

(2) Any person violating the provisions of this section shall, upon conviction, be punished by imprisonment in the County Jail for a period not exceeding six (6) months.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 16, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 20, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-205. Liquefied petroleum gas; distributors; installers, and manufacturers.

All persons who deal in liquefied petroleum gas, either as distributors, installers or manufacturers, shall pay the local business taxes for each place of business as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA); however, such persons shall be exempt from the provisions of [Section 8A-196](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-196CO) of this chapter and [Section 8A-198](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-198ELPOPLGAPLCOTEANCO) of this chapter.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 6, 9-20-77; Ord. No. 80-91, § 17, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 21, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-206. Manufacturing, recycling, processing, etc.

(1) Every person engaged in the business of manufacturing, processing, quarrying or mining must obtain a local business tax receipt under this section for each place of business and shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(2) No receipt shall be required under this section where the manufacturing, processing, quarrying, or mining is incidental to and a part of some other business classification for which a receipt is required by this chapter and is carried on at the place of business receipted under such classification.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 18, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 22, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-207. Unclassified businesses not otherwise provided for.

Every person engaged in the operation of any business profession or occupation not specifically referenced under any other provision of this article shall pay a local business tax as an unclassified business as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) for each place of business.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 19, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 23, 6-20-95; Ord. No. 98-161, § 5, 11-5-98; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-207.1. Administrative office, operation center.

Every person, firm or corporation which maintains a business location in Miami-Dade County for the purpose of administration of his or its own business or investments and/or general business operations shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

The local business tax required by this section shall be in addition to any license(s) required for the actual business activities.

(Ord. No. 98-161, § 6, 11-5-98; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-208. Movies, playhouses, stadiums, auditoriums, etc.

Owners, managers or lessors of theaters or halls employing traveling troupes, theatrical, operatic or minstrel, giving performances in buildings fitted up for such purposes, or moving picture shows giving exhibitions in buildings permanently used for such purposes, or drive-in theaters, shall be allowed to give as many performances or exhibitions in such buildings, theaters or areas as they wish on payment of a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 20, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 24, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-209. Pawnbrokers.

(1) Every person engaged in the business of pawnbroker shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(2) No person licensed to engage in the small loan business under the provisions of Chapter 516, Florida Statutes, shall act as a pawnbroker.

(3) Pawnbrokers shall keep a complete and true record of all transactions, showing from whom each article of their stock was purchased or pledged, the date of the transaction and the date and to whom each article was sold, which record shall at all times be subject to the inspection of all police or peace officers.

(4) Any person violating the provisions of this section shall, upon conviction, be punished by imprisonment in the County Jail for a period not exceeding six (6) months.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 21, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 25, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-210. Pawnbrokers; reports to Director; penalty.

Every person engaged in the business of pawnbrokers, receipted under [Section 8A-209](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-209PA) of this chapter shall make monthly reports to the Director of the Miami-Dade Police Department of the information required to be maintained by such pawnbrokers under the provisions of [Section 8A-209](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-209PA) of this chapter, and any person failing to make such report shall be subject to the penalty provided in said section. Forms for the preparation of the reports required herein shall be prescribed and furnished by the Miami-Dade Police Department.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 7, 9-20-77; Ord. No. 93-80, § 9, 7-29-93; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-211. Permanent exhibits, admission facilities, etc.

Anyone who operates for a profit in this State a permanent exhibit, and or admission facility whether the facility is permanent or not, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) for each place of business.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 22, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 93-80, § 10, 7-29-93; Ord. No. 95-109, § 26, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-212. Professions, professional associations.

(1) Every person engaged in the practice of any profession, who offers his service either directly or indirectly to the public for a consideration, whether or not such endeavor be regulated by law, shall pay a license tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) for each location from which the profession is practiced, which receipt shall not relieve the person paying same from the payment of any license tax imposed on any business operated by him. The professional association or corporation as such shall pay the tax for one location only, provided however that the professional association or corporation operating at more than one location shall pay a local business tax for each classification of business operated, assessed according to the business activity pursuant to the schedule of taxes in [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(2) A local business tax receipt shall be required of an employee when the employee's professional registration is required for the performance of his duties; however, this requirement does not apply to professional employees of nonprofit religious, charitable or educational entities as defined in [8A-173](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-173DE)(2) (a-c) of this article. For purposes of this section, independent contractors of such entities whose duties are performed for the nonprofit entities are not considered employees and must obtain a local business tax receipt.

(3) A member of one (1) of the professions who is employed by the United States Government, the State of Florida, or one (1) of its political divisions, and practices his profession solely as an employee thereof is not required to have a local business tax receipt.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 8, 9-20-77; Ord. No. 80-91, § 23, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 93-80, § 11, 7-29-93; Ord. No. 95-76, § 1, 5-2-95; Ord. No. 95-109, § 27, 6-20-95; Ord. No. 06-191, § 1, 12-19-06; Ord. No. 13-32, § 11, 4-2-13)

Sec. 8A-212.1. Reserved.

**Editor's note—**

[Section 8A-212.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-212.1RE), regulating psychologists, repealed itself as of June 30, 1981. The section derived from Ord. No. 79-64, §§ 2—11, adopted July 19, 1979; Ord. No. 79-117, adopted Dec. 18, 1979, and Ord. No. 80-75, § 1, adopted July 1, 1980.

Sec. 8A-213. Service business/multiple service business.

(1) Every person engaged in business as owner, agent, or otherwise that performs a service for the public in return for a consideration shall pay a local business tax for each place of business as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(2) No receipt shall be required under this section for any business the principal function of which is the performance of some service for the public in return for a consideration when the nature of the service is such that an local business tax receipt is required of the business by some other law; but this proviso shall not be construed to exempt service departments of merchandising and other lines of business from the receipt required by this section.

(3) If a business under this section provides three (3) or more services, and is not otherwise regulated, it shall pay one (1) local business tax as a multiple service business.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 24, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 28, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-213.1. Passenger transportation services.

Effective October 1, 2001, every person engaged in the following businesses shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA): Taxicab Passenger Service Company, Non Emergency Medical Transportation, Passenger Motor Carrier, Special Transportation Service, Limousine Service, and/or any other passenger transportation service regulated by the Miami-Dade County Consumer Services Department. Notwithstanding the foregoing, no local business tax receipt shall be required from a holder of a For-Hire Taxicab License.

(Ord. No. 01-118, § 12, 7-12-01; Ord. No. 01-184, § 1, 11-6-01; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-214. Retail sales.

(1) For the privilege of conducting, engaging in and carrying on the business of a retailer as defined in this section, there is hereby levied and assessed upon every person, or association of persons as herein defined, for each business location operated by such person or association of persons, an annual local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA)

(2) The following words, terms and phrases when used in this section have the meaning ascribed to them, except where the context clearly indicates a different meaning.

(a) *Retailer* includes every person engaged in the business of making sales at retail.

(b) *A retail sale* or *sale at retail* means any sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property; provided, that no sale shall be construed to be a "retail sale" where goods, wares, and merchandise are sold in whole quantities at wholesale prices by receipted wholesale dealers under standing orders or through outside salesmen as distinguished from sales of small packages at retail prices or is sold in wholesale quantities and at wholesale prices to any governmental institution, subdivision or agency.

(3) The term "retailer" shall not include bulk plants or filling stations engaging principally in the sale of gasoline and other petroleum products; ice plants or ice dealers engaging principally in the sale of ice; bakeries and other manufacturing or processing plants selling only the products manufactured or processed therein; or restaurants, cafes, cafeterias, hotels and liquor stores; provided, however, that where food or intoxicating liquors are sold in connection with a principal business, but only incidental thereto, said principal business shall not be exempt from the local business tax imposed herein. Provided, further that incidental sales not otherwise excepted in this subsection made by a receipted wholesaler to consumers at wholesale prices, shall not be construed to be retail sales unless such sales exceed five (5) percent of such wholesaler's total sale.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 25, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 93-80, § 12, 7-29-93; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-215. Educational, training institutions

Every person engaged in the business of operating a school, college, or other educational or training institution for profit shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) for each place of business.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 26, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 30, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-216. Non-vocal communications, etc.

Every person engaged in the business of owning or operating telegraph systems and any other non vocal message communications such as cablegram, paging services (beepers), electronic mail, and facsimile transmission service shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) to the Tax Collector for each place of business.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 27, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 93-80, § 13, 7-29-93; Ord. No. 95-109, § 31, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-217. Local exchange telecommunication company.

Any person engaged in the business of owning or operating a local telephone exchange communication company in the County shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 28, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 32, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-217.1. Communication business.

Any person furnishing point to point communication service, whether intended to be received orally or visually, and those engaged in leasing telephone lines or other methods of telephone transmission and reselling the use of such methods to others, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 95-109, § 33, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-218. Dealer in intangible personal property.

(1) Every person engaged in the business of trading, bartering, serving, buying, lending or selling intangible personal property, whether as owner, agent, broker, or otherwise, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) for each place of business.

(2) No local business tax receipt shall be required under this section where the trading, bartering, buying, lending or selling is incidental to and a part of some other business classification on which an local business tax is imposed by this article.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 9, 9-20-77; Ord. No. 80-91, § 29, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 34, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-219. Bank, Savings & trust companies, etc.

Every person, firm or corporation engaged in the business as a bank, banker, trust company, savings company, building and loan association, savings and loan association, whether as owner, agent, broker or otherwise, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) for each place of business.

Separate and unrelated services performed for the public in return for a consideration shall be subject to payment of additional local business taxes authorized by another section of this article.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 30, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 35, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-220. Dealer in tangible personal property; and exemption of motor vehicles.

(1) Every person engaged in the business of trading, bartering, serving or selling tangible personal property, as owner, agent, broker or otherwise, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) for each place of business, stationary or movable. The receipt for each bulk plant or depot of wholesale dealers in petroleum products shall be as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA). Vehicles used by any person for the sale and delivery of tangible personal property at wholesale or retail from his established place of business on which a local business tax receipt is paid shall not be construed to be separate places of business and no local business tax may be levied on such vehicles or the operators thereof, as salesmen or otherwise by the County or municipality, any other law to the contrary notwithstanding.

(2) No receipt shall be required under this section where the trading, buying, bartering, serving or selling of tangible personal property is a necessary incident of some other business classification for which a local business tax receipt is required and is carried on at the place of business receipted under such other classification, nor shall this section apply to any person engaged in the sale of motor vehicles or principally in the sale at retail of gasoline and other petroleum products.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 31, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 36, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-221. Vending, service & amusement machines.

(1) As used in this section the following words shall have the meanings set forth in this subsection:

(a) *Merchandise vending machines* means any machine, contrivance or device which is set in motion or made or permitted to function by the insertion of a coin, slug, token, credit card or paper currency and dispenses merchandise without the necessity of replenishing the device between each operation.

(b) *Service or amusement vending machine* means any machine, contrivance or device which is set in motion or made or permitted to function by the insertion of a coin, slug, token, credit card or paper currency and which dispenses some service or amusement.

(c) *Bulk merchandise vending machines* means non-electrically operated machines for dispensing merchandise at random upon insertion of a coin with no more than nine (9) machines located on the same stand shall be considered to be one (1) unit and require one (1) local business tax.

(d) *Laundry equipment* means any equipment necessary for the operation of a coin-operated laundry, including washers, dryers, pressing or ironing machines and soap, bleach and laundry bag dispensing machines.

(2) The owner or operator of any of the above vending machines must pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA); provided further that the business premises where the vending machine is operated must assure that the required local business tax receipt for each machine is secured.

(a) For the purpose of this section, the local business tax for vending and amusement machines must be assessed based on the highest number of machines located on the business premises on any single day during the previous licensing year or, in the case of new businesses, be based on an estimate for the current year. Replacement of one (1) vending machine with another machine during a licensing year does not affect the local business tax assessment for that year, unless the replacement machine belongs to an local business tax classification that requires a higher tax rate. For the first year in which the County assesses an local business tax on vending machines, each business owning machines located in the County must notify the County, upon request, of the location of such machines, each business owning machines must provide notice of the provisions of this section to each affected business premises where the machines are located. The business premises must secure the receipt if it is not otherwise secured.

(b) In order to facilitate the proper local business tax assessment, a list of addresses showing where all the machines are located must be submitted each fiscal year to the Tax Collector. Failure to comply with result in the issuance of a civil citation, as provided for in [Section 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code.

(3) The following vending machines and lockers shall be exempt from the local business tax provided by this section:

(a) All vending machines which dispense only United States postage stamps, unadulterated Florida-produced citrus juices or newspapers are hereby exempt from the payment of any local business tax.

(b) Penny-operated vending machines located in receipted places of business and dispensing only nuts, citrus juices and other food products.

(c) Coin-operated parcel-checking lockers and toilet locks used in railroad, bus, airport stations, or depots, and in hotels, boardinghouses, restaurants and restrooms for the convenience of the public.

(d) All coin-operated telephone sets.

(4) Whenever any Tax Collector shall find any vending machine required to be receipted under this section to be operated without a current valid receipt, he shall attach to the machine a notice of delinquent local business taxes. Any person who removes notice of delinquent local business taxes or who removes any moneys from the machine before local business taxes are paid, shall be guilty of a misdemeanor. If at the end of ten (10) days the local business tax remains unpaid, the Tax Collector shall deliver to the Director of the Miami-Dade Police Department a warrant as prescribed by [Section 8A-181](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-181MECODELOBUTA) of this chapter.

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 77-66, § 10, 9-20-77; Ord. No. 80-91, § 32, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 93-80, § 14, 7-29-93; Ord. No. 95-109, § 37, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-222. Water companies and sewage disposal companies.

Every person engaged in the business of operating water companies or sewage disposal companies shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-91, § 33, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 38, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-223. Local business taxes against railroads.

Any railroad company doing business in this County shall pay annually on October 1 to the Miami-Dade County Tax Collector a local business tax as provided for in the schedule of taxes, [Section 8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA).

(Ord. No. 72-44, § 1, 8-15-72; Ord. No. 80-27, § 1, 4-15-80; Ord. No. 80-91, § 34, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 86-5, § 1, 2-4-86; Ord. No. 95-109, § 39, 6-20-95; Ord. No. 06-191, § 1, 12-19-06)

Sec. 8A-223.1. Schedule of taxes.

The maximum number of employees during any period of the taxing year shall determine the local business tax. This schedule does not include the Miami-Dade County Beacon Council tax provided for in [Section 8A-171.2](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-171.2ADTALOBUTAREIMDIPRREAP) of this article.

The amounts assessed for the Local Business Tax on trades, occupations, professions and businesses are hereby fixed as follows:

|  |  |
| --- | --- |
| Type of Business | Tax |
| Administrative office/Operation center | $30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Adult day care | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Advertising space rental | 30.00 + 3.00 for each additional space from 11 to 99,999 |
| Amusement facility/devices (non-coin) | 25.00 for one machine |
|  | 25.00 + 15.00 for each additional unit from 2 to 30 |
|  | 460.00 + 6.00 for each additional unit from 31 to 99,999 |
| Apartments | not taxable apartments from 1 to 4 |
|  | 40.00 apartments from 5 to 10 |
|  | 40.00 + 2.00 for each additional apartment from 11 to 99,999 |
| Assisted living facility | 100.00 |
| Attorney | 40.00 + 10.00 library fee |
| Attorney branch office | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Auctioneering service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Auditorium/playhouse/stadium | 300.00 |
| Auto/truck/van sales | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Auto/truck/van service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Auto tag branch agency | 100.00 |
| Automated teller machine | 40.00 |
| Bail bond business | 100.00 |
| Bank/Savings/trust company | 180.00 |
| Banking facility | 100.00 |
| Barber or beauty school | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Barber/beauty shop/service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Blood bank center | 40.00 |
| Body/paint/repair shop | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Bulk merchandise vending stand | 25.00 for one stand |
|  | 25.00 + 6.00 for each additional stand from 2 to 30 |
|  | 199.00 + 3.00 for each additional stand from 31 to 99,999 |
| Cable TV franchise | 700.00 |
| Carnival/circuses (no sponsor) | 80.00 per day |
| Carnival/circuses (sponsored) | 25.00 for one unit |
|  | 25.00 + 15.00 for each additional unit from 2 to 30 |
|  | 460.00 + 6.00 for each additional unit from 31 to 99,999 |
| Catering business | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Cemetery/crematories, etc. | 180.00 |
| Child day care facility | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Cleaner/laundry/alterations | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Clinic/medical center/dialysis | 100.00 |
| Collection/credit service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Commercial/Industrial/Office Space | 50.00 250,000 or less leasable sq. ft. |
|  | 150.00 from 250,001 leasable sq. ft. and up |
| Communication Business | 180.00 |
| Consultant | 40.00 |
| Courier drop box | 25.00 for one unit |
|  | 25.00 + 15.00 for each additional unit from 2 to 30 |
|  | 460.00 + 6.00 for each additional unit from 31 to 99,999 |
| Cruise line/dinner cruise | 80.00 per vessel |
| Dancing or entertainment | 180.00 |
| Dating/escort business | 100.00 |
| Dealer in intangible personal property | 100.00 |
| Dealer in tangible personal property | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Dental lab school | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Dental laboratory | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Eating establishment | 30.00 seats from 1 to 30 |
|  | 60.00 seats from 31 to 74 |
|  | 90.00 seats from 75 to 149 |
|  | 120.00 seats from 150 to 99,999 |
| Educational, training institutions | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Electric plant franchise | 700.00 |
| Electrical contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Electrolysis service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Employee leasing service | 100.00 |
| Farmers market | 180.00 |
| Film Industry | $180.00 |
| Finance/Investment/Holding Co. | 180.00 |
| Fitness center - membership | 180.00 |
| Fitness center - non-membership | 100.00 |
| Flea market | 180.00 |
| Food products mfg/process | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Fortuneteller | 300.00 |
| Funeral home | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Gas plant | 700.00 |
| General building contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| General engineering contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| General mechanical contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Guard patrol agency | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Hall for hire | 180.00 |
| Handwriting analyst | 40.00 |
| Health/Dental (prepaid) maintenance organization | 180.00 |
| Health testing — invasive | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Health testing non-invasive | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Home health care agency | 100.00 |
| Home health care provider | 40.00 |
| Hospital/emergency room | 40.00 + 2.00 for each additional employee from 11 to 99,999 |
| Hotel/motel/boarding home | not taxable rooms from 1 to 4 |
|  | 40.00 rooms from 5 to 10 |
|  | 40.00 + 2.00 for each additional room from 11 to 99,999 |
| Hypnotherapist | 40.00 |
| Ice cream vendor | 40.00 |
| Insurance adjuster | 40.00 |
| Junk dealer/junk yard | 100.00 |
| Landfill/dump | 100.00 |
| Laundry machines | 30.00 + 2.00 for each additional machine from 11 to 99,999 |
| Local exchange telecommunication co. | 3,000.00 |
| Locksmith service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| LPG dealer/distributor and installation | 180.00 |
| LPG equipment dealer/mfg. | 180.00 |
| LPG installer | 40.00 |
| LPG tank refill | 40.00 |
| Lunch wagon/truck | 40.00 |
| Manufacturing/recycling/processing | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Massage establishment | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Membership organization | 180.00 |
| Merchandise vending machine | 25.00 for one machine |
|  | 25.00 + 6.00 for each additional machine from 2 to 30 |
|  | 199.00 + 3.00 for each additional machine from 31 to 99,999 |
| Mobile home park/camp grounds | 40.00 + 2.00 for each additional Space from 11 to 99,999 |
| Mortgage broker business | 100.00 |
| Movie/multi theatre | 80.00 per screen |
| Moving/storage (local) | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Multiple service business (3+ services) | 100.00 |
| Non-vocal communication | 100.00 |
| Nursing/convalescent home | 180.00 |
| Packing/ processing (farm products) | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Parking facility | 30.00 spaces from 1 to 30 |
|  | 60.00 spaces from 31 to 74 |
|  | 90.00 spaces from 75 to 149 |
|  | 120.00 spaces from 150 to 99,999 |
| Pari-Mutuel/Wagering | 700.00 |
| Passenger transportation service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Pawnbroker | 300.00 |
| Pay telephone provider | 100.00 |
| Peddler | 40.00 |
| Permanent exhibit/admission facility | 180.00 |
| Pest control service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Pharmacy | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Physical/Occupational therapy center | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Plumbing contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Prescription drug wholesaler | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Private investigative agency | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Producer/recording studio | 300.00 |
| Professionals | 40.00 |
| Professional association/Corporation/Partnership/firm | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Professional sports team | 300.00 |
| Promoter/coordinator | 180.00 |
| Railroad | 180.00 |
| Real estate branch office | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Real estate firm | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Real estate school | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Repossessing service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Resale of communication time | 180.00 |
| Retail of firearms | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Retail sales | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Satellite TV | 700.00 |
| Scrap metal processor | 100.00 |
| Security systems monitoring | 100.00 |
| Self storage | 100.00 |
| Seller of travel | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Service/amusement machine | 25.00 for one machine |
|  | 25.00 + 15.00 for each additional machine from 2 to 30 |
|  | 460.00 + 6.00 for each additional machine from 31 to 99,999 |
| Service Business | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Slaughter house | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Specialty building contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Specialty electrical contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Specialty engineering contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Specialty mechanical contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Specialty plumbing contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Sub building contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Sub general building contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Tattoo studio | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Telemarketing | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Temporary employment agency | 100.00 |
| Time share property | Not taxable apartments from 1 to 4 |
|  | 40.00 apartments from 5 to 10 |
|  | 40.00 + 2.00 for each additional apartment from 11 to 99,999 |
| Title insurance/abstract companies | 100.00 |
| Towing truck | 40.00 +2.00 for each additional truck from 11 to 99,999 |
| Traveling junk dealer | 40.00 |
| Unclassified business | 100.00 |
| Used motor vehicle parts dealer | 100.00 |
| Veterinary clinic | 40.00 |
| Water/sewer plant | 700.00 |

(Ord. No. 95-109, § 40, 6-20-95; Ord. No. 98-161, § 9, 11-5-98; Ord. No. 00-54, § 1, 5-9-00; Ord. No. 01-118, § 14, 7-12-01; Ord. No. 01-184, § 3, 11-6-01; Ord. No. 06-191, § 1, 12-19-06)

FOOTNOTE(S):

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**Editor's note—** Article IX, §§ 8A-171—8A-223, is originally derived from Ord. No. 72-44, § 1, adopted Aug. 15, 1972, and effective Sept. 1, 1972. Sections 2 and 4 of said ordinance, validity and effective date provisions, and § 3, authorizing inclusion herein and renumbering of the ordinance, were omitted from codification. [(Back)](#BK_14E091DAD880B5CDFD7A198440915883)

**Cross reference—** Occupational licenses for branch auto tag agency, § 2-119 et seq. [(Back)](#BK_14E091DAD880B5CDFD7A198440915883)

**State Law reference—** Occupational licenses, F.S. ch. 205. [(Back)](#BK_14E091DAD880B5CDFD7A198440915883)

### ARTICLE X. LOCAL BUSINESS TAX RECEIPT IN UNINCORPORATED AREAS [[10]](#BK_5138EA0909B963287ECE2D062344C9B5)

[Sec. 8A-224. Local business tax imposed.](#BK_760C0937A840D50AACB4B5E150619D0D)

[Sec. 8A-224.1. Doing business without local business tax receipt.](#BK_DB3217374C9A09C1BF9A745484921BF1)

[Sec. 8A-224.2. Partial exemption in enterprise zones.](#BK_BB78E38FEB73D95FC451E4D66AC5499F)

[Sec. 8A-224.3. Reserved.](#BK_ACDF05DF82F365A80CB6A8B74115942D)

[Sec. 8A-224.4. Future review of certain tax rates.](#BK_0D58BB8A259C5E7B6EC1D60B0D741055)

[Sec. 8A-225. Definitions.](#BK_3999F9EE695221E8CA3AC3657AF5886F)

[Sec. 8A-226. Disposition of taxes collected.](#BK_457AD63E719FE417E299DAFE00C7E855)

[Sec. 8A-227. Term of local business taxes and transfer.](#BK_6A771819B705C1578D55B916FAF1BC9D)

[Sec. 8A-227.1. When local business tax payable; date due and delinquent; penalties; revocation and refusal to renew.](#BK_2ECC80C27B179BD0625AC62628C0A0BA)

[Sec. 8A-227.2. Two-year limit for charging additional fees, charges, penalties; collection after certain payments, etc., limitations; refunds.](#BK_D4F358B38E0696C2C15F61DB52639923)

[Sec. 8A-227.3. Issuance of local business tax receipt; application.](#BK_A7F5CF6867D9F8FE26BDD6DCAF98BD9B)

[Sec. 8A-227.4. Home-based business tax receipt.](#BK_60577F5B7219A547409EF58977E7E179)

[Sec. 8A-227.5. Display of local business tax receipt.](#BK_6913862C28A94138D0C023A936ECF4E7)

[Sec. 8A-227.6. Method of collection of delinquent local business taxes.](#BK_F4E1FE2F454B00C0CEB6D14D2706431D)

[Sec. 8A-228. Cumulative effect of article.](#BK_65FDC9CC1A8E409BD9501F4F216EBB52)

[Sec. 8A-229. Lottery and gambling not authorized.](#BK_1A6288F0175361509DB7895FC4A6D493)

[Sec. 8A-229.1. Pari-mutuel wagering.](#BK_78E07FB4529DCBD87898A2B808806C94)

[Sec. 8A-229.2. Reserved.](#BK_4BF9ED08C1B13760D1073B98FA042A82)

[Sec. 8A-230. Exemption allowed: Certain disabled persons, the aged, widows and widowers with minor dependents.](#BK_31521483F53EAEA1B810166CDBB5F70D)

[Sec. 8A-230.1. Exemptions allowed disabled veterans of any war, or their unremarried widows or widowers.](#BK_17FFD7D50037E87E5347E9C497A2FB99)

[Sec. 8A-230.2. Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural and tropical fish farm products; certain exemptions.](#BK_A9C5A0532F7750A0B3BDA04752BDFC63)

[Sec. 8A-230.3. Religious tenants; exemption.](#BK_6D2B02C3921193447F6C42687D3BF1E9)

[Sec. 8A-230.4. Charitable, etc., organizations; occasional sales, fund raising; exemption.](#BK_7C9B828C3F110D98C71B3D4A507A8C9D)

[Sec. 8A-230.5. School activities; certain exemption.](#BK_58916414E6E216A4AAAD060685D6B7E2)

[Sec. 8A-230.6. Film industry; partial exemption.](#BK_4165865CE7B5D01853CFCE502E99DBFD)

[Sec. 8A-230.7. Exemption for nonresident persons regulated by Department of Business and Professional Regulation.](#BK_441D4E3CE3708E477F109EF9C3673240)

[Sec. 8A-230.8. Exemption for broker associates and sales associates.](#BK_FA9C7EBED28CE4C0A67189139987C1A2)

[Sec. 8A-230.9. Exemptions, general.](#BK_83F0B5A44399131619661D79CF3EE637)

[Sec. 8A-231. Advertising space renters.](#BK_99159AC9E41C98428ED576766E223EB2)

[Sec. 8A-231.1. Amusement facilities/devices (non-coin).](#BK_BC7A9F3843E8DCB0D171B1168E513790)

[Sec. 8A-232. Hotels, apartments, motels, etc., as defined in Chapter 509.](#BK_976383EA3E81AA974788CD9FA6AD341A)

[Sec. 8A-232.1. Commercial, industrial or office space.](#BK_4BF546B92A29762C5D0CFACB5FBD3515)

[Sec. 8A-233. Cemeteries, crematories, etc.](#BK_F1A1043A209E31941FEB40C818021A43)

[Sec. 8A-233.1. Carnivals & circuses, traveling shows, etc.](#BK_F2AFF59D82F9729D6C06B2C8949E9935)

[Sec. 8A-233.2. Eating establishments.](#BK_629298E440C42B11069822529C94DE54)

[Sec. 8A-234. Catering business.](#BK_3DEA4701FA1A4FDFFC72BBE49F95481F)

[Sec. 8A-234.1. Contracting.](#BK_F07E42642F47CC0EC3377B3458184AB4)

[Sec. 8A-234.2. Dancing or entertainment, etc.](#BK_A562F77085FB59498E2D90B49E04B05B)

[Sec. 8A-235. Electric power plants, gas plants, and community television antenna companies.](#BK_75D0D01E49C385CDB8DE60EC5D879CB7)

[Sec. 8A-236. Fortunetellers, clairvoyants, etc.; local business tax; exemptions.](#BK_7227A0AC544482574EB41C2E831FE1C5)

[Sec. 8A-236.1. Fortunetellers, clairvoyants, etc., County permit required; penalty.](#BK_C896032A272E335D5C85B6D8F59B3F70)

[Sec. 8A-236.2. Reserved.](#BK_76F4B9AA738BA41B4F1AAE547E1842B9)

[Sec. 8A-236.3. Mobile home setup operations.](#BK_5330B3E6B5F7B9006F6AE257FEA31075)

[Sec. 8A-236.4. Title insurance, abstract companies, etc.](#BK_661375C54DE8A871A65A12CCAF9F8AE4)

[Sec. 8A-237. Junk dealers; local business tax requirements.](#BK_74D4D361151588BB715CA7374FB3B482)

[Sec. 8A-237.1. Traveling junk dealers.](#BK_D882DE7139E30E6C3F3295978021720C)

[Sec. 8A-237.2. Liquefied petroleum gas; distributors, installers, and manufacturers.](#BK_DF22BC5D98731C5B8209DAD17182B185)

[Sec. 8A-238. Manufacturing, recycling, processing, etc.](#BK_0E46BD5A4451AF2741BBFA456AE29C75)

[Sec. 8A-238.1. Unclassified businesses not otherwise provided for.](#BK_08F87BABD36221D54299D8D4352C4873)

[Sec. 8A-238.2. Administrative office, operation center.](#BK_D20F47F47885B1991551A467CF193FA3)

[Sec. 8A-239. Movies, playhouses, stadiums, auditoriums, etc.](#BK_1844F0F2E50DCB5D91C0EED499878756)

[Sec. 8A-240. Pawnbrokers.](#BK_386E804187D60EB7561354A33A34E528)

[Sec. 8A-240.1. Pawnbrokers; reports to Sheriff; penalty.](#BK_B6BC219D9801C34091F8A20D80C0B9A2)

[Sec. 8A-240.2. Permanent exhibits; admission facilities, etc.](#BK_3A959F2C02E524919B76248AA6E6C077)

[Sec. 8A-241. Professions, professional associations.](#BK_4E869E53A9AF3794B382C4AF60D8C742)

[Sec. 8A-241.1. Service business/multiple service business.](#BK_5CBE56550811DCD691FEAAE11D5B5F0A)

[Sec. 8A-241.2. Passenger transportation service.](#BK_A00A5FD20DC6E7FACE20071FCA57E488)

[Sec. 8A-242. Retail sales.](#BK_EA6250F3CE559EC8707A67F7AE18A981)

[Sec. 8A-242.1. Educational training institutions.](#BK_F246BD647F1C64C481A66BFF11318250)

[Sec. 8A-242.2. Non-vocal communications, etc.](#BK_83293FA04A4A49C111E8E32528DF4415)

[Sec. 8A-243. Local exchange telecommunication company.](#BK_C6A5E9877A2567A1B37A484FB12B6F5E)

[Sec. 8A-243.1. Communication business.](#BK_7CCD6A4F9BBDFB88EC79230AB46948EA)

[Sec. 8A-243.2. Dealer in intangible personal property.](#BK_51E5C8F306742040223E435B210CA626)

[Sec. 8A-243.3. Banks, savings & trust companies, etc.](#BK_CAB01915AC1132F8BC4B89CB9CC22C8C)

[Sec. 8A-244. Dealer in tangible personal property; and exemption of motor vehicles.](#BK_19B1957426D7A41C6B26472EFEA25D9A)

[Sec. 8A-245. Vending, service and amusement machines.](#BK_B58F2C59ADE368DA614A95A140797C6F)

[Sec. 8A-246. Water companies and sewage disposal companies.](#BK_C11DE9369703048B98FEF8365ACE5960)

[Sec. 8A-247. Local business taxes against railroads.](#BK_70B34EE2A74BF521CD213B0EE1D14212)

[Sec. 8A-247.1. Schedule of taxes.](#BK_F073F85121DF0EF2B811536AABA51398)

[Secs. 8A-248—8A-250. Reserved.](#BK_F944AA198AB2B4951DA9F0614EDE2C16)

Sec. 8A-224. Local business tax imposed.

No person shall engage in or manage any business, profession or occupation in the unincorporated areas of Miami-Dade County for which an local business tax is required by this article without first obtaining the required receipt or licenses from the County Tax Collector.

With respect to each place where a business or profession is located, a separate local business tax receipt shall be required for each type of business, business classification or profession conducted therein. For purposes of this chapter, a business or profession will be deemed located where it exists at an identifiable physical location or where representation to the public has been made as to the situs of the business or profession. Fees or licenses paid to any regulatory board, commission or officer for permits, registration, examination or inspection shall be in addition to and not in lieu of any local business tax receipt required by this article.

For the purpose of this chapter, any representation by any person representing of being engaged in any business, occupation or profession for which a local business tax is required under this chapter shall constitute evidence of the liability of such person to pay a local business tax, whether or not such person actually transacts any business or practices any profession. Displaying a sign or advertisement indicating the operation of business, occupation or profession at a given location, advertising a business, occupation or profession in the classified section of the telephone directory, or any other media, or publication shall also constitute evidence that such person is holding himself out to the public as being engaged in business, occupation or profession.

For purposes of this chapter the issuance of a receipt or receipts to a business or professional shall not be deemed to constitute evidence of the business' or the professional's entitlement to conduct its activities pursuant to other provisions of applicable law.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 93-80, § 15, 7-29-93; Ord. No. 01-118, § 3, 7-12-01; Ord. No. 06-191, § 2, 12-19-06)

Annotation—CAO 76-5.

Sec. 8A-224.1. Doing business without local business tax receipt.

Any person who shall carry on or conduct any business or profession for which a receipt is required, without first obtaining such license shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than double the amount required for such license or imprisonment not exceeding six (6) months.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-224.2. Partial exemption in enterprise zones.

There shall be an exemption of fifty (50) percent of the local business tax required herein for any business, occupation or profession that is located in an enterprise zone as defined in Chapter 290, Florida Statutes. Any receipt issued with the exemption authorized in this section is nontransferable.

A business, occupation or profession shall apply for the exemption provided herein by presenting proof of eligibility to Miami-Dade Office of Community and Economic Development (OCED) in a form approved by this Board, prior to July thirty-first of each local business tax year beginning the following October 1, for which the exemption is sought. Such proof shall be made by means of a statement filed under oath with OCED indicating that the permanent business location or branch office is in an enterprise zone. OCED shall determine eligibility from the statement filed by the applicant and shall then forward it to Miami-Dade Local Business Tax Section of the Tax Collector Division of the Miami-Dade County Finance Department for its processing.

This section shall be deemed repealed if Section 205.054, Florida Statutes expires as provided for upon the expiration of the Florida Enterprise Zone Act pursuant to Section 290.016, Florida Statutes. In the event that Section 205.054, Florida Statutes, expires, no license shall be issued with the exemption authorized in this section for any period beginning on or after that date.

(Ord. No. 88-26, § 1, 4-19-88; Ord. No. 06-191, § 2, 12-19-06)

**Cross reference—** Property tax exemption in enterprise zones, § 29-81 et seq.

Sec. 8A-224.3. Reserved.

Sec. 8A-224.4. Future review of certain tax rates.

Two (2) years after adoption of this article and every other year thereafter, the County Commission may review and consider the Local Business Taxes established pursuant to this article and may amend them to the extent permitted by Section 205.0535(4), Florida Statutes.

(Ord. No. 95-109, § 42, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-225. Definitions.

For the purposes of this article, the following terms and phrases shall have a meaning ascribed as follows:

(1) *Business, profession* and *occupation* do not include the customary religious, charitable or educational activities of nonprofit religious, nonprofit charitable and nonprofit educational institutions in this State, which institutions are more particularly defined and limited as follows:

(a) *Religious institutions* shall mean churches and ecclesiastical or denominational organizations, or established physical places for worship in this State at which nonprofit religious services and activities are regularly conducted and carried on, and shall also mean church cemeteries.

(b) *Educational institutions* shall mean State tax-supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, Department of Education or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.

(c) *Charitable institutions* shall mean only nonprofit corporations operating physical facilities in Florida at which are provided charitable services, a reasonable percentage of which shall be without cost to those unable to pay.

(2) *Receipt* shall mean the document that is issued by the local governing authority, which bears the words "Local Business Tax Receipt" and evidences that the person in whose name the document is issued has complied with the provisions of this article relating to the business tax.

(3) *Local business tax* shall mean the fees charges and the method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection. Unless otherwise provided by law, these are deemed regulatory and in addition to, but not in lieu of, any local business tax imposed under the previsions of this article.

(4) *Person* shall mean any individual, firm, partnership, joint adventure, syndicate or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver or other fiduciary and shall include the plural as well as the singular.

(5) *Professional* means any person engaged in the practice of a special calling including, but not limited to, the profession of chiropractic, medicine, dentistry, accounting, financial planning or law. A separate local business tax receipt for each person engaged in the practice of such profession is required, whether practicing by himself, or in partnership, or employed by another. Said local business tax receipt is a personal license and is not transferable to another professional.

(6) *Admission facility* means any facility or place of business that charges a set fee for entering said facility or place of business which entitles the person or persons paying such fee to participate in or observe events, exhibits or services provided inside the facility or place of business including but not limited to amusement parks, art exhibits, or any other form of exhibitions in which a set fee is charged.

(7) *Investments.* For the purpose of this chapter, investments refers to the committing of other persons' money or capital in order to gain profit.

(8) *Employee* means a person who is compensated for performing a service for a business which has the right to control and direct the person who performs the services as to the details and means by which the services are performed. A person may be considered an employee of a business for local business taxation purposes regardless of whether that business directly pays wages to such person, or pays Social Security tax or federal unemployment tax or withholds income tax for such person; or whether such business designates such person as an independent contractor or subcontractor. For purposes of determining the number of employees of a business, profession or occupation subject to the local business tax requirements of this article, principals shall be deemed employees, as shall persons employed on a seasonal, temporary or part-time basis. Volunteers shall not be considered employees.

(9) *Independent contractor* has the same meaning as provided in Section 440.02(15)(d)(1)(a) and (b), Florida Statutes.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 93-80, § 16, 7-29-93; Ord. No. 95-109, § 43, 6-20-95; Ord. No. 98-161, § 2, 11-5-98; Ord. No. 01-118, § 5, 7-12-01; Ord. No. 06-191, § 2, 12-19-06; Ord. No. 13-32, § 2, 4-2-13)

Sec. 8A-226. Disposition of taxes collected.

The revenues derived from the local business tax shall be deposited in the general fund of the County within fifteen (15) days following the month of receipt. Such revenues shall be used to support services to residents of the unincorporated areas.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-227. Term of local business taxes and transfer.

(1) No local business tax receipt shall be issued for more than one (1) year, and all receipts expire on September 30 of each year; and it shall be the responsibility of each licensee receiptholder to obtain a renewal of his local business tax receipt on or before October first of each year as long as such business, service, occupation or profession is performed in Miami-Dade County. The mailing of renewal applications by the Tax Collector is a courtesy reminder. Failure to receive the renewal application shall not constitute a valid reason for not renewing the local business tax receipt.

(2) Any business local business tax receipt may be transferred to a new owner when there is a bona fide sale of the business, upon payment of a transfer fee of up to ten (10) percent of the annual local business tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00) and presentation of evidence of the sale and the original receipt.

(3) Upon written request and presentation of the original receipt, any receipt may be transferred from one (1) location to another location in the unincorporated areas, upon payment of a transfer fee of up to ten (10) percent of the annual local business tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00).

(4) Upon presentation of the original receipt by the receiptholder and any documentary evidence the Tax Collector requires, a change of business name may be established upon payment of a fee of up to ten (10) percent of the annual local business tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00).

(5) It shall be the duty of every person taking over or purchasing an existing business which is required to be receipted under this article to notify the Tax Collector of the County within thirty (30) days, and upon failure to do so the person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars ($100.00) or confined in the County Jail for not more than six (6) months, or both, in the discretion of the court.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 93-80, § 17, 7-29-93; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-227.1. When local business tax payable; date due and delinquent; penalties; revocation and refusal to renew.

(1) All local business tax receipts shall be sold by the Tax Collector beginning August 1 of each year and are due and payable on or before September 30 of each year and shall expire on September 30 of the succeeding year. Those local business tax receipts not renewed by September 30 shall be considered delinquent and subject to a delinquency penalty of ten (10) percent for the month of October, plus an additional five (5) percent penalty for each month of delinquency thereafter until paid, provided that the total delinquency penalty shall not exceed twenty-five (25) percent of the local business tax for the delinquent establishment.

(2) Any person engaging in or managing any business, occupation or profession without first obtaining a local business tax receipt, if required hereunder, shall be subject to a penalty of twenty-five (25) percent of the receipt determined to be due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required local business tax within one hundred fifty (150) days after the initial notice of tax due, and who does not obtain the required occupational license is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to two hundred fifty dollars ($250.00).

(4) Notwithstanding any other provision of this article, the tax collector shall revoke or refuse to renew the local business tax receipt of any individual, business or entity, or the parent company of such individual, business or entity which is doing business with Cuba in violation of federal law.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 93-45, § 1, 5-18-93; Ord. No. 93-80, § 18, 7-29-93; Ord. No. 98-161, § 4, 11-5-98; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-227.2. Two-year limit for charging additional fees, charges, penalties; collection after certain payments, etc., limitations; refunds.

(1) Whenever any authorized County officer or agency, annually, for two (2) or more consecutive years, shall have received the local business taxes and fees tendered for receipt or receipts delivered to the applicant for the operation and conduct by the holder thereof of the place or places of business or stores therein designated, no such officer or agency shall thereafter prohibit the operation of such places of business or stores thereunder, nor issue or enforce any warrant against the holder of such receipts or any other person or concern, or the property of such holder or any other person or concern, for any additional receipts taxes, penalties, interest, or costs for such place or places of business or stores under the law under which such receipts were issued, for the periods comprehended by such receipts; nor shall any right of action of any nature exist or proceedings of any nature be had or taken for any additional local business taxes for such places of business or stores for the receipt years for which such receipts were so issued.

(2) Whenever any local business tax required by this chapter to be paid to the Tax Collector shall remain unpaid after its due date for a period of three (3) years, no action may be commenced to enforce the payment of such delinquent tax or any penalty or interest that may be due thereon.

(3) The Tax Collector is hereby authorized and empowered to refund any moneys paid for local business taxes imposed under this chapter which constitute:

(a) An overpayment;

(b) A payment where no tax is due; and

(c) Any payment made in error.

Provided, further, that any such refund not applied for within one (1) year from the date the original local business tax receipt tax became due shall be forever barred. A finding by any regulatory body or agency that a business or a profession is not entitled to conduct its activities shall not be grounds for a request for refund of any local business tax paid.

(4) Refunds as provided by this section shall be granted upon presentation of the original receipt in question and documentary evidence supporting the request for refund as may be required by the tax collector.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 93-80, § 19, 7-29-93; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-227.3. Issuance of local business tax receipt; application.

(1) No receipt shall be issued except upon written application of the person applying for the same. The Tax Collector, before issuing a receipt based wholly or in part upon capacity, number of persons employed, or any other contingency, shall require the person applying for such receipt to file, under oath, a statement giving full and complete information relative to the capacity, number of persons employed, or other contingency, as the case may be. The applications and statements required by this section shall be retained as a part of the records of the Tax Collector's Office. It shall be the duty of every receiptholder to notify the Tax Collector in writing of any changes affecting the receipt during the local business tax year.

(2) As a prerequisite to receiving a local business tax receipt or transferring a local business tax receipt hereunder, the applicant or new owner must present:

(a) a copy of the applicant's or new owner's current fictitious name registration, issued by the Division of Corporations of the Department of State; or

(b) a written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Fictitious Name Act.

(3) No receipt shall be issued unless the federal employer identification number or social security number is obtained from the person to receive the local business tax receipt.

(4) Any person applying for or renewing a Miami-Dade County local business tax receipt must comply with all statutory prerequisites to issuance of a local business tax receipt as may be set forth in Chapter 205, Florida Statutes or any other applicable law at the time of application or renewal.

(5) Unless otherwise provided by state law, any person applying for, or renewing, a Miami-Dade County local business tax receipt to practice any profession or engage in or manage any business or occupation regulated by the Department of Business and Professional Regulation, the Florida Supreme Court, any other state regulatory agency, including any board or commission thereof, or a statewide or national professional association, must exhibit an active state and/or national certificate, registration, or license or proof of copy of the same, before such local business tax receipt may be issued, as required by Section 205.194, Florida Statutes, any other section of Chapter 205, or other provisions of Florida law as may from time to time be enacted. The Tax Collector shall have available those provisions of Chapter 205 which require the production of such regulatory certificates, registrations or licenses.

(6) The failure of a person to file a written application for an local business tax receipt shall not affect the Tax Collector's authority to assess the business tax and issue a receipt in addition to the imposition of penalties provided for in this article, where a business or professional is found to be operating without the required local business tax receipt.

(7) Any person who, in an original or renewal application to the Tax Collector for a local business tax receipt based upon capacity, number of persons employed, or any other contingency, makes a false statement under oath of capacity, number of persons employed, or other contingency shall be deemed guilty of a misdemeanor and punished as provided by law.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 01-118, § 9, 7-12-01; Ord. No. 06-191, § 2, 12-19-06; Ord. No. 13-32, § 4, 4-2-13)

Annotation—CAO 76-5.

Sec. 8A-227.4. Home-based business tax receipt.

Any person engaged in a profession or occupation who uses his own personal residence but which use does not involve the creation, maintenance, distribution or sale of any merchandise or goods may apply for a local business tax receipt. Such applicant may list his home address as the place of business, as long as the use of his residence is in compliance with all applicable city and County zoning requirements, and shall pay a local business tax as provided for in the schedule of taxes [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-227.5. Display of local business tax receipt.

The person obtaining the local business tax receipt shall keep the same displayed conspicuously at the place of business and in such a manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the County. Upon failure to do so, he shall be subject to the payment of another local business tax for engaging in or managing the business or occupation for which the receipt was obtained.

(Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-227.6. Method of collection of delinquent local business taxes.

Whenever any person who is subject to the payment of a local business tax or privilege tax provided by this or any other law shall fail to pay the same when due, the Tax Collector may issue a warrant directed to the Miami-Dade Police Director, commanding him to levy upon and sell any real or personal property of the person liable for said local business tax within his jurisdiction for the amount thereof and the cost of executing the warrant and to return such warrant to the officer issuing same and to pay to him the money collected by virtue thereof within sixty (60) days from the date of the warrant. The officer to whom the warrant may be delivered shall proceed in all respects and in the same manner prescribed by law in regard to executions issued against property upon judgments of a circuit court, and shall be entitled to the same fee for his services in executing the warrant, to be collected in the same manner. The officer issuing the warrant may file a copy of the warrant with the Clerk of the Circuit Court of the Eleventh Judicial Circuit, and the Clerk shall record the same, whereupon the amount of the warrant and recording fee shall become a lien upon the title to and interest, whether legal or equitable, in any property, whether real, personal or mixed, of the person against whom the warrant is issued, in the same manner and to the same extent as a judgment duly docketed in the Office of the Clerk of the Circuit Court with execution duly issued and in the hands of the Miami-Dade Police Director. Any person subject to, and who fails to pay, a receipt or local business privilege tax required by this law shall, on petition of the officer to whom the said local business tax is payable, be enjoined by the Circuit Court from engaging in the business for which he has failed to pay said local business tax receipt, until such time as he shall pay the same with costs of such action.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-228. Cumulative effect of article.

(1) Fees or licenses paid to any board, Commission or officer for permits, registration, examination, inspection or other regulatory purposes shall be in addition to and not in lieu of any local business tax required by this article or other law unless otherwise expressly provided by law.

(2) The business tax receipt tax required by this article is a local business tax only. No local business tax receipt issued hereunder shall have the effect of superseding or nullifying any other regulatory or zoning law of the State of Florida, Miami-Dade County or any municipality therein.

(3) No ministerial assistance or cooperation extended to any agency, branch or department of local, state or federal government by the Tax Collector in conjunction with its assessment and collection of local business taxes, whether required by other provisions of law or by agreement, shall be deemed to be regulatory activity with respect to a receiptholder.

(4) The provisions of this article are cumulative and in addition to all other State, County and municipal law providing for the collection of taxes, business tax receipts and permit fees and charges, including but not limited to Sections [10-24](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-24OCLIVATHCOPAMU) through [10-28](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-28SHFEPAMU), inclusive, of the Miami-Dade County Code of Ordinances. No local business tax receipt issued hereunder shall exempt the receiptholder from any other license, permit or local business tax required by law.

(5) The provisions of this article are cumulative and in addition to the enforcement provisions of [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code of Ordinances, except that this article shall govern in the event of inconsistencies.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Annotation—CAO 76-5.

Sec. 8A-229. Lottery and gambling not authorized.

No provision of this article shall be construed to authorize gambling or the operation of a lottery not otherwise allowed by law.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-229.1. Pari-mutuel wagering.

The board approves and authorizes all pari-mutuel wagering facilities within Miami-Dade County holding valid permits and licenses issued by the Division of Pari-mutuel Wagering pursuant to Chapter 550, Florida Statutes to apply for and receive local business tax receipts and to conduct all card room activities authorized by Florida Law and in particular Section 849.086, Florida Statutes (Chapter 96-364, Laws of Florida, 1996) as may be amended from time to time. These facilities shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

(Ord. No. 06-191, § 2, 12-19-06; Ord. No. 13-32, § 6, 4-2-13)

Sec. 8A-229.2. Reserved.

Sec. 8A-230. Exemption allowed: Certain disabled persons, the aged, widows and widowers with minor dependents.

(1) All permanently disabled persons physically incapable of manual labor, widows or widowers with minor dependents, and persons sixty-five (65) years of age or older, with not more than one (1) employee or helper, and who use their own capital only, not in excess of one thousand dollars ($1,000.00), shall be allowed to engage in any business or occupation in Counties in which they live without being required to pay for a local business tax receipt. The exemption provided by this section shall be allowed only upon the certificate of the County Physician, or other reputable physician, that the applicant claiming the exemption is a permanently disabled person, the nature and extent of the disability being specified therein, and in case the exemption is claimed by a widow or widower with minor dependents, or a person over sixty-five (65) years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a local business tax receipt which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon.

(2) In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a local business tax receipt to sell intoxicating liquors, malt and vinous beverages, or for the operation of any slot machine, punchboard or any other gaming or gambling device.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 93-80, § 20, 7-29-93; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-230.1. Exemptions allowed disabled veterans of any war, or their unremarried widows or widowers.

(1) Any bona fide, permanent resident elector of the State who served as an officer or enlisted man in the United States Army or Army Reserve, United States Air Force or Air Force Reserve, National Guard, United States Navy or Naval Reserve, United States Coast Guard or Coast Guard Reserve, United States Marine Corps or Marine Corps Reserve, or any temporary members thereof, who have actually been or may hereafter be reassigned by the Army, Air Force, Navy, Coast Guard or Marines to active duty, during any war, declared or undeclared, armed conflicts, crises, etc., since the Spanish-American War, beginning April 21, 1896, who was honorably discharged from the service of the United States, and who at the time of his application for local business tax receipt as hereinafter mentioned shall be disabled from performing manual labor, shall, upon sufficient identification, proof of being a permanent resident elector in the State and production of an honorable discharge from the service of the United States during the aforesaid period of time, respectively, be granted a local business tax receipt to engage in any business or occupation in the State which may be carried on mainly through the personal efforts of the receiptholder as a means of livelihood and for which the County or municipal local business tax receipt does not exceed the sum of fifty dollars ($50.00) for each without payment of any local business tax receipt tax otherwise provided for by law; or shall be entitled to an exemption to the extent of fifty dollars ($50.00) on any receipt to engage in any business or occupation in the State which may be carried on mainly through the personal efforts of the licensee as a means of livelihood where either the County or municipal license for such business or occupation shall be more than fifty dollars ($50.00). The exemption heretofore referred to shall extend to and include the right of passenger capacity, including the driver, when it shall be made to appear that such automobile is bona fide owned or contracted to be purchased by the licensee and is being operated by him as a means of livelihood and that the proper license tax for the operation of such motor vehicle for private use has been applied for and attached to said motor vehicle and the proper fees therefor paid by the receiptholder.

(2) When any such person shall apply for a receipt to conduct any business or occupation for which either the County or municipal license tax as fixed by law shall exceed the sum of fifty dollars ($50.00), the remainder of such local business tax in excess of fifty dollars ($50.00) shall be paid by him in cash.

(3) Each and every tax collecting authority of this State, of each County thereof, and of each municipality therein shall issue to such persons as may be entitled hereunder a local business tax receipt pursuant to the foregoing provision and subject to the conditions thereof. Such receipt when issued shall be marked across the face thereof "Veterans Exempt Receipt—Not Transferable." Before issuing the same, proof shall be duly made in each case that the applicant is entitled under the conditions of this law to receive the exemption herein provided for. The proof may be made by establishing to the satisfaction of such tax collecting authority by means of certificate of honorable discharge or certified copy thereof that he is a veteran within the purview of this section and by exhibiting:

(a) A certificate of government-rated disability to an extent of ten (10) percent or more;

(b) The affidavit or testimony of a reputable physician who personally knows the applicant and who makes an oath that the applicant is disabled from performing manual labor as a means of livelihood;

(c) The certificate of the veteran's service officer of the County in which applicant lives, duly executed under the hand and seal of the chief officer and secretary thereof, attesting the fact that the applicant is disabled and entitled to receive a receipt within the meaning and intent of this section;

(d) By the production of a pension certificate issued to him by the United States by reason of such disability; or

(e) Such other reasonable proof as may be required by the tax collecting authority to establish the fact that such applicant is so disabled.

All receipts issued under this section shall be in the same general form, and shall expire at the same time, as other State, County and municipal licenses are fixed by law to expire.

(4) All receipts obtained under the provisions of this section by the Commission of fraud upon any issuing authority shall be deemed null and void. Any person who has fraudulently obtained any such receipt, or who has fraudulently received any transfer of a receipt issued to another, and has thereafter engaged in any business or occupation requiring a local business tax receipt under color thereof shall be subject to prosecution as for engaging in a business or occupation without having the required receipt under the laws of the State. Such receipt shall not be issued in any County other than the County wherein said veteran is a bona fide resident citizen elector, unless such veteran applying therefor shall produce to the tax collecting authority in such County a certificate of the tax collector of his home County to the effect that no exemption from receipt has been granted such veteran in his home County under the authority of this section.

(5) In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a local business tax receipt to sell intoxicating liquors, malt and vinous beverages.

(6) The unremarried widow or widower of the deceased disabled veteran of any war in which the United States armed forces participated will be entitled to the same exemptions as the disabled veteran.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 93-80, § 21, 7-29-93; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-230.2. Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural and tropical fish farm products; certain exemptions.

(1) The selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products and products manufactured therefrom, except intoxicating liquors, wine, or beer, shall be exempt from County local business tax, when such products were grown or produced by such person in the state. The management of wholesale farmers' produce markets shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) that will entitle its stall tenants to deal in agricultural and horticultural products without obtaining an individual receipts, but individual receipts shall be required of such tenants unless such receipt is obtained for the market.

(2) Every person, other than nonprofit cooperative associations, engaged in the business of packing, processing or canning agricultural products not grown by him shall for each place of business pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA); provided said receipts shall not exceed one hundred fifty dollars ($150.00).

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 36, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 44, 6-20-95; Ord. No. 06-191, § 2, 12-19-06; Ord. No. 13-32, § 8, 4-2-13)

Sec. 8A-230.3. Religious tenants; exemption.

Nothing in this article shall be construed to require a local business tax receipt for practicing the religious tenants of any church.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-230.4. Charitable, etc., organizations; occasional sales, fund raising; exemption.

No local business tax receipt shall be required of any charitable, religious, fraternal, youth, civic, service, or other such organization when the organization makes occasional sales or engages in fund raising projects when the projects are performed exclusively by the members thereof and when the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-230.5. School activities; certain exemption.

College and high school students may, with the approval of the athletic association or authority of their school, sell the pennants, badges, insignia and novelties of their school without being required to pay a local business tax.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-230.6. Film industry; partial exemption.

Any person not domiciled in Miami-Dade County that comes to film in the County for either: (a) not more than three (3) times per fiscal year and for not more than thirty (30) consecutive days each such time, or (b) not more than once per fiscal year and not for more than ninety (90) consecutive days, shall be exempt from paying an local business tax. For purposes of this section the term "film" shall be defined in the same manner as set forth in [Section 2-11.14](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.14FIPRPUNECOPR)(a), Code of Miami-Dade County.

(Ord. No. 01-118, § 7, 7-12-01; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-230.7. Exemption for nonresident persons regulated by Department of Business and Professional Regulation.

No local business tax may be levied on any person performing work or services on a temporary or transitory basis in Miami-Dade County if the person is engaging in or managing a business, profession, or occupation regulated by the Department of Business and Professional Regulation and has paid a local business tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained, and in no event shall any work or services performed in a place other than the county or municipality where the permanent business location or branch office is maintained be construed as creating a separate business location or branch office of that person. Any properly receipted contractor asserting an exemption under this section who is unlawfully required by the local governing authority to pay an local business tax, or any registration or regulatory fee equivalent to the local business tax, shall have standing to challenge the propriety of the local government's actions, and the prevailing party in such a challenge is entitled to recover a reasonable attorney's fee.

(Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-230.8. Exemption for broker associates and sales associates.

(1) An individual licensed and operating as a broker associate or sales associate under Chapter 475, Florida Statutes, is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt.

(2) An individual exempt under this section is not subject to penalties under this article for the failure of a principal or employer to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual exempt under this section may not be required by Tax Collector to apply for an exemption from a local business tax, otherwise prove his or her exempt status, or pay any tax or fee related to a local business tax.

(3) A principal or employer who is required to obtain a local business tax receipt may not be required by Tax Collector to provide personal or contact information for individuals exempt under this section in order to obtain a local business tax receipt.

(Ord. No. 13-32, § 10, 4-2-13)

Sec. 8A-230.9. Exemptions, general.

In addition to those exemptions set forth in this article, all exemptions from local business taxes provided for in the Florida Statutes are recognized and adopted.

(Ord. No. 06-191, § 2, 12-19-06; Ord. No. 13-32, § 10, 4-2-13)

Sec. 8A-231. Advertising space renters.

Every person renting for profit advertising space in or on any boat, car, bus, truck or other vehicle shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each such boat, car, bus, truck or other vehicle operated by him.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 37, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 45, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-231.1. Amusement facilities/devices (non-coin).

(1) Every person who operates for a profit any game, amusement or recreational device, contrivance, or facility not otherwise receipted by some other law of this State shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) on each game, amusement or recreational device, contrivance or facility.

(2) Any person who operates any of the above devices for profit under the sponsorship of merchants or a merchants' association or a charitable, religious or educational institution shall be receipted under this section. The receipt shall be good for one (1) location only; however, the receiptholder may return to the same location during the same local business tax year without obtaining an additional local business other than for any additional devices.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 38, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 46, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-232. Hotels, apartments, motels, etc., as defined in Chapter 509.

Every person engaged in the business of renting accommodations, as defined in Chapter 509, Florida Statutes, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA). The unit count to be used in this section shall be the same as used by the division of hotels and restaurants of the Department of Business Regulation under Section 509.251, Florida Statutes.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 39, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 47, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-232.1. Commercial, industrial or office space.

Any person who owns commercial, industrial and/or office space and is engaged in renting or leasing that space shall pay an local business tax on the aggregate square footage owned and leased by said person, as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

(Ord. No. 01-118, § 11, 7-12-01; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-233. Cemeteries, crematories, etc.

Every person engaged in the business of operating for a profit a cemetery, mausoleum, crematorium or similar place or institution shall for each place of business pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 40, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 93-80, § 22, 7-29-93; Ord. No. 95-109, § 48, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-233.1. Carnivals & circuses, traveling shows, etc.

(1) Shows of all kinds, including circuses, vaudeville, minstrels, theatrical, traveling shows, exhibitions or amusement enterprises, including carnivals, vaudeville, minstrels, rodeos, theatrical games or tests of skill, riding devices, dramatic repertoire and all other shows or amusements, or any exhibition giving performances under tents or temporary structures of any kind, whether such tents or temporary structures are covered or uncovered, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(2) Exempt from the provisions of this section are public fairs, expositions, as defined in Chapter 616, Florida Statutes, and exhibits held by bona fide nonprofit organizations on the premises of a receipted public lodging establishment in connection with a convention.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 41, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 93-80, § 23, 7-29-93; Ord. No. 95-109, § 49, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-233.2. Eating establishments.

Every person engaged in the business of operating a restaurant, cafe, snack bar, take-out service, dining room, drive-in eating establishment, or other public eating place, whether operated in conjunction with some other line of business or not, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA). The unit count to be used in this section shall be the same as used by the Division of Hotel and Restaurants of the Department of Business and Professional Regulations under Section 509.251, Florida Statutes.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 42, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 50, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

**Editor's note—**

Ord. No. 06-191, § 2, adopted Dec. 19, 2006, renumbered former [section 8A-234](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-234CABU) as new [section 8A-233.2](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-233.2EAES)

Sec. 8A-234. Catering business.

Each person primarily engaged in offering food provisions and related services at banquet halls, weddings, etc. shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

(Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-234.1. Contracting.

(1) Each person who contracts or subcontracts to construct, alter, repair, dismantle or demolish buildings, roads, bridges, viaducts, sewers, water and gas mains or engages in the business of construction, alteration, repairing, dismantling or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains must obtain a local business tax receipt as a contractor. The local business tax shall be determined by the maximum number of persons actually employed, or to be employed during the business tax year as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 51, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 51, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-234.2. Dancing or entertainment, etc.

(1) Every person who operates any place for profit where dancing is permitted or where entertainment is provided for a charge, such as variety programs or exhibitions, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA). The local business tax receipt required by this section shall be in addition to any other license required by law, and the operation of such a place as herein described shall not be construed to be incidental to some other business; provided, that a local business tax may be issued for one (1) night only, upon the payment of one hundred fifty dollars ($150.00), but in such cases the Tax Collector must write across the local business tax receipt the words: "Good for one (1) night only."

(2) Exempted from the provisions of this section are:

(a) Variety exhibitions conducted or exhibited in a motion picture theater which pays the annual local business tax as provided by law.

(b) Any traveling variety show or band which performs under the control of a charitable or fraternal organization, with the organization putting on the show on its own account and paying the show a fixed compensation (not on a percentage basis).

(c) Local cultural or concert music organizations or professionals' or artists' organizations which appear under the auspices of such local cultural or concert music organizations.

(d) Educational institutions and off-campus professional talent, when employed by such institutions for student entertainment, such as sports events, musical concerts, dance bands and dramatic productions, when such activities are produced or conducted under the auspices of such educational institutions.

(e) Traveling shows put on by local merchants, where no admission is charged, either directly or by increasing the price of items sold.

(f) Dances or variety entertainments given by local performers, the proceeds of which are given to local charities.

(g) Any dance held by any group of private individuals who hold square dances and square dance competitions for recreation rather than profit, and where the only charge made is to cover actual expenses incurred by the individuals in sponsoring the square dances or square dance competitions.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 44, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 52, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-235. Electric power plants, gas plants, and community television antenna companies.

(1) Every person engaged in the business of furnishing electric power, gas or community television antenna service in the unincorporated areas of Miami-Dade County for a profit shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) if not a utility franchised by the County for which a franchise fee is paid.

(2) Municipal corporations which own and operate their own electric power plant or gas plant shall not be subject to the above local business taxes.

(3) Every person engaged in the business of furnishing electric power, gas or community television antenna service in Miami-Dade County for a profit shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) if a utility franchised by the County for which a franchise fee is paid.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 45, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 53, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

**Cross reference—** Community television antenna systems, § 8A-125 et seq.; cable television regulations, Ch. 8AA.

Sec. 8A-236. Fortunetellers, clairvoyants, etc.; local business tax; exemptions.

(1) Every fortuneteller, clairvoyant, palmist, astrologer, phrenologist, character reader, hypnotist, graphologist, spirit medium, absent-treatment healer, or mental healer and every person engaged in any occupation of a similar nature shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(2) This section does not apply to Christian churches who heal the sick by prayer or regularly ordained ministers of churches who are members of Florida State Spiritualist Ministerial Association whose charters are filed in the Library of Congress and on record in the State capital in Tallahassee.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 46, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 54, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-236.1. Fortunetellers, clairvoyants, etc., County permit required; penalty.

(1) No receipt to engage in the occupation of fortunetelling or any other pursuit for which a local business tax receipt is required by [Section 8A-236](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-236FOCLETLOBUTAEX) shall be issued to any person unless such person holds a permit therefor given by the Clerk of the Board of County Commissioners. No permit shall be issued until after the following conditions are fulfilled:

(a) The applicant shall have been a resident of Florida for at least two (2) years and shall be a registered voter in the County where the permit and local business tax receipt are applied for.

(b) The applicant shall establish good moral character from not less than five (5) reputable citizens of the County.

(c) The application, with a recent photograph of the applicant which shall become a permanent part of the permit, shall be presented to the Clerk, who shall make investigation and examination of the applicant and his or her moral character, then either issue or deny the permit.

(i) The Clerk shall not consider a past arrest of the applicant which did not result in a conviction; provided, however, allegations which are the basis for any pending criminal charges may be considered if the charges are pending when the application is considered.

(ii) If the applicant has had his or her civil rights restored, the Clerk shall only consider acts or omissions on the part of the applicant subsequent to the restoration of civil rights.

(iii) In the case of subsequent applications of the same applicant, the Clerk shall only consider acts or omissions on the part of the applicant which have occurred subsequent to the date of the issuance of prior permits to the applicant.

(d) Any applicant or other person dissatisfied with the decision of the Clerk may, within ten (10) days from the date of action by the Clerk, apply to the County Commission to review the action of the Clerk. In such event, witnesses shall be sworn and the rules of evidence applicable to quasi-judicial proceedings shall govern. The determination of the Board shall be final unless overturned by a court of competent jurisdiction.

(2) All County law enforcement officers shall aid and assist the Clerk of the Board of County Commissioners in conducting the examination of any applicant for the permit required for this section.

(3) Every receiptholder comprehended by this section shall at all times while engaging in the occupation for which a local business tax receipt have been issued display at the place of business both the local business tax receipt and the permit herein required. Failure or refusal so to do shall be prima facie evidence of engaging in such occupation without a local business tax receipt.

(4) Anyone guilty of engaging in any occupation comprehended by [Section 8A-236](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-236FOCLETLOBUTAEX) without a receipt and the permit required by this section or who shall obtain any such permit for receipt by fraud or deceit shall, for the first offense, be punished by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than sixty (60) days. For a second or subsequent offense, he shall be imprisoned in the State prison for not less than six (6) months nor more than two (2) years and may, in addition, be fined not to exceed five thousand dollars ($5,000.00).

(5) This section does not apply to Christian churches who heal the sick by prayer or to regularly ordained ministers of churches who are members of Florida State Spiritualist Ministerial Association whose charters are filed in the Library of Congress and on record in the State capital in Tallahassee.

(6) The permit required by this section and the local business tax receipt authorized by [Section 8A-236](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-236FOCLETLOBUTAEX) of this chapter shall be required whether the person engages in the practice within a municipality or in the unincorporated area.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 81-80, § 2, 7-7-81; Ord. No. 06-191, § 2, 12-19-06)

Annotation—CAO 80-35.

Sec. 8A-236.2. Reserved.

**Editor's note—**

Ord. No. 06-191, § 2, adopted Dec. 19, 2006, repealed [section 8A-236.2](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-236.2RE) in its entirety. Former [section 8A-236.2](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-236.2RE) pertained to insurance adjusters, and derived from Ord. No. 77-67, § 1, adopted Sept. 20, 1977; Ord. No. 80-91, § 47, adopted Sept. 2, 1980; Ord. No. 85-72, § 1, adopted Sept. 19, 1985; Ord. No. 95-109, § 55, adopted June 20, 1995.

Sec. 8A-236.3. Mobile home setup operations.

A duly receipted mobile home dealer or a duly receipted mobile home manufacturer, or an employee of such dealer or manufacturer, who performs setup operations as defined in Section 320.822, Florida Statutes, may not be required by Miami-Dade County to be a receiptholder to engage in such activities; however, such dealer or manufacturer shall be required to obtain a local business tax receipt for his or her permanent business location or branch office, which shall not require for its issuance any conditions other that those required by chapter 320, Florida Statutes.

(Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-236.4. Title insurance, abstract companies, etc.

Every person, firm or corporation engaged in the business of trading, bartering, serving or selling title insurance as owner, agent, broker or otherwise shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 48, 7-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 56, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

**Editor's note—**

Ord. No. 06-191, § 2, adopted Dec. 19, 2006, renumbered former [section 8A-236.3](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-236.3MOHOSEOP) as new [section 8A-236.4](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-236.4TIINABCOET)

Sec. 8A-237. Junk dealers; local business tax requirements.

(1) Every person engaged in business as a scrap metal processor as defined in [Section 8A-9.1](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.1DE) shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(2) Every person engaged in business as a junk dealer as defined in [Section 8A-9.1](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.1DE) shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 52, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 57, 6-20-95; Ord. No. 06-191, § 2, 12-19-06; Ord. No. 11-17, § 3, 4-4-11)

Sec. 8A-237.1. Traveling junk dealers.

(1) Each person who travels from place to place purchasing junk shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA), and he shall, before leaving the unincorporated area, submit to the Chief of Police or Marshal a list of the junk he has purchased together with the name and permanent address of the person from whom purchased.

(2) Any person violating the provisions of this section shall, upon conviction, be punished by imprisonment in the County Jail for a period not exceeding six (6) months.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 50, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 58, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-237.2. Liquefied petroleum gas; distributors, installers, and manufacturers.

All persons who deal in liquefied petroleum gas, either as distributors, installers or manufacturers, shall pay a local business tax for each place of business as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA); however, such persons shall be exempt from the provisions of [Section 8A-234.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-234.1CO) and [Section 8A-235](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-235ELPOPLGAPLCOTEANCO).

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 51, 9-2-80; Ord. No. 85-72, § 1, 9-18-85; Ord. No. 95-109, § 59, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-238. Manufacturing, recycling, processing, etc.

(1) Every person engaged in the business of manufacturing, processing, quarrying or mining must obtain a local business tax receipt under this section for each place of business and shall pay a local business tax receipt as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(2) No receipt shall be required under this section where the manufacturing, processing, quarrying, or mining is incidental to and a part of some other business classification for which a receipt is required by this chapter and is carried on at the place of business receipted under such classification.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 55, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 60, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-238.1. Unclassified businesses not otherwise provided for.

Every person engaged in the operation of any business profession or occupation not specifically referenced under any other provision of this article shall pay a local business tax as an unclassified business as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 53, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 61, 6-20-95; Ord. No. 98-161, § 7, 11-5-98; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-238.2. Administrative office, operation center.

Every person, firm or corporation which maintains a business location in unincorporated Miami-Dade County for the purpose of administration of his or its own business or investments and/or general business operations shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

The local business tax receipt required by this section shall be in addition to any license(s) required for the actual business activities.

(Ord. No. 98-161, § 8, 11-5-98; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-239. Movies, playhouses, stadiums, auditoriums, etc.

Owners, managers or lessors of theaters or halls employing traveling troupes, theatrical, operatic or minstrel, giving performances in buildings fitted up for such purposes or moving picture shows giving exhibitions in buildings permanently used for such purposes, or drive-in theaters, shall be allowed to give as many performance or exhibitions in such buildings, theaters or areas as they wish on payment of a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 54, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 62, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-240. Pawnbrokers.

(1) Every person engaged in the business of pawnbroker shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business.

(2) No person licensed to engage in the small loan business under the provisions of Chapter 516, Florida Statutes, shall act as a pawnbroker.

(3) Pawnbrokers shall keep a complete and true record of all transactions, showing from whom each article of their stock was purchased or pledged, the date of the transaction and the date and to whom each article was sold, which record shall at all times be subject to the inspection of all police or peace officers.

(4) Any person violating the provisions of this section shall, upon conviction, be punished by imprisonment in the County Jail for a period not exceeding six (6) months.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 55, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 63, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-240.1. Pawnbrokers; reports to Sheriff; penalty.

Every person engaged in the business of pawnbrokers, receipted under [Section 8A-240](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-240PA), shall make monthly reports to the Sheriff of the County in which such business is operated of the information required to be maintained by such pawnbrokers under the provisions of [Section 8A-240](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-240PA); and any person failing to make such report shall be subject to the penalty provided in said section. Forms for the preparation of the reports required herein shall be prescribed and furnished by the Department of Law Enforcement.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-240.2. Permanent exhibits; admission facilities, etc.

Anyone who operates for a profit in this State a permanent exhibit, and or admission facility whether the facility is permanent or not, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 56, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 93-80, § 24, 7-29-93; Ord. No. 95-109, § 64, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-241. Professions, professional associations.

(1) Every person engaged in the practice of any profession, who offers his service either directly or indirectly to the public for a consideration, whether or not such endeavor be regulated by law, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each location from which the profession is practiced, which receipt shall not relieve the person paying same from the payment of any license tax imposed on any business operated by him. The professional association or corporation as such shall pay the tax for one location only, provided however that the professional association or corporation operating at more than one location shall pay a local business tax for each classification of business operated, assessed according to the business activity pursuant to the schedule of taxes in [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(2) A local business tax receipt shall be required of an employee when the employee's professional registration is required for the performance of his duties; however, this requirement does not apply to professional employees of nonprofit religious, charitable or educational entities as defined in [8A-225](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-225DE)(2)(a-c) of this article. For purposes of this section, independent contractors of such entities whose duties are performed for the nonprofit entities are not considered employees and must obtain a local business tax receipt.

(3) A member of one (1) of the professions who is employed by the United States Government, the State of Florida, or one (1) of its political divisions, and practices his profession solely as an employee thereof is not required to have a local business tax receipt.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 57, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 93-80, § 25, 7-29-93; Ord. No. 95-76, § 2, 5-2-95; Ord. No. 95-109, § 65, 6-20-95; Ord. No. 06-191, § 2, 12-19-06; Ord. No. 13-32, § 12, 4-2-13)

Sec. 8A-241.1. Service business/multiple service business.

(1) Every person engaged in business as owner, agent, or otherwise that performs some service for the public in return for a consideration shall pay a local business tax for each place of business based on the maximum number of persons actually employed, or to be employed, during the local business year, as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(2) No local business tax receipt shall be required under this section for any business the principal function of which is the performance of some service for the public in return for a consideration, when the nature of the service is such that an local business tax receipt is required of the business by some other law; but this proviso shall not be construed to exempt service departments of merchandising and other lines of business from the local business tax receipt required by this section.

(3) If a business under this section provides three (3) or more services, and is not otherwise regulated, it shall pay one (1) local business tax as a multiple service business.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 58, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 66, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-241.2. Passenger transportation service.

Effective October 1, 2001, every person engaged in the following businesses shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA): Taxicab Passenger Service Company, Non Emergency Medical Transportation, Passenger Motor Carrier, Special Transportation Service, Limousine Service, and/or any other passenger transportation service regulated by the Miami-Dade County Consumer Services Department. Notwithstanding the foregoing, no local business tax receipt license shall be required from a holder of a For-Hire Taxicab License.

(Ord. No. 01-118, § 13, 7-12-01; Ord. No. 01-184, § 2, 11-6-01; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-242. Retail sales.

(1) For the privilege of conducting, engaging in and carrying on the business of a retailer, as defined in this section, there is hereby levied and assessed upon every person or association of persons as herein defined, for each business location operated by such person or association of persons, an annual local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(2) The following words, terms and phrases when used in this section have the meaning ascribed to them, except where the context clearly indicates a different meaning.

(a) *Retailer* includes every person engaged in the business of making sales at retail.

(b) *A retail sale* or *sale at retail* means any sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property, provided that no sale shall be construed to be a "retail sale" where goods, wares, and merchandise are sold in wholesale quantities at wholesale prices by receipted wholesale dealers under standing orders or through outside salesmen, as distinguished from sales of small packages at retail prices, or is sold in wholesale quantities at wholesale prices to any governmental institution, subdivision or agency.

(3) The term "trailer" shall not include bulk plants or filling stations engaging principally in the sale of gasoline and other petroleum products, ice plants or ice dealers engaging principally in the sale of ice, bakeries and other manufacturing or processing plants selling only the products manufactured or processed therein, or restaurants, cafes, cafeterias, hotels and liquor stores; provided, however, that where food or intoxicating liquors are sold in connection with a principal business, but only incidental thereto, said principal business shall not be exempt from the local business tax imposed herein. Provided further, that incidental sales not otherwise excepted in this subsection [and] made by a receipted wholesaler to consumers at wholesale prices shall not be construed to be retail sales unless such sales exceed five (5) percent of such wholesaler's total sale.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 59, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 67, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-242.1. Educational training institutions.

Every person engaged in the business of operating a school, college, or other educational or training institution for profit shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business.

(Ord. No. 06-191, § 2, 12-19-06)

**Editor's note—**

Ord. No. 06-191, § 2, adopted Dec. 19, 2006, repealed [section 8A-242.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-242.1EDTRIN) in its entirety and replaced it with a new [section 8A-242.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-242.1EDTRIN). Former [section 8A-242.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-242.1EDTRIN) pertained to the local exchange telephone company and derived from Ord. No. 95-109, § 68, adopted June 20, 1995.

Sec. 8A-242.2. Non-vocal communications, etc.

Every person engaged in the business of owning or operating telegraph systems and any other non-vocal message communications such as cablegram, paging services (beeper), electronic mail, and facsimile transmission service shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business to the Tax Collector.

(Ord. No. 06-191, § 2, 12-19-06)

**Editor's note—**

Ord. No. 06-191, § 2, adopted Dec. 19, 2006, repealed [section 8A-242.2](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-242.2NCACOET) in its entirety and replaced it with a new [section 8A-242.2](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-242.2NCACOET). Former [section 8A-242.2](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-242.2NCACOET) pertained to communication and derived from Ord. No. 95-109, § 69, adopted June 20, 1995.

Sec. 8A-243. Local exchange telecommunication company.

Any person engaged in the business of owning or operating a local exchange telephone communication company in the unincorporated area of Miami-Dade County shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

(Ord. No. 06-191, § 2, 12-19-06)

**Editor's note—**

Ord. No. 06-191, § 2, adopted Dec. 19, 2006, repealed [section 8A-243](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243LOEXTECO) in its entirety and replaced it with a new [section 8A-243](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243LOEXTECO). Former [section 8A-243](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243LOEXTECO) pertained to schools, colleges, etc., and derived from Ord. No. 77-67, § 1, adopted Sept. 20, 1977; Ord. No. 80-91, § 60, adopted Sept. 2, 1980; Ord. No. 85-72, § 1, adopted Sept. 19, 1985; Ord. No. 95-109, § 70, adopted June 20, 1995.

Sec. 8A-243.1. Communication business.

Any person furnishing point to point communication service, whether intended to be received orally or visually, and those engaged in leasing telephone lines or other methods of telephone transmission and reselling the use of such methods to others, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA).

(Ord. No. 06-191, § 2, 12-19-06)

**Editor's note—**

Ord. No. 06-191, § 2, adopted Dec. 19, 2006, repealed [section 8A-243.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243.1COBU) in its entirety and replaced it with a new [section 8A-243.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243.1COBU). Former [section 8A-243.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243.1COBU) pertained to telegraph systems, non vocal communications, etc., and derived from Ord. No. 77-67, § 1, adopted Sept. 20, 1977; Ord. No. 80-91, § 61, adopted Sept. 2, 1980; Ord. No. 85-72, § 1, adopted Sept. 19, 1985; Ord. No. 93-80, [§ 26](../level2/PTIIICOOR_CH26PAREDERURE.docx#PTIIICOOR_CH26PAREDERURE), adopted July 29, 1993; Ord. No. 95-109, § 70, adopted June 20, 1995.

Sec. 8A-243.2. Dealer in intangible personal property.

(1) Every person engaged in the business of trading, bartering, serving, buying, lending or selling intangible personal property, whether as owner, agent, broker, or otherwise, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business.

(2) No receipt shall be required under this section where the trading, bartering, buying, lending or selling is incidental to and a part of some other business classification on which an local business tax is imposed by this article.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 62, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 72, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

**Editor's note—**

Ord. No. 77-67, § 1, adopted Sept. 20, 1977, amended the Code by adding provisions designated as §§ [8A-243](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243LOEXTECO) and [8A-243.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243.1COBU), duplicating numbers already assigned to Code provisions; accordingly, the editor has redesignated said provisions as §§ [8A-243.2](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243.2DEINPEPR), [8A-243.3](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-243.3BASATRCOET)

Sec. 8A-243.3. Banks, savings & trust companies, etc.

Every person, firm or corporation engaged in business as a bank, banker, trust company, savings company, building and loan association, savings and loan association, whether as owner, agent, broker or otherwise, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business.

[Separate and unrelated services performed for the public in return for a consideration by such person, firm or corporation shall be subject to payment of additional local business taxes authorized by another section of this article.]

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 63, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 73, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Note—See editor's note to § 8A-243.2

Sec. 8A-244. Dealer in tangible personal property; and exemption of motor vehicles.

(1) Every person engaged in the business of trading, bartering, serving or selling tangible personal property, as owner, agent, broker, or otherwise, shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) for each place of business, stationary or movable. The receipt for each bulk plant or depot of wholesale dealers in petroleum products shall be as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA). Vehicles used by any person for the sale and delivery of tangible personal property at wholesale or retail from his established place of business on which a receipt is paid shall not be construed to be separate places of business, and no receipt may be levied on such vehicles or the operators thereof as salesmen or otherwise by the County or municipality, any other law to the contrary notwithstanding.

(2) No receipt shall be required under this section where the trading, buying, bartering, serving or selling of tangible personal property is a necessary incident of some other business classification for which a local business is required and is carried on at the place of business receipted under such other classification; nor shall this section apply to any person engaged in the sale of motor vehicles or principally in the sale at retail of gasoline and other petroleum products.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 64, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 74, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-245. Vending, service and amusement machines.

(1) As used in this section the following words shall have the meanings set forth in this subsection:

(a) *Merchandise vending machines* means any machine, contrivance or device which is set in motion or made or permitted to function by the insertion of a coin, slug, token, credit card or paper currency and dispenses merchandise without the necessity of replenishing the device between each operation.

(b) *Service or amusement vending machine* means any machine, contrivance or device which is set in motion or made or permitted to function by the insertion of a coin, slug, token, credit card or paper currency and which dispenses some service or amusement.

(c) *Bulk merchandise vending* means non-electrically operated machines for dispensing merchandise at random upon insertion of a coin with no more than nine (9) machines located on the same stand shall be considered to be one (1) unit and require one (1) local business tax receipt.

(d) *Laundry equipment* means any equipment necessary for the operation of a coin-operated laundry, including washers, dryers, pressing or ironing machines and soap, bleach and laundry bag dispensing machines.

(2) The owner or operator of any of the above vending machines must pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA); provided further that the business premises where the vending machine is operated must assure that the required local business tax receipt for each machine is secured.

(a) For the purpose of this section, the local business tax for vending and amusement machines must be assessed based on the highest number of machines located on the business premises on any single day during the previous licensing year or, in the case of new businesses, be based on an estimate for the current year. Replacement of one (1) vending machine with another machine during a licensing year does not affect the local business tax assessment for that year, unless the replacement machine belongs to an local business tax classification that requires a higher local business tax rate. For the first year in which the county assesses an local business tax on vending machines, each business owning machines located in the County must notify the County, upon request, of the location of such machines, each business owning machines must provide notice of the provisions of this section to each affected business premises where the machines are located. The business premises must secure the local business tax receipt if it is not otherwise secured.

(b) In order to facilitate the proper local business tax assessment, a list of addresses showing where all machines are located, must be submitted each fiscal year to the Tax Collector. Failure to comply will result in the issuance of a civil citation, as provided for in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code.

(3) The following vending machines and lockers are exempt from the local business tax provided by this section:

(a) All vending machines which dispense only United States postage stamps, unadulterated Florida-produced citrus juices or newspapers are hereby exempt from the payment of any local business tax.

(b) Penny-operated vending machines located in receipted places of business and dispensing only nuts, citrus juices and other food products.

(c) Coin-operated parcel-check lockers and toilet locks used in railroad, bus, airport stations, or depots, and in hotels, boardinghouses, restaurants and restrooms for the convenience of the public.

(d) All coin-operated telephones.

(4) Whenever any Tax Collector shall find any vending machine required to be receipted under this section to be operated without a current valid receipt, he shall attach to the machine a notice of delinquent local business taxes or who removes any moneys from the machine before local business taxes are paid shall be guilty of a misdemeanor. If at the end of ten (10) days the local business tax receipt tax remains unpaid, the Tax Collector shall deliver to the Director of the Miami-Dade Police Department a warrant as prescribed by [Section 8A-227.6](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-227.6MECODELOBUTA)

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 65, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 93-80, § 27, 7-29-93; Ord. No. 95-109, § 75, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-246. Water companies and sewage disposal companies.

(1) Every person engaged in the business of operating water companies or sewage disposal companies shall pay a local business tax as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA) per annum for each such water company or sewage disposal company in the unincorporated areas.

(2) For the purpose of this section, any person furnishing water or sewage disposal service for profit shall be construed to be a water company or sewage disposal company.

(3) Municipal corporations which own and operate their own water plants and sewage disposal systems shall not be subject to the above local business tax.

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-91, § 66, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 76, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-247. Local business taxes against railroads.

Any railroad company doing business in the unincorporated areas shall pay annually on October 1 to the Miami-Dade County Tax Collector as provided for in the schedule of taxes, [Section 8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA)

(Ord. No. 77-67, § 1, 9-20-77; Ord. No. 80-27, § 2, 4-15-80; Ord. No. 80-91, § 67, 9-2-80; Ord. No. 85-72, § 1, 9-19-85; Ord. No. 95-109, § 77, 6-20-95; Ord. No. 06-191, § 2, 12-19-06)

Sec. 8A-247.1. Schedule of taxes.

The maximum number of employees during any period of the taxing year shall determine the local business tax.

The amounts assessed for the Local Business Tax on trades, occupations, professions and businesses are hereby fixed as follows:

|  |  |
| --- | --- |
| Type of Business | Tax |
| Administrative office/Operation center | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Adult day care | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Advertising space rental | 30.00 + 3.00 for each additional space from 2 to 99,999 |
| Amusement facility/devices (non-coin) | 25.00 for one unit |
|  | 25.00 + 15.00 for each additional unit from 2 to 30 |
|  | 460.00 + 6.00 for each additional unit from 31 to 99,999 |
| Apartments | not taxable apartments from 1 to 4 |
|  | 40.00 apartments from 5 to 10 |
|  | 40.00 + 2.00 for each additional apartment from 11 to 99,999 |
| Assisted living facility | 100.00 |
| Attorney | 40.00 |
| Attorney branch office | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Auctioneering service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Auditorium/playhouse/stadium | 300.00 |
| Auto/truck/van sales | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Auto/truck/van service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Auto tag branch agency | 100.00 |
| Automated teller machine | 40.00 |
| Bail bond business | 100.00 |
| Bank/Savings/trust company | 180.00 |
| Banking facility | 100.00 |
| Barber or beauty school | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Barber/beauty shop/service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Blood bank center | 40.00 |
| Body/paint/repair shop | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Bulk merchandise vending stand | 25.00 |
|  | 25.00 + 6.00 for each additional stand from 2 to 30 |
|  | 199.00 + 3.00 for each additional stand from 31 to 99,999 |
| Cable TV franchise | 700.00 |
| Carnivals/circuses (no sponsor) | 80.00 per day |
| Carnival/circuses (sponsored) | 25.00 for one unit |
|  | 25.00 + 15.00 for each additional unit from 2 to 30 |
|  | 460.00 + 6.00 for each additional unit from 31 to 99,999 |
| Catering business | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Cemetery, crematories, etc. | 180.00 |
| Child day care facility | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Cleaner/laundry/alterations | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Clinic/medical center/dialysis | 100.00 |
| Collection/credit service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Commercial/Industrial/Office space | 50.00 250,000 or less leasable sq. ft. |
|  | 150.00 from 250,001 leasable sq. ft. and up |
| Communication Business | 180.00 |
| Consultant | 40.00 |
| Courier drop box | 25.00 per location |
|  | 25.00 + 15.00 for each additional unit from 2 to 30 |
|  | 460.00 + 6.00 for each additional unit from 31 to 99,999 |
| Cruise line/dinner cruise | 80.00 per vessel |
| Dancing or entertainment | 180.00 |
| Dating/escort business | 100.00 |
| Dealer in intangible personal property | 100.00 |
| Dealer in tangible personal property | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Dental lab school | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Dental laboratory | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Eating establishment | 30.00 seats from 1 to 30 |
|  | 60.00 seats from 31 to 74 |
|  | 90.00 seats from 75 to 149 |
|  | 120.00 seats from 150 to 99,999 |
| Educational, training institutions | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Electric plant franchise | 700.00 |
| Electrical contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Electrolysis service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Employee leasing service | 100.00 |
| Farmers market | 180.00 |
| Film Industry | 180.00 |
| Finance/Investment/Holding Co. | 180.00 |
| Fitness center - membership | 180.00 |
| Fitness center - non-membership | 100.00 |
| Flea market | 180.00 |
| Food products mfg/process | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Fortuneteller | 300.00 |
| Funeral home | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Gas plant | 700.00 |
| General building contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| General engineering contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| General mechanical contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Guard patrol agency | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Hall for hire | 180.00 |
| Handwriting analyst | 40.00 |
| Health/Dental (prepaid) maintenance organization | 180.00 |
| Health testing — invasive | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Health testing non-invasive | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Home health care agency | 100.00 |
| Home health care provider | 40.00 |
| Hospital/emergency room | 40.00 + 3.00 for each additional employee from 11 to 99,999 |
| Hotel/motel/boarding home | not taxable rooms from 1 to 4 |
|  | 40.00 rooms from 5 to 10 |
|  | 40.00 + 2.00 for each additional room from 11 to 99,999 |
| Hypnotherapist | 40.00 |
| Ice cream vendor | 40.00 |
| Insurance adjuster | 40.00 |
| Junk dealer/junk yard | 100.00 |
| Landfill/dump | 100.00 |
| Laundry machines | 30.00 + 2.00 for each additional machine from 11 to 99,999 |
| Local exchange telecommunication co. | 3,000.00 |
| Locksmith service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| LPG dealer/distributor and installation | 180.00 |
| LPG equipment dealer/mfg. | 180.00 |
| LPG installer | 40.00 |
| LPG tank refill | 40.00 |
| Lunch wagon/truck | 40.00 |
| Manufacturing/recycling/processing | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Massage establishment | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Membership organization | 180.00 |
| Merchandise vending machine | 25.00 for one machine |
|  | 25.00 + 6.00 for each additional machine from 2 to 30 |
|  | 199.00 + 3.00 for each additional machine from 31 to 99,999 |
| Mobile home park/camp grounds | 40.00 + 2.00 for each additional space from 11 to 99,999 |
| Mortgage broker business | 100.00 |
| Movie/multi theatre | 80.00 per screen |
| Moving/storage (local) | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Multiple service business (3+ services) | 100.00 |
| Non-vocal communication | 100.00 |
| Nursing/convalescent home | 180.00 |
| Packing/ processing (farm products) | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Parking facility | 30.00 spaces from 1 to 30 |
|  | 60.00 spaces from 31 to 74 |
|  | 90.00 spaces from 75 to 149 |
|  | 120.00 spaces from 150 to 99,999 |
| Pari-Mutuel Wagering | 700.00 |
| Passenger transportation service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Pawnbroker | 300.00 |
| Pay telephone provider | 100.00 |
| Peddler | 40.00 |
| Permanent exhibit/admission facility | 180.00 |
| Pest control service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Pharmacy | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Physical/Occupational therapy center | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Plumbing contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Prescription drug wholesaler | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Private investigative agency | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Producer/recording studio | 300.00 |
| Professionals | 40.00 |
| Professional association/Corporation/Partnership/firm | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Professional sports team | 300.00 |
| Promoter/coordinator | 180.00 |
| Railroad | 180.00 |
| Real estate branch office | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Real estate firm | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Real estate school | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Repossessing service | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Resale of communication time | 180.00 |
| Retail of firearms | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Retail sales | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Satellite TV | 700.00 |
| Scrap metal processor | 100.00 |
| Security systems monitoring | 100.00 |
| Self storage | 100.00 |
| Seller of travel | 30.00+ 3.00 for each additional employee from 11 to 99,999 |
| Service/amusement machine | 25.00 for one machine |
|  | 25.00 + 15.00 for each additional machine from 2 to 30 |
|  | 460.00 + 6.00 for each additional machine from 31 to 99,999 |
| Service Business | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Slaughter house | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Specialty building contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Specialty electrical contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Specialty engineering contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Specialty mechanical contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Specialty plumbing contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Sub building contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Sub general building contractor | 30.00 + 2.00 for each additional employee from 11 to 99,999 |
| Tattoo studio | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Telemarketing | 30.00 + 3.00 for each additional employee from 11 to 99,999 |
| Temporary employment agency | 100.00 |
| Time share property | Not taxable apartments from 1 to 4 |
|  | 40.00 apartments from 5 to 10 |
|  | 40.00 + 2.00 for each additional apartment from 11 to 99,999 |
| Title insurance/abstract companies | 100.00 |
| Towing truck | 40.00 + 2.00 for each additional truck from 11 to 99,999 |
| Traveling junk dealer | 40.00 |
| Unclassified business | 100.00 |
| Used motor vehicle parts dealer | 100.00 |
| Veterinary clinic | 40.00 |
| Water/sewer plant | 700.00 |

(Ord. No. 95-109, § 78, 6-20-95; Ord. No. 98-161, § 10, 11-5-98; Ord. No. 00-54, § 2, 5-9-00; Ord. No. 01-118, § 15, 7-12-01; Ord. No. 01-184, § 4, 11-6-01; Ord. No. 06-191, § 2, 12-19-06)

Secs. 8A-248—8A-250. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 77-67, § 1, adopted Sept. 20, 1977, amended the Code by adding Art. X, §§ 8A-224—8A-247, providing for occupational license taxes in the unincorporated areas of the County. [(Back)](#BK_D5AF0A2AB84D5106712A0E45545CFC37)

**Charter reference—** Authority of Board to levy in unincorporated areas all taxes authorized to be levied by municipalities, § 1.01(D). [(Back)](#BK_D5AF0A2AB84D5106712A0E45545CFC37)

**Cross reference—** Occupational licenses for branch offices of County Auto Tag Agency, § 2-119 et seq. [(Back)](#BK_D5AF0A2AB84D5106712A0E45545CFC37)

**State Law reference—** Occupational licenses, F.S. Ch. 205. [(Back)](#BK_D5AF0A2AB84D5106712A0E45545CFC37)

### ARTICLE XI. UNIFORM MEAT IDENTIFICATION [[11]](#BK_ED010B1165D9DFC4F53745941B112D92)

[Sec. 8A-251. Declaration of legislative intent.](#BK_0186715B6E3717071382FB778558BE04)

[Sec. 8A-252. Definitions.](#BK_DC9910355650F229EF883048ADE4DE4C)

[Sec. 8A-253. Labeling and advertising requirements.](#BK_3251B095C97FF09E897A415796397BAA)

[Sec. 8A-254. Exemption for certain meats.](#BK_5C664608B60B9910425F8B330B22537B)

[Sec. 8A-255. Exemptions for meat inspected under United States Department of Agriculture.](#BK_D0A7960418BBC7DC03207A81C634D111)

[Sec. 8A-256. Name in addition to the species and primal cut.](#BK_3B7D6E4063CEDA384731DE98D36AF19F)

[Sec. 8A-257. Reserved.](#BK_0690C1A446D4102F4F8C331FBD487C8E)

[Sec. 8A-258. Advertising requirements when additional name used.](#BK_615E9CDE78BCC5E1A3B5D3E247B2070A)

[Sec. 8A-259. Supply of meat advertised.](#BK_D2E294B7E4EB10A33E07DF3E0DFB4339)

[Sec. 8A-260. Frozen meat.](#BK_D1DE539AF4DF9A189085188595FDF16F)

Sec. 8A-251. Declaration of legislative intent.

It is the intent of the Board of County Commissioners to provide a uniform meat identification system relating to the sale of meats at retail to the consumers of Miami-Dade County. The Board finds and determines that shoppers in Miami-Dade County's retail food stores are often faced with a problem of not knowing what type or quality of meat is being offered for sale because of misleading, false, deceptive or confusing meat labeling. Further, that shoppers often find that meats advertised for sale are unavailable when they seek to purchase such advertised meats because of limited quantities and that the limit on quantity was not disclosed in the advertisement. The Board finds that these and other practices and problems relative to the sale of meat at retail result in higher food costs, inconvenience and confusion to consumers. It is the intention of the Board that this article be liberally construed to accomplish its objective of providing to consumers fair information as to the meat products they purchase.

(Ord. No. 73-90, § 1, 10-16-73)

Sec. 8A-252. Definitions.

As used in relation to meat sold or offered for sale at retail and as used in this article:

(A) *Sale of retail* means a transaction wherein a person sells meat to the consumer, whether at the place of business of such person or whether such sale is consummated by mail, by telephone or in writing at a place other than at the place of business. Places of business carrying on the aforesaid transaction include, but are not limited to, supermarkets, grocery stores, butcher shops, food freezer dealers and food plan companies.

(B) *Meat* means the edible part of the muscle of cattle, swine or sheep which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying or overlying fat and portions of bone, skin, nerve and blood vessels which normally accompany the muscle tissue and which are separate from it in the process of dressing. It does not include the muscle found in the lips, snout or ears.

(C) *Ground beef, ground veal, ground lamb, or ground pork* means chopped, fresh and/or frozen meat, other than the heart, esophagus, tongue or cheeks, of the species indicated without the addition of fat as such and shall not contain more than thirty (30) percent fat and shall not contain added water, binders or extenders.

(D) *Stew beef* means meat, other than from the heart, esophagus, tongue or cheeks, which is derived from cattle, sliced into cubes and commonly used for stewing.

(E) *Hanging tender* means meat derived from the thick, muscular dorsal attachment (pillar) of the diaphragm of cattle. Whenever such meat is labeled or advertised for sale at retail, the term "hanging tender," and only said term, shall be used in said labeling or advertising and then only if in conjunction with the term "pillar of diaphragm."

(F) *Skirt steak* means meat derived from the diaphragm of cattle.

(G) *Sirloin knuckle* means meat derived from the beef round by a straight cut from the knee cap parallel to and along the femur on the inside of the round and the natural seam of the outside of the round.

(H) *T-bone steak* means meat derived from the short loin of cattle and which exhibits not less than one-half inch diameter of tenderloin (psoas muscle).

(I) *Porterhouse steak* means meat derived from the short loin of cattle and which exhibits not less than one and one-fourth (1¼) inches in diameter of tenderloin (psoas muscle).

(J) *Sirloin steak* means meat derived from the posterior portion of the loin of cattle after removal of the short loin.

(K) *Sirloin* is the posterior portion of the loin of cattle and is obtained by a straight cut made perpendicular to the contour of the outer skin surface and perpendicular to the split surface of the lumbar vertebrae and which passes flush with the ilium (pelvic bone) leaving a small part of hip bone in the short loin.

(L) *Short loin* is the anterior portion of the loin of cattle remaining after the removal of the posterior portion (sirloin) of the loin and is obtained by straight cut perpendicular to the contour of the outer skin surface and perpendicular to the split surface of the lumbar vertebrae and which passes through the ilium (pelvic bone) leaving a small part of hip bone in the short loin.

(M) *Strip loin steak* or *shell steak* means meat derived from that portion of the short loin of cattle remaining after the tenderloin (psoas muscle) has been removed.

(N) *Top sirloin butt* means meat derived from the posterior portion of the loin of cattle after removal of the short loin and which is the thick upper portion (dorsal side) of the sirloin after removal of the bottom sirloin (ventral side) by a cut following the natural muscle seam (blue tissue).

(O) *Bottom sirloin butt* means meat derived from the posterior portion of the loin of cattle after removal of the short loin and which is the lower portion (ventral side) of the sirloin after removal of the top sirloin butt (dorsal side) by a cut following the natural muscle seam (blue tissue).

(P) *Tenderloin* means meat derived from the psoas muscle of cattle, sheep or swine.

(Q) *Spare ribs* means ribs which are removed from the belly portion of the pork carcass midsection extending from the scribe line at the fatback side of the belly to and including portions of the rib cartilages, with or without the skirt (diaphragm) remaining. Use of such term shall be confined to labeling or advertising the said meat as herein defined.

(R) *Back ribs* means ribs derived from the rib area of pork loin.

(S) *True name* means the genus or species of animal, i.e., beef, veal, lamb or pork, and the primal source or area of the animal carcass from which meat is derived and shall consist of one (1), but not more than one (1), of the following:

(1) For beef—Cheeks, tongue, gullets or esophagus, heart, neck, shoulder, brisket or breast, foreshank, chuck, diaphragm, rib, plate, hind shank, round, rump, loin, flank or pillar of diaphragm.

As used in relation to beef herein:

(a) "Neck" is derived from the area of the chuck containing atlas bone through the fifth cervical vertebra.

(b) "Shoulder" is derived from the area of the chuck which includes clod, forearm, brisket muscle and arm bone and may include cross sections of the ribs.

(c) "Brisket" or "breast" is derived from the area of the chuck which includes part of ribs one (1) through five (5) and the sternum (breast bone).

(d) "Foreshank" is derived from the upper portion of the fore leg and contains the upper shank bone.

(e) "Chuck" is derived from that area of the forequarter containing ribs one (1) through five (5) without the neck, brisket and foreshank.

(f) "Diaphragm" is derived from the forequarter and includes the muscles and tendon attachments which separate the thoracic (chest) cavity from the abdominal cavity.

(g) "Rib" is derived from the forequarter and includes the sixth through the twelfth ribs after removal of the plate approximately ten (10) inches from the chine bone.

(h) "Plate" is derived from the forequarter and includes the sixth through twelfth ribs cut approximately ten (10) inches from the chine bone.

(i) "Hind shank" is derived by cutting through the stifle joint severing the shank meat and shank bone from the round.

(j) "Round" is separated from the full beef loin by a straight cut which starts at a point on the backbone at the juncture of the last (fifth) sacral vertebra and the first tail (caudal) vertebra, passes through a second point which is immediately anterior to the protuberance of the femur bone and exposes the ball of the femur and then continues in the same straight line beyond the second point to complete the cut.

(k) "Rump" is derived from the round and is removed therefrom by a straight cut perpendicular to the outer skin surface immediately posterior to, and parallel with, the long axis of the exposed surface of the aitch bone.

(l) "Loin" is located between the rib and the round and is removed by a cut between the twelfth and thirteenth ribs (posterior end of the rib) and contains the thirteenth rib vertebra, six (6) lumber vertebrae and five (5) sacral vertebrae.

(m) "Flank" is derived by stripping the serous membrane from over the abdominis muscles (flank steak) by pulling the abdominis muscles from the thick membrane which lies underneath.

(2) For veal—Cheeks, tongue, gullets or esophagus, heart, neck, shank, breast, shoulder, rib, loin, sirloin, rump or leg.

As used in relation to veal herein:

(a) "Neck" is derived from the shoulder by a straight line cut in front of the blade bone approximately between the fourth and fifth cervical vertebrae and parallel to the rib end of the shoulder.

(b) "Shank" is derived from the leg bone (tibia) or the arm bone (radius).

(c) "Breast" is derived by a cut perpendicular to the outer surface which passes through the cartilaginous juncture of the first rib and anterior extremity of the sternum and perpendicular to the long axis of the twelfth rib approximately four (4) inches from the eye of the rib, and contains the sternum, first twelve (12) ribs and all overlaying muscle, except the foreshank.

(d) "Shoulder" is the section remaining after removal of the foreshank, breast and neck and contains the first through the fifth ribs.

(e) "Rib" is removed from the shoulder by cutting between the fifth and sixth ribs and contains featherbone, chine bone and rib bones.

(f) "Loin" is located between the sirloin and rib and is removed from the rib by a cut between the twelfth and thirteenth ribs and from the sirloin but a cut perpendicular to the outer surface immediately anterior to and flush with the ilium (pelvic bone) leaving no part of the hip bone in the loin and includes the thirteenth rib vertebra and five (5) lumbar vertebrae.

(g) "Leg" is removed from the sirloin and rump by a straight line cut perpendicular to the outer skin surface immediately posterior to and parallel with the long axis of the exposed surface of the aitch bone, leaving no part of the aitch bone in the leg. The separation of the sirloin and rump from the leg is completed by sawing through the round bone (femur) immediately posterior to the ball joint.

(h) "Rump" is removed from the leg as aforesaid and is removed from the loin by a cut perpendicular to the outer skin surface and perpendicular to the backbone at the anterior end of the hip bone leaving all the hip bone in the rump.

(i) "Sirloin" is derived from the anterior end of the rump by a cut perpendicular to the dorsal side starting at any point on the backbone between the juncture of the last (fifth) sacral vertebra and the anterior end of the ilium (pelvic bone) or between the fifth and sixth lumbar vertebrae.

(3) For lamb—Cheeks, tongue, gullets or esophagus, heart, neck, shank, breast, shoulder, rib, loin or leg.

As used in relation to lamb herein:

(a) "Neck" is derived from the anterior area of the shoulder and contains the atlas and cervical vertebrae.

(b) "Breast" is cut from the loin, neck and shoulder starting at the cod or udder to and through the shank just above the elbow.

(c) "Shoulder" is separated from the ribs by cutting between the fifth and sixth ribs.

(d) "Rib" is separated from the loin by cutting between the last two (2) ribs.

(e) "Loin" is separated from the leg by cutting just in front of the hip bone.

(f) "Leg" is the portion remaining after the loin has been removed as aforesaid.

(4) For pork—Cheeks, tongue, gullets or esophagus, heart, tail, jowl, shoulder, shoulder picnic, shoulder butt, feet, side, spareribs, loin, loin-shoulder end, loin-rib end, loin-center cut, loin-loin end, fat back, ham or hock.

As used in relation to pork herein:

(a) "Jowl" shall be removed closely to the body of the shoulder on a line approximately parallel to the opposite straight cut side of the shoulder, starting behind the "ear dip" which must remain on the jowl, and continuing the cut so as to remove the entire jowl.

(b) "Shoulder" includes the shoulder picnic and shoulder butt and is derived by a cut starting at a point in the armpit that is not more than one (1) inch posterior to the elbow joint, but does not expose the elbow joint, and continues reasonably straight across the hog side. The foot, ribs and related cartilages, breast bone, intercostal meat, breast flap, and neck bones shall be excluded.

(c) "Shoulder picnic" is separated from the "shoulder butt" by a cut which is reasonably straight and perpendicular to the outside skin surface (not slanted or under cut) and approximately parallel to the breast side of the shoulder leaving all the major shoulder bone (humerus) and not less than one (1) nor more than two (2) inches of the blade bone (scapula) in the shoulder picnic.

(d) "Side" (belly) shall be separated from the fat back on a straight line not more than three-fourths inch beyond the outermost curvature of the scribe line. The belly must be boneless and the major cartilages of the sternum and the ribs must be closely and smoothly removed without deep scoring. Any enlarged soft, porous, or seedy mammary tissue and the pizzle recess of barrow bellies must be removed.

(e) "Loin" is removed from the middle portion by a cut (scribe) extending from a point on the first rib of the loin which is not more than one and three-fourths (1¾) inches from the junction of the foremost rib and the foremost thoracic vertebra to a point on the ham end which is immediately adjacent to the major tenderloin muscle. The loin shall be removed from the fat back and shall contain eleven (11) or more ribs, seven (7) lumbar vertebrae and at least three (3) sacral vertebrae.

(f) "Loin-shoulder end" or "loin-rib" is derived from the anterior end of the loin by a cut perpendicular to the length of the loin flush with the last rib and usually includes the blade bone.

(g) "Loin-center cut" is derived from the pork loin after the shoulder end has been removed by cutting crosswise to the length of the loin at a point posterior to the edge of the scapular cartilage and from the ham end of the loin has been removed by cutting crosswise to its length anterior to the cartilage on the tuber coxae.

(h) "Loin-loin end" is derived from the posterior end of the loin by a cut perpendicular to the length of the loin flush with the last rib and usually includes the hip (pelvic) bone.

(i) "Fat back" is the section remaining after removal of the loin and side.

(j) "Ham" is the posterior portion of the hog side removed by a cut two and one-fourth (2¼) to two and three-fourths (2¾) inches anterior to the knob end of the aitch bone. The cut shall be at right angles to an imaginary line from the top of the aitch bone through the center of the ham and shank. At the flank pocket the cut shall divert at a forty-five (45) degree angle posteriorly.

The true name for pork chops shall consist of one (1) of the following primal sources: Shoulder or blade, rib, loin, center, or loin end or sirloin.

(T) *Veal cutlet* means a single slice of veal derived from the leg and contains top, bottom, eye and sirloin tip and cross section of the leg bone. If the word "cutlet" is used in labeling or advertising a single slice of meat derived other than from the leg of veal, the species of animal and primal source from which such meat is derived shall precede the word "cutlet" in at least the same size and style lettering and on the same background as the word "cutlet", for example: VEAL SHOULDER CUTLET.

(Ord. No. 73-90, § 2, 10-16-73; Ord. No. 85-61, § 4, 9-3-85)

Sec. 8A-253. Labeling and advertising requirements.

(a) Except as otherwise exempted in this article it shall be unlawful for any person to produce, prepare, package, advertise, sell or offer or expose for sale at retail any meat unless it is clearly and conspicuously labeled or advertised, as the case may be, as to its true name and in accordance with the requirements of this article.

(b) It shall be unlawful for any person to advertise, label, sell, offer or expose for sale at retail any meat labeled other than as defined in [Section 8A-252](../level3/PTIIICOOR_CH8ABURE_ARTXIUNMEID.docx#PTIIICOOR_CH8ABURE_ARTXIUNMEID_S8A-252DE) herein or in the case of beef, pork, veal and lamb, as used in the following meat label identification list:

BEEF

(1) Beef chuck

Arm pot roast

(2) Beef chuck

Arm pot roast boneless

(3) Beef chuck

Cross rib pot roast

(4) Beef chuck

Cross rib pot roast boneless

(5) Beef chuck

Shoulder pot roast boneless

(6) Beef soup bone

(7) Beef chuck

Arm steak

(8) Beef chuck

Arm steak boneless

(9) Beef chuck

Short ribs

(10) Beef chuck

Shoulder steak boneless

(11) Beef for stew

(12) Beef chuck

Flat ribs

(13) Beef chuck

Short ribs

(14) Beef chuck

Flanken style rib

(15) Beef marrow bones

(16) Beef chuck

Neck pot roast

(17) Beef chuck

Neck pot roast boneless

(18) Beef chuck

Neck bones

(19) Beef chuck

Pot roast boneless

(20) Beef chuck

7-bone pot roast

(21) Beef chuck

7-bone steak

(22) Beef chuck

Blade roast

(23) Beef chuck

Blade steak

(24) Beef chuck

Blade steak cap off

(25) Beef chuck

Top blade pot roast

(26) Beef chuck

Top blade steak

(27) Beef chuck

Under blade pot roast

(28) Beef chuck

Under blade steak

(29) Beef chuck

Under blade pot roast boneless

(30) Beef chuck

Under blade steak boneless

(31) Beef chuck

Mock tender

(32) Beef chuck

Top blade roast boneless

(33) Beef chuck

Top blade steak boneless

(34) Beef chuck

Eye roast boneless

(35) Beef chuck

Eye steak boneless

(36) Beef chuck

Eye edge pot roast

(37) Beef shank

Cross cuts

(38) Beef shank

Cross cuts boneless

(39) Beef shank

Center cut

(40) Beef shank

Soup bones

(41) Beef brisket

Whole boneless

(42) Beef brisket

Point half boneless

(43) Beef brisket

Flat half boneless

(44) Beef brisket

Point cut boneless

(45) Beef brisket

Middle cut boneless

(46) Beef brisket

Flat cut boneless

(47) Beef brisket

Edge cut boneless

(48) Beef brisket

Half point boneless

(49) Beef brisket

Corned boneless

(50) Beef plate

Short ribs

(51) Beef plate

Spareribs

(52) Beef plate

Ribs

(53) Beef plate

Skirt steak boneless

(54) Beef plate

Skirt steak cubed boneless

(55) Beef plate

Skirt steak rolls boneless

(56) Beef plate

Rolled boneless

(57) Beef flank steak

(58) Beef flank steak cubed

(59) Beef flank steak rolled

(60) Beef flank steak rolls

(61) Beef rib

Roast large end

(62) Beef rib

Extra trim roast large end

(63) Beef rib

Steak large end

(64) Beef rib

Roast small end

(65) Beef rib

Steak small end

(66) Beef rib

Steak small end boneless

(67) Beef rib

Eye steak

(68) Beef rib

Rib eye roast

(69) Beef rib

Short ribs

(70) Beef rib

Back ribs

(71) Beef rib

Rolled cap pot roast

(72) Beef loin

Top loin steak

(73) Beef loin

Top loin steak boneless

(74) Beef loin

T-bone steak

(75) Beef loin

Porterhouse steak

(76) Beef loin

Sirloin steak wedge bone

(77) Beef loin

Sirloin steak round bone

(78) Beef loin

Sirloin steak flat bone

(79) Beef loin

Sirloin steak pin bone

(80) Beef loin

Shell sirloin steak

(81) Beef loin

Sirloin steak boneless

(82) Beef loin

Top sirloin steak boneless

(83) Beef loin

Tenderloin roast

(84) Beef loin

Tenderloin steak

(85) Beef loin

Tenderloin tips

(86) Beef round steak

(87) Beef round steak boneless

(88) Beef round

Rump roast

(89) Beef round

Rump roast boneless

(90) Beef round

Heel of round

(91) Beef round

Top round steak 1st cut

(92) Beef round

Top round steak

(93) Beef round

Top round steak butterfly

(94) Beef round

Top round roast

(95) Beef cubed steak

(96) Beef round

Bottom round rump roast

(97) Beef round

Bottom round roast

(98) Beef round

Bottom round steak

(99) Beef round

Eye round roast

(100) Beef round

Eye round steak

(101) Beef round

Tip roast

(102) Beef round

Tip steak

(103) Beef round

Tip steak cap off

(104) Beef round

Tip roast cap off

(105) Beef round

Cubes for kabobs

(106) Beef brains

(107) Beef heart

(108) Beef kidney

(109) Beef liver

(110) Beef liver sliced

(111) Beef sweetbreads

(112) Beef tongue

(113) Smoked beef tongue

(114) Beef tripe

(115) Beef ox tails

(116) Beef suet

PORK

(1) Pork shoulder whole

(2) Pork shoulder roast boneless

(3) Pork shoulder

Arm picnic

(4) Pork shoulder

Arm picnic boneless

(5) Pork shoulder

Arm roast

(6) Pork shoulder

Arm steak

(7) Pork shoulder

Blade Boston roast

(8) Pork shoulder

Blade Boston roast boneless

(9) Pork shoulder

Blade steak

(10) Pork cubed steak

(11) Pork cubes for kabobs

(12) Pork hock

(13) Pork loin

Blade roast

(14) Pork loin

Blade chops

(15) Pork loin

Country style ribs

(16) Pork loin

Back ribs

(17) Pork loin

Center rib roast

(18) Pork loin

Rib chops

(19) Pork loin

Rib chops for stuffing

(20) Pork loin

Center loin roast

(21) Pork loin

Top loin chops

(22) Pork loin

Butterfly chops

(23) Pork loin

Top loin roast boneless

(24) Pork loin

Top loin chops boneless

(25) Pork loin chops

(26) Pork loin

Sirloin roast

(27) Pork loin

Sirloin chops

(28) Pork loin

Sirloin cutlets

(29) Pork loin

Rib half

(30) Pork loin

Sirloin half

(31) Pork loin

Tenderloin whole

(32) Pork loin

Tipless tenderloin

(33) Pork loin [[12]](#BK_E54798F1FD6B10E032B4EFF3FE59DDD8)

Assorted chops

(34) Fresh side pork

(35) Fresh side pork sliced

(36) Pork spareribs

Breast bone off

(37) Pork spareribs

(38) Pork leg (fresh ham)

Whole

(39) Pork leg (fresh ham)

Roast boneless

(40) Pork leg (fresh ham)

Rump portion

(41) Pork leg (fresh ham)

Center roast

(42) Pork leg (fresh ham)

Center slice

(43) Pork leg (fresh ham)

Shank portion

(44) Pork leg (fresh ham)

Rump half

(45) Pork leg (fresh ham)

Shank half

(46) Smoked pork shoulder roll

(47) Smoked pork shoulder picnic whole

(48) Smoked pork hock

(49) Smoked pork jowl

(50) Smoked pork jowl slices

(51) Smoked pork neckbones

(52) Smoked pigs feet

(53) Smoked pork loin

Canadian style bacon

(54) Smoked pork loin roast

(55) Smoked pork loin chops

(56) Smoked pork loin rib chops

(57) Smoked pork loin back ribs

(58) Slab bacon

(59) Sliced bacon

(60) Smoked pork spareribs

(61) Smoked ham whole

(62) Smoked ham

Shank portion

(63) Smoked ham

Shank half

(64) Smoked ham

Cubes for kabobs

(65) Smoke ham

Rump half

(66) Smoked ham

Rump portion

(67) Smoked ham

Center roast

(68) Smoked ham

Center slices

(69) Smoked ham

Center slices boneless

(70) Pork brains

(71) Pork cheeks

(72) Pork chitterlings

(73) Pork fries

(74) Pork hearts

(75) Pork kidney

(76) Pork liver

(77) Pork liver sliced

(78) Pork tongue

(79) Pigs feet

(80) Pork blade bones

(81) Pork breast bones

(82) Pork cracklings

(83) Pork ears

(84) Pork fat back

(85) Pork head

(86) Pork jowl

(87) Pork leaf fat

(88) Pork lips

(89) Pork skin

(90) Pork snouts

(91) Pork tails

(92) Smoked pork tails

(93) Pork neckbones

(94) Salt fat back

(95) Salt pork

(96) Salt side pork

LAMB

(1) Lamb shoulder

Square cut whole

(2) Lamb shoulder

Roast boneless

(3) Lamb shoulder

Cushion roast boneless

(4) Lamb shoulder

Blade roast

(5) Lamb shoulder

Blade chops

(6) Lamb shoulder

Arm roast

(7) Lamb shoulder

Arm chops

(8) Lamb shoulder

Neck slices

(9) Lamb cubes for kabobs

(10) Lamb for stew

(11) Lamb shoulder

Combination

(12) Lamb breast

(13) Lamb breast for stuffing

(14) Lamb breast rolled

(15) Lamb breast riblets

(16) Lamb breast

Spareribs

(17) Lamb shank

(18) Lamb rib roast

(19) Lamb rib roast boneless

(20) Lamb rib chops

(21) Lamb rib

Crown roast

(22) Lamb rib

Frenched chops

(23) Lamb loin roast

(24) Lamb loin chops

(25) Lamb loin

Double chops

(26) Lamb loin

Double chops boneless

(27) Lamb loin

Double roast boneless

(28) Lamb leg whole

(29) Lamb leg

Roast boneless

(30) Lamb leg

Short cut sirloin off

(31) Lamb leg

Comblination

(32) Lamb leg

Sirloin chops

(33) Lamb leg

Sirloin half

(34) Lamb leg

Shank half

(35) Lamb leg

Center roast

(36) Lamb leg

Center slice

(37) Lamb leg

Frenched style roast

(38) Lamb leg

American style roast

(39) Lamb cubed steak

(40) Lamb fries

(41) Lamb hearts

(42) Lamb kidneys

(43) Lamb liver

(44) Lamb liver sliced

(45) Lamb tongue

VEAL

(1) Veal shoulder

Arm roast

(2) Veal shoulder

Arm steak

(3) Veal shoulder

Blade roast

(4) Veal shoulder

Blade steak

(5) Veal shoulder roast boneless

(6) Veal for stew

(7) Veal breast

(8) Veal breast

Riblets

(9) Veal shank

Cross cuts

(10) Veal rib roast

(11) Veal rib chops

(12) Veal rib chops boneless

(13) Veal rib

Crown roast

(14) Veal loin roast

(15) Veal loin roast boneless

(16) Veal loin

Kidney chops

(17) Veal loin chops

(18) Veal loin

Top loin chops

(19) Veal leg

Sirloin roast

(20) Veal leg

Sirloin steak

(21) Veal leg

Sirloin roast boneless

(22) Veal leg

Round roast

(23) Veal leg

Round steak

(24) Veal leg

Rump roast

(25) Veal leg

Rump roast boneless

(26) Veal leg Heel roast

(27) Veal cubed steak

(28) Veal cubes for kabobs

(29) Veal cutlets

(30) Veal brains

(31) Veal heart

(32) Veal kidneys

(33) Veal liver

(34) Veal liver sliced

(35) Veal sweetbreads

(36) Veal tongue

(37) Calf fries

(38) Calf feet

(39) Calf head

GROUND MEATS

*Beef*

(1) Ground beef

(2) Ground beef

Not less than 75% lean\*

(3) Ground beef

Not less than 85% lean\*

(4) Ground beef chuck

Not less than 75% lean\*

(5) Ground beef chuck

Not less than 85% lean\*

(6) Ground beef round

Not less than 75% lean\*

(7) Ground beef round

Not less than 85% lean\*

(8) Ground beef sirloin

Not less than 75% lean\*

(9) Ground beef sirloin

Not less than 85% lean\*

*Pork*

(1) Ground pork

(2) Ground pork sausage

*Lamb*

(1) Ground lamb

(2) Ground lamb patties

*Veal*

(1) Ground veal

(2) Ground veal patties

*Miscellaneous*

(1) Ground for meat loaf

Ground beef, pork, veal

\*This line optional

(c) This section shall not require the labeling of meat cut to the order of the retail customer at the time of purchase.

(Ord. No. 73-90, § 3, 10-16-73)

Sec. 8A-254. Exemption for certain meats.

The provisions of [Section 8A-253](../level3/PTIIICOOR_CH8ABURE_ARTXIUNMEID.docx#PTIIICOOR_CH8ABURE_ARTXIUNMEID_S8A-253LAADRE)(a) of this article shall not apply to bacon, ground beef, ground veal, ground lamb, ground pork, Porterhouse steak, sirloin steak, stew beef, T-bone steak, beef tenderloin, pork tenderloin, or veal cutlet provided, in the case of any of these meats, it is clearly and conspicuously labeled or advertised as to its name set forth in this article.

(Ord. No. 73-90, § 4, 10-16-73; Ord. No. 85-61, § 5, 9-3-85)

Sec. 8A-255. Exemptions for meat inspected under United States Department of Agriculture.

(a) The provisions of this article shall not apply to meat which is produced, prepared or packaged for sale at retail within Miami-Dade County, Florida, under meat inspection of the United States Department of Agriculture until after such meat leaves the premises of a United States Department of Agriculture official establishment for distribution.

(b) The provisions of this article shall not apply to meat which is produced, prepared or packaged under meat inspection of the United States Department of Agriculture for sale at retail outside Miami-Dade County, Florida.

(Ord. No. 73-90, § 5, 10-16-73)

Sec. 8A-256. Name in addition to the species and primal cut.

A name in addition to the species and primal cut of a meat as set forth in [Section 8A-252](../level3/PTIIICOOR_CH8ABURE_ARTXIUNMEID.docx#PTIIICOOR_CH8ABURE_ARTXIUNMEID_S8A-252DE)(S) of this article, for example, pot roast, oven roast or steak for swissing, may be used in labeling or advertising such meat provided the requirements of this article are complied with and provided such name appropriately describes the cut of meat to which it refers or the use to which such cut is put or its method of cooking preparation.

It shall be unlawful for any person to sell or offer to expose for sale meat identified by a name that is false, misleading, deceptive or confusing in any way. Fanciful names, such as "His and Her Steak," "Boston Style Chuck Roast," "Delmonico Steak," "For London Broil," "London Broil," "New York Strip Steak," "N.Y. Strip Steak" and similar terms are false, misleading, deceptive or confusing and shall not be used.

(Ord. No. 73-90, § 6, 10-16-73; Ord. No. 85-61, § 6, 9-3-85)

Sec. 8A-257. Reserved.

**Editor's note—**

Ord. No. 85-61, § 7, adopted Sept. 3, 1985, repealed [§ 8A-257](../level3/PTIIICOOR_CH8ABURE_ARTXIUNMEID.docx#PTIIICOOR_CH8ABURE_ARTXIUNMEID_S8A-257RE), which had concerned labeling requirements when additional names are used to label meat; said section derived from § 7 of Ord. No. 73-90, Oct. 16, 1973.

Sec. 8A-258. Advertising requirements when additional name used.

If a name in addition to the species and primal cut as set forth in [Section 8A-256](../level3/PTIIICOOR_CH8ABURE_ARTXIUNMEID.docx#PTIIICOOR_CH8ABURE_ARTXIUNMEID_S8A-256NAADSPPRCU) herein is used in advertising meat, the species and primal cut of the meat shall be prominently displayed contiguous to the additional name and be shown in the same style lettering and on the same background as the additional name and meet the following requirements as to size:

(a) If the additional name is one (1) inch or more in height, the species and primal cut shall be at least one-fourth (¼) the size of the additional name in height.

(b) If the additional name is less than one (1) inch in height, the species and primal cut shall be at least one-third (1/3) the size of the additional name in height.

(Ord. No. 73-90, § 8, 10-16-73)

Sec. 8A-259. Supply of meat advertised.

It shall be unlawful for any person to advertise meat for sale at retail unless such person shall have available at all outlets listed in the advertisement a sufficient quantity of the advertised meat to meet reasonably anticipated demands, unless the advertisement clearly and adequately discloses that supply is limited and/or the produce is available only at designated outlets.

(Ord. No. 73-90, § 9, 10-16-73)

Sec. 8A-260. Frozen meat.

All meat other than that which is used in hamburger, ground beef, ground pork, ground veal or ground lamb which has been frozen at any time prior to such meat being offered or exposed for sale at retail shall be clearly and conspicuously labeled or advertised as "Frozen" or "Frozen and thawed", whichever is appropriate and such term shall be contiguous to and in the same size and style lettering and on the same background as the product name.

(Ord. No. 73-90, § 10, 10-16-73)

FOOTNOTE(S):

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**Editor's note—** Article XI, §§ 8A-251—8A-260, is derived from Ord. No. 73-90, §§ 1—10, adopted Oct. 16, 1973. [(Back)](#BK_24265CE89CE5E04855D236C689521CB1)

**Cross reference—** Food and food service establishments, Ch. 14B. [(Back)](#BK_24265CE89CE5E04855D236C689521CB1)

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(33) This package can contain 7-11 chops and shall have a proportional number of all types of chops that can be derived from a full trimmed pork loin. [(Back)](#BK_FE9C1751D82308F669CEF3227098C55B)

### ARTICLE XIA. REPRESENTATIONS CONCERNING AND REQUIREMENTS FOR THE SALE OF KOSHER PRODUCTS; INSPECTION OF KOSHER MEAT DEALERS, KOSHER POULTRY DEALERS, AND DEALERS IN KOSHER FOODS AND FOOD PRODUCTS; RECORDS REQUIRED TO BE MAINTAINED BY KOSHER MEAT DEALERS AND KOSHER POULTRY DEALERS

[Sec. 8A-261. Definitions.](#BK_29998B03A1EA41D2038065B98EFFDBCC)

[Sec. 8A-262. Unlawful practices.](#BK_05343E811C4C77B45E283FC5EFCEEC3A)

[Sec. 8A-263. Display and handling requirements.](#BK_115CBB53184079FED1D35C802D7CFB84)

[Sec. 8A-264. Identification requirements.](#BK_976FC7B0C1221670CFD61855CCA074F2)

[Sec. 8A-265. Filling requirements.](#BK_527C54615B98A85FECC7181A8C32797F)

[Sec. 8A-266. Presumptions.](#BK_B2CCF95DD8EA72970E6302EC6544A349)

[Sec. 8A-267. Exculpation.](#BK_41B554469AF0DBC925E6F9E55D136F1A)

[Sec. 8A-268. Records required to be maintained by Kosher meat dealers and Kosher poultry dealers.](#BK_8C11B7316092FFA8AF8552F4055AB556)

[Sec. 8A-269. Inspection of Kosher meat dealers, Kosher poultry dealers and dealers in Kosher food or food products.](#BK_A9A22A730906BDC8BEBAE89472A71523)

[Sec. 8A-270. Applicability; conflict; municipalities.](#BK_3BE690D84150B14EA74D68A2C3D592AB)

[Sec. 8A-270.1. Penalties generally.](#BK_8AB1A6FE9A721AC190E3BFC85C6B4DB3)

Sec. 8A-261. Definitions.

(a) The following words and terms when used in this article shall have the following meanings, unless the context indicates otherwise:

(1) *Advertises, represents or holds itself out* shall mean engaging in any kind of promotional activities including but not limited to posters, newspaper, radio and television advertising and distribution of fliers.

(2) *Kosher* shall mean a food product intended for human consumption which is prepared and maintained in strict compliance with the Code of Jewish Laws as set forth in the Shulchan Aruch.

(3) *Kosher brand* shall mean a mark of a type approved by the United States Department of Agriculture.

(4) *Kosher for Passover* shall mean a Kosher food or food product which is prepared and maintained in strict compliance with the Code of Jewish Laws as set forth in the Shulchan Aruch with respect to the Jewish holiday of Passover.

(5) *Kosher-style, Kosher-type, Jewish, Hebrew* or other similar words shall mean a non-Kosher food or food product which has not been prepared or maintained in strict compliance with the Code of Jewish Laws as set forth in the Shulchan Aruch, but rather has either been prepared in such a way as to stimulate the taste, appearance or consistency of a Kosher food or food product or has originally been prepared in accordance with the above religious requirements but has not been maintained in the proper manner in order to remain Kosher.

(6) *Pareve* shall mean a Kosher food or food product which is prepared and maintained in strict compliance with the Code of Jewish Laws as set forth in the Shulchan Aruch and which is neither a meat nor a dairy product or by-product.

(7) *Person* shall mean an individual, corporation, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal or commercial entity. When used in this article "person" shall include, in addition to all retail establishments, all dealers in Kosher meat, poultry, food or food products, Miami-Dade County-based manufacturers, wholesalers, processors, slaughterhouses and all others along the chain from the time the product is manufactured or, in the case of meat or poultry from the time of the slaughter, to the time of its sale, and who hold themselves out as Kosher or dealing in Kosher meat, poultry, food or food products.

(8) *Plumba* shall mean the tin seal commonly used in the Kosher food industry with the word "Kosher" indicated thereon either in English or Hebrew letters, and with certain letters, figures or emblems indicated thereon which will positively identify such seal with the particular slaughterhouse where the animal was slaughtered or processed.

(9) *Properly sealed packages* shall mean those packages placed on or around the Kosher meat, Kosher poultry, or Kosher food or food product by the processor or manufacturer.

(10) *Tag* shall mean a tag in any form bearing the name and address of the slaughterhouse where the animal was slaughtered, the name of the person who sanctioned the Kosher slaughtering of meat or poultry at the slaughterhouse named and the date of the slaughter.

(11) *Dealer in Kosher food or food products* shall mean any store, restaurant, hotel, food cart, catering facility or any other place where foods or food products are sold or offered for sale or served as Kosher or as having been prepared according to or with a product sanctioned by the Code of Jewish Laws as set forth in the Shulchan Aruch.

(12) *Kosher meat dealer* or *Kosher poultry dealer* shall mean any person engaged in the slaughtering or wholesaling of properly identified Kosher meat or properly identified Kosher poultry, as the case may be, or who purchases, obtains or receives properly identified Kosher meat or properly identified Kosher poultry, as the case may be, from slaughterhouses, wholesalers or other sources and who cuts, slices, carves, breaks down or divides such Kosher meat or such Kosher poultry into smaller quantities or portions intended for sale to a customer as Kosher meat or Kosher poultry, as the case may be. Places of business performing the aforesaid operations include, but are not limited to: Caterers, hotels, summer camps, butcher shops, delicatessens, supermarkets, grocery stores, freezer dealers and food plan companies. Such places of business may also purchase, sell, handle, package and process non-Kosher meat, non-Kosher poultry, and other Kosher and non-Kosher food products.

(13) *Non-Kosher meat* or *non-Kosher poultry* shall mean meat or poultry, as the case may be, which is obtained from animals which are not approved or which are not slaughtered in strict compliance with the Code of Jewish Laws as set forth in the Shulchan Aruch, and which does not have affixed thereto the Kosher plumba or Kosher tag placed on such Kosher meat or such Kosher poultry, as the case may be, at the slaughterhouse where the animal was slaughtered. Non-Kosher meat or non-Kosher poultry, also shall mean meat or poultry, as the case may be, which is obtained from animals which are approved and slaughtered in strict compliance with the Code of Jewish Laws as set forth in the Shulchan Aruch but which does not have affixed thereto the Kosher plumba or Kosher tag placed on such meat or poultry, as the case may be, at the slaughterhouse where the animal was slaughtered.

(14) *Properly identified Kosher meat* or *properly identified Kosher poultry* shall mean Kosher meat or Kosher poultry, as the case may be, which is obtained from animals which are approved and slaughtered in strict compliance with the Code of Jewish Laws as set forth in the Shulchan Aruch and which has affixed thereto the Kosher plumba or Kosher tag placed on such Kosher meat or Kosher poultry, as the case may be, at the slaughterhouse where the animal was slaughtered.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-262. Unlawful practices.

(a) It shall be a violation of this article for any person to sell, offer for sale, expose for sale, serve, or have in said person's possession with intent to sell, by any of the following means, in any restaurant, hotel, food cart, store or catering facility or any other place, any meat, poultry, food or food product which is falsely represented to be "Kosher," "Kosher for Passover," "under Rabbinical Supervision," "pareve" or as having been prepared according to or with a product sanctioned by the Code of Jewish Laws as set forth in the Shulchan Aruch:

(1) By direct statements, orally or in writing; or

(2) By display of the word "Kosher" in English or Hebrew letters, or by display of any sign, emblem, insignia, six-pointed star, symbol or mark in simulation of the word Kosher; or

(3) By inscription on any meat, poultry, food or food products, or its package, container or contents, the word "Kosher," "Pareve," "Glatt," or "Rabbinical Supervision" in English or Hebrew letters, or by display or inscription of any sign, emblem, insignia, six-pointed star, symbol or mark in simulation of the word Kosher; or

(4) By display on any interior or exterior sign or menu or otherwise, the words "Kosher-Style," "Kosher-Type," "Jewish," "Hebrew," "Holiday (Jewish) Foods," "Traditional (Jewish)," or other similar words, either alone or in conjunction with the word "Type," "Style" or other similar expression, unless there is clearly and conspicuously stated a disclaimer in the same size type or letters in some prominent place or location that these terms refer to non-Kosher meat, poultry, food or food products or any non-Kosher food-handling facility; or

(5) By advertisement, either oral or in writing, using the words "Kosher-Style," "Kosher-Type," "Jewish," "Hebrew," "Holiday (Jewish) Food," "Traditional (Jewish)," or other similar words, either alone or in conjunction with the word "Type," "Style" or other similar expression, unless there is clearly and conspicuously stated a disclaimer in type no smaller than the smallest type in the advertisement, and in no event less than 10-point type, that the product or products offered for sale are non-Kosher.

(i) The disclaimer shall appear in a box within the advertisement and shall be preceded with the word "NOTICE," or other similar word, in not smaller than bold 14-point type.

(ii) An advertisement that utilizes any Kosher symbol that also promotes the sale of non-Kosher meat, poultry, food or food products is in violation of this article unless there is clearly and conspicuously stated in the advertisement a disclaimer, in accordance with the requirements of this paragraph, that some of the meat, poultry, food or food products offered for sale are non-Kosher, or

(6) By unauthorized use of a Kosher food symbol including, but not limited to OU, OK, VH, NK, SK, CRC, KAJ, KOF-K.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-263. Display and handling requirements.

(a) Kosher meats, Kosher poultry, and Kosher food or food products sold by a restaurant, hotel, store, catering facility, food cart, or any other place which advertises, represents or holds itself out as selling, serving or offering for sale both Kosher and non-Kosher meats, poultry, food or food products shall be deemed to be falsely represented to be Kosher within the meaning of this article and a violation of this article unless the following display and handling requirements are observed:

(1) Interior display and handling requirements are as follows:

(i) Kosher meats, Kosher poultry, and Kosher food or food products which are not prepared, cut, sliced, carved, broken down or divided into smaller portions on the premises of the place in which they are offered for sale, and which are contained in properly sealed packages, may be commingled with non-Kosher meats, non-Kosher poultry, and non-Kosher food or food products, provided, however, that if a person indicates by sign or label that Kosher products are contained in a separate display cabinet or section, only Kosher products shall be contained therein.

(ii) Kosher meats, poultry, food or food products which are prepared, cut, sliced, carved, broken down or divided into smaller portions on the premises of the place in which they are offered for sale shall not be commingled with non-Kosher meats, poultry, food or food products. Kosher meats, poultry, food or food products shall be kept in a separate display cabinet which shall not contain any non-Kosher meat, non-Kosher poultry, non-Kosher food or food products, or any dairy products and shall be completely separated from any non-Kosher meats, non-Kosher poultry, non-Kosher food or food products or any dairy products by a clearly visible divider.

(iii) There shall be a clearly visible sign in block letters affixed to the separate display cabinet or Kosher section of said cabinet indicating that only Kosher food is contained therein and indicating which section contains only dairy products and which section contains only meat.

(iv) Kosher dairy foods shall be prepared in utensils that are separate and distinct from those used to prepare Kosher or non-Kosher meats and poultry and all servicing and eating utensils shall be kept separate and apart as either meat or dairy. Such Kosher meat, poultry, and food or food products shall be sliced with a separate knife, and on a separate cutting board, or on a separate slicing machine, used solely for Kosher meat, Kosher poultry, Kosher food or food products and labelled "Kosher" in clearly visible block letters affixed to the knife or, in the case of a slicer, either affixed to the slicer or displayed in a prominent place on the premises where the slicer is maintained.

(v) No articles of food or food products, including meats and poultry, shall be sold as Kosher or Kosher for Passover unless a Kosher or Kosher for Passover identification is securely affixed thereto by the processor, manufacturer or packer at its premises. No person other than such processor, manufacturer or packer shall possess or affix such marks of identification.

(vi) No raw meat or poultry shall be sold or offered for sale as Kosher unless the words "soaked and salted," "Not soaked and salted" or "soaked and salted upon request only," as the appropriate case may be, is prominently displayed on a sign in conjunction with the product. If the raw meat or poultry is packaged, the words "soaked and salted" or "not soaked and salted" shall be marked on the package label in lieu of, or in addition to, the above requirement, but in no event shall packaged raw meat or poultry be sold or offered for sale as Kosher without the date of packaging clearly marked on the label. No person shall sell or offer for sale, as Kosher, any raw meat or poultry that is identified as "soaked and salted" unless the product has been soaked and salted in a manner which makes it Kosher.

(2) Washing and deveining requirements are as follows:

(i) Kosher meats shall be maintained Kosher and shall be properly deveined and, with the exception of liver, washed within seventy-two (72) hours after slaughter, and within each subsequent seventy-two (72) hour period, in accordance with the Code of Jewish Laws as set forth in the Shulchan Aruch. The date and time of the day (A.M. or P.M.) of each washing and the name of the person performing such duty shall be legibly indicated on all tags attached to said meat.

(ii) Meats to be washed en route shall be packed in such a manner as to allow washing to be done as prescribed above. The date and time of day of the washing shall be indicated on all tags or by means of a written statement securely attached inside the car or other vehicle and signed by the person supervising the washing. Upon receipt of the meat so washed en route, the information contained in the written statement shall be legibly transferred to tags attached to the meat by the person receiving the meat.

(iii) When tongues, offal and other parts of meat that are packed in containers and are not deveined, soaked, salted and rinsed in a manner which would make them Kosher prior to shipping, said parts of meat shall be packed in containers that are sufficiently perforated to permit the free flow of water to reach all sides of said tongues, offal and other parts of meat packed therein and to enable the water to freely flow out again.

(iv) When calves are shipped unflayed and part of the skin is detached from the meat, the water shall also reach every portion of the meat under the detached skin.

(v) All marks of Kosher identification shall be removed by the owner or consignee from meat which has not been properly washed immediately after the time of washing has expired provided, however, that liver shall be excepted from the requirements of this paragraph. All marks of Kosher identification shall be removed by the owner or consignee from meat on which the date and time of day (A.M. or P.M.) of each washing has not been properly indicated and incisions of Kosher marks of identification impressed on the meat shall be removed by the owner or consignee by blotting out or obliterating such marks of identification.

(3) Exterior sign requirements are as follows:

(i) Any restaurant, hotel, store, food cart, catering facility or any other place as is described in (a) above shall display in a prominent place in its front window or pedestrian entrance area the following sign which shall be printed in block letters at least four (4) inches in height:

"KOSHER AND NON-KOSHER FOOD PRODUCTS SOLD HERE."

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-264. Identification requirements.

(a) All meats sold as Kosher, regardless of the size of the portion, shall have affixed thereto at the slaughterhouse a tag or plumba. The tags shall be affixed as follows:

(1) For all forequarters of steers, cows, bulls, heifers, and yearling calves, the following Kosher identifications shall be affixed to each of the following parts:

(i) Breast, rib, plate (outside), plate pieces (inside), chuck, shoulder, heart, lung, oxtail, tripe, milt (spleen), tenderloin (hanger): Plumba and tag;

(ii) Liver: Two (2) Kosher brands and two (2) plumbas, one (1) of each to the opposite ends of the liver, so that if the liver is cut in half through the vein each half will bear one (1) plumba and one (1) Kosher brand;

(iii) Feet: Plumba and tag to each foot;

(iv) Breads: Plumba and tag to each pair;

(v) Brains: Plumba to each brain, when sold separately from the head;

(vi) Tongue: Plumba and tag at the tip, and a Kosher brand at the tip on a smooth surface;

(vii) Breastbone: Incisions in the form of Hebrew characters, showing the date of slaughter.

(2) For all foresaddles of veal, the following Kosher identifications shall be affixed to each of the following parts:

(i) Breast: Incision on each in the form of Hebrew characters, showing the date of slaughter;

(ii) Rack: Two (2) incisions on the inside, one (1) of them on each side of the spine, in the form of Hebrew characters, showing the date of slaughter;

(iii) Shoulder: Plumba and tag;

(iv) Liver: Plumba affixed to the center of the liver at the vein, and a Kosher brand on the upper surface of the liver;

(v) Haslett: Plumba and tag through the heart and milt;

(vi) Lung: Plumba and tag;

(vii) Feet: Plumba and tag to each foot;

(viii) Breads: One (1) tag, and one (1) plumba drawn through three (3) pairs;

(ix) Brains: Plumba to each brain, when sold separately from the head;

(x) Tongue: Plumba and tag at the tip, and a Kosher brand at the tip of the smooth surface.

(3) For all foresaddles of lamb and mutton, the following Kosher identifications shall be affixed to each of the following parts:

(i) Breast: Incision on each in the form of Hebrew characters, showing the date of slaughter;

(ii) Racks: Two (2) plumbas and two (2) tags, one (1) of each to either side of the spine;

(iii) Shoulder: Plumba and tag;

(iv) Haslett: Plumba and tag through the liver and milt;

(v) Tongue: One (1) tag, and one (1) plumba drawn through each group of six (6);

(vi) Brains: Plumba to each brain, when sold separately from the head;

(vii) Liver: Plumba and tag at the center of the liver, when sold separately from the haslett.

(b) The slaughterer and wholesaler of Kosher poultry is responsible to ensure that plumbas are affixed and remain on each and every portion. A Miami-Dade County-based slaughterer or wholesaler shall not refuse to accept returned poultry that is missing the necessary plumbas and shall provide a refund for same.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-265. Filling requirements.

(a) Any person operating a restaurant, hotel, store, catering facility, food cart, or any other place which advertises, represents or holds itself out as selling, serving or offering for sale exclusively Kosher meat, poultry, food or food products, shall file with the Director of the Miami-Dade County Consumer Protection Division a document from a supervising rabbi or rabbinical organization that said establishment complies with the dietary requirements of the Code of Jewish Laws as set forth in the Shulchan Aruch or, if said establishment is not under rabbinical supervision, so advise the Director in writing. The Director of the Miami-Dade County Consumer Protection Division shall be notified in writing, within ten (10) business days, of any change in the Kosher or rabbinical supervision status referred to above. Failure to notify the Director of a change in the Kosher or rabbinical supervision status as provided herein shall constitute a violation of this article.

(b) Any person providing Kosher supervision to any restaurant, hotel, store, food cart, catering facility, slaughterer, or any other place shall file with the Director of Miami-Dade County Consumer Protection Division a document listing the name, address and type of establishment that the person is supervising. The Director shall be notified, in writing, within ten (10) business days by said person of the date of termination of such supervision. Failure to notify the Director of said termination shall constitute a violation of this article.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-266. Presumptions.

Evidence of possession by any person of any non-Kosher meat, poultry, food or food products in any restaurant, hotel, store, food cart, catering facility or any other place where meat, poultry, food or food products are sold or served and which person advertises, represents or holds itself out as only selling Kosher meat, poultry, food or food products at such place, creates a rebuttable presumption that the person is in possession of such non-Kosher meat, poultry, food or food products with the intent to sell such non-Kosher meat, poultry, food or food products at such place.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-267. Exculpation.

A person operating a restaurant, hotel, store, food cart, catering facility or any other place where meat, poultry, food or food products are sold or served shall not be deemed to have committed a violation of this article if a preponderance of the evidence establishes that said person relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer or distributor of any meat, poultry, food or food products represented to be Kosher, Kosher for Passover or as having been prepared according to or with a product sanctioned by the Code of Jewish Laws as set forth in the Shulchan Aruch.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-268. Records required to be maintained by Kosher meat dealers and Kosher poultry dealers.

(a) Complete and accurate records of all purchases of properly identified Kosher meat, properly identified Kosher poultry, non-Kosher meat, non-Kosher poultry from slaughterhouses, wholesalers or any other source shall be kept by every Kosher meat dealer and by every Kosher poultry dealer, including the name and address of the slaughterhouse, wholesaler or other source from which such purchases are made, the dates, quantities and identity or nature of the meat or poultry included in all such purchases, and copies of all invoices and bills of sale relating to all such purchases. Kosher meat dealers and Kosher poultry dealers shall retain all such records for a two-year period following the purchase of the particular properly identified Kosher meat, properly identified Kosher poultry, non-Kosher meat, and non-Kosher poultry. Records shall be separated into two (2) sets, one (1) set for Kosher meat and poultry and one (1) set for non-Kosher meat and poultry.

(b) Kosher meat dealers and Kosher poultry dealers shall not remove the attached plumbas or tags or any duly affixed identifications affixed thereto by the slaughterhouse from any Kosher meats, Kosher poultry, or any other Kosher products received therefrom until the time immediately preceding the point in time when said Kosher meat, Kosher poultry, or product, whenever appropriate, is ready to be cut, sliced, carved, broken down, or divided into smaller quantities or portions.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-269. Inspection of Kosher meat dealers, Kosher poultry dealers and dealers in Kosher food or food products.

(a) The inspections provided for by this section shall only be conducted by authorized inspectors of the Director of the Miami-Dade County Consumer Protection Division.

(b) When conducting an inspection as provided for by this article, the authorized inspectors shall utilize the inspection report form approved by the Director to report the date of the inspection, the nature and scope of the inspection and the findings of the inspection.

(c) For the purpose of making any inspections under this section, the authorized inspectors of the Director shall have a right of entry to, upon and through the business premises of all Kosher meat dealers, Kosher poultry dealers, and dealers in Kosher food or food products.

(d) Authorized inspectors of the director shall make inspections of Kosher meat dealers, Kosher poultry dealers and dealers in Kosher food or food products for the purpose of:

(1) Determining by examination of the meat, poultry, food, food products, tags, plumbas, or any other proper identification and by inspection of the records whether or not the establishment under inspection is in compliance with this article.

(e) The scope and manner of inspections shall be as follows:

(1) At the commencement of all inspections provided for by this section, the authorized inspectors of the Director shall present appropriate identification of themselves to the Kosher meat dealer, Kosher poultry dealer or Kosher food or food products dealer, owner, manager or any sales person and shall advise said person of the purposes of the inspection to be conducted under the provisions of this section.

(2) All inspections provided for by this section shall be limited to:

(i) The meat and poultry and other food and food products located on the business premises of the Kosher meat dealer, Kosher poultry dealer or Kosher food or food products dealer. The business premises shall include all places of storage of meats, poultry and food or food products, all places where meat, poultry and food or food products are cut, sliced, carved, broken down, or divided into smaller quantities or portions and all places where meat, poultry and food or food products are prepared and sold to customers; and

(ii) The records required to be kept by Kosher meat dealers and Kosher poultry dealers under the provisions of this article.

(3) The inspections provided for by this section shall be made during the regular business hours of the Kosher meat dealer, Kosher poultry dealer or Kosher food or food products dealer, and at any time, including non-business hours, when deliveries of meat, poultry and food or food products are made to any of the aforesaid dealers or when any of the aforesaid dealers is engaged in the cutting, slicing, carving, breaking down, preparing, packaging, processing, or dividing of meat, poultry or food or food products into smaller quantities or portions.

(4) In carrying out the requirements of this section, no advance notice of an inspection shall be required to be provided to any person.

(5) All inspections of the meat, poultry or food or food products located on the business premises of Kosher meat dealers, Kosher poultry dealers and Kosher food or food products dealers and all inspections of the records required to be kept by said persons under the provisions of this article shall be conducted in such a manner so as to not unduly interfere with the regular business operations of the Kosher meat dealers, Kosher poultry dealers and Kosher food or food products dealers.

(f) A failure to allow an authorized inspector a right of entry upon the business premises of a Kosher meat dealer, Kosher poultry dealer or Kosher food or food products dealer in accordance with the requirements of this article shall be a violation of this article.

(g) At the completion of all inspections provided for by this section, the authorized inspectors of the Director shall prepare an inspection report which shall indicate the date of the inspection, the nature and scope of the inspection and the findings of the inspection. A copy of the inspection report shall be filed in the records of the Director.

(h) Inspectors authorized by the Director may, under the following circumstances, tag meat, poultry or food or food products as evidence of a possible violation of this article.

(1) Upon reasonable belief that certain meat, poultry or food or food products in the possession of a Kosher meat dealer, Kosher poultry dealer or Kosher food or food products dealer is not Kosher.

(2) Upon discovery that certain meat or poultry in the possession of the Kosher meat dealer or Kosher poultry dealer is not identified in accordance with this article.

(3) Upon discovery that certain meat or poultry in the possession of the Kosher meat dealer or Kosher poultry dealer has not been maintained in accordance with this article:

(i) A Kosher meat dealer, Kosher poultry dealer or Kosher food or food products dealer whose meat is tagged as evidence in accordance with (h) above shall not remove the tag or dispose of the meat, poultry or food or food products for a period of seventy-two (72) hours unless notified otherwise by an authorized representative of the Director. Removal of the aforesaid tag or disposal of tagged meat, poultry or food or food product in violation of this paragraph shall constitute a violation of this article.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-270. Applicability; conflict; municipalities.

(a) The provisions of this article shall apply in both the incorporated and unincorporated areas of Miami-Dade County, Florida, and shall be deemed supplemental to all County and Municipal ordinances.

(b) In the event of a conflict between the provisions of this article and the provisions of any County or municipal ordinance, the provision which establishes the more stringent requirement shall prevail.

(c) The provisions of this article shall not apply within any municipality which files with both the Clerk of the Board of County Commissioners and the Director of the Miami-Dade County Consumer Protection Division certified copies of a resolution of the governing body of such municipality which notifies the Board of County Commissioners and the Director of the Miami-Dade County Consumer Protection Division that the municipality exercises thereby its option to exempt the municipality from the provisions of this article, provided, however, such certified copies are filed as set forth above no later than sixty (60) days from the date of enactment of this article.

(Ord. No. 91-65, § 1, 6-20-91)

Sec. 8A-270.1. Penalties generally.

Any person who shall fail or refuse to obey or comply with or violates any of the provisions of Article XI or Article XIA of this chapter shall, upon conviction of such offense, be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both such fine and imprisonment in the discretion of the court. Each day of continued violation shall be considered as a separate offense.

(Ord. No. 91-65, § 1, 6-20-91)

### ARTICLE XII. FAIR CREDIT DISCLOSURE AND REPORTING [[13]](#BK_67A49F54C2699AFC466942569E499787)

[Sec. 8A-271. Definitions.](#BK_165B1238DED7D0FE5DAB1228393CA81E)

[Sec. 8A-272. Disclosures to consumers.](#BK_5ED7947CE129283E4573BEBBA2E32397)

[Sec. 8A-273. Charge for disclosures.](#BK_4463DAD21AF53904499F064345F5F7BB)

[Sec. 8A-274. Provisions as to liability.](#BK_1924B1097B9EC396B851DAB30688EBDF)

[Sec. 8A-274.1. Notification of deleted or disputed information.](#BK_98B63EE19343EC83FE4E1655A0358651)

[Sec. 8A-274.2. Supervision of field representatives.](#BK_A70491DAD911F0482B1A18ECDC596BD5)

[Sec. 8A-274.3. Qualifications of field representatives.](#BK_9B6C1BCFE3C78D00134E07F661D1578A)

[Sec. 8A-275. Penalty for violation.](#BK_C396E48C87201BA5E6425EE917A622D7)

Sec. 8A-271. Definitions.

As used herein:

(a) *Consumer reporting agency* means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity which is defined as a consumer reporting agency by the Federal Fair Credit Reporting Act, including amendments thereto, and which does business in Miami-Dade County, Florida.

(b) *Consumer* means an individual.

(c) *Investigative consumer report* means a report which is subject to the provisions of the Federal Fair Credit Reporting Act, including amendments thereto, as they relate to investigative consumer reports.

(d) *Field representative* means any person who collects information in Miami-Dade County on a consumer's character, general reputation, personal characteristics or mode of living through personal interviews with neighbors, friends, associates or acquaintances of the consumer reported for the purpose of preparing investigative consumer reports. The term includes agents and employees of consumer reporting agencies.

(e) *Medical information* means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

(Ord. No. 74-55, § 1, 7-2-74; Ord. No. 74-87, § 1, 10-15-74; Ord. No. 75-51, § 1, 7-2-75)

Sec. 8A-272. Disclosures to consumers.

Every consumer reporting agency shall, upon request and proper identification of any consumer, provide said consumer with a copy of its investigative consumer report (except such portions of reports containing medical information) pertaining to said consumer at the time of the request. The sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed. It shall be sufficient for the purposes of this section if a carbon or photostatic copy of the report is provided to the consumer.

(Ord. No. 74-55, § 2, 7-2-74; Ord. No. 74-87, § 2, 10-15-74; Ord. No. 75-51, § 2, 7-2-75)

Sec. 8A-273. Charge for disclosures.

The consumer reporting agency may impose a reasonable charge on the consumer for furnishing a copy of its investigative consumer report to such consumer pursuant to [Section 8A-272](../level3/PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE.docx#PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE_S8A-272DICO) of this article, the charge for which shall be indicated to the consumer prior to furnishing the copy and shall not exceed the cost of copying the report.

(Ord. No. 74-55, § 3, 7-2-74; Ord. No. 74-87, § 3, 10-15-74; Ord. No. 75-51, § 3, 7-2-75)

Sec. 8A-274. Provisions as to liability.

No consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency based on information disclosed pursuant to ordinance [Section 8A-272](../level3/PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE.docx#PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE_S8A-272DICO) except as to false information furnished with malice or willful intent to injure such consumer, and then only to the same extent and under the same circumstances as provided for by [Title 15](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA), U.S.C., Section 1681n and Section 1681o, which are incorporated herein by reference, to wit:

"Civil liability for willful noncompliance.

Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer in an amount equal to the sum of—

(1) any actual damages sustained by the consumer as a result of the failure;

(2) such amount of punitive damages as the court may allow; and

(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"Civil liability for negligent noncompliance.

Any consumer reporting agency or user of information which is negligent in failing to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer in an amount equal to the sum of—

(1) any actual damages sustained by the consumer as a result of the failure;

(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court."

(Ord. No. 75-51, § 4, 7-2-75)

**Editor's note—**

Ord. No. 75-51, § 4, repealed former [§ 8A-274](../level3/PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE.docx#PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE_S8A-274PRLI), relative to restrictions on field representatives, and enacted in lieu thereof a new [§ 8A-274](../level3/PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE.docx#PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE_S8A-274PRLI) as herein set out. Former [§ 8A-274](../level3/PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE.docx#PTIIICOOR_CH8ABURE_ARTXIIFACRDIRE_S8A-274PRLI) was derived from Ord. No. 74-55, § 4, adopted July 2, 1974, and Ord. No. 74-87, § 4, adopted Oct. 15, 1974.

Sec. 8A-274.1. Notification of deleted or disputed information.

Following any deletion from an investigative consumer report of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to the Federal Fair Credit Reporting Act, including amendments thereto, to any person specifically designated by the consumer who has within two (2) years prior thereto received an investigative consumer report which contained the deleted or disputed information. The consumer reporting agency shall clearly and conspicuously disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received. The charge, if any, for such notification shall be as provided in the Federal Fair Credit Reporting Act, including amendments thereto.

(Ord. No. 74-87, § 5(1), 10-15-74; Ord. No. 75-51, § 5, 7-2-75)

Sec. 8A-274.2. Supervision of field representatives.

The consumer reporting agency shall maintain reasonable procedures to insure maximum possible accuracy of investigative consumer reports. Such procedures insofar as all investigative consumer reports completed by field representatives with less than one (1) year experience shall include supervision of such field representatives by the person in charge of the consumer reporting agency or his delegate.

(Ord. No. 74-87, § 5(2), 10-15-74; Ord. No. 75-51, § 6, 7-2-75)

Sec. 8A-274.3. Qualifications of field representatives.

(a) All field representatives shall be of good moral character and reputation. The consumer reporting agency shall conduct a background investigation on all prospective field representatives to include information about the person's moral character and reputation.

(b) The consumer reporting agency shall require each field representative to submit to a written examination approved by the Miami-Dade County Consumer Protection Division concerning the Federal Fair Credit Reporting Act and the Miami-Dade County Fair Investigative Consumer Reporting and Disclosure Ordinance to affirmatively show that such field representative is familiar with the provisions of said statute and ordinance. Such examination shall be administered by the consumer reporting agency. The consumer reporting agency shall maintain evidence in its personnel files showing that each field representative has satisfactorily completed the examination.

(c) A consumer reporting agency shall furnish to each field representative an identification card which shall contain the field representative's name, physical description, and the name and business address of the consumer reporting agency. The identification card shall at all times be kept in the possession of the field representative and upon request the same shall be produced for inspection.

(d) Each consumer reporting agency shall notify the Director, Consumer Protection Division, Miami-Dade County, Florida, within five (5) working days of a field representative's employment and termination of employment.

(Ord. No. 74-87, § 5(3), 10-15-74; Ord. No. 75-51, § 7, 7-2-75)

Sec. 8A-275. Penalty for violation.

Any person including any consumer reporting agency, field representative, or any agent or employee thereof, who fails to comply with the provisions of this article shall be guilty of a violation of this article and upon conviction thereof shall be punished by a fine of not less than one thousand dollars ($1,000.00) or by imprisonment in the County Jail for not more than one (1) year, or by both such fine and imprisonment in the discretion of the County court.

(Ord. No. 74-55, § 5, 7-2-74; Ord. No. 74-87, § 6, 10-15-74; Ord. No. 75-51, § 8, 7-2-75)

FOOTNOTE(S):

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**Editor's note—** Article XII, §§ 8A-271—8A-275, as derived from Ord. No. 74-55, §§ 1—5, adopted July 2, 1974, as amended. Ord. No. 74-57, § 1, adopted July 9, 1974, amended Ord. No. 74-55 to provide that the effective date of the ordinance would be Aug. 30, 1974. [(Back)](#BK_7216448458B1C55D05402CC236147236)

### ARTICLE XIII. COMMERCIAL VEHICLE IDENTIFICATION

[Sec. 8A-276. Requirements.](#BK_7DEBE65C9D2B386BF87FC4291EF4BA61)

[Secs. 8A-277—8A-280. Reserved.](#BK_A7FDACF05F4806AB924F84BE52953C38)

Sec. 8A-276. Requirements.

(a) *Definitions.* When used herein:

(1) The words "commercial vehicle" shall mean any vehicle whether horse-drawn, motor-driven or towed, and used, constructed, or equipped for the transportation of goods, wares, merchandise, tools, or equipment in trade, commerce, or industry. The following vehicles shall be excluded from the effect of this article: Passenger automobiles including station wagons, vehicles constructed for recreational purposes or other noncommercial purposes, vehicles used by governmental agencies for official business, and other vehicles which are or may be required to be similarly identified by State or federal law.

(b) *Vehicles, markings of.* Every commercial vehicle operated on the streets of the County shall at all times display, permanently affixed and plainly marked on both sides in letters and numerals not less than three (3) inches in height, the name, address and telephone number of the owner thereof. The numbers of all occupational and business licenses issued to the owner thereof shall be similarly displayed along with and in addition to the other information required by this paragraph. If a vehicle is rented, the information required by this paragraph but applicable to the lessee or user, not the owner, must be affixed to the vehicle and may be affixed to signs made of paperboard and attached by means of tape at the time such vehicle is delivered to the user or lessee.

(c) *Violations.* Any person convicted of:

(1) A violation of this section shall be punished by:

a. Not more than thirty (30) days imprisonment;

b. A fine of not more than two hundred fifty dollars ($250.00);

c. Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. Fines in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County; or

e. Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(2) A second violation of this section shall be punished by:

a. Not more than thirty (30) days imprisonment;

b. A fine of not more than five hundred dollars ($500.00);

c. Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. Fines in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County; or

e. Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(3) Any subsequent violations of this section shall be punished by:

a. Not more than thirty (30) days imprisonment;

b. A fine of not more than one thousand dollars ($1,000.00);

c. Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

d. Fines in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County; or

e. Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(d) *Applicability.* This article shall be applicable in all the unincorporated and incorporated areas of Miami-Dade County, Florida.

(e) *Waiver.* Upon written application, the Miami-Dade Police Department may grant a waiver of the requirements of this section where it is demonstrated that compliance with this section may constitute a security risk to the commercial vehicle or its passengers.

(f) *Farm Vehicle Exemption.*

(1) A vehicle, owned or operated by a farmer, or lessee, or his or her designee, on a farm, grove, or nursery actively engaged in the production of agricultural or horticultural pursuits. Such vehicle is only operated incidentally on the roads, to go to or from the owner's or operator's headquarters or farm, grove or nursery and return.

(2) A vehicle, used principally for the transport of plows, harrows, fertilizer distributors, spray machines, or other farm, grove or nursery equipment ancillary to a bona-fide agricultural use. Such vehicle only uses the roads incidentally to go to or from the owner's or operator's headquarters or farm, grove or nursery and return.

(3) A vehicle with a gross vehicle weight rating ("GVWR") of 10,000 lbs. or less which is owned and operated by a farmer or lessee in the support of an active farm, grove or nursery operation.

(Ord. No. 75-84, §§ 1, 2, 10-15-75; Ord. No. 79-32, § 1, 5-1-79; Ord. No. 95-186, § 1, 10-17-95; Ord. No. 00-70, § 1, 5-23-00; Ord. No. 10-52, § 3, 9-21-10)

Secs. 8A-277—8A-280. Reserved.

### ARTICLE XIV. BACKGROUND CHECKS FOR PERSONNEL IN CHILD CARE AND CERTAIN OTHER FACILITIES [[14]](#BK_DA93110DDE885F06B62896293430AC87)

[Sec. 8A-281. For whom investigation is required.](#BK_B7E313A7DC2DE5535BDED021F4BF8087)

[Sec. 8A-282. Application for and extent of investigation.](#BK_81A1EB94256208140D1FB21CE6A11C65)

[Sec. 8A-283. Two-year effective period of investigation.](#BK_8F612D8723DA03C0310DE4B09F67CBD0)

[Sec. 8A-284. Records to be kept by facilities.](#BK_9B9A195ED81ED3F72724CBFC7C898C28)

[Sec. 8A-285. Reports available for inspection—Notice posted in facility.](#BK_89771B55802ECCCDF5D1E57BDD286870)

[Sec. 8A-286. Same—Notice on application for admission.](#BK_FA35D0B92004AE89EA9FF8A9FF3BB347)

[Sec. 8A-287. Penalty.](#BK_468FF49A80F123D98B7AC198F6C59037)

[Secs. 8A-288—8A-300. Reserved.](#BK_18D0781D4B43C39B4457F10A9CEA06C7)

Sec. 8A-281. For whom investigation is required.

All operators and personnel of child care facilities and day care homes, as defined in Section 402.302(4) and (5), Florida Statutes, respectively; and facilities for persons with intellectual disabilities, specifically day facilities for persons with intellectual disabilities as defined in Section 393.063(4), Florida Statutes; developmental training facilities for persons with intellectual disabilities as defined in Section 393.063(7), Florida Statutes; foster care facilities for persons with intellectual disabilities as defined in Section 393.063(12), Florida Statutes; group home facilities for persons with intellectual disabilities as defined in Section 393.063(13), Florida Statutes; intermediate care facilities for persons with intellectual disabilities, as defined in Section 393.063(15), Florida Statutes; major State intellectual disability facilities, as defined in Section 393.063(16), Florida Statutes; and residential habilitation centers for persons with intellectual disabilities as defined in Section 393.063(22), Florida Statutes shall apply to the Miami-Dade Police Department for a criminal background investigation within thirty (30) days from the enactment of Ordinance No. 85-1 or five (5) days from employment at the facility, whichever is later.

(Ord. No. 85-1, § 2, 1-8-85; Ord. No. 13-83, § 1, 9-17-13)

Sec. 8A-282. Application for and extent of investigation.

The Miami-Dade Police Department shall provide an application form, which will require the submission of identifying information by the applicant, including name, past name, aliases, sex, race, date of birth, place of birth, Social Security number and physical description. The application, which must be sworn to by each applicant, shall contain an authorization to conduct and release, as allowed by law, a background investigation report, showing whether the applicant has a record of any arrests or convictions within the State of Florida, an outstanding warrant for his or her arrest, or is named on a wanted list and the nature of the offense with which the applicant is connected. An applicant must present two (2) forms of identification to the Miami-Dade Police Department at the time of application. Each application shall also be accompanied by an application fee which shall be utilized to defray the cost of conducting the background investigation and enforcing the provisions of this article. The fee to be charged shall be established by administrative order. Upon receipt of a fully completed application, the Miami-Dade Police Department will provide a receipt of application to the applicant and the facility at which the applicant is employed. Upon receipt of a fully completed application form, the Miami-Dade Police Department shall conduct a background investigation, which shall be concluded within sixty (60) days of the date an application is received and shall mail a copy of the report derived from the investigation to the applicant, the facility at which the applicant is employed, and the Department of Health and Rehabilitative Services, State of Florida.

(Ord. No. 85-1, § 3, 1-8-85)

Sec. 8A-283. Two-year effective period of investigation.

The applicant shall have his or her application report renewed and a new background investigation performed every two (2) years from the date of the initial report by applying to the Miami-Dade Police Department. The background investigation report may be updated from time to time at the option of the Miami-Dade Police Department. An updated investigation report may be distributed in accordance with the provisions of this article.

(Ord. No. 85-1, § 4, 1-8-85)

Sec. 8A-284. Records to be kept by facilities.

Upon receipt of the notice of applications from the Miami-Dade Police Department, the operators of child care facilities or facilities for persons with intellectual disabilities shall maintain the receipts of application for all personnel of such facilities in a file located at the premises of the facility. Upon receipt of the criminal investigation report from the Miami-Dade Police Department, operators of child care facilities, day care homes or facilities for persons with intellectual disabilities, shall maintain the investigation reports on file for all personnel. It shall be unlawful for any operator to operate a child care facility or facility for persons with intellectual disabilities, unless the receipts of application and investigation reports are maintained in accordance with the provisions of this section.

(Ord. No. 85-1, § 5, 1-8-85; Ord. No. 13-83, § 2, 9-17-13)

Sec. 8A-285. Reports available for inspection—Notice posted in facility.

The operator of a child care facility, day care home or facility for persons with intellectual disabilities shall post a notice that receipts of application and background investigation reports, when available, are open for public inspection. Such notice must be posted in a conspicuous place at the premises of the facility. It shall be unlawful for any operator to operate a child care facility, day care home or facility for persons with intellectual disabilities, unless such notice is posted in accordance with the provisions of this section.

(Ord. No. 85-1, § 6, 1-8-85; Ord. No. 13-83, § 3, 9-17-13)

Sec. 8A-286. Same—Notice on application for admission.

The operator of a child care facility, day care home or facility for persons with intellectual disabilities shall provide notice on the application for admission to such facility that receipts of applications and criminal investigation reports, when available, are open for public inspection. It shall be unlawful for any operator to operate a child care facility, day care home or facility for persons with intellectual disabilities, unless such notice is provided in accordance with the provisions of this section.

(Ord. No. 85-1, § 7, 1-8-85; Ord. No. 13-83, § 4, 9-17-13)

Sec. 8A-287. Penalty.

Every person who is convicted for a violation of Sections [8A-284](../level3/PTIIICOOR_CH8ABURE_ARTXIVBACHPECHCACEOTFA.docx#PTIIICOOR_CH8ABURE_ARTXIVBACHPECHCACEOTFA_S8A-284REBEKEFA), [8A-285](../level3/PTIIICOOR_CH8ABURE_ARTXIVBACHPECHCACEOTFA.docx#PTIIICOOR_CH8ABURE_ARTXIVBACHPECHCACEOTFA_S8A-285REAVINOTPOFA) or [8A-286](../level3/PTIIICOOR_CH8ABURE_ARTXIVBACHPECHCACEOTFA.docx#PTIIICOOR_CH8ABURE_ARTXIVBACHPECHCACEOTFA_S8A-286SAOTAPAD) shall be punished as provided in [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE).

(Ord. No. 85-1, § 8, 1-8-85)

Secs. 8A-288—8A-300. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 85-1, adopted Jan. 8, 1985, amended the Code but did not specify Code section numbers to be assigned; therefore, codification as Art. XIV of Ch. 8A has been at the editor's discretion. Section 11 of the ordinance, as amended by Ord. No. 85-65, provides for termination of its provisions on December 31, 1985, unless otherwise extended. [(Back)](#BK_44DA88A42D7700D541D234D2ABBA1FC0)

**Cross reference—** Nonpublic educational and child care facilities, § 33-151.11 et seq. [(Back)](#BK_44DA88A42D7700D541D234D2ABBA1FC0)

### ARTICLE XV. CONVENIENCE STORE SECURITY [[15]](#BK_A4C437B087A2C65BE40077D2922F20B6)

[Sec. 8A-301. Definition.](#BK_3E014EE485AB93343E886C93BB9E9424)

[Sec. 8A-302. Security requirements.](#BK_CB54A62906343C8BC95E4B24826452C7)

[Sec. 8A-303. Robbery deterrence and safety training for employees.](#BK_1C1FE8FDF015D735374947AEF6D68DEC)

[Sec. 8A-304. Penalty.](#BK_ADE727DC32B0785C2B1A431DECB48066)

[Secs. 8A-305—8A-324. Reserved.](#BK_DF01D295EDA5E024520C4B0A51C0FD82)

Sec. 8A-301. Definition.

The term "convenience store" means any place of business that is engaged in the retail sale of groceries, including the sale of prepared foods, and gasoline and services, that is regularly open for business at any time between the hours of 10 p.m. and 5 a.m., and that is attended during such hours by one (1) employee. The term "convenience store" does not include a store which is solely or primarily a restaurant. The term "convenience store" does not include any store in which the owner and members of his family work in the store between the hours of 10 p.m. and 5 a.m.

(Ord. No. 90-124, § 1, 11-27-90)

Sec. 8A-302. Security requirements.

Each convenience store as defined above shall:

(1) Be equipped with the following security devices:

a. A silent alarm that notifies local law enforcement or a private security agency that a robbery is taking place.

b. A security camera system capable of retrieving an image to assist in the identification and apprehension of a robber.

c. A drop safe or cash management device that provides minimum access to the facility's cash receipts.

(2) Lighted parking lots illuminated at an intensity of two (2) footcandles per square foot with a uniformity ratio of no more than five to one (5:1) at eighteen (18) inches above the surface.

(3) Post a conspicuous sign in the convenience store entrance which states that the cash register contains fifty dollars ($50.00) or less.

(4) Maintain window signage so that there is a clear and unobstructed view of the cash register and transaction area.

(5) Prohibit window tinting on the windows of the establishment if such tinting reduces exterior or interior viewing during the hours of operation to which this act is applicable.

(6) Install height markers at the entrance of the establishment which display height measures from the floor.

(7) Establish a cash management policy to limit the amount of available cash on hand between the hours of 9 p.m. and 6 a.m.

(Ord. No. 90-124, § 2, 11-27-90)

Sec. 8A-303. Robbery deterrence and safety training for employees.

No later than June 30, 1991, the owner or principal operator of a convenience store shall provide proper robbery deterrence and safety training to at least its employees who work between the hours of 9 p.m. and 6 a.m. Any proposed program of training shall be submitted in writing to the Attorney General. The Attorney General shall review and approve or disapprove of training programs in writing within sixty (60) days after receipt of a proposal describing the training to be provided. The State shall have no liability for approving or disapproving training programs under this section. Approval shall be given to programs which train and familiarize store employees with the security principles, devices, and measures required by [Section 8A-302](../level3/PTIIICOOR_CH8ABURE_ARTXVCOSTSE.docx#PTIIICOOR_CH8ABURE_ARTXVCOSTSE_S8A-302SERE) above. Decisions of the Attorney General relating to approval of training programs shall be subject to the provisions of Chapter 120, Florida Statutes. No person shall be liable for ordinary negligence due to implementing an approved training program, provided that the training was actually provided.

(Ord. No. 90-124, § 3, 11-27-90)

Sec. 8A-304. Penalty.

Violation of the provisions of this article shall be punishable by a fine not to exceed five thousand dollars ($5,000.00) provided, however, if noncompliance with the provisions of this article is corrected within ten (10) days after receipt of written notice, no noncompliance fee shall be assessed. Provided further, however, any owner or principle operator of a convenience store who willfully and deliberately violates the requirements of this article or who deliberately fails initially to implement the requirements of this article shall be required to pay to Miami-Dade County, upon complaint filed by the County, a civil fine not to exceed five thousand dollars ($5,000.00).

(Ord. No. 90-124, § 4, 11-27-90)

Secs. 8A-305—8A-324. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 90-124, adopted Nov. 27, 1990, amended the Code by the addition of provisions which have been designated at the discretion of the editor as Art. XV, §§ 8A-301—8A-304. [(Back)](#BK_1515AA52E3910522CC7A6DE041F08632)

**State Law reference—** Convenience store security, F.S. § 812.171 et seq. [(Back)](#BK_1515AA52E3910522CC7A6DE041F08632)

### ARTICLE XVI. MIAMI-DADE COUNTY MOVING ORDINANCE

[Sec. 8A-325. Definitions.](#BK_B0CE6C35C68794B19AAFB2F3F412FD0D)

[Sec. 8A-326. Intent and application.](#BK_560289E35CFA378F3637818BD934AB13)

[Sec. 8A-327. Registration required.](#BK_7DF66BFF225E0F63F933B2CF86EA9525)

[Sec. 8A-327.1. Decals; moving vehicle signage.](#BK_2D6FB1E91C34997A9A018B696A0D0CC9)

[Sec. 8A-328. Loss, destruction, or mutilation of registration certificate or decal; replacement.](#BK_750EE50115AC92641E30F94890D0609D)

[Sec. 8A-329. Valid certificate of insurance for cargo legal liability valuation and insurance.](#BK_10088F0A11C9B3EABFD83336CF2ADAE4)

[Sec. 8A-330. Contract for service and disclosure statement required.](#BK_29D4CBF657EB4659F7AFCEEA66DA8A66)

[Sec. 8A-331. Estimates of moving costs.](#BK_7DA5B9EF6B412EE8F8BD2B47E6BA8FD0)

[Sec. 8A-332. Charges in excess of written estimate; unlawful charges; refusal to relinquish goods prohibited.](#BK_71CF993438AF31E83BF7ACDE0CFF41BE)

[Sec. 8A-333. Inventory.](#BK_63359192F3C564000C500AE81816B55C)

[Sec. 8A-334. Acceptable forms of payment.](#BK_DA4565F851832A44C9B4C233FC185AB2)

[Sec. 8A-335. Reasonable dispatch.](#BK_0792B34804633C4A3D9C682A70B15EB9)

[Sec. 8A-336. Liability of movers.](#BK_D69423CC25D8D37886664A20290553EC)

[Sec. 8A-337. Records; inquiry or complaint handling; inspection.](#BK_643D5C34F288EB6781577AC182415818)

[Sec. 8A-338. Collection of freight charges on shipments involving loss or destruction in transit.](#BK_90ED950248E75319AB46CEFD0748BD4B)

[Sec. 8A-339. Claims.](#BK_CCD16DEF66F25DA1C947187F10229D3F)

[Sec. 8A-340. Director's duties, functions and powers.](#BK_8ECA5FB4BB1F427C43C4BB7D332B048D)

[Sec. 8A-341. Reserved.](#BK_8CFF79E01E532E100871458C45256C85)

[Sec. 8A-342. Assurances of compliance.](#BK_ED1E20702D6699CD556741BAB7255AE0)

[Sec. 8A-343. Denial, revocation and suspension of certificates.](#BK_569BF380CBDA7BB86EEDB93C59A3849D)

[Sec. 8A-344. Civil penalties.](#BK_8E6B865A94AFF86707FAD00492ADB0CD)

[Sec. 8A-345. Criminal penalties.](#BK_791E8740E52AD257A28E64106386DEE8)

[Sec. 8A-346. Presumption of continuous operation.](#BK_2E784263C7AE119AC7F8BA484FA48000)

[Sec. 8A-347. Private cause of action.](#BK_60A8DED923C29FD2F77EF18E85FF092C)

[Sec. 8A-348. Enforcement procedure; remedies; attorney's fees; costs.](#BK_814B27E33298F2F77309D4FEE01F9CC6)

[Sec. 8A-349. Appeals from actions, decisions or determinations of the director; judicial review.](#BK_821F2E82B1A0AC624F98C020A0D3914D)

Sec. 8A-325. Definitions.

(a) *Accessorial services* shall mean any service performed by a mover which results in a charge to the shipper and is incidental to the transportation service, including, but not limited to, preparation of a written inventory, packing, unpacking, or crating of articles, hoisting or lowering, waiting time, overtime loading and unloading, reweighing, disassembly or reassembly, elevator or stair carrying, boxing or servicing of appliances, and furnishing of packing or crating materials. Accessorial services include services not performed by the mover but by a third party at the request of the shipper or mover if the charges for such services are to be paid to the mover prior to or at the time of delivery.

(a.5) *Advertise* shall mean to advise, announce, give notice of, publish or call attention by use of oral, written or graphic statement made in a newspaper or other publication or on radio or television, any electronic medium, or contained in any notice, handbill, sign (including signage on vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any good.

(b) *Article* shall mean Article XVII of the Code of Miami-Dade County, Florida, and any rules, regulations and standards promulgated pursuant to this article.

(c) *Commission* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(d) *Compensation* shall mean money, fee, emolument, quid pro quo, barter, remuneration, pay, reward, indemnification or satisfaction.

(e) *Contract for service* or *bill of lading* shall mean a written document prepared by the mover and approved by the shipper in writing, prior to the performance of any service, that authorizes services from a named mover and lists the services and costs associated with the transportation of household goods and accessorial services.

(f) *Customer* shall mean a person who inquires about, makes a request for or enters into a contract for service.

(g) *Director* shall mean the Director of the Consumer Services Department or his/her designee. This definition shall apply to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code of Miami-Dade County, Florida, when utilizing the provisions of this article.

(g.5) *Equipment* shall mean those items utilized by the mover to secure, deliver, transport and/or protect the shipper's household goods. Such equipment includes, but is not limited to, dollies, hand trucks, pads, blankets, and straps.

(h) *Estimate* shall mean a written statement given by the mover to the shipper which sets forth the total cost of and the basis of the charges related to a shipper's move, such as, but not limited to, transportation or accessorial services.

(i) *Household goods* shall mean personal effects, or other personal property, found in a home or personal residence, or found in a storage facility owned or rented by the shipper, where the shipper is the owner or the agent of the owner of the items. This definition does not include freight or personal property moving to or from a factory or store or other place of business.

(j) *Mover* shall mean any person who engages in the transportation of household goods for compensation or any person who holds himself or herself out to the general public as engaging in the transportation of household goods for compensation.

(j.5) *Packing material* shall mean the container utilized by a mover to package, deliver, transport, and/or protect the shipper's household goods. If a mover charges for packing material, the mover shall only charge for such material on a per container basis. This container charge shall include the cost for each container and any wrap, tape or other materials utilized by mover to pack the container.

(k) *Person* shall mean any natural person, individual, public, or private corporation, trust, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of the foregoing, jointly or severally.

(l) *Registration* or *registration certificate* shall mean the authorization by the Director required by this article before a person is authorized to engage in business in Miami-Dade County as a mover of household goods.

(m) *Shipper* shall mean any person who contracts with a mover for the transportation of household goods. This term shall include any other person whom the shipper designates in writing.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 95-137, § 6, 7-25-95; Ord. No. 97-69, § 3, 6-3-97; Ord. No. 01-108, § 1, 6-19-01; Ord. No. 05-52, § 1, 3-1-05)

Sec. 8A-326. Intent and application.

(a) The provisions of this article shall be construed liberally to promote the following policies:

(1) To establish the law governing moving practices within this county with regard to the transportation of household goods.

(2) To address moving practices in this county in a manner that is not inconsistent with federal law and the laws of this state relating to consumer protection and moving.

(b) The provisions of this article apply to the operations of any mover engaged in the intrastate transportation of household goods, except that this article shall not be construed to include shipments contracted by the United States, the state, or any local government or subdivision thereof. The provision of this article shall only apply to the transportation of household goods originating in Miami-Dade County and terminating in Miami-Dade County, Broward County or Palm Beach County, or originating in Broward County or Palm Beach County and terminating in Miami-Dade County.

(c) It is the intent of this article to seek to secure the satisfaction and confidence of customers and members of the public when utilizing a mover. This article shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effectuate the purposes set forth herein and to protect the public. This article shall be known and cited as the "Miami-Dade County Moving Ordinance."

(d) Nothing in this article shall be construed to remove the authority or jurisdiction of any state or local agency with respect to goods or services regulated or controlled under other provisions of law or ordinance.

(e) This article is not applicable to an act or practice required or specifically permitted by federal law or the law of this state.

(f) The provisions of this article shall be deemed supplemental to all county and municipal ordinances. In the event of a conflict between any of the provisions of this article and any provision of any county or municipal ordinance, the provision which establishes the most stringent standard shall prevail.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-327. Registration required.

(a) No person shall engage in business or advertise to engage in the business of moving or offer to move any person in this county as a mover of household goods without first obtaining a registration certificate from the Director pursuant to this article and maintaining such registration certificate as required herein.

(b) Each mover shall register every year with the Director and, where applicable, provide to the Director: its legal business and trade name, current mailing address, and current business location for each place from which the mover operates either a main or branch office; a designation of which location constitutes its principal place of business; the full names, current mailing addresses, current telephone numbers, and social security numbers or federal tax identification numbers of its owners or corporate officers and directors; the Florida registered agent of the corporation; a statement listing the names of any other corporations, entities, or trade names through which any owner or director of the registrant was known or did business as a mover within the five (5) calendar years immediately preceding the date upon which the mover is submitting the application for registration; proof of vehicle liability insurance and general liability insurance; vehicle identification numbers; motor vehicle license tag numbers; gross weight of each commercial motor vehicle; the number of employees who are currently employed; proof of workers' compensation insurance coverage, as required by Chapter 440 of the Florida Statutes, or a State certificate of exemption, or a letter from the registrant affirming that such coverage is not required by law; proof of all insurance and liability coverage required by [Section 8A-329](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-329VACEINCALELIVAIN) of this Code; a printed copy of each of the documents, instruments, forms, contracts, or other materials used by the registrant when dealing with the public with respect to the shipment of household goods, including, but not limited to bills of lading, contracts and disclosure statements; and other information and items as the Director shall require to enforce the provisions of this article.

(c) Any mover desiring to change its registered name, business location, or registered agent shall notify the Director of such change. No registration shall be valid for any mover under any other name or at any place other than that designated in the registration unless the Director is notified in writing within thirty (30) days of the change.

(d) The Director shall require any person desiring to obtain a registration as a mover to do so on forms prescribed by the Director. Renewal of registrations may be staggered over the annual period by the Director to facilitate the workload. When obtaining a registration or renewing a registration as required by this article, each mover shall furnish to the Director a registration fee, to be established by administrative order of the County Manager. Said fee shall be effective upon approval by the Commission. All fees collected shall be deposited in a separate county fund to be utilized solely for the administration and enforcement of this article. No part of said fund shall be used for purposes other than the aforesaid.

(e) The Director shall issue to each registrant a registration certificate in the form and size as prescribed by the Director. Such certificate shall be prominently displayed to the public in the mover's primary place of business. The registration number appearing on the registration certificate shall appear on all advertisements, forms, and commercial motor vehicles of the mover. For the purposes of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other written statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading, where the heading describes or encompasses any kind of work regulated under this article.

(f) The criteria for issuance of a registration certificate by the Director shall be compliance by the applicant with all the applicable provisions of this article and submission to the Director of a completed application for registration and applicable fees. An incomplete application shall be considered to be abandoned if an applicant fails to complete his or her application within sixty days from the date that the application was filed with the Director. An application submitted subsequent to the abandonment of a former application shall be treated as a new application. Registration certificates may be issued by the Director subject to such conditions, limitations, and restrictions imposed by the Director as the Director deems necessary to protect customers and consumers, provided such conditions, limitations, and restrictions are consistent with the provisions of this article. Violation of such a condition, limitation, or restriction of a registration certificate shall be a violation of this article.

(g) Change of ownership.

(1) In the event of a change of ownership of a moving business, a new registration and payment of new registration fees shall be required. The moving business may continue to operate provided that the moving business has filed a completed application for registration with the Director and paid all applicable fees. For purposes of this subsection, "change of ownership" shall mean a change in the ownership or operators of a moving business which is either a sole proprietorship or partnership.

(2) Corporations or other legal entities, other than sole proprietorships or partnerships, owning or operating a moving business which have a change of ten (10) percent or more of the ownership shall notify the Director of the change no later than thirty (30) days after the date of change.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 01-108, § 1, 6-19-01; Ord. No. 05-52, § 1, 3-1-05)

Sec. 8A-327.1. Decals; moving vehicle signage.

(a) No moving company shall engage in moving household goods without first obtaining a decal from the Director for each vehicle used by the mover for moving household goods. The Director is authorized to charge a non-refundable vehicle decal fee for each moving vehicle in an amount set forth by administrative order of the county manager. Such fees shall be effective upon approval by the Commission. All fees collected shall be deposited in a separate County fund to be utilized solely for the administration and enforcement of this section. Except for short term rental vehicles, such decal shall be affixed to the lower left corner of the front window in the vehicle at all times, upon issuance of a vehicle decal. The vehicle decal remains the property of Miami-Dade County and shall be used only under the authority of the Director. No vehicle decal may be sold, assigned or otherwise transferred. If a vehicle is destroyed or sold, the mover must remove the vehicle decal (if in existence) and surrender the remains to the Director.

(b) Vehicle decals issued to moving companies who use short term rental vehicles must be visible in the lower left corner of the front window or affixed to a magnetic sign on the driver's side of the vehicle.

(c) Each vehicle decal issued pursuant to this section shall be renewed annually in the same manner as original application is made, upon application to the Director evidencing continued compliance with the provisions of this section. The Director is authorized to charge a non-refundable renewal fee in an amount set forth by administrative order of the county manager. Such fees shall be effective upon approval by the Commission. All fees collected shall be deposited in a separate County fund to be utilized solely for the administration and enforcement of this section. Decals shall expire concurrent with the expiration of the moving registration certificate.

(d) The decal for each moving vehicle shall at all times be displayed and available for inspection by any police officer or by personnel authorized by the Director to perform enforcement duties.

(e) Each moving vehicle must clearly display signage, on the exterior of the driver and passenger sides, with letters at least three (3) inches high and in contrasting colors, the moving company's name, physical address, telephone number and moving registration certificate number. If the short term use of a rental vehicle by a moving company is necessary, at a minimum, the same information and requirements must be affixed to the vehicle through the use of magnetic signs.

(Ord. No. 01-108, § 1, 6-19-01; Ord. No. 05-52, § 1, 3-1-05)

Sec. 8A-328. Loss, destruction, or mutilation of registration certificate or decal; replacement.

In the event of loss, destruction, or mutilation of a registration certificate or decal issued pursuant to the provisions of this article, the person to whom the registration certificate was issued may obtain a replacement thereof upon furnishing satisfactory proof of loss, destruction, or mutilation to the Director and payment of the applicable fee established by administrative order of the County Manager. Applications for a replacement certificate or decal shall include the following information:

(a) Name and address of the applicant.

(b) A verified explanation of the loss, destruction, or mutilation of the registration certificate or decal.

(c) Such other items and information as may be required by the Director.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 01-108, § 1, 6-19-01)

Sec. 8A-329. Valid certificate of insurance for cargo legal liability valuation and insurance.

(a) The registrant shall furnish the Director with a valid certificate of insurance for cargo legal liability valuation and insurance which shall be valid for the period of registration and shall include at a minimum the following:

(1) Valuation of sixty cents ($0.60) per pound per article; and

(2) Insurance for loss or damage to household goods as a result of loss or damage to any commercial motor vehicle, with the exception of loss or damage as the result of acts of God, in the amount of no less than ten thousand dollars ($10,000.00) per shipment; and

(3) Motor vehicle combined bodily liability insurance and property damage liability insurance which shall be issued by an insurance carrier or company which is a participant in the Florida Insurance Guaranty Association and which shall be in accordance with the following:

a. Fifty thousand dollars ($50,000.00) per occurrence for a commercial motor vehicle with a gross vehicle weight of less than 35,000 pounds.

b. One hundred thousand dollars ($100,000.00) per occurrence for a commercial motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

c. Three hundred thousand dollars ($300,000.00) per occurrence for a commercial motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(b) The insurance carrier or company shall qualify as an insurance company authorized to transact insurance in the State of Florida.

(c) Said insurance shall be kept in full force and effect by the certificate holder at all times. Failure to file evidence of such insurance with the Director, or failure to maintain the same in full force and effect, may be cause for the suspension or revocation of the registration certificate of the mover. Said insurance shall provide that the certificate holder's insurance coverage may neither expire nor be canceled prior to thirty (30) days after the Director receives written notice of said expiration or cancellation from the carrier.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-330. Contract for service and disclosure statement required.

(a) In any agreement for service, the mover shall prepare a written contract for service. The contract for service shall be provided by the mover to the shipper for the shipper's written authorization and signature before commencing the performance of any transportation or accessorial services.

(b) A contract for service shall clearly and conspicuously disclose, at a minimum, the following:

(1) The name and telephone number of the mover and the address of the mover at which employees of the mover are on duty during business hours.

(2) The name of the shipper, the addresses at which the items are to be picked up and delivered, if available; and a telephone number where the shipper may be reached, if available.

(3) The agreed pickup and delivery date, or the period of time within which pickup, delivery, or the entire move will be accomplished, if provided.

(4) A description of the transportation and accessorial services expected to be provided during a move.

(5) In the event that no estimate has been provided pursuant to this article, the total cost of the transportation and accessorial services to be provided.

(6) The method of payment, subject to the provisions of [Section 8A-334](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-334ACFOPA) of this Code.

(7) In the event that an estimate has been provided pursuant to this article, the maximum amount required to be paid by the shipper to the mover at the time of delivery, subject to the provisions of [Section 8A-332](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-332CHEXWRESUNCHREREGOPR) of this Code.

(8) The name and telephone number of any other person who may authorize pickup or delivery of any items to be transported, if the shipper designates such a person in writing.

(9) A statement regarding the mover's limitation of liability, subject to the provisions of [Section 8A-336](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-336LIMO) of this Code.

(10) A brief description of the procedures for shipper inquiry and complaint handling and a telephone number which the shipper may use to communicate with the mover, accompanied by a statement disclosing who shall pay for such calls if other than the mover.

(11) If the cost for services provided is based on weight, a statement that the shipper has a right to observe any weighing before and after loading.

(c) The contract for service provided by a mover to a shipper shall include the following language in bold capitalized letters of at least 12-point type:

PLEASE READ CAREFULLY:

THIS CONTRACT FOR SERVICE IS REQUIRED BY COUNTY LAW AND MUST INCLUDE THE TERMS AND COSTS ASSOCIATED WITH YOUR MOVE. IN ORDER FOR THE CONTRACT FOR SERVICE TO BE ACCURATE, YOU MUST DISCLOSE ALL INFORMATION RELEVANT TO THE MOVE TO THE MOVER. COUNTY LAW REQUIRES THAT A MOVER RELINQUISH POSSESSION OF YOUR GOODS AND COMPLETE YOUR MOVE UPON PAYMENT OF NO MORE THAN THE SPECIFIED MAXIMUM AMOUNT DUE AT DELIVERY.

(d) Prior to beginning the move, the mover shall present to the shipper a copy of the Moving Consumer Bill of Rights and Disclosure Statement (Disclosure Statement) on its letterhead in the form approved and as amended by the Director. The Disclosure Statement shall be signed by the mover and shipper and shall indicate the time of each signature.

(e) The Disclosure Statement, once signed and dated by the mover and shipper, shall be incorporated in the mover's contract for services and shall bind all parties.

(f) Failure to present the Disclosure Statement shall constitute a violation of this Section and shall be subject to civil penalties described in this Chapter.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 01-108, § 1, 6-19-01)

Sec. 8A-331. Estimates of moving costs.

(a) A mover shall provide to the shipper a written estimate of the costs for moving the shipper's household goods, to include all transportation and accessorial services. No mover shall charge for preparing an estimate unless, prior to preparing the estimate, the mover:

(1) Clearly and conspicuously discloses in writing to the customer the amount of the charge for preparing the estimate or, if the amount cannot be determined, the complete basis upon which the charge will be calculated, and

(2) Obtains the customer's written authorization on the written estimate to prepare an estimate.

(b) It is unlawful for a mover to require a shipper to waive the shipper's right to a written estimate. A shipper cannot waive the shipper's right to a written estimate.

(c) The written estimate provided to the shipper shall, at a minimum, include the following:

(1) The total cost for transportation and accessorial services to be provided.

(2) A description of the transportation and accessorial services to be provided.

(3) A listing of the basis for which any charges may be assessed for the transportation and accessorial services to be provided.

(4) The following language in bold capitalized letters of at least 12-point type:

UNDER COUNTY LAW YOU ARE ENTITLED TO A WRITTEN ESTIMATE OF THE TOTAL COST OF YOUR MOVE AND A COPY OF THE DISCLOSURE STATEMENT. PLEASE REVIEW THESE DOCUMENTS TO MAKE SURE THEY ARE COMPLETE.

(d) A copy of the estimate, signed by the mover, shall be delivered to the shipper prior to performing any transportation or accessorial service and a copy shall be maintained by the mover as part of the mover's records.

(e) Nothing in this article shall be construed to require a customer to enter into a contract for service with a mover based upon the issuance of an estimate.

(f) The estimate and disclosure may be provided on the same form as the contract for service.

(g) No mover shall provide an oral estimate to any customer.

(h) Reserved.

(i) Mover shall provide to the consumer, at the time of performing a moving estimate, a copy of Moving Consumer Bill of Rights and Disclosure Statement on its letterhead, in the form approved and as amended by the Director.

(j) Failure to present the Disclosure Statement shall constitute a violation of this Section and shall be subject to civil penalties described in this Chapter.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 01-108, § 1, 6-19-01; Ord. No. 05-52, § 1, 3-1-05)

Sec. 8A-332. Charges in excess of written estimate; unlawful charges; refusal to relinquish goods prohibited.

(a) A mover shall not charge more than the total amount of the written estimate unless there is a change in the requested services. If a change in the requested services results in additional cost, the mover shall prepare and execute a new contract for services consistent with such changes prior to the performance of any transportation or accessorial services.

(b) It is unlawful for a mover to fail to relinquish to a shipper any of the shipper's household goods or to fail to timely complete all transportation and accessorial services required to be performed pursuant to the contract for service because the shipper has refused to pay for charges in excess of the amount set forth in (a) above or in excess of the total amount set forth in the contract for service as required by [Section 8A-330](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-330COSEDISTRE)(b)(5).

(c) The mover shall relinquish possession of all of the shipper's household goods to the shipper and timely complete all transportation and accessorial services required to be performed pursuant to the contract for service upon payment of the total amount set forth in the contract for service as required by [Section 8A-330](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-330COSEDISTRE)(b)(5).

(d) It is unlawful for a mover to charge a consumer for equipment. However, the shipper may purchase, lease or rent the equipment, if necessary, for storage purposes only at a location other than the mover's storage facility.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 01-108, § 1, 6-19-01; Ord. No. 05-52, § 1, 3-1-05)

Sec. 8A-333. Inventory.

(a) A written inventory shall be prepared by the mover, unless the shipper waives, in writing, preparation of an inventory. The written inventory shall be prepared and signed by both the shipper and the mover prior to departure of the mover's motor vehicle from the shipper's pick-up point(s). No mover shall charge for preparing an inventory unless, prior to preparing the inventory, the mover:

(1) Clearly and conspicuously discloses in writing to the customer the amount of the charge for preparation of the inventory or, if the amount cannot be determined, the complete basis upon which the charge will be calculated.

(b) It is unlawful for a mover to require a shipper to waive the preparation of an inventory.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-334. Acceptable forms of payment.

(a) A mover shall accept a minimum of two (2) of the following methods of payment:

(1) Cash, cashier's check, money order, or traveler's check; or

(2) Valid personal check, showing on its face the name and address of the shipper or authorized representative; or

(3) Valid credit card, which shall include but not be limited to Visa or MasterCard.

(b) A mover shall clearly and conspicuously disclose to the shipper in the contract for service and estimate which methods of payment the mover will accept pursuant to this section.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-335. Reasonable dispatch.

Except when delays are caused by actions of the shipper, or circumstances beyond the control of the mover, the following shall apply:

(1) Each mover shall cause shipments to be transported on the dates or during the time period agreed upon by the mover and the shipper and specified in the contract for service.

(2) A shipper may seek recourse in a court of competent jurisdiction if a mover fails to perform either pickup or delivery or any accessorial services as agreed upon in the contract for service and the shipper incurs any reasonable expenses that would not otherwise have been incurred.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-336. Liability of movers.

(a) A mover shall not limit valuation on a shipment of household goods to an amount less than sixty cents ($0.60) per pound per article in the shipment. Except when the shipper chooses a declared valuation in excess of the minimum valuation, a mover shall offer the minimum coverage at no additional charge to a shipper.

(b) A mover shall disclose to the consumer/shipper on its bill of lading and/or contract the applicable valuation for a shipper's household goods and the availability of additional valuation coverage or insurance up to the declared value of shipment, which may be purchased by the customer at an additional cost. The rejection or selection of additional valuation coverage shall be made in writing on a form prescribed by the Director. The form shall fully advise the shipper of the nature of the limitation of valuation and shall state that the minimum coverage is equal to the limit referred to in subsection (a) unless otherwise requested. The heading of the form shall be in 12-point bold type and shall state: "By signing this form, you are waiving certain valuable coverage which protects your possessions above the minimum amounts set by law. Please read carefully."

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 01-108, § 1, 6-19-01)

Sec. 8A-337. Records; inquiry or complaint handling; inspection.

(a) A mover shall maintain moving records which shall include, but not be limited to, all estimates and contracts for services. All such records held by the mover shall be available for inspection and copying by the Director, for a period of at least five (5) years from the date of completion of performance of the contract for service.

(b) A mover shall establish and maintain a procedure for responding to inquiries and complaints from shippers. The procedure shall include a means whereby the shipper may communicate with the principal office of the mover by telephone.

(c) The mover shall retain and make part of the file relating to a shipment a written record of all complaints and inquiries received from a shipper.

(d) All complaints and inquiries on file with the Director pertaining to a contract for service or mover shall be a public record open to public inspection as required by state law.

(e) The premises and all commercial motor vehicles of all movers shall be open to the Director for inspection, investigation or for such other purposes as are necessary for the enforcement and administration of this article during the business hours of the mover and in no event not less than between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(f) Each complaint filed with the Director against a moving company shall be provided to the moving company by the Director and the moving company shall promptly and thoroughly investigate said complaint. If the complaint cannot be satisfied within ten (10) days from receipt by the moving company, the moving company shall advise the Director of the status of the complaint and the reason for the delay. A moving company shall object to or satisfy the complaint filed by the consumer and provide the Director with a written response stating the disposition of the complaint, the specific reasons for the objection, if applicable, no later than ninety (90) days after receipt of the complaint by the moving company.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 01-108, § 1, 6-19-01)

Sec. 8A-338. Collection of freight charges on shipments involving loss or destruction in transit.

No mover shall collect, or shall require a shipper to pay, any charges when a shipper's household goods are totally lost or destroyed. The shipper shall, however, remain liable for any charges for valuation coverage, pursuant to [Section 8A-336](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-336LIMO) of this Code, or any insurance premium related to the shipment for which the insurance was secured from a third party.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-339. Claims.

(a) No claim against a mover for damage under this article shall be denied solely because the damage was not noted at the time of delivery. If a customer files a claim for loss or damage not noted at the time of delivery, a mover remains obligated to investigate such claim.

(b) Whenever a mover requires a signed statement acknowledging delivery or receipt of items, the statement shall include a clear and conspicuous notice that the shipper may make notations regarding the household goods as delivered, and that the shipper may file a claim with the mover for lost or damaged household goods.

(c) A shipper shall have a period of up to sixty (60) days after the completion of delivery of the household goods to notify a mover in writing of any claim for loss, damage, or delay resulting from the performance of its contract for service.

(d) Each claim filed against a mover shall be promptly and thoroughly investigated by the mover. If the claim cannot be satisfied within thirty (30) days, the mover shall advise the claimant of the status of the claim and the reason for the delay. A mover shall object to or satisfy a claim filed by a shipper no later than ninety (90) days after receipt of the claim.

(e) When an asserted claim made to a mover for loss of an item or an entire shipment cannot be otherwise authenticated upon investigation, the mover may request from the shipper, and the shipper shall be required to sign, a sworn statement in writing that the household goods for which the claim is filed has not been received from any other source. If the shipper presents a false or fraudulent statement, the shipper shall be liable for damages to the mover.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-340. Director's duties, functions and powers.

The duties, functions, powers and responsibilities of the Director shall include the following:

(a) Enforce all of the provisions of this article.

(b) Upon receipt of complaints or upon the Director's initiative, investigate, inspect, sample, and test any matters regulated hereunder.

(c) Institute civil actions or proceedings to enforce all the provisions of this article and subpoenae issued by the Director, including seeking mandatory and prohibitory injunctions, the imposition and recovery of civil penalties and such other remedies and attorney's fees as set forth in [Section 8A-348](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-348ENPRREATFECO) of this Code. Such civil actions or proceedings may be instituted by the Director regardless of whether a cease and desist order or notice to correct the violation or other lawful order of the Director has been issued or other administrative proceeding is pending.

(d) Prosecute through the State Attorney in the criminal courts for violations of this article.

(e) Deny, revoke, suspend and issue registration certificates and impose conditions, limitations, and restrictions upon same in accordance with Sections [8A-327](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-327RERE) and [8A-343](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-343DERESUCE) of this Code. Notwithstanding the foregoing, no revocation or suspension of a registration certificate by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-349](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-349APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later.

(f) Issue subpoenae to compel the presence of any person or document or thing at any hearing, conference or proceeding authorized herein upon information or belief by the Director that a violation of any provision of this article has occurred or may occur.

(g) Inquire into the practices, functions and policies of movers and make such recommendations to the Commission as the Director may deem necessary.

(h) Administer oaths and certify official acts of the Director.

(i) Investigate, upon the Director's initiative, the practices of any mover.

(j) Apply to any judge of the circuit or county court, criminal or civil division, for the issuance of an administrative search warrant.

(k) Conduct a program for monitoring consumer satisfaction levels in the field of moving and make such monitoring information available to the Commission and the public.

(l) Render, in the Director's discretion, assistance and technical advice to movers.

(m) Institute informal conferences for discussing and resolving any matter covered by this article.

(n) Publish and disseminate information to the public concerning movers.

(o) Submit to the Commission proposed rules, regulations, and standards to effectuate the purposes of this article. No such proposed rules, regulations, and standards shall become effective until approved by the Commission by ordinance.

(p) Provide movers with information concerning the rules, regulations, and standards enacted during the immediate past year.

(q) Issue cease and desist orders, notices to correct violations, and any other lawful orders of the Director which shall briefly set forth the general nature of the violation of this article and specify the time within which the violation shall be rectified or stopped. If an order to cease and desist or notice to correct violations or any other lawful order of the Director is not obeyed, the Director shall have the power and authority to revoke or suspend the registration certificate, if any has been issued, or deny the issuance of a registration certificate and take such other action authorized by this article. Notwithstanding the foregoing, no revocation or suspension of a registration certificate by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-349](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-349APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later. Orders to cease and desist, notices to correct violations, and any other lawful orders of the Director hereunder may be enforced by the institution by the Director of civil actions for mandatory and prohibitory injunctions, civil penalties and other remedies and attorney's fees as set forth in [Section 8A-348](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-348ENPRREATFECO) of the Code of Miami-Dade County in a court of competent jurisdiction.

(r) Appoint and designate, in the Director's discretion, various technical advisory panels.

(s) Enter into written assurances of compliance pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-342](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-342ASCO) of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this article.

(t) Enter into a cooperative agreement with the Florida Department of Agriculture and Consumer Services, subject to approval by the Board of County Commissioners, for the referral, investigation and prosecution of consumer complaints related to the intrastate transportation of household goods pursuant to Section 507.13, Florida Statutes.

(u) The powers of the Director enumerated in this article shall be in addition to and not a limitation of any other powers of the Director pursuant to any other provisions of this article or any other provisions of law or ordinance.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 97-69, § 3, 6-3-97; Ord. No. 05-52, § 1, 3-1-05)

Sec. 8A-341. Reserved.

**Editor's note—**

Ord. No. 95-137, § 2, adopted July 25, 1995, repealed former [§ 8A-341](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-341RE), relative to the movers consumer services board, which derived from Ord. No. 94-136, § 1, adopted July 12, 1994.

Sec. 8A-342. Assurances of compliance.

Each violation of any of the terms and conditions of a verified, written assurance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code with respect to the matters regulated under this article shall constitute a separate offense under this article by the persons who executed the assurance, their respective officers, directors, agents, servants, and employees; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the assurance of compliance. Decisions, actions, and determinations of the Director, pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-340](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-340DIDUFUPO)(s) or assurances of compliance executed thereunder, shall not be subject to review pursuant to [Section 8A-349](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-349APACDEDEDIJURE) of this Code.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-343. Denial, revocation and suspension of certificates.

The Director may deny, revoke, or suspend a registration certificate issued pursuant to the provisions of this article if the Director determines that the applicant or registrant has:

(a) Violated any provision of this article, or

(b) Misrepresented or concealed a fact on the application, renewal application or replacement application for a registration certificate, or

(c) Aided or abetted a person who has not obtained a registration certificate to evade or avoid the provisions of this article, or

(d) Engaged in any conduct as part of the performance of a contract for service which constitutes fraud, or

(e) Violated any condition, limitation, or restriction of a registration certificate imposed by the Director.

(f) Was enjoined by a court of competent jurisdiction from engaging in the trade or business of moving or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article.

(g) Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance, or any other lawful order of the Director.

(h) Was convicted of a violation of this article.

Notwithstanding the foregoing, no revocation or suspension of a registration certificate by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-349](../level3/PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIMIDECOMOOR_S8A-349APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 97-69, § 3, 6-3-97)

Sec. 8A-344. Civil penalties.

In addition to any other judicial or administrative remedies or penalties provided by law, rule, regulation or ordinance, any person who violates any of the provisions of this article or any cease and desist order of the Director or any notice to correct a violation or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article with respect to matters regulated under this article or any other lawful order of the Director or any condition, limitation, or restriction of a registration certificate issued by the Director, shall be subject to the judicial imposition and recovery of a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) per offense. Each day during any portion of which such violation occurs or continues to occur constitutes a separate offense. Such monies recovered by the Director shall be deposited in a separate county fund to be used exclusively for enforcement of this article.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-345. Criminal penalties.

In addition to any other judicial or administrative remedies or penalties provided by law, rule, regulation or ordinance, if any person violates or fails or refuses to obey or comply with any of the provisions of this article or any lawful order of the Director or any cease and desist order of the Director or any notice to correct a violation of the Director or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article, or any condition, limitation, or restriction of a registration certificate issued by the Director, such person, upon conviction of any such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the county jail, or both, in the discretion of the court. Each day or portion thereof of continuing violation shall be deemed a separate offense.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-346. Presumption of continuous operation.

Except as expressly provided otherwise in this article, any person operating as a mover without first obtaining a registration certificate pursuant to this article shall be presumed to be operating as a mover on a continuous basis without a registration certificate from the date the registration certificate was first required by this article. Such presumption may be overcome by evidence presented by the mover. This section creates a rebuttable presumption of continuous operation.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-347. Private cause of action.

Any person who suffers a loss as a result of a violation of any of the provisions of this article, any lawful order of the Director, any cease and desist order or notice to correct a violation issued by the Director or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article, may recover compensatory damages, punitive damages, attorney's fees, and court costs from the person committing such violation. Nothing herein shall be construed to require the Director to bring any such action on behalf of a private person.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-348. Enforcement procedure; remedies; attorney's fees; costs.

(a) It shall be unlawful for any person to violate any of the provisions of this article. In addition to any other judicial or administrative remedies provided by law, rule, regulation, ordinance, or this article, the Director shall have the following judicial remedies available to enforce the provisions of this article:

(1) The Director may institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of any of the provisions of this article.

(2) The Director may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) for each violation of any of the provisions of this article. Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(3) The Director may institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief:

(i) To recover any sums and costs expended by the Director for tracing, investigating, preventing, controlling, abating or remedying any violation of any of the provisions of this article.

(ii) To provide restitution to any customers or consumers injured by any violation of any of the provisions of this article.

(b) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director under any of the provisions of this article, the trial court, or, in the event of an appeal in which the Director prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this article by the Director. Cessation of any violation of any of the provisions of this article whatsoever, prior to rendition of a judgment or entry of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this article, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director, for which attorney's fees shall be awarded by the trial court as set forth hereinabove.

(c) All the judicial and administrative remedies in this article are independent and cumulative.

(Ord. No. 94-136, § 1, 7-12-94)

Sec. 8A-349. Appeals from actions, decisions or determinations of the director; judicial review.

(a) Any person regulated by this article who is aggrieved by any action, decision or determination of the Director pursuant to this article may request an administrative hearing before a hearing officer to appeal the action, decision or determination of the Director which resulted in the grievance. Appeal by administrative hearing of the action, decision or determination complained of shall be accomplished by filing a written request with the Director within fifteen (15) days after the date of the action, decision or determination complained of, a written notice of appeal which shall set forth the nature of the action, decision or determination to be reviewed and the basis for the administrative hearing. A timely request for administrative hearing shall be scheduled and heard by a Hearing Officer pursuant to [Section 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, Florida. Customers shall not be deemed to be persons regulated by this article for the purposes of this section. The Hearing Officer shall set the matter for hearing on the earliest practicable regularly scheduled hearing date or as soon as possible, but no sooner than ten (10) days after the request has been filed and shall cause notice of the hearing to be served upon the aggrieved party by first class mail. The notice may include, but not be limited to, the applicable Sections of [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(b)(2) through (9) of the Code of Miami-Dade County, Florida. The Hearing Officer shall hear and consider all relevant facts in accordance with the procedures set forth in Sections [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(e), (f), (g), (i), (j), (k), (l), (m)(2), and (n) of the Code of Miami-Dade county (any reference in these sections to Inspector shall mean "Director" and to violator shall mean "the person filing the appeal", and may affirm, modify or reverse the action, decision or determination appealed from. The decision of the Hearing Officer shall constitute final administrative review and no rehearing shall be permitted. Nothing herein shall be construed to prevent or prohibit the Director from instituting any civil or criminal action or proceeding authorized by this article at any time.

(b) The Director, the Miami-Dade County Consumer Advocate, or any person regulated by this article who is aggrieved by any decision of the Hearing Officer may appeal a final order of the Hearing Officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with procedures and within the time provided by the Florida Rules of Appellate Procedure for review of administrative action. The words "action," "decision" and "determination" as used herein shall not include the filing or institution of any action, conference or proceeding by the Director in any court or otherwise. Customers shall not be deemed to be persons regulated by this article for the purposes of this section.

(Ord. No. 94-136, § 1, 7-12-94; Ord. No. 97-69, § 3, 6-3-97)

### ARTICLE XVII. MIAMI-DADE COUNTY LOCKSMITH ORDINANCE [[16]](#BK_2CA3FDD959AC46E825A2F9ACD800FBE8)

[Sec. 8A-350. Definitions.](#BK_E141B98EB12E35705C1E65F60B3F4A2F)

[Sec. 8A-351. Intent and application.](#BK_50F9FB6C0F6F3458C7264F7A27D99210)

[Sec. 8A-352. Reserved.](#BK_4229E802A96FC42880AF656C6D72F384)

[Sec. 8A-353. Director's duties, functions and powers.](#BK_B72F79022AC1E1BD4BC837352F4B0225)

[Sec. 8A-354. Civil penalties.](#BK_8AA788F7A3529985FC997D39A3E02FC9)

[Sec. 8A-355. Criminal penalties.](#BK_11D105FB1AF055025D9B3F54BD404DE2)

[Sec. 8A-356. Enforcement procedure; remedies; attorney's fees; costs.](#BK_6CA841BAFA7E49E789832EC4E8365488)

[Sec. 8A-357. Appeals from actions, decisions or determinations of the Director; judicial review.](#BK_191A10B12E7F1EDBE787603EA313F87A)

[Sec. 8A-358. Private cause of action.](#BK_140F63C5EA11A8CC781BD532C185C93F)

[Sec. 8A-359. Exemptions.](#BK_6BB3C65BD968A79840F87FA562F71D15)

[Sec. 8A-360. Registration of locksmith business.](#BK_1A67EA36055695368A1FAC7B7208CAA1)

[Sec. 8A-361. Application for registration of locksmith business; renewal registration; and replacement registration.](#BK_D202D9F7C6EBEEDAD58BB375F7BC28A6)

[Sec. 8A-362. Criteria for issuance of locksmith business registration; issuance of registration.](#BK_BE5FD83E231FEC6C2E5A9F6CA1532A3B)

[Sec. 8A-363. Prohibition on publication of written advertisements without registration number.](#BK_DC8D65246686289BA36C47877F4899DA)

[Sec. 8A-363.1. Reserved.](#BK_AAC7DFFAC79BACBCB1B0794D8C8CF611)

[Sec. 8A-364. Locksmith license.](#BK_87566A54DC0987BF52ABEA057521AD19)

[Sec. 8A-365. Application for locksmith license; renewal license.](#BK_12E82BAED50971B703C18A1C21EB6833)

[Sec. 8A-366. Criteria for issuance of locksmith license; issuance of locksmith license.](#BK_1B2838EC8B794A0D4AE5F4BF18A37394)

[Sec. 8A-367. Apprenticeship required.](#BK_A15156E1E8CC93E33B56E484F969F2BB)

[Sec. 8A-368. Apprentice locksmith permit; criteria for issuance.](#BK_73DC121F2E5DB63A5C5AE840DDDF6371)

[Sec. 8A-369. Prohibited practices.](#BK_B67541B9E1ED0F4A607BE7B1A7CCB90A)

[Sec. 8A-370. Denial, revocation and suspension of business registration, locksmith license or apprentice permits.](#BK_BE39236CD5E91464DD3344D732A5D337)

[Sec. 8A-371. Loss, destruction, or mutilation of registration, license or permit; replacement.](#BK_8DF1AED66ADC67A1952C10839569D90D)

[Sec. 8A-372. Reserved.](#BK_243667EAD063D245D619AB854B3D4976)

[Sec. 8A-373. Reserved.](#BK_452C2B1CD6B0377069CF760773D1F5A7)

[Sec. 8A-374. Assurances of compliance.](#BK_E6C8612446DD2C84123EF7B3BE370F34)

[Sec. 8A-375. Presumption of continuous operation.](#BK_E22FC96AE83FEB703AF5BBD3562B2070)

[Secs. 8A-376—8A-379. Reserved.](#BK_F60DD03E0D74C16228F191EEEF5EB530)

Sec. 8A-350. Definitions.

(a) *Apprentice locksmith* shall mean a person who desires to learn the locksmithing trade through on-the-job training under the direct supervision of a licensed locksmith and has obtained a permit from the director pursuant to this article.

(b) *Article* shall mean Article XVII of the Code of Miami-Dade County, Florida, and any rules, regulations and standards promulgated pursuant to this article.

(c) *Reserved.*

(d) *Licensed locksmith* shall mean an individual who has been an apprentice locksmith for a minimum of one (1) year and who has obtained a license from the Director.

(e) Reserved.

(f) *Commission* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(g) *Compensation* shall mean money, fee, emolument, quid pro quo, barter, remuneration, pay, reward, indemnification or satisfaction.

(h) *Customer* shall mean a person who inquires about, makes a request for or purchases locksmith goods or services from a locksmith business.

(i) *Director* shall mean the Director of the Consumer Services Department or the Director's designee. This definition shall apply to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code of Miami-Dade County, Florida, when utilizing the provisions of this article.

(j) *Employer* shall mean a person who legally employs an individual for wages or salary, lists the individual on the employer's payroll records, and withholds and transmits all legally required deductions and contributions.

(k) *Employee* shall mean an individual who legally works for an employer, is listed on the employer's payroll records, and is under the employer's direction and control. An independent contractor is not an employee pursuant to this article.

(l) *Key* shall mean a properly combinated device which is or most closely resembles the device specifically intended by a lock manufacturer to operate the corresponding lock.

(m) *Key duplication machine* shall mean any device that is capable of copying or reproducing keys.

(n) *License* shall mean the authorization by the Director required by this article for a licensed locksmith to perform locksmith work.

(o) *Locksmith* shall mean any individual who for compensation, wages or salary engages in locksmith work and who has received a license under this article. This definition shall not include any person whose activities are limited to making a duplicate key from an existing key.

(p) *Locksmith business* shall mean any person advertising, offering to perform or performing locksmith work for compensation, including but not limited to locksmith contractors, mobile locksmith business operators, locksmith shops and sole proprietors.

(q) *Locksmith work* or *locksmith services* shall mean the installing, repairing, rebuilding, rekeying, repinning, recoding, servicing, adjusting, opening or modifying locks, mechanical and electronic security locking devices and peripherals, safes, vaults, safe deposit boxes and closed circuit television systems. It shall also mean originating keys for locks and the operation of mechanical or electronic security locking devices and peripherals, safes, vaults or safe deposit boxes by any means other than the means which is intended by the manufacturer.

(r) *Locksmithing tool* shall mean any tool which is designed or used to open a mechanical or electronic locking device by any means other than the means which is intended by the manufacturer.

(s) *Permit* shall mean the authorization by the Director required by this article for a person to become an apprentice locksmith by learning through on-the-job training under the supervision of a licensed locksmith.

(t) *Person* shall mean any natural person, individual, public, or private corporation, trust, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of the foregoing, jointly or severally.

(u) *Registration* or *registration certificate* shall mean the authorization by the Director required by this article for the operation of a locksmith business in Miami-Dade County.

(v) *Safe-opening tools* shall mean any tool which is designed or used to open a safe, vault, safe deposit box, or similar object by means other than the means which is intended by the manufacturer.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 95-137, § 7, 7-25-95; Ord. No. 97-69, § 4, 6-3-97; Ord. No. 97-110, § 1, 7-8-97; Ord. No. 98-110, § 1, 7-21-98; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-351. Intent and application.

(a) It is the intent of this article to seek to secure the satisfaction and confidence of customers and members of the public when utilizing a locksmith by regulating locksmiths and locksmith businesses. It is further the intent of this article to protect customers and the members of the public from unscrupulous locksmiths, persons purporting to be locksmiths, and persons who would use locksmiths to gain unauthorized access into residences, motor vehicles, and commercial establishments belonging to members of the public. In a time when home invasion and car theft are a common occurrence, it is the intent of this article to assure that persons possessing locksmithing tools have legitimate purposes for possessing such tools and that locksmiths use their knowledge and skills, whether knowingly or unknowingly, for only lawful business purposes. This article shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effectuate the purposes set forth herein and to protect the public. This article shall be known and cited as the "Miami-Dade County Locksmith Ordinance."

(b) The provisions of this article shall be deemed supplemental to all county and municipal ordinances. In the event of a conflict between any of the provisions of this article and any provision of any county or municipal ordinance, the provision which establishes the most stringent standard shall prevail.

(Ord. No. 95-23, § 1, 2-7-95)

Sec. 8A-352. Reserved.

**Editor's note—**

Ord. No. 95-137, § 3, adopted July 25, 1995, repealed former [§ 8A-352](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-352RE), relative to the locksmith consumer services board, which derived from Ord. No. 95-23, § 1, adopted Feb. 7, 1995.

Sec. 8A-353. Director's duties, functions and powers.

The duties, functions, powers and responsibilities of the Director shall include the following:

(a) Enforce all of the provisions of this article and any rules, regulations and standards promulgated thereunder.

(b) Investigate, upon the Director's initiative, any locksmith or locksmith business.

(c) Deny, revoke, and suspend business registrations, locksmith licenses and apprentice locksmith permits and impose conditions, limitations, and restrictions upon same in accordance with Sections [8A-362](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-362CRISLOBUREISRE), [8A-366](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-366CRISLOLIISLOLI), [8A-368](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-368APLOPECRIS) and [8A-370](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-370DERESUBURELOLIAPPE) of this Code. Notwithstanding the foregoing, no revocation or suspension of a business registration, locksmith license or apprentice locksmith permit by the Director shall be effective until the rendition of an appeal, if any, of such revocation or suspension pursuant to [Section 8A-357](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-357APACDEDEDIJURE) of this Code, or until the time period for filing such appeal has expired, which ever is later.

(d) Issue cease and desist orders, notices to correct violations, and any other lawful orders of the Director which shall briefly set forth the general nature of the violation of article and specify the time within which the violation shall be rectified or stopped. If an order to cease and desist or notice to correct violations or any other lawful order of the Director is not obeyed the Director shall have the power and authority to revoke or suspend the business registration, locksmith license or apprentice locksmith permit, if any has been issued, or deny the issuance of a business registration, locksmith license or apprentice locksmith permit, and take such other action authorized by this article. Notwithstanding the foregoing, no revocation or suspension of a business registration, locksmith license or apprentice locksmith permit by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-357](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-357APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, which ever is later. Orders to cease and desist, notices to correct violations, and any other lawful orders of the Director hereunder may be enforced by the Director by the institution of civil actions for mandatory and prohibitory injunctions, civil penalties, restitution and other remedies and attorney's fees as set forth in [Section 8A-356](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-356ENPRREATFECO) of the Code of Miami-Dade County in a court of competent jurisdiction.

(e) Institute civil actions or proceedings to enforce all the provisions of this article and subpoenae issued by the Director, including seeking mandatory and prohibitory injunctions, the imposition and recovery of civil penalties, restitution and such other remedies and attorney's fees as set forth in [Section 8A-356](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-356ENPRREATFECO) of this Code. Such civil actions or proceedings may be instituted by the Director whether or not a cease and desist order or notice to correct the violation or other lawful order of the Director has been issued or other administrative proceeding is pending.

(f) Prosecute through the State Attorney in the criminal courts for violations of this article.

(g) Issue subpoenae to compel the presence of any person or document or thing at any hearing, conference or proceeding authorized herein upon information or belief by the Director that a violation of any provision of this article has occurred or may occur.

(h) Upon receipt of complaints or upon the Director's initiative, investigate, inspect, sample, and test any matters regulated hereunder.

(i) Inquire into the practices, functions and policies of any and all locksmiths and locksmith businesses and make such recommendations to the Commission as the Director may deem necessary.

(j) Administer oaths and certify official acts of the Director.

(k) Apply to any judge of the circuit or county court, criminal or civil division, for the issuance of an administrative search warrant.

(l) Conduct a program for monitoring consumer satisfaction levels in the field of locksmiths and make such monitoring information available to the Commission and the public.

(m) Publish and disseminate information to the public concerning locksmiths and locksmith businesses.

(n) Provide locksmiths and locksmith businesses at least annually with information concerning the rules, regulations, and standards enacted during the immediate past year.

(o) Institute informal conferences for discussing and resolving any matter covered by this article.

(p) Enter into written assurances of compliance pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-374](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-374ASCO) of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this article.

(q) Submit to the Commission proposed rules, regulations and standards to effectuate the purposes of this article. No such proposed rules, regulations and standards shall become effective until approved by the Commission.

(r) The powers of the Director enumerated in this article shall be in addition to and not a limitation of any other powers of the Director pursuant to any other provisions of this article or any other provisions of law or ordinance.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-69, § 4, 6-3-97; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-354. Civil penalties.

In addition to any other judicial or administrative remedies or penalties provided by law, rule, regulation or ordinance, any person who violates any of the provisions of this article, any cease and desist order of the Director, any notice to correct a violation or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article with respect to matters regulated under this article or any other lawful order of the Director or any condition, limitation, or restriction of a registration, license or permit issued by the Director, shall be subject to the judicial imposition and recovery of a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) per offense. Each day during any portion of which such violation occurs or continues to occur constitutes a separate offense. Such monies recovered by the Director shall be deposited in a separate county fund to be used exclusively for enforcement of this article.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-355. Criminal penalties.

In addition to any other judicial or administrative remedies or penalties provided by law, rule, regulation or ordinance, if any person intentionally violates or fails or refuses to obey or comply with any of the provisions of this article or any lawful order of the Director or any cease and desist order of the Director or any notice to correct a violation of the Director or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article, or any condition, limitation, or restriction of a business registration, locksmith license, or apprentice locksmith permit, issued by the Director, such person, upon conviction of any such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the county jail, or both, in the discretion of the court. Each day or portion thereof of continuing violation shall be deemed a separate offense.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-356. Enforcement procedure; remedies; attorney's fees; costs.

(a) It shall be unlawful for any person to violate any of the provisions of this article. In addition to any other judicial or administrative remedies provided by law, rule, regulation, ordinance, or this article, the Director shall have the following judicial remedies available to enforce the provisions of this article:

(1) The Director may institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of any of the provisions of this article.

(2) The Director may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) for each violation of any of the provisions of this article. Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(3) The Director may institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief:

(i) To recover any sums and costs expended by the Director for tracing, investigating, preventing, controlling, abating or remedying any violation of any of the provisions of this article.

(ii) To provide restitution to any customers injured by any violation of any of the provisions of this article.

(b) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director under any of the provisions of this article, the trial court, or, in the event of an appeal in which the Director prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this article by the Director. Cessation of any violation of any of the provisions of this article whatsoever, prior to rendition of a judgment or entry of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this article, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director, for which attorney's fees shall be awarded by the trial court as set forth hereinabove.

(c) All the judicial and administrative remedies in this article are independent and cumulative.

(Ord. No. 95-23, § 1, 2-7-95)

Sec. 8A-357. Appeals from actions, decisions or determinations of the Director; judicial review.

(a) Any person regulated by this article who is aggrieved by any action, decision or determination of the Director pursuant to this article may request an administrative hearing before a Hearing Officer to appeal the action, decision or determination of the Director which resulted in the grievance. Appeal by administrative hearing of the action, decision or determination complained of shall be accomplished by filing a written request with the Director within fifteen (15) days after the date of the action, decision or determination complained of, a written notice of appeal which shall set forth the nature of the action, decision or determination to be reviewed and the basis for the administrative hearing. A timely request for administrative hearing shall be scheduled and heard by a Hearing Officer pursuant to [Section 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, Florida. Customers shall not be deemed to be persons regulated by this article for the purposes of this section. The Hearing Officer shall set the matter for hearing on the earliest practicable regularly scheduled hearing date or as soon as possible, but no sooner than ten (10) days after the request has been filed and shall cause notice of the hearing to be served upon the aggrieved party by first class mail. The notice may include, but not be limited to, the applicable Sections of [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(b)(2) through (9) of the Code of Miami-Dade County, Florida. The Hearing Officer shall hear and consider all relevant facts in accordance with the procedures set forth in Sections [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(e), (f), (g), (i), (j), (k), (l), (m)(2) and (n) of the Code of Miami-Dade County (any reference in these sections to Inspector shall mean "Director" and to violator shall mean "the person filing the appeal", and may affirm, modify or reverse the action, decision or determination appealed from. The decision of the Hearing Officer shall constitute final administrative review and no rehearing shall be permitted. Nothing herein shall be construed to prevent or prohibit the Director from instituting any civil or criminal action or proceeding authorized by this article at any time.

(b) The Director, the Miami-Dade County Consumer Advocate, or any person regulated by this article who is aggrieved by any decision of the Hearing Officer may appeal a final order of the Hearing Officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with procedures and within the time provided by the Florida Rules of Appellate Procedure for review of administrative action. The words "action," "decision" and "determination" as used herein shall not include the filing or institution of any action, conference or proceeding by the Director in any court or otherwise. Customers shall not be deemed to be persons regulated by this article for the purposes of this section.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-69, § 4, 6-3-97)

Sec. 8A-358. Private cause of action.

Any person who suffers a loss as a result of a violation of any of the provisions of this article, any lawful order of the Director, any cease and desist order or notice to correct a violation issued by the Director or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article, may recover compensatory damages, punitive damages, restitution, attorney's fees, and court costs from the person committing such violation. Nothing herein shall be construed to require the Director to bring any such action on behalf of a private person.

(Ord. No. 95-23, § 1, 2-7-95)

Sec. 8A-359. Exemptions.

(a) This article shall not apply to the following persons as long as these persons do not hold themselves out to the public as locksmiths:

(1) Any person or his or her agent or employee who is the manufacturer of a product other than locks and keys and who installs, repairs, opens or modifies locks for that product or who makes keys for the locks of that product as a normal incident to that product's marketing.

(2) Tow truck operators or repossessors who do not originate keys for locks and whose locksmith services are limited to gaining access to motor vehicles in the normal course of their duties, except that tow truck operators shall comply with [Section 8A-369](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-369PRPR)(b). Tow truck operators and repossessors may possess tools exclusively designed to open motor vehicles.

(3) Any person or his or her agent or employee whose activities are limited to making a duplicate key from an existing key with a key duplication machine, except that such person or his or her agent or employee shall comply with the provisions in [Section 8A-369](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-369PRPR)(p), (q), and (r).

(4) Members of law enforcement, fire rescue and other emergency government service agencies who provide life threatening opening services in their official line of duty.

(5) Sales representatives of key and lock manufacturers who make bona fide sales demonstrations to locksmiths.

(6) Members of the building trades such as carpenters, construction workers and contractors who install or remove complete locks, locking devices or access control devices during the normal course of residential or commercial new construction.

(7) Any person or his or her agent or employee whose activities are limited to installing, maintaining, repairing, altering, adding or changing any system electrically energized, in whole or in part, for the detection, prevention or control of burglary, fire, noxious gases, liquid or atomic radiation as set forth in [Section 10-2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-2CECOLIRECLSCWO)(II)(B)(3) and (4) in the Code of Miami-Dade County.

(8) An individual who performs locksmith services for himself or herself or for his or her immediate family members without compensation.

(9) Any person who performs locksmith work or services on nonresidential public facilities, equipment or vehicles arising out of his/her job duties as a public employee for a public employer.

(10) Any retail establishment for which the only locksmith services provided are re-keying or re-combination services or both provided that:

(i) The services provided by the retail establishment are limited to re-keying and re-combination of locks.

(ii) All re-keying, re-combination, and installation of locks take place on the premises of the retail establishment.

(iii) All re-keying, re-combination, and installation services provided by the retail establishment are limited to locks purchased on the retail establishment premises.

(iv) All agents and employees of the retail establishment performing these services are trained by the manufacturer of the locks to perform these services, and the manufacturer issues written evidence to the retail establishment demonstrating that said agent or employee has been adequately trained.

(v) No agent or employee of the retail establishment shall advertise or represent himself or herself to be a locksmith under this article.

(vi) No agent or employee of the retail establishment shall design or implement a master key system.

(vii) No agent or employee of the retail establishment shall re-key, change the combination of, alter, or install any automotive locks;

(viii) The retail establishment carries minimum combined liability insurance of one million dollars ($1,000,000.00).

(ix) The retail establishment, in the ordinary course of business, performs criminal background investigations of all employees performing services, and does not employ any person who does not meet the requirements set forth in Sections [8A-362](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-362CRISLOBUREISRE)(a)(3) and (4) and Sections [8A-366](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-366CRISLOLIISLOLI)(a)(4) and (5) of this Code.

(x) The retail establishment does not have on its premises any locksmith tool as defined in [Section 8A-350](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-350DE)(q) other than key duplication machines, key blanks, and pin kits; and

(xi) All documentation referenced above regarding evidence of training, and results of criminal background investigations are kept on the premises of the retail establishment and are available for inspection and copying to authorized County employees and agents as well as to all law enforcement personnel during normal business hours.

(b) This article shall apply to all locksmith and locksmith businesses including locksmiths and locksmith businesses that perform work on motor vehicles. However, this article shall not apply to motor vehicle repair shops, mechanics and technicians who service, install, repair, or rebuild automotive locks, provided that they do not hold themselves out to the public as locksmiths and they comply with the provisions of Article VIIA, Miami-Dade County Motor Vehicle Repair Ordinance.

(c) Notwithstanding any other provision of this Code, locksmiths who are registered, licensed or authorized pursuant to this article shall be exempt from Article VIIA, [Chapter 8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) and Article VI, [Section 10-2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-2CECOLIRECLSCWO) of the Code of Miami-Dade County, Florida.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-110, § 1, 7-8-97; Ord. No. 97-159, § 1, 9-23-97; Ord. No. 98-110, § 1, 7-21-98; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-360. Registration of locksmith business.

(a) Unless otherwise exempt pursuant to provisions of this article, no person shall operate a locksmith business in Miami-Dade County, Florida without first obtaining a registration from the Director pursuant to this article and maintaining such registration as required herein.

(b) Any person who operates a locksmith business in Miami-Dade County shall obtain registration annually or biannually from the Director.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-361. Application for registration of locksmith business; renewal registration; and replacement registration.

(a) Each application for registration, renewal registration and duplicate registration shall be on a form prescribed by the Director and shall be accompanied by a fee in such amount as shall be established by administrative order of the county manager. Said fee shall be effective upon approval by the Commission. All fees collected shall be deposited in a separate county fund to be utilized solely for the administration and enforcement of this article. No part of said fund shall be used for purposes other than the aforesaid.

(b) Each application for registration shall contain the following information:

(1) Legal business and trade name;

(2) Current telephone number and mailing address from which the locksmith business operates a main office and, if applicable, branch office(s);

(3) Proof of registration of fictitious name;

(4) Proof of occupational license(s);

(5) Federal tax identification number;

(6) If the application for registration is by an individual, then the applicant's full name, current address, telephone number, and the full name, current address and telephone number of the individual to be actively in charge of the locksmith business for which registration is sought;

(7) If the application for registration is by a partnership, then the full names, current addresses, and telephone numbers of all general partners, the Florida registered agent if a limited partnership, and the full name, current address and telephone number of the individual to be actively in charge of the locksmith business for which the registration is sought;

(8) If the application for registration is by a corporation, then the full names, addresses, and phone numbers of its owners or corporate officers and directors, the federal tax identification number of the corporation, the Florida registered agent of the corporation, the date and place of incorporation, a statement listing the names of any other corporations, entities or trades names through which any owner, director or officer of the registrant was known or did business as a locksmith within five (5) calendar years preceding the date upon which the corporation is submitting the application for registration, and the full name, current address and telephone number of the individual to be actively in charge of the locksmith business for which the registration is sought;

(9) The full name, current address and license number of all locksmiths who are currently employed with the locksmith business for which registration is sought;

(10) The full name, current address and permit number of all apprentices in the employ of the locksmith business.

(11) Minimum of twenty-five thousand dollars ($25,000.00) in combined liability insurance;

(12) Worker's compensation insurance as required by Chapter 440 of the Florida Statutes, a State certificate of exemption, or a letter from the registrant affirming that such coverage is not required by law;

(13) One set of fingerprints and two (2) photographs taken by Miami-Dade Police Department for the individual applicant, for each general partner of a partnership, or for each owner, officer or director of a corporation;

(14) List of all convictions, in any jurisdiction, whither or not adjudication has been withheld, for felonies, misdemeanors or ordinance violations (excluding traffic violations), for robbery, burglary, larceny, theft, possession of stolen goods, possession of a stolen car, breaking and entering, or any other crime related to locksmithing for the past five (5) years for the individual applicant, for each general partner of a partnership or for each owner, officer or director of a corporation;

(15) List of all convictions, in any jurisdiction, whether or not adjudication has been withheld, of any felony involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer, or as a habitual violent felony offender.

(16) Such other relevant items or information as may be required by the Director which are consistent with the provisions of this article.

(c) The application shall be subscribed, verified and signed by the individual applicant, all general partners of a partnership, or any authorized officer or director of the corporation.

(d) A person operating a locksmith business at more than one (1) location in Miami-Dade County, Florida shall file a single application for registration annually, which together with the other information required by this article, shall clearly indicate the location of and the individual in charge of each locksmith business location. Application fees shall be required for each locksmith business location.

(e) Renewal of locksmith business registration.

(1) Renewal of registration may be staggered by the Director to facilitate the workload.

(2) The renewal registration application shall be accompanied by a fee as prescribed in [Section 8A-361](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-361APRELOBURERERERE)(a).

(3) A locksmith business may continue to operate after the expiration date of the registration, pending approval of the renewal application by the Director, if the completed renewal application with applicable fees has been received by the Director on or before the expiration date. If a completed renewal application with applicable fees is filed after the expiration date, the locksmith business may operate from and after the date on which the completed application with applicable fees is received by the Director, pending approval of the renewal application by the Director. A late renewal fee in such amount as established by administrative order of the County Manager shall be required by the Director if the application for renewal registration is received by the Director after the expiration date of the registration.

(4) A locksmith's suspended registration is subject to expiration and shall be renewed as provided in this article. Application for renewal of the registration does not entitle the locksmith to engage in locksmith work and the Director shall not issue a renewal registration until the period of suspension is terminated.

(f) Any person who operates a locksmith business who desires to change any material aspect of the locksmith business shall provide the Director with written notice and proof of the change accompanied by the required fee, if a replacement registration is required. No registration shall be valid for any locksmith business under any other name or at any place other than that designated in the registration unless the Director is notified in writing no later than thirty (30) days after occurrence of the change.

(g) Change of ownership.

(1) In the event of a change in ownership of a locksmith business, a new registration and payment of new registration fees shall be required. The locksmith business may continue to operate provided the locksmith business has filed a completed application for registration with the Director and paid all applicable fees. For purposes of this subsection "change of ownership" shall mean a change in the ownership or operators of a locksmith business which is individually owned or a partnership.

(2) Corporations owning or operating a locksmith business which has a change of ten (10) percent or more of the ownership of the corporation shall notify the Director of the change no later than thirty (30) days after the date of the change.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-110, § 1, 7-8-97; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-362. Criteria for issuance of locksmith business registration; issuance of registration.

(a) The criteria for issuance of registration by the Director shall be:

(1) Compliance by the applicant with all the applicable provisions of this article and any rules, regulations and standards promulgated thereunder;

(2) Timely submission to the Director of a completed application and applicable fees by the filing date as prescribed by the Director; and

(3) Absence of any plea of nolo contendere, plea of guilt, finding of guilt or conviction within the past five (5) years, in any jurisdiction, of a felony, misdemeanor, or ordinance violation for robbery, burglary, larceny, theft, possession of stolen goods, possession of stolen car, breaking and entering, or any other crime related to locksmithing, whether or not adjudication has been withheld. Effective October 1, 2000, any plea of nolo contendere, plea of guilt, finding of guilt or withhold of adjudication shall only be considered if the applicant files an application for the first time or has not filed timely and successive renewal applications.

(4) Absence of any plea of nolo contendere, plea of guilt, finding of guilt, or conviction, in any jurisdiction, whether or not adjudication has been withheld, of any felony involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer, or is a habitual violent felony offender.

(5) At least one (1) licensed locksmith in the employ of the locksmith business.

(b) An incomplete application shall be considered to be abandoned if an applicant fails to complete his or her application within sixty days from the date that the application was filed with the Consumer Services Department. An application submitted subsequent to the abandonment of a former application shall be treated as a new application. Registration certificates may be issued by the Director subject to such conditions, limitations, and restrictions necessary to protect customers provided said conditions, restrictions and limitations are consistent with the provisions of this article. Violation of such a condition, limitation, or restriction of a registration certificate shall be a violation of this article.

(c) Upon determining that the applicant has qualified for registration pursuant to this article, the Director shall issue a registration certificate in the form and size prescribed by the Director. Such registration certificate shall be prominently displayed to the public in the primary location of the locksmith's business. The registration number appearing on the registration certificate shall appear on all advertisements, forms, commercial motor vehicles and uniforms of the locksmith business.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-363. Prohibition on publication of written advertisements without registration number.

(a) No person may knowingly publish an advertisement in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, Florida, which advertisement identifies a business offering locksmith work regulated by this article, unless the advertisement includes the registration number issued by the Director.

(b) For the purposes of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other written statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading, where the heading describes or encompasses any kind of work regulated under this article.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-110, § 1, 7-8-97; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-363.1. Reserved.

**Editor's note—**

Ord. No. 01-03, § 1, adopted Jan. 23, 2001, repealed [section 8A-363.1](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-363.1RE) in its entirety. Former [section 8A-363.1](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-363.1RE) pertained to limited authorization required, and derived from Ord. No. 97-110, § 1, adopted July 8, 1997.

Sec. 8A-364. Locksmith license.

(a) Unless otherwise exempt pursuant to provisions of this article, no individual shall perform work as a locksmith in Miami-Dade County, Florida, without first obtaining a locksmith license from the Director pursuant to this article and maintaining such license as required herein.

(b) Any individual who performs work as a locksmith in Miami-Dade County, Florida shall obtain a license annually or biannually from the Director.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-365. Application for locksmith license; renewal license.

(a) Each application for a license, renewal license, and replacement license shall be on a form prescribed by the Director and shall be accompanied by a fee in such amount as shall be established by administrative order of the county manager. Said fee shall be effective upon approval by the Commission. All fees collected shall be deposited in a separate county fund to be utilized solely for the administration and enforcement of this article. No part of said fund shall be used for purposes other than the aforesaid. An owner of a locksmith business registered under [Section 8A-360](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-360RELOBU) and who is a locksmith may obtain a license without having to pay the individual license fee or resubmit the items in Section (b)(7) and (8) of this Section.

(b) Each application for a license shall contain the following information:

(1) Full name, current residence address, telephone number, date of birth, and social security number or federal tax identification of the individual applying for a license;

(2) Reserved;

(3) The number of years the individual applicant has performed locksmith work for compensation;

(4) Reserved;

(5) Reserved;

(6) The name, address, telephone number and registration number of the locksmith business that the individual operates or is employed by;

(7) List of applicant's convictions, in any jurisdiction, whether or not adjudication has been withheld, for felonies, misdemeanors and ordinance violations (excluding traffic violations), for robbery, burglary, larceny, theft, possession of stolen goods, possession of a stolen car, breaking and entering, or any other crime related to locksmithing for the past five (5) years;

(7.5) List of all convictions, in any jurisdiction, whether or not adjudication has been withheld, of any felony involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer, or as a habitual violent felony offender.

(8) Set of fingerprints and two (2) photographs taken by the Miami-Dade Police Department for the individual applicant;

(9) Other such relevant items or information as may be required by the Director which are consistent with the provisions of this article.

(c) The application shall be subscribed, verified and signed by the applicant.

(d) Renewal of locksmith license.

(1) Renewal of the license may be staggered by the Director to facilitate the workload.

(2) The renewal license application shall be accompanied by a fee as prescribed in [Section 8A-365](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-365APLOLIRELI)(a).

(3) Reserved.

(4) A locksmith may continue to perform locksmithing services after the expiration date of the license, pending approval of the renewal application by the Director, if the completed renewal application with applicable fees has been received by the Director on or before the expiration date. If a completed renewal application with applicable fees is filed after the expiration date, the locksmith may operate from and after the date on which the completed application with applicable fees is received by the Director, pending approval of the renewal application by the Director. A late renewal fee in such amount as established by administrative order of the County Manager shall be required by the Director if the application for renewal license is received by the Director after the expiration date of the license.

(5) A locksmith's suspended license is subject to expiration and renewal shall be sought by the suspended locksmith as provided in this article. Application for renewal of the license does not entitle the locksmith to engage in locksmith work and the Director shall not issue a renewal license until the period of suspension is terminated.

(e) Any individual who is licensed as a locksmith and who desires to change any material aspect of his or her license including but not limited to address, telephone number, shall provide the Director with written notice and proof of the change accompanied by the required fee, no later than thirty (30) days after the date of the change.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-110, § 1, 7-8-97; Ord. No. 98-110, § 1, 7-21-98; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-366. Criteria for issuance of locksmith license; issuance of locksmith license.

(a) The criteria for issuance of a license by the Director shall be:

(1) Compliance by the applicant with all the applicable provisions of this article and any rules, regulations and standards promulgated thereunder;

(2) Timely submission to the Director of a completed application and applicable fees;

(3) Reserved.

(4) Absence of any plea of nolo contendere, plea of guilt, finding of guilt, conviction or withhold of adjudication within the past five (5) years, in any jurisdiction, of a felony, misdemeanor or ordinance violation for robbery, burglary, larceny, theft, possession of stolen goods, possession of stolen car, breaking and entering, or any crime relating to locksmithing. Effective with applications submitted on or after October 1, 2000, any plea of nolo contendere, plea of guilt, finding of guilt or withhold of adjudication shall only be considered if the applicant files an application for the first time or has not filed timely and successive renewal applications.

(5) Absence of any plea of nolo contendere, plea of guilt, finding of guilt, or conviction, in any jurisdiction, whether or not adjudication has been withheld, of any felony involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer, or as a habitual violent felony offender.

(b) Incomplete applications shall be considered to be abandoned if an applicant fails to complete his or her application within sixty days from the date that the application was filed with the Consumer Services Department. An application submitted subsequent to the abandonment of a former application shall be treated as a new application. Licenses may be issued by the Director subject to such conditions, limitations, and restrictions necessary to protect customers, provided said conditions, restrictions and limitations are consistent with the provisions of this article. Violations of such a condition, limitation, or restriction of a license shall be a violation of this article.

(c) Upon determining that the applicant has qualified for a license pursuant to this article, the Director shall issue a license card in the form and size as prescribed by the Director. Such license card shall be prominently displayed on the individual at all times when performing locksmith work whether on or off the premises of the individual's primary place of work.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 98-110, § 1, 7-21-98; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-367. Apprenticeship required.

An individual may apply for a locksmith license if that individual has been an apprentice locksmith for a minimum of one (1) year. Notwithstanding the foregoing, the one (1) year apprentice locksmith requirement shall be waived if the individual submits documentary proof, on a form provided by the Director, of being actively engaged as a locksmith or as a locksmith supervisor for one (1) year out of the ten (10) years preceding the application for a locksmith license.

Verification of employment or experience or both shall be completed by the individual's supervisor or submission of at least three (3) affidavits from persons affiliated with the locksmith industry attesting to at least one (1) year of locksmith experience of the individual.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-110, § 1, 7-8-97; Ord. No. 98-110, § 1, 7-21-98; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-368. Apprentice locksmith permit; criteria for issuance.

(a) Any person unable to obtain a license as a locksmith as provided in this article who desires on-the-job training to learn to become a licensed locksmith shall apply to the Director for an apprentice locksmith permit on a form prescribed by the Director. The criteria for issuance of an apprentice locksmith permit by the Director shall be compliance by the applicant with all of the applicable requirements set forth in this article and any rules, regulations and standards promulgated thereunder, submission to the Director of a completed application for a permit and applicable fees, and meeting the requirements of Sections [8A-366](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-366CRISLOLIISLOLI)(a)(4) and (5). A permit may be renewed annually or biannually upon payment of the required renewal fee and submission of a completed renewal application as prescribed by the Director. Renewal of permits may be staggered by the Director to facilitate the workload. A late renewal fee in such amount as established by administrative order of the County Manager shall be required if the application is filed with the Director after the expiration of the permit. Permits may be issued by the Director subject to such conditions, limitations, and restrictions necessary to protect customers provided said conditions, limitations, and restrictions are consistent with the provisions of this article. Violation of such a condition, limitation or restriction of a permit shall be a violation of this article. An apprentice locksmith shall be employed by a locksmith business which has obtained a registration and shall be required to work under the supervision of a licensed locksmith during the entire time of the apprentice locksmith's employment as an apprentice locksmith; provided, however, the apprentice locksmith shall be under direct supervision of a licensed locksmith for the initial 120 days of employment.

(b) Upon determining that the applicant has qualified for a permit, pursuant to this article, the Director shall issue a permit card in the form and size as prescribed by the Director. Such permit card shall be prominently displayed on the individual at all times when performing locksmith work whether on or off the premises of the individual's primary place of work.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-110, § 1, 7-8-97; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-369. Prohibited practices.

It shall be a prohibited practice for a locksmith or locksmith business to:

(a) Perform opening services for any person on a residential, commercial, industrial or agricultural structure or safe, vault, safe deposit box or other safeguarding device, without first obtaining the address of the residential, commercial, industrial or agricultural structure or the address where the safe, vault, safe deposit box or other safeguarding device is located, and the signature of the person for whom the locksmith work is performed. The following information regarding the person requesting locksmith work on the residence, commercial, industrial or agricultural structure or the safe, vault, safe deposit box or other safeguarding device shall be recorded on a work order form: name, address, telephone number, driver's license number or other identification, and date service was performed. A copy of each work order form shall be retained for two (2) years, shall include the name and license number of the locksmith performing the service, and shall be open for inspection by the Director during business hours and in no event less than between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday or submitted to the Director upon request.

(b) Perform opening services on a motor vehicle for any person, without first obtaining the name and driver's license number or other identification of the person requesting entrance, and the registration number, license plate number or identification number of the motor vehicle upon which locksmith work is to be performed. This information together with the date the service was performed and the signature of the person requesting the locksmith work shall be set forth on a work order. A copy of each work order form shall be retained for two (2) years, shall include the license number of the locksmith performing the service, and shall be open for inspection by the Director during business hours and in no event less than between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, or submitted to the Director upon request.

(c) Fail to complete an invoice for the sale of any good or service valued at fifty dollars ($50.00) or greater. The invoice shall include: invoice number; the name, address, registration number and telephone number of the locksmith business; the name and identification number of the locksmith business employee who completed the sales transaction; the locksmith license number of the locksmith who performed the service if applicable; the name, address, telephone number, and signature of the customer; amount of good or service and amount of tax; the date of the sales transaction; brief description of the good or service; and any terms and conditions if applicable. A copy of each invoice completed shall be retained for two (2) years and shall be open to inspection by the Director during business hours and in no event less than between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday or submitted to the Director upon request.

(d) Operate a locksmith business without at least one (1) licensed locksmith in its employ.

(e) Employ a locksmith unless the locksmith is an apprentice locksmith with a valid permit or locksmith with a valid license.

(f) Engage in locksmith work without possessing a valid apprentice locksmith permit or valid locksmith license.

(g) Aid or abet a person who is not registered as a locksmith business or who is not licensed as a locksmith.

(h) Conduct a locksmith business as an individual, partnership, or corporation unless the locksmith business holds a valid registration issued to the same individual, partnership or corporation and that registration is not revoked, suspended or expired.

(i) Fail to maintain a file or record containing the name, address, commencing date of employment, position of each employee, proof of apprentice permit or locksmith license and the date of termination of employment if an employee is terminated. The files and records, together with usual payroll records, shall be available for inspection by the Director and copies thereof and information pertaining thereto or contained therein shall be submitted to the Director upon written request.

(j) Fail to include in all advertisements the name and registration number of the locksmith business as this information appears in the Director's records.

(k) Make or authorize any written or oral statements which are deceptive, fraudulent, misleading or false as to quality, quantity, characteristics, workmanship, nature, origin or source of any goods or services in order to influence, persuade or induce patronage of a customer or perform any other act which constitutes fraud or misrepresentation.

(l) Represent that services have been rendered when they have not been rendered or bill for services that have not been rendered.

(m) make or charge for services which have not been expressly or impliedly authorized by the customer or represent that certain parts or services are necessary when such parts or services are not necessary.

(n) Obtain ownership or possession of locksmithing tools, safe-opening tools, locksmith manuals or codebooks, without obtaining a valid apprentice permit or valid locksmith license.

(o) Operate a locksmith business without a minimum combined liability insurance of twenty-five thousand dollars ($25,000.00).

(p) Duplicate a key that is a restricted key or a key that states specifically it is not to be duplicated, unless the locksmith business obtains written authorization to duplicate said key for each transaction and maintains said authorization on file. The written authorization issued shall include the following information: Name, address, telephone number, driver's license, or other identification issued by a government, and the signature of the person authorized to request the duplication; the date of the request; description of the key; and specific quantity of keys to be duplicated.

(q) Fail to provide a customer with all duplicated keys, including keys made in error and keys with duplicating errors.

(r) Fail to post in a conspicuous place near the key duplication machine, a sign that is written in a legible manner, is in English, Spanish and Creole and informs the customer that under the Miami-Dade County Locksmith Ordinance that the customer is entitled to all duplicated keys including keys made in error and keys with duplicating errors.

(s) Make use of the title "licensed locksmith," "certified locksmith" or "certified master locksmith" or any words, letters or abbreviations that would denote such certification or licensure when the individual has not obtained this certification or licensure.

(t) Dispatch any employee who does not meet the requirements of Sections [8A-366](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-366CRISLOLIISLOLI)(a)(4) and (5), including an employee that does not perform locksmith work, to a customer's residence or place of business.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-110, § 1, 7-8-97; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-370. Denial, revocation and suspension of business registration, locksmith license or apprentice permits.

The Director may deny, revoke, or suspend a business registration, locksmith license, or apprentice permit issued pursuant to the provisions of this article if the Director determines that the applicant has:

(a) Violated any provision of this article;

(b) Engaged in a prohibited practice as prescribed in [Section 8A-369](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-369PRPR)

(c) Aided or abetted a person who has not obtained a registration, license or permit to evade or avoid provisions of this article;

(d) Misrepresented or concealed a fact on the application, renewal application or replacement application for registration, license or permit;

(e) Violated any condition, limitation, or restriction of a registration, license or permit imposed by the Director;

(f) Was enjoined by a court of competent jurisdiction from engaging in the trade or business of locksmithing or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article;

(g) Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance, or any other lawful order of the Director;

(h) Was convicted of a violation of this article;

(i) Pled nolo contendere, pled guilty, has been found guilty, has been convicted or has obtained a withhold of adjudication within the past five (5) years, in any jurisdiction, of robbery, burglary, larceny, theft, possession of stolen goods, possession of stolen car, breaking and entering or any crime related to locksmithing.

(j) Pled nolo contendere, pled guilty, has been found guilty, or has been convicted, in any jurisdiction, whether or not adjudication has been withheld, of any felony involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer, or as a habitual violent felony offender.

Notwithstanding the foregoing, no revocation or suspension of a license, registration or permit by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-357](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-357APACDEDEDIJURE) of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 97-69, § 4, 6-3-97; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-371. Loss, destruction, or mutilation of registration, license or permit; replacement.

In the event of loss, destruction, or mutilation of a registration, license, or permit issued pursuant to the provisions of this article, the person to whom the registration, license, or permit was issued may obtain a replacement thereof upon furnishing satisfactory proof of loss, destruction, or mutilation to the Director and payment of the applicable fee established by administrative order of the County Manager. Applications for a replacement registration, license or permit shall include the following information:

(a) Name and address of the applicant.

(b) A verified explanation of the loss, destruction, or mutilation of the registration, license or permit.

(c) Such other items and information as may be required by the Director which are consistent with the provisions of this article.

(Ord. No. 95-23, § 1, 2-7-95; Ord. No. 01-03, § 1, 1-23-01)

Sec. 8A-372. Reserved.

**Editor's note—**

Ordinance No. 97-69, § 4, adopted June 3, 1997, deleted [§ 8A-372](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-372RE) in its entirety. Formerly, such section pertained to waivers and extension of time and derived from Ord. No. 95-23, § 1, 2-7-95.

Sec. 8A-373. Reserved.

**Editor's note—**

Ordinance No. 97-69, § 4, adopted June 3, 1997, deleted [§ 8A-373](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-373RE) in its entirety. Formerly, such section pertained to procedure governing waiver and extensions of time and derived from Ord. No. 95-23, § 1, 2-7-95.

Sec. 8A-374. Assurances of compliance.

Each violation of any of the terms and conditions of a written assurance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code with respect to the matters regulated under this article shall constitute a separate offense under this article by the persons who executed the assurance, their respective officers, directors, agents, servants, and employees; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the assurance of compliance. Decisions, actions, and determinations of the Director, pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-353](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-353DIDUFUPO)(r) or assurances of compliance executed thereunder, shall not be subject to review pursuant to [Section 8A-357](../level3/PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIMIDECOLOOR_S8A-357APACDEDEDIJURE) of this Code.

(Ord. No. 95-23, § 1, 2-7-95)

Sec. 8A-375. Presumption of continuous operation.

Except as expressly provided otherwise in this article: any person operating as a locksmith business without first obtaining a registration pursuant to this article shall be presumed to be operating as a locksmith business on a continuous basis without a registration certificate from the date the registration certificate was first required by this article. Such presumption may be overcome by evidence presented by the locksmith business. This section creates a rebuttable presumption of continuous operation.

(Ord. No. 95-23, § 1, 2-7-95)

Secs. 8A-376—8A-379. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 95-23, § 1, adopted Feb. 7, 1995, amended this chapter by the addition of Art. XVIII, which provisions have been redesignated as Art. XVII so as to fall as the next sequential article in the chapter. [(Back)](#BK_A76962EC040C9CE299894694BF61F975)

### ARTICLE XVIII. MIAMI-DADE COUNTY REMETERING ORDINANCE [[17]](#BK_3CC6F68A5451FE0333E239F383E439B5)

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[Sec. 8A-382. Registration required.](#BK_A6C5611D4412A0CBB560CC4D95BAA30D)

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[Sec. 8A-384. Records and reports.](#BK_43E78D16A19F401B7B5924F0F36EA1E6)

[Sec. 8A-385. Billing.](#BK_7F470399360044A14ABAFB5B36DBFC0C)

[Sec. 8A-386. Submeters.](#BK_02521F13F2FFC1A0FBE92CB18B915F5D)

[Sec. 8A-387. Prohibited practices.](#BK_2EE5B20C93BA84C75CC76649E044898E)

[Sec. 8A-388. Administration.](#BK_ECE40CDF9FC453462F92C771CDF61657)

[Sec. 8A-389. Director's duties, functions and powers.](#BK_23FEAD5B2B670AB5607B655D7928F56A)

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[Sec. 8A-392. Civil penalties.](#BK_9D1943130FAA64CC7D02F8C049F10640)

[Sec. 8A-393. Criminal penalties.](#BK_06C46E6B8A91965C94E28FE03FBC82FB)

[Sec. 8A-394. Presumption of continuous operation.](#BK_7B5330C774AEC449700438FC89009EA7)

[Sec. 8A-395. Private cause of action.](#BK_D1D8F007AE3B5636D48618CA50C1153C)

[Sec. 8A-396. Attorney's fees and costs.](#BK_A3D347C6833589AFA500A95033CEED82)

[Sec. 8A-397. Appeals and judicial review.](#BK_A5A87E355F6F9F44E390840D17EFD3DB)

[Sec. 8A-398. Compliance with the South Florida Building Code.](#BK_BC370B2542B7CDDA550BB9F68A922EA9)

[Sec. 8A-399. Reserved.](#BK_17B242B022B97757B0E9D265BC177B70)

Sec. 8A-380. Definitions.

The following words and phrases when used in this section shall have the following meanings:

*AWWA* shall mean the American Water Works Association.

*CSD* shall mean the Miami-Dade County Consumer Services Department.

*Code* shall mean Code of Miami-Dade County.

*Commission* shall mean the Miami-Dade County Board of County Commissioners.

*Director* shall mean the Director of the CSD or his/her designee.

*Individual unit* shall mean the occupied space by a specific resident in a multiple unit property, including but not limited to individual units, common areas and swimming pools.

*Master meter* shall mean a meter used to measure all water service usage of a multiple unit property, including but not limited to individual units, common areas and swimming pools.

*Multiple unit property* shall mean a property where two (2) or more units are served by a single master meter, including but not limited to, condominiums, cooperatives, apartment and office buildings, town houses, mobile home parks and shopping centers.

*Municipality* shall mean any self-governing jurisdiction in Miami-Dade County.

*Owner* shall mean a person, firm, corporation or other business entity who owns a multiple unit property and who purchases water service from WASD at retail rates, and provides remetering.

*Partial submetering* shall mean the use of a submeter which does not measure the total water service consumption of an individual unit in a multiple unit property resulting in a prorated or estimated water service bill.

*Registration* shall mean the authorization by the Director required by this article in order to engage in remetering.

*Remeterer* shall mean a person, firm, corporation or other business entity that provides two (2) or more services to the Owner pertaining to remetering, including but not limited to, submeter installation, submeter reading, billing and record keeping.

*Remetering* shall mean the resale of water service by use of a submeter by an Owner at a rate or charge which does not exceed the Owner's actual purchase price.

*Resident* shall mean a person who purchases water service from an Owner.

*Submeter* shall mean the meter serving an individual unit of a multiple unit property and that is installed after the outlet side of the master meter that allows the reading of individual water service consumption.

*Submetering* shall mean the measuring of water service to an individual unit by placing a submeter after the outlet side of the master meter to obtain actual readings for the individual unit.

*WASD* shall mean the Miami-Dade Water and Sewer Department.

*Water service* shall mean water and/or sewer service as provided by WASD.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-381. Intent and application.

(a) It is the intent of this article to permit remetering and encourage the conservation of water resources.

(b) The provisions of this article shall be construed liberally to promote the following: To establish a comprehensive regulatory system to assure that the practice of remetering of water services and billing are just and reasonable; to assure that billing for water service at multiple unit properties is based on individual unit usage; to assure that Residents are charged fairly for the services provided by those engaged in remetering; to assure that Owners and Residents are protected from unscrupulous business practices; and to establish the rights and responsibilities of the Owner, Resident and the Remeterer.

(c) The provisions of this article shall apply to multiple unit properties utilizing water services. Effective January 1, 2009, all permit applications for new multifamily residential developments shall be required to include a submeter for each individual dwelling unit.

(d) Any Owner or Remeterer who has installed submeters and who has been individually billing Residents for water service prior to the adoption of this article shall have ninety (90) days from the date of enactment to comply with the provisions of this article.

(e) Any municipality that operates its own water utility in Miami-Dade County may petition, in writing, that the CSD enforce remetering for their retail customers provided that the municipality adopts an ordinance or resolution authorizing Miami-Dade County to regulate water remetering in its municipality. In such cases, all references to WASD shall apply to that municipality's water service.

(Ord. No. 96-137, §§ 1, 2, 9-17-96; Ord. No. 08-14, § 5, 2-5-08; Ord. No. 08-100, § 3, 9-2-08)

Sec. 8A-382. Registration required.

(a) Initial and annual registrations are required of owners and Remeterers. Each application for initial registration, renewal registration and duplicate or amended registration shall be on a form prescribed by the Director and shall be accompanied by a fee in such amount as shall be established by Administrative Order of the County Manager. Such fees shall be effective upon approval by the Commission. All fees collected shall be deposited in a separate County fund to be utilized solely for the administration and enforcement of this article. No part of such fund shall be used for purposes other than the aforesaid.

(1) Each application for registration by an Owner shall contain the following information:

a. Name, address and type of property to be remetered; Owner's name, telephone number and tax identification number and/or social security number, legal business and trade name, if applicable; names and addresses of any partners, officers, other corporations, entities or trade names through which business is conducted; number of units being remetered; name, address, contact person and telephone number of Remeterer; and name, address, contact person and telephone number of management company, if applicable.

b. Copy of sample lease or condominium agreement that states individual unit is or may be submetered.

c. Date billing is to begin and copy of bill format that meets the requirements of [Section 8A-385](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-385BI)(a)(3)f.

d. Copies of plumbing and electrical permits, where applicable.

e. Specifications, as approved by AWWA Standards, of submeters and testing equipment to be used.

f. Schedule of submeter installations pursuant to [Section 8A-387](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-387PRPR)(d), if applicable.

g. Comparison report of Owner's regular water service charges from WASD and charges billed to the Residents by the Owner for the same period of time. This requirement is not necessary during initial registration.

h. A list of all properties served in Miami-Dade County to include the property name, service address, contact person and telephone number.

i. Other additional information and items as the Director shall require to enforce the provisions of this article.

(2) Each application for registration by a Remeterer shall contain the following information:

a. Company's legal business and trade name, principal or main address and telephone number, tax identification number and/or social security number, names and addresses of any other corporations, entities or trade names through which business is conducted; and names and addresses of Business Owners or Corporate Officers.

b. Copy of occupational license permitting company to do business in Miami-Dade County.

c. Copy of Certificate of Competency as a registered or certified plumbing contractor from Miami-Dade County or the State of Florida, if applicable.

d. Proof of workers' compensation insurance coverage, as required by Chapter 440 of the Florida Statutes, or a state certificate of exemption.

e. Proof of comprehensive general liability which shall have a minimum limit of three hundred thousand dollars ($300,000.00) per occurrence combined single limit for bodily injury and property damage liability.

f. Specifications, as approved by AWWA Standards, of submeters and testing equipment to be used.

g. Other additional information and items as the Director shall require to enforce the provisions of this article.

(3) Each initial application for registration by an Owner or Remeterer who has installed submeters and has been individually billing Residents for water service usage prior to the adoption of this article shall contain, in addition to the requirements in paragraphs (1) and (2) above, the following information:

a. Comparison report of Owner's regular water service charges from WASD and charges billed to the Residents by the Owner for the same period of time.

b. Copy of the signed plumbing and/or electrical permit card or other form of approval issued by the appropriate governmental agency of jurisdiction for the installed submeters.

(b) Any change in ownership, address, telephone number, contact person or other information recorded on a registration application shall be reported to the Director, in writing, within ten (10) days of the change.

(c) Registrations shall become effective upon the date the application is approved by the Director. Completed renewal applications must be submitted to the Miami-Dade County Consumer Services Department, by mail or in person, at least thirty (30) days prior to the expiration of the registration. An incomplete application shall be considered abandoned if an applicant fails to complete their application within sixty days from the date that the application is filed with the CSD. An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

(Ord. No. 96-137, §§ 1, 2, 9-17-96; Ord. No. 03-44, § 1, 3-11-03)

Sec. 8A-383. Regulations.

(a) Employees of the Owner and Remeterer performing work related to remetering, including but not limited to, submeter readers and submeter testers, shall display identification reflecting the Owner's or Remeterer's name and logo.

(b) Only individual units may be submetered and each submeter shall only serve one (1) unit.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-384. Records and reports.

(a) The Owner shall maintain the following records and reports:

(1) Name, address and telephone number of Owner; name, address and telephone number of the Remeterer; and name, address and telephone number of management company, if applicable.

(2) Person to be contacted concerning questions or complaints about service and billing.

(3) Resident's name and location of each unit being submetered.

(4) Copies of the plumbing and electrical permits, where applicable.

(5) Specifications, as approved by AWWA Standards, of submeters and testing equipment to be used on the subject property.

(6) Other information as may be required by CSD to enforce the provisions of this article.

(b) Resident access to submetering records. Upon reasonable request of a Resident, the Owner shall make available for the Resident's inspection, at an agreed upon time and place, the following records during normal business hours (normally, Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m.):

(1) The billing from WASD to the Owner for the current month and the twelve (12) preceding months.

(2) The calculation for billing, i.e., gallons or hundred (100) cubic feet (ccf), for the current month and the twelve (12) preceding months.

(3) All submeter readings and Resident billings for the individual unit for the current month and the twelve (12) preceding months.

(4) All submeter test results for the individual unit for the current month and the twelve (12) preceding months.

(5) Documentation of separate account records for rent and/or maintenance fees and submetered water bills, including date of transaction, as required in [Section 8A-385](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-385BI)(a)(3)d.

(c) Submeter records and reports. The Owner and/or Remeterer shall maintain the following submeter records and reports.

(1) Submeter equipment record. A record of all submeters, showing the Resident's name and address, date of installation, submeter serial number and date of the last certified test.

(2) Record of submeter tests. All submeter tests shall be referenced in the submeter record required by this section. The record of each test made shall show the serial number of the submeter, the type and manufacturer of the submeter and any testing equipment used, the date of calibration and certification of the testing equipment, unit number where submeter is installed, the date and type of test made, who performed the test, the error and/or accuracy percentage of testing and mathematical data to permit verification of all calculations.

(d) Records and reports pertaining to paragraphs (a) and (b) above must be maintained for a period of four (4) years. Records and reports pertaining to paragraph (c) above must be maintained for a period of ten (10) years. All records and reports shall be provided and/or made available to the CSD upon request in Miami-Dade County.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-385. Billing.

(a) The billing process for remetering activities shall be as follows:

(1) Sale/rental agreement for submetering. All sale/rental agreements between the Owner and the Resident shall clearly state that the unit is or may be submetered, that bills for water service will or may be issued on a submetered basis, and that bills shall not include charges for water service for common areas and facilities. The Resident shall initial this provision on the sale/lease agreement. Each Owner shall provide the Resident, at the time the sale/lease is signed, a copy of a narrative summary prepared by CSD (one (1) copy will be provided by the CSD to the Owner) to inform the Resident about remetering. Current Residents must be notified of the information required in this section ninety (90) days prior to the implementation of the service, unless notice was otherwise provided in the Resident's sale/rental agreement.

(2) Condominiums, cooperatives and other such properties in which the units are owned by the Residents shall be billed in the same manner as paragraph (1) above. All common area's water service usage shall be paid by all owners of the association as designated in their by-laws.

(3) Rendering and form of submetered bill.

a. Bills shall be rendered for the same billing period as that of WASD, generally monthly or quarterly, unless service is rendered for less than that period. The submeters shall be read either during or no later than five (5) business days (excluding weekends and legal holidays) after WASD's scheduled window for reading the master meter. Bills shall be rendered as promptly as possible following the reading of the submeters.

b. The billing rate shall be that used by WASD in its billing to the Owner for water service.

c. The Owner shall ensure that water service consumption billed to each individual unit is only for each unit's submetered usage.

d. A separate bill must be issued with the submetered billing information, separate and distinct from any other charges, and shall not be combined with the sale, rental and/or maintenance payment or with any other service provided to the Resident.

e. The bill shall reflect only submetered usage and the applicable taxes.

f. The Resident's water service submeter bill shall show all of the following information:

1. The date and submeter reading of the period for which the bill is rendered.

2. The prior and current submeter readings.

3. The total gallons of ccf of water service being billed.

4. The computed rate for gallons or ccf being billed.

5. The total amount due for water service used and applicable taxes.

6. The name and address of the Resident to whom the bill is issued.

7. The name of the company rendering the submetering bill and the address and telephone number of the person or section from that firm that is to be contacted in case of a billing dispute.

8. The date by which the Resident must pay the bill.

9. The name, address and telephone number of the party to whom payment is to be made, if different from paragraph 7. above.

10. If it is an estimated bill, the bill shall be distinctly marked as such.

11. The telephone number of the CSD with a statement that indicates the CSD may be contacted if disputes are not resolved amicably with Owners and Remeterers.

(4) Due date. The due date of the bill shall not be less than fifteen (15) days after issuance. A bill for service may be considered delinquent if not received by the due date. The postmark date, if any, on the envelope of the bill or on the bill itself shall constitute proof of the date of issuance. An issuance date on the bill shall constitute proof of the date of issuance if there is no postmark on the envelope or bill. If the due date falls on a holiday or weekend, the due date for payment purposes shall be the next business day after the due date.

(5) Disputed bills. In the event a Resident disputes a bill, the Resident shall provide written notice to the Owner which specifically states the reason for the dispute. The Owner shall forthwith conduct an investigation and report the results, in writing, to the Resident within thirty (30) days. The investigation and report shall include, but not be limited to, the nature of the complaint; how the complaint was investigated; an explanation of the results, which shall include identification of any leaks, damaged pipes and running toilets; and, the corrective measures taken or the justification for the bill. A corrected bill must be issued if the disputed bill was found to be in error.

(6) Overbilling and underbilling. If billings are found to be in error, the Owner and/or the Remeterer shall calculate a billing adjustment. If the Resident is due a refund, an adjustment shall be made for the entire period of the overcharges. If the Resident was undercharged, the Owner and/or Remeterer may backbill the Resident for the amount which was underbilled for a period not to exceed six (6) months. If the underbilling is twenty-five dollars ($25.00) or more, the Resident shall be offered a deferred payment plan option, for the same length of time as that of the underbilling. Adjustments for usage by a previous Resident may not be backbilled to the current Resident, except that condominium associations may transfer liabilities from owner to owner according to their condominium by-laws.

(7) Delinquent accounts. A one-time per month penalty on current billing not to exceed ten (10) percent of current billing, or a flat rate fee not to exceed ten (10) percent of current billing, may be applied to delinquent accounts. If such penalty is applied, the bill shall indicate the amount due if paid by the due date and the amount due if the late penalty is incurred. No late penalty may be applied if the Resident has not been informed, in writing, of this condition and of the exact dollar amount or percentage amount of such late penalty. No late penalty may be applied if the bill is in dispute until ten (10) days after the dispute has been resolved.

(8) Owners and remeterers shall not impose any extra charges on the Resident over and above the water service charges and including the applicable taxes that are billed by WASD to the Owner. The bill may not include a deposit, reconnect charge, or additional late penalty, other than as provided in item (7) above.

(b) Estimated submetering bills. Estimated bills shall not be rendered unless:

(1) The submeter has been tampered with or bypassed. The estimated billing shall not exceed two (2) billing periods.

(2) The submeter is found not to be in conformance with AWWA accuracy standards or has stopped and found not to register for any period. The Owner may impose an estimated charge for a period not to exceed one (1) billing period, based on amounts used under similar conditions by the same resident during periods preceding or subsequent thereto, or during the corresponding period in previous years.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-386. Submeters.

(a) Submeter requirements are as follows:

(1) *Use of submeter.* All water resold by an Owner shall be charged for by submeter measurements. The submeter shall conform to AWWA Standards C700, C708 or C710. All submeters shall be rated for a working pressure of at least 150 psi.

(2) *Installation by Owner and/or Remeterer.* Each Owner and/or Remeterer shall be responsible for providing, installing and maintaining in good working condition all submeters necessary for the measurement of water service to the Residents. A shut-off valve shall be installed on the water line on the inlet side of the submeter.

(3) *Tamper-proof seal.* Each submeter must have a tamper-proof seal or device. This seal or device shall be clearly noticeable to detect if the submeter has been tampered with.

(4) *Submeter readings.* Each submeter shall indicate clearly the gallons and/or ccf of water for which charge is made to the Resident.

(5) *Location of submeters.* Submeters and shut-off valves used in conjunction with the submeters shall be installed in accordance with AWWA Standards, and shall be accessible for reading, testing and inspection where such activities will cause minimum interference and inconvenience to the Resident.

(b) Submeter testing.

(1) *[Tested and inspected for applicable size and type submeter.]* All submeters must be tested and inspected, within the time intervals recommended by the AWWA for the applicable size and type submeter, by a facility that is accredited and in compliance with AWWA Standards.

(2) *Accuracy requirements for submeters.* Submeters shall be tested for accuracy of registration at flow rates and test flow quantities in accordance with the applicable AWWA Standard.

(3) *Submeter tests requested by the Resident.* Each Owner shall, upon a reasonable written request from the Resident and, if the Resident so desires, in the presence of the Resident or their authorized representative, perform a test of the accuracy of the submeter. Prior to scheduling the test, the Resident shall be advised of their liability, if any, for the testing and plumbing charge pursuant to paragraph (4) below. The test shall be made during normal business hours (normally, Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m.), at a time convenient to the Resident desiring to observe the test. Submeter tests must be performed by an accredited and certified water meter testing facility.

(4) *[Test results.]* Following completion of any test pursuant to paragraph (3) above, the owner shall advise the Resident in a timely manner but not to exceed sixty (60) days, in writing, of the test results. if the test results are within the AWWA Standard for the applicable water meter, the Owner may charge a reasonable testing and plumbing charge to the Resident. If the submeter's accuracy is not within the appropriate accuracy standards, no charge shall be made to the Resident for the test.

(5) *Submeter tests prior to installation.* No submeter shall be placed into service unless it has been factory tested or tested by a certified testing facility to comply with AWWA Standards for accuracy. A certification of accuracy shall be required and made available to the CSD upon request. If any submeter is removed from service and replaced by another submeter for any purpose whatsoever, the CSD must be notified, in writing, of the serial number of the new submeter placed in the unit.

(c) Submeter testing facilities and equipment.

(1) Each Owner shall provide or have access to suitable measuring instruments for insuring the accuracy of shop and portable instruments used for testing submeters used in billing.

(2) All testing equipment shall be submitted once each year to a standardizing laboratory of recognized standing, for the purpose of testing and adjustment, and shall be accurate to within twenty-five hundredths (0.25) percent of the actual quantity of water, in accordance with AWWA Standards. Owners and Remeterers who do not own testing equipment must use an AWWA accredited facility to do testing when needed and obtain from them proof that instruments used have been tested and adjusted yearly.

(3) All shop and portable instruments used for testing submeters used in billing shall be calibrated by comparing them with a reference standard at least once each year. Test equipment shall at all times be accompanied by a certified calibration card signed by an AWWA approved facility, giving the date when it was last certified and adjusted. Records of certifications and calibrations shall be kept on file in the office of the Remeterer, Owner or the Owner's designee for no less than four (4) years.

(Ord. No. 96-137, §§ 1, 2, 9-17-96; Ord. No. 03-44, § 1, 3-11-03)

Sec. 8A-387. Prohibited practices.

(a) It shall be unlawful for any person, firm, corporation or other business entity to engage in remetering in violation of the provisions of this article or to individually bill for water service other than by remetering.

(b) It shall be unlawful for any person, firm, corporation or other business entity to engage in the resale of water service without registering with the CSD.

(c) It shall be unlawful for any person, firm, corporation or other business entity to resell water service by use of a submeter at a rate or charge which exceeds the actual purchase price from WASD.

(d) No unit may be submetered unless all units are submetered in each building served by a master meter; provided, however, a building may be submetered in phases over a twelve-month period in accordance with a schedule filed with the CSD.

(e) The submeters cannot be used to avoid water main extensions or payment of appropriate connection charges and other fees due to WASD.

(f) Partial submetering and its billing based on a proration of water service is prohibited.

(g) It shall be unlawful for Owners to make a profit from remetering.

(h) It shall be unlawful for any person, firm, corporation or other business entity to place a submeter in use that is not registering in accordance with the AWWA specifications set forth in this article.

(i) Disconnection of water service by an Owner or a Remeterer for delinquent bills is prohibited. Water service may only be disconnected for emergency purposes, such as water service line problems, leakage, flooding or in the event that a dangerous condition exists which is related to the service being provided.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-388. Administration.

The CSD shall be responsible for the administration and enforcement of the provisions of this article.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-389. Director's duties, functions and powers.

(a) The duties, functions, powers and responsibilities of the Director shall include the following:

(1) Enforce all of the provisions of this article and any regulations promulgated thereunder.

(2) Upon receipt of complaints or upon the Director's initiative, investigate, inspect, sample and test any matters regulated hereunder.

(3) Issue, deny, revoke and suspend registrations and impose conditions, limitations and restrictions upon same in accordance with [Section 8A-382](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-382RERE) and [Section 8A-391](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-391DESURE) of this Code.

(4) Issue cease and desist orders, notices to correct violations and any other lawful orders of the Director which shall briefly set forth the general nature of the violation of this article and specify the time within which the violation shall be rectified or stopped. If an order to cease and desist or notice to correct violations or any other lawful order of the Director is not obeyed, the Director shall have the power and authority to revoke or suspend the registration of the person, firm, corporation or other business entity engaged in remetering, or deny the issuance of registration and take such other action authorized by this article. Notwithstanding the foregoing, no revocation or suspension of a registration by the Director shall be effective until the rendition by the hearing officer of the appeal, if any, of such revocation or suspension pursuant to [Section 8A-397](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-397APJURE) of the Code of Miami-Date County, Florida, or until the time period for filing such appeal has expired, whichever is later. Orders to cease and desist, notices to correct violations and any other lawful orders of the Director hereunder may be enforced by the institution by the Director of civil actions for mandatory and prohibitory injunctions, civil penalties and other remedies and attorney's fees as set forth in [Section 8A-396](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-396ATFECO) of the Code of Miami-Dade County in a court of competent jurisdiction.

(5) Institute civil actions or proceedings to enforce all the provisions of this article and subpoena issued by the Director or the hearing officer, including seeking mandatory and prohibitory injunctions, the imposition and recovery of civil penalties, restitution and such other remedies and attorney's fees as set forth in [Section 8A-396](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-396ATFECO) of the Code. Such civil actions or proceedings may be instituted by the Director regardless of whether a cease and desist order or notice to correct the violation or other lawful order of the Director has been issued or other administrative proceeding is pending.

(6) Prosecute through the State Attorney in the criminal courts for violations of this article.

(7) Issue subpoena to compel the presence of any person or document or thing at any hearing, conference or proceeding authorized herein upon information or belief by the Director that a violation of any provision of this article has occurred or may occur.

(8) Inquire into the practices, functions and policies of Owners and/or Remeterers and make such recommendations to the Commission as the Director may deem necessary.

(9) Administer oaths and certify official acts of the Director.

(10) Investigate, upon the Director's initiative, the practices of any Owner and/or Remeterer.

(11) Apply to any judge of the circuit or county court, criminal or civil division, for the issuance of an administrative search warrant.

(12) Conduct a program for monitoring consumer satisfaction levels in the field of remetering and make such monitoring information available to the Commission and the public.

(13) Institute informal conferences for discussing and resolving any matter covered by this article.

(14) Publish and disseminate information to the public concerning remetering.

(15) Submit to the Commission additional rules, regulations and standards to effectuate the purposes of this article. No such proposed rules, regulations or standards shall become effective until approved by the Commission by ordinance.

(16) Enter into written assurances of compliance pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-390](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-390ASCO) of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this article.

(17) The powers of the Director enumerated herein shall be in addition to and not a limitation of any other powers of the Director pursuant to any other provisions of this article or any other provisions of law or ordinance.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-390. Assurances of compliance.

Each violation of any of the terms and conditions of a verified, written assurance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code with respect to the matters regulated under this article shall constitute a separate offense under this article by the persons who executed the assurance, their respective officers, directors, agents, servants and employees and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the assurance of compliance. Decisions, actions and determinations of the Director, pursuant to Sections [8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) and [8A-389](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-389DIDUFUPO)(16) or assurances of compliance executed thereunder, shall not be subject to review pursuant to [Section 8A-397](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-397APJURE) of this Code.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-391. Denial, suspension and revocation.

(a) The Director may deny, suspend, or revoke a registration issued pursuant to the provisions of this article if the Director determines that the applicant or registrant has:

(1) Submitted an application that is not filed in accordance with [Section 8A-382](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-382RERE), is incomplete or untrue in whole or in part.

(2) Violated any provision of this article.

(3) Misrepresented or concealed a material fact on the application, renewal application or replacement application.

(4) Aided or abetted a person who has not obtained a registration to evade or avoid the provisions of this article.

(5) Engages in fraudulent conduct in connection with remetering.

(6) Violated any condition, limitation or restriction of a registration imposed by the Director.

(7) Was enjoined by a court of competent jurisdiction from engaging in the trade or business of remetering or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article.

(8) Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance or any other lawful order of the Director.

(b) Notwithstanding the foregoing, no denial, suspension or revocation of a registration by the Director shall be effective until the rendition by the hearing officer of the appeal, if any, of such denial, suspension or revocation pursuant to [Section 8A-397](../level3/PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR.docx#PTIIICOOR_CH8ABURE_ARTXVIIIMIDECOREOR_S8A-397APJURE) of the Code of Miami-Dade County, Florida or until the time period for filing such appeal has expired, whichever is later.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-392. Civil penalties.

(a) The Director may institute a civil action in a court of competent jurisdiction to impose or recover a civil penalty in an amount of not more than ten thousand dollars ($10,000.00) for each violation of any of the provisions of this article. Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(b) The Director may institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief as follows:

(1) To recover any sums and costs expended by the Director for investigating, preventing, controlling, abating or remedying any violation of any of the provisions of this article or of the regulations.

(2) To provide restitution to any Owner and/or Resident injured by any violation of any of the provisions of this article or of the regulations.

(3) Upon the rendition of judgment or decree by any of the courts of this state against any person or in favor of the Director under any of the provisions of this article, the trial court or in the event of an appeal, the appellate court, shall adjudge against any such person and in favor of the Director a reasonable sum as fees or compensation for the Director and attorney prosecuting the suit in which recovery is had.

(4) To seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of any of the provisions of this article or of the regulations.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-393. Criminal penalties.

In addition to any other judicial or administrative remedies or penalties provided by law, rule, regulation or ordinance, if any person intentionally violates or fails or refuses to obey or comply with any of the provisions of this article or any lawful order of the Director or any cease and desist order of the Director or any notice to correct a violation or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code and this article, or any condition, limitation or restriction of a registration issued by the Director, such person, upon conviction of any such offense, shall be punished by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by imprisonment not to exceed sixty (60) days in the County jail, or both, at the discretion of the court. Each day or portion thereof of continuing violation shall be deemed a separate offense.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-394. Presumption of continuous operation.

Except as expressly provided otherwise in this article, any person operating in the resale of water service without first registering pursuant to this article shall be presumed to be operating on a continuous basis without registering from the date the registration was first required by this article. Such presumption may be overcome by evidence presented by the reseller of water service. This section creates a rebuttable presumption of continuous operation.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-395. Private cause of action.

Any person who suffers a loss as a result of a violation of any of the provisions of this article, any lawful order of the Director, any cease and desist order or notice to correct a violation issued by the Director or any assurance of compliance entered into pursuant to [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the code and this article, may recover compensatory damages, punitive damages, attorney's fees and court costs as allowed by law from the person committing such violation. Nothing herein shall be construed to require the Director to bring any such action on behalf of a private person.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-396. Attorney's fees and costs.

(a) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director under any of the provisions of this article, the trial court, or, in the event of an appeal in which the Director prevails, the appellate court, shall adjudge or decree against such person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgement or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this article by the Director. Cessation of any violation of any of the provisions of this article whatsoever, prior to rendition of a judgment or entry of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this article, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director, for which attorney's fees shall be awarded by the trial court as set forth herein above.

(b) All judicial and administrative remedies in this article are independent and cumulative.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-397. Appeals and judicial review.

(a) Any person, firm, corporation or other business entity regulated by this article who is aggrieved by any action, decision or determination of the Director, pursuant to this article may appeal, in writing, by filing a notice of appeal to a hearing officer appointed pursuant to [Section 8CC-2](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-2QUOFREOR) of the Code of Miami-Dade County within fifteen (15) days after the date of the action, decision or determination complained of. The notice of appeal shall be sent to the address indicated ont he action, decision or determination. The notice shall set forth the nature of the action, decision or determination to be reviewed and the basis for the appeal. The hearing officer shall specially set such appeal for hearing no later than at the earliest practicable regularly scheduled hearing date or as soon thereafter as possible, but no sooner than ten (10) days after the notice of appeal has been filed, and shall cause notice thereof to be served upon the person filing the appeal by first class mail. The hearing officer shall hear and consider all facts material to the appeal, in accordance with the procedures set forth in Sections [8CC-6](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-6SCCOHE)(e), (f), (g), (i), (j), (k), (l), (m)(2), (n) of the Code of Miami-Dade County (any reference in these sections to Inspector shall mean "Director" and to violator shall mean "the person filing the appeal"), and may affirm, modify or reverse the action, decision or determination appealed from. The decision of the hearing officer shall constitute final administrative review and no rehearing shall be permitted. Nothing herein shall be construed to prevent or prohibit the Director from instituting any civil or criminal action or proceeding authorized by this article at any time. Customers shall not be deemed to be persons regulated by this article for the purposes of this section.

(b) The Director, the Miami-Dade County Consumer Advocate or any person, firm, corporation or other business entity regulated by this article who is aggrieved by any decision of the hearing officer pursuant to this section may seek judicial review in accordance with the Florida Rules of Appellate Procedure. The words "action," "decision" and "determination" as used herein shall not include the filing or institution of any action, conference or proceeding by the Director in any court or otherwise. Customers shall not be deemed to be persons regulated by this article for the purpose of this section.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-398. Compliance with the South Florida Building Code.

Any person, firm, corporation or other business entity engaged in remetering shall comply with the provisions of the South Florida Building Code. Such compliance shall include, but not be limited to, applying for and obtaining a plumbing permit and, where applicable, an electrical permit. Nothing in this section is intended to create an obligation on or the authority for the CSD to enforce the requirements of the South Florida Building Code.

(Ord. No. 96-137, §§ 1, 2, 9-17-96)

Sec. 8A-399. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ordinance No. 96-137, §§ 1, 2, adopted September 17, 1996, repealed §§ 8A-380—8A-391 and enacted new §§ 8A-380—8A-398. Formerly, such sections pertained to similar provisions and derived from Ord. No. 95-101, § 1, 6-20-95. [(Back)](#BK_02316E9ECF927F1E8E5E08B416D666B8)

### ARTICLE XIX. GENDER PRICE DISCRIMINATION ORDINANCE

[Sec. 8A-400. Intent and scope.](#BK_621A86DAFE9947747C2D188E79B18FA2)

[Sec. 8A-401. Definitions.](#BK_49D30969944742596581A8DB1F6FBD60)

[Sec. 8A-402. Price discrimination prohibited; exemptions.](#BK_F31695F00C94B0C98628F693F40AD0A3)

[Sec. 8A-403. Procedures for filing a complaint.](#BK_6D8E9DB2837FDB8BDB91582D1AAD271C)

[Sec. 8A-404. Acceptance of assurances of compliance; enforcement procedures; remedies; attorney's fees; costs.](#BK_AC1BADEA41CAA09589DF49E87864A53E)

[Sec. 8A-405. Private cause of action.](#BK_17DD0D3B367CD48B05CE930046A48D2B)

[Secs. 8A-406—8A-410. Reserved.](#BK_37B568ED9A28B598B10FE654E7D8E1C8)

Sec. 8A-400. Intent and scope.

(a) It is hereby declared to be the intent of Miami-Dade County, in the exercise of its police power for the public safety, health, and general welfare, to eliminate and prevent price discrimination based on gender in the provision of goods and services in Miami-Dade County, Florida.

(b) This article shall be effective in both the incorporate and unincorporated Miami-Dade County.

(c) The provisions of this article shall be cumulative and in addition to and not in derogation of any and all other provisions or laws prohibiting price discrimination based on gender in the provision of goods and services. In the event of a conflict between any of the provisions of this article and any provision of any county or municipal ordinance, the provision which establishes the most stringent standard shall prevail.

(Ord. No. 97-53, § 1, 5-20-97)

Sec. 8A-401. Definitions.

*Customer* shall mean an individual who inquires about, makes a request for, or purchases a good or service.

*Department* shall mean Miami-Dade County's Consumer Services Department or its successor department.

*Director* shall mean the Director of Miami-Dade County's Consumer Services Department or its successor department.

*Seller* shall mean any individual, business, company, corporation, partnership, sole proprietorship, association, professional association, firm, store, shop, establishment, service, place or building which offers, sells or otherwise makes available to the public any good or service.

(Ord. No. 97-53, § 1, 5-20-97)

Sec. 8A-402. Price discrimination prohibited; exemptions.

(a) No seller of a good or service shall charge a customer a different price for a good or service based solely on the customer's gender or the gender of the beneficiary of the good or service.

(b) Nothing in this section prohibits price differences in goods and services based specifically upon the amount of time, difficulty or cost of providing the good or service.

(c) Nothing in this section prohibits bona fide discount programs based on gender classifications so long as such programs are not designed, intended or used to deny any individual or group access to the premises or the right to patronize the premises and such program is for a limited period of time.

(d) Nothing in this section shall alter or affect the Insurance Code of the State of Florida or any other law or provision of the State, County or municipalities which governs health care service plans or insurer underwriting or rating practices.

(Ord. No. 97-53, § 1, 5-20-97)

Sec. 8A-403. Procedures for filing a complaint.

Any customer aggrieved by a violation of this article may file a written complaint with the Department. The Department shall act upon the complaint in accordance with the Department's established complaint procedures.

(Ord. No. 97-53, § 1, 5-20-97)

Sec. 8A-404. Acceptance of assurances of compliance; enforcement procedures; remedies; attorney's fees; costs.

(a) The procedures for accepting assurances of compliance that are set out in [Section 8A-82.1](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV2DIIN_S8A-82.1SACCASCO) of the Code of Miami-Dade County, as amended, are incorporated herein and shall be the procedures for accepting assurances of compliance for this article.

(b) The enforcement procedures, remedies, attorney's fees and costs, that are set out in [Section 8A-124](../level4/PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE.docx#PTIIICOOR_CH8ABURE_ARTIIIUNTRST_DIV4OFPRPE_S8A-124ENPRREATFECO) of the Code of Miami-Dade County, as amended, are incorporated herein and shall be the enforcement procedures, remedies, attorney's fees and costs for this article.

(Ord. No. 97-53, § 1, 5-20-97)

Sec. 8A-405. Private cause of action.

(a) Any person who suffers a loss as result of a violation of any provision of this article may, in addition to any other available remedy, recover compensatory damages, attorney's fees and court costs from the person committing the violation.

(b) Any person who proves the violation of any provision of this article occurred willfully or in bad faith shall recover from the person committing the violation as compensatory damages threefold the actual damages sustained or two hundred dollars ($200.00), whichever is greater, in addition to any other recovery available under law or this article.

(Ord. No. 97-53, § 1, 5-20-97)

Secs. 8A-406—8A-410. Reserved.

### ARTICLE XX. PAIN MANAGEMENT CLINICS

[Sec. 8A-411. Definition.](#BK_C832E7BEA5DD3FF7AD85ADF20BB4C26D)

[Sec. 8A-412. Registration.](#BK_8B38505CE55A14D3233F51C8AE5CCEE5)

[Sec. 8A-413. Designated department.](#BK_F444E9158B87DC76021A9E415A67D38B)

[Sec. 8A-414. Application; review.](#BK_6D5E5ABC8CF416D119879C5B76BB5EE7)

[Sec. 8A-415. Violation.](#BK_E8D636220BD9ED01269E61BF5FBEBC9A)

[Sec. 8A-416. Temporary moratorium.](#BK_EFBC4C02DF68AFF226501F9B92F97083)

Sec. 8A-411. Definition.

"Pain Clinic" and "Pain Management Clinic" (hereinafter "pain clinics" shall be inclusive of pain clinics and pain management clinics) shall have the same meanings and same exemptions as provided for in F.S. §§ 458.3265(1) and 459.0137(1), as amended, or any successor state law.

(Ord. No. 11-61, § 2, 8-2-11)

Sec. 8A-412. Registration.

(a) All pain clinics operating within the geographic boundaries of Miami-Dade County shall register with Miami-Dade County's Consumer Services Department immediately upon issuance of implementing policies and procedures which shall occur no later than ninety (90) days from the effective date of this ordinance, and annually thereafter.

(b) Proof of registration with the County shall be prominently displayed in the common public area of the pain clinic.

(c) Each pain clinic location shall be registered separately regardless of whether the clinic is operated under the same business name or management as another pain clinic.

(d) A database of registered pain clinics operating in Miami-Dade County shall be maintained by the Miami-Dade Consumer Services Department.

(Ord. No. 11-61, § 2, 8-2-11)

Sec. 8A-413. Designated department.

(a) The Miami-Dade Consumer Services Department ("Department") shall: conduct the registration process; establish a database of pain clinics operating in Miami-Dade County; enforce the provisions of this ordinance; and charge a reasonable fee for processing the applications and maintaining the database.

(b) The Department shall establish policies and procedures necessary to implement the registration process, maintain the database, enforce the ordinance, and through an implementing order charge reasonable fees.

(c) The Department is authorized to inspect any pain clinic for proof of registration at any reasonable hour without prior notice.

(Ord. No. 11-61, § 2, 8-2-11)

Sec. 8A-414. Application; review.

(a) Any pain clinic operating in Miami-Dade County shall file a sworn and notarized application which shall include proof of the following:

(1) That the applicant is registered with the State Department of Health as required by state law and is in good standing with the Department of Health, has not received notification of a pending investigation by the Department of Health, has not received a probable cause finding as a result of a Department of Health investigation, is not currently suspended, and has not received notice of any deficiencies from most recent Department of Health inspection;

(2) That the pain clinic is fully owned by a duly licensed medical or osteopathic physician or group of medical or osteopathic physicians, or is licensed as a health care clinic under F.S. Ch. 400, Pt. X; and

(3) That all physicians who own the clinic or are employed by or have a contractual relationship with the clinic: have never had a Drug Enforcement Administration number revoked; have never had a license to prescribe, dispense, or administer a controlled substance denied by any jurisdiction; and have never been convicted of or pled guilty or nolo contendere to, regardless of adjudication, an offense that constitutes a felony for receipt of illicit and diverted drugs, including a controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V of F.S. § 893.03, or of any state or the United States; and

(4) Ownership in other pharmacies or pain clinics and the percentage of such ownership by any and all physicians who own the clinic seeking registration.

(5) In addition, the application shall designate a physician who is responsible for complying with all requirements related to registration and operation of the clinic. If that physician ceases to be affiliated with the pain clinic, another physician must be so designated within ten (10) days. The designated physician must have a clear and active license under F.S. Ch. 458 (medical) or under F.S. Ch. 459 (osteopathic), an active DEA registration; and shall practice at the clinic location for which the physician has assumed responsibility.

(6) Any and all physicians associated with the pain clinic as owners, employees, contractors and specifically the physician designated to comply with all the requirements of registration and operations of the clinic shall provide the following:

a. Sworn and notarized statement that attests: the physician owns, is employed by or has a contractual relationship with the pain clinic; and when applicable, agrees and accepts the designation to comply with all the requirements of registration and operations of the clinic;

b. A copy of the physician's driver's license or other government issued photographic identification; and

c. A copy of the physician's active State of Florida medical license.

(b) The Department may require any physician identified in subsection (a)(6) to complete an in-person interview to verify the information in the application and/or notarized statement.

(c) Within thirty (30) days of submission, the Department shall verify the information in the application and determine whether or not the applicant meets all the criteria established in subsection (a) above.

(1) If the applicant satisfies all the criteria in subsection (a), the pain clinic shall be registered within thirty (30) days of submission.

(2) If the application is deemed incomplete, the applicant shall be notified in writing of the deficiencies within thirty (30) days of submission. The applicant shall have fifteen (15) days from the date of such notice to correct the deficiencies and complete the application. Failure to respond or make the corrections within the fifteen (15) days shall be considered a withdrawal of the application. The Department shall notify the applicant of the withdrawal upon expiration of the fifteen (15) days. If the applicant corrects the deficiencies within the fifteen (15) days, the Department shall have fifteen (15) additional days to verify that the application is complete and if complete, register the pain clinic.

(3) If the applicant does not satisfy the criteria in subsection (a), the clinic shall not be registered. The applicant shall be notified in writing of the decision to not register the pain clinic and of the reasons for not registering the clinic within thirty (30) days of submission or fifteen (15) days from the date that the applicant corrects deficiencies. The applicant shall have fifteen (15) days from the date of such notice to request a hearing in writing before the Department Director or designee. The Department Director or designee shall conduct the hearing within twenty (20) days of the date of the request for hearing. The Department Director or designee shall issue a written decision within fifteen (15) days of the hearing.

(Ord. No. 11-61, § 2, 8-2-11)

Sec. 8A-415. Violation.

(a) It shall be unlawful for any person to operate a clinic without prior registration. Violations shall be enforced through and in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code.

(b) The Director of the Consumer Services Department is authorized to file any action in a court of competent jurisdiction to enforce the provisions of this ordinance and to seek appropriate remedies. In any such action the department shall be entitled to recover its reasonable costs in the enforcement of this ordinance including reasonable attorney fees.

(Ord. No. 11-61, § 2, 8-2-11)

Sec. 8A-416. Temporary moratorium.

(a) The above recitals of legislative intent and findings are fully incorporated herein as part of this moratorium ordinance. The Board of County Commissioners finds that it is in the best interest of and for the benefit of the health, safety, and welfare of the residents of Miami-Dade County to institute a temporary moratorium on the issuance of pain clinic registrations, occupational licenses/taxes, certificates of use, permits and development orders so that Miami-Dade County can investigate the complaints surrounding pain clinics including, but not limited to, illegal drug use and distribution, increased crime, drug-related deaths and addictions and other nuisance activities as well as study the effectiveness of recent legislative action, CS/CS/HB 7095 Engrossed 3, in addressing these complaints. For the duration of this temporary moratorium, the County shall cease accepting applications or requests for issuance of pain clinic registrations, occupational licenses/taxes, certificates of use, permits and development orders from pain clinics not registered with the State of Florida Department of Health as of the effective date of this ordinance.

(b) During the temporary moratorium, the Pain Clinic Task Force shall convene, with all deliberate speed, to investigate the complaints about pain clinics. The Pain Clinic Task Force shall consist of one representative from each of the following: the Miami-Dade County Addiction Services Board, the Nuisance Abatement Board, Consumer Services Department, Miami-Dade County Police Department, and Planning and Zoning Department. The Task Force shall seek collaboration and input from other local, state and federal law enforcement, the State of Florida Department of Health and any other entity or person the Task Forces deems appropriate.

(c) The Mayor or designee shall provide appropriate staff support to the Task Force. The staff shall: comply with requests for information by the Task Force; assist the Task Force with its duties; maintain and keep the records of the Task Force; prepare, in cooperation with the Task Force, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, resolutions or correspondence as the Task Force may direct; and generally administer the business and affairs of the Task Force.

(d) The Pain Clinic Task Force shall make recommendations to the Board of County Commissioners within one hundred twenty (120) days from the effective date of this ordinance on: the effectiveness of CS/CS/HB 7095 Engrossed 3 in addressing the complaints surrounding pain clinics; whether or not it is necessary for the County to take any action to address the complaints surrounding pain clinics; and if so, how to best address the complaints surrounding pain clinics, including, but not limited to, zoning, regulatory, and enforcement recommendations.

(e) The temporary moratorium shall expire upon enactment of any new ordinance(s) or resolution(s) addressing the underlying complaints or one hundred eighty (180) days from the effective date of this ordinance, whichever date is earliest.

(Ord. No. 11-61, § 3, 8-2-11)

### ARTICLE XXI. GREEN BUSINESS CERTIFICATION PROGRAM

[Sec. 8A-417. Creation of Green Business Certification Program.](#BK_2480F4E01E6170067C0D4FF487F1EB55)

[Sec. 8A-418. Standards and Criteria for Certification.](#BK_07962EF54D36B0380C6CF2CF5B91F141)

[Sec. 8A-419. Application and Evaluation Process.](#BK_AA2BEBD622ADCBAF4E350F3193AFAB10)

Sec. 8A-417. Creation of Green Business Certification Program.

The Miami-Dade County Office of Sustainability is hereby authorized to create a Miami-Dade County Green Business Certification Program (Program) for the purpose of encouraging and recognizing businesses that conserve natural resources, such as water, electricity and fuel; reduce, reuse and recycle materials; reduce the use of hazardous materials and generation of hazardous waste; and take affirmative steps to prevent pollution.

(Ord. No. 11-28, § 1, 5-3-11)

Sec. 8A-418. Standards and Criteria for Certification.

The Green Business Certification Program shall be voluntary and target the various business sectors operating in the county; including, but not limited to, restaurants, garment cleaning, dental practices and retail offices.

In developing program standards and criteria for the various business sectors, the Office of Sustainability shall consult with the Department of Environmental Resources Management, the Department of Solid Waste Management, the Miami-Dade Water and Sewer Department, and the Office of Economic Development and International Trade, and may consult with other relevant federal, state, regional and local agencies and departments, as well as consider industry best management practices and the feedback from interested stakeholders. In addition to program standards and criteria, a business must be in compliance with all applicable permits, licenses and regulations in order to qualify for certification as a Green Business.

(Ord. No. 11-28, § 1, 5-3-11)

Sec. 8A-419. Application and Evaluation Process.

Certification as a Green Business will require a business to submit an application involving an initial self-audit to assess compliance with required and recommended certification practices established for that business sector. These certification practices shall address waste reduction, energy conservation, water conservation, pollution prevention, transportation, communication and education, and carbon footprint savings, as applicable. The Program shall provide reference guides to assist businesses in the performance of self-audits.

After receipt of an application with a completed self-audit, the Program team shall conduct an onsite assessment to confirm the accuracy of the self-audit, which may include requests for the business to provide supporting documentation. A business will only be certified as a Green Business if it is in compliance with all required practices, meets the minimum thresholds and standards of the Green Business Certification Program, and is in compliance with all applicable local, state and federal regulations. In addition, a certified business will also receive a total scoring based upon the number of required and recommended practices it satisfies.

(Ord. No. 11-28, § 1, 5-3-11)

### ARTICLE XXII. PERSONAL INJURY PROTECTION MEDICAL PROVIDERS

[Sec. 8A-420. Purpose and Intent.](#BK_53B74074EA618BD80B851C8D057AF7AB)

[Sec. 8A-421. Definitions.](#BK_618013009E1BDF3B3F9FAC865FC87958)

[Sec. 8A-422. Registration Required.](#BK_912D70067D347A28FA2D5CC5A859555C)

[Sec. 8A-423. Designated Department.](#BK_941B62E87D68A46E492E900BF0478A75)

[Sec. 8A-424. Registration Application and Process; Requirements.](#BK_DE866F2BC7F8C3C01CA47A58B9151AC8)

[Sec. 8A-425. Additional Registration Compliance Requirements.](#BK_46D255D8225582118D07A3F524B8FAA1)

[Sec. 8A-426. Registration Denial or Revocation of Registration; Grounds.](#BK_2DF8B74D54E6258C12AD6CE85EFE9C26)

[Sec. 8A-427. Revocation of PIP Medical Provider Registration.](#BK_AE4034882FD9BEE541A52777709BA706)

[Sec. 8A-428. Registration Renewal.](#BK_43F81790DF3910F21194CEEB6B10CEE2)

[Sec. 8A-429. Violation, Enforcement, and Penalties.](#BK_8215A92189D7B369646FF97F4946958A)

[Sec. 8A-430. Service of Notice.](#BK_54BDF8C57AC65E6D43623EF61F8B55BE)

Sec. 8A-420. Purpose and Intent.

The purpose and intent of this article is to:

(a) Promote the health, safety and general welfare of the residents of Miami-Dade County; and

(b) Prevent fraudulent automobile insurance claims which negatively affect both consumers and insurers within Miami-Dade County through the implementation of registration requirements for certain Personal Injury Protection Medical Providers, as defined below, operating in Miami-Dade County, which treat patients allegedly injured in automobile accidents and receive a major portion of the Personal Injury Protection Medical Provider's income from personal injury protection insurance claims.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-421. Definitions.

(a) *Applicant* shall mean the owner or a person or persons authorized by the owner to complete a registration application to operate as a PIP Medical Provider in Miami-Dade County.

(b) *Department* shall mean the Miami-Dade County Sustainability, Planning and Economic Enhancement Department or its successor department.

(c) *Operating as a Personal Injury Protection Medical Provider,* or *Operation of a Personal Injury Protection Medical Provider* or *Operate as a Personal Injury Protection Medical Provider* shall mean to conduct the affairs of or manage the operations of a Personal Injury Protection Medical Provider including, but not limited to, any one or more of the following:

(1) Scheduling or accepting appointment(s) for services including, but not limited to, diagnosis, treatment, and/or therapy which are billed for payment to a PIP insurance provider;

(2) Prescribing, dispensing, or administering any medicine, medical or physical treatment, medical or physical therapy, massage treatment or therapy, or acupuncture treatment or therapy;

(3) Accepting payments from one or more PIP Insurance providers for any of the events listed in paragraphs (1) and (2) above; or

(4) Employing or contracting with any person for compensation to work in connection with the provision of services for a PIP Medical Provider business.

(d) *Person* shall mean an individual, partnership, corporation, association, or other legal entity.

(e) *Personal Injury Protection Medical Provider* or *PIP Medical Provider* shall mean any person, clinic, facility, location, or other business that provides medical or physical therapy treatment to patients or clients claiming an injury from an automobile accident and which derives:

(1) Ninety (90) percent or more of the PIP Medical Provider's monthly gross income from billing PIP Insurance providers; or

(2) Two hundred thousand dollars ($200,000.00) or more in gross income during a twelve (12) month period from the billing of PIP Insurance providers.

(f) *Personal Injury Protection Medical Provider* or *PIP Medical Provider* shall not mean any business or a facility:

(1) Licensed as a facility pursuant to Chapter 395, Florida Statutes;

(2) Where the majority of the physicians, who provide services in the facility, primarily provide surgical services for the facility;

(3) Owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded fifty million dollars ($50,000,000.00);

(4) Affiliated with an accredited Florida medical school for the education of physicians licensed under Chapter 458, 459, or 460 of the Florida Statutes, at which training is provided for medical, osteopathic, or chiropractic students, residents, or fellows;

(5) Owned by a corporate entity exempt from federal taxation under U.S.C. 501(c)(3) or (4);

(6) That perform only magnetic resonance imaging, static radiographs, computed tomography, or position emission tomography; or

(7) Accredited by the Joint Commission as an Outpatient/Ambulatory Care clinic.

(g) *Physical Therapy* shall mean any type of massage therapy provided in response to a doctor's prescription or direction.

(h) *PIP* shall mean personal injury protection.

(i) *PIP Insurance* shall mean personal injury protection insurance.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-422. Registration Required.

(a) All PIP Medical Providers operating within the geographic boundaries of Miami-Dade County shall be registered with the Department. Registration shall be renewed annually.

(1) Proof of current registration with the County shall be prominently displayed in a common public area of all PIP Medical Provider locations.

(2) Each PIP Medical Provider location shall be registered separately, regardless of whether the location is operated under the same business name or management as another PIP Medical Provider location.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-423. Designated Department.

(a) The Department shall:

(1) Conduct the registration process;

(2) Establish a database of PIP Medical Providers operating in Miami-Dade County;

(3) Enforce the provisions of this article; and

(4) Charge a reasonable application and registration fee for processing applications, enforcing this article, and maintaining the database.

(b) The Department shall establish policies and procedures necessary to implement the registration process, maintain the database, enforce this article, and through an implementing order, charge reasonable application and registration fees.

(c) The Department is authorized to inspect any PIP Medical Provider for proof of registration at any reasonable hour without prior notice. However, in no event shall any inspection violate any medical records privacy requirements, including HIPPA, or involve the inspection of private or confidential medical information without appropriate authorization or permission.

(d) The Department shall provide written notice to the State of Florida of any PIP Medical Provider or any person employed or associated with a PIP Medical Provider who fails to maintain a professional and/or clinic license or registration required by state law or applicable state agency.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-424. Registration Application and Process; Requirements.

(a) Application Required: Any PIP Medical Provider, as defined in [Section 8A-421](../level3/PTIIICOOR_CH8ABURE_ARTXXIIPEINPRMEPR.docx#PTIIICOOR_CH8ABURE_ARTXXIIPEINPRMEPR_S8A-421DE), must complete an application available from the Department, which shall at a minimum require the applicant to provide the following information:

(1) Proof of applicable professional and/or clinic license or registration required by state law, the Florida Agency for Health Care Administration, and/or the Florida Department of Health;

(2) Designation of the physician who shall be responsible for complying with all requirements related to registration and Operation of the PIP Medical Provider. The designated physician must have a clear and active license under Chapter 458, 459, 460 or 466, Florida Statutes. If that physician ceases to be affiliated with the PIP Medical Provider, another physician must be so designated within fifteen (15) days.

(3) A list of all persons associated with the management or Operation of the PIP Medical Provider, including persons involved with rendering medical care and/or billing PIP insurance providers, whether paid or unpaid, part-time or full-time, including all contract labor and independent contractors. This list includes, but is not limited to, all owners, operators, employees, and volunteers. For persons listed, the following additional information must be provided:

a. The person's title;

b. A copy of the person's license, if required by state law, issued by the State Department of Health or applicable agency, to engage in the practice of:

1. Acupuncture pursuant to Chapter 457, Florida Statutes,

2. Medicine pursuant to Chapter 458, Florida Statutes,

3. Osteopathic Medicine pursuant to Chapter 459, Florida Statutes,

4. Chiropractic Medicine pursuant to Chapter 460, Florida Statutes,

5. Dentistry pursuant to Chapter 466, Florida Statutes,

6. Massage Therapy pursuant to Chapter 480, Florida Statutes, or

7. Physical Therapy pursuant to Chapter 486, Florida Statutes;

c. The person's current home address, telephone number, and date of birth;

d. A list of all criminal convictions, guilty pleas, or nolo contendere, whether misdemeanor or felony for that person;

e. A copy of a current Florida driver's license or a current government issued photo identification card issued to that person; and

f. If that person is an owner, the percentage of ownership for each owner or shareholder.

(4) The property owner's name, address, and telephone number;

(5) A copy of a current business tax receipt required pursuant to Chapter 205, Florida Statutes;

(6) Whether the PIP Medical Provider dispenses controlled substances;

(7) Any other reasonable information the Department Director deems necessary; and

(8) A sworn and notarized statement from both the designated physician and the PIP Medical Provider business owner(s) attesting to the veracity and accuracy of the information provided in the application. The Department may require the designated physician and the PIP Medical Provider business owner(s) to complete an in-person interview to verify the information in the application and/or notarized statement.

(b) Application Process: Within thirty (30) days of submission, the Department shall verify the information in the application and determine whether or not the applicant meets all the criteria established in subsection (a) above.

(1) If the applicant satisfies all the criteria in subsection (a), the PIP Medical Provider shall be registered.

(2) If the application is deemed incomplete, the applicant shall be notified in writing of the deficiencies within thirty (30) days of submission. The applicant shall have fifteen (15) days from the date of such notice to correct the deficiencies and complete the application. Failure to respond or make the corrections within the fifteen (15) days shall be considered a withdrawal of the application. The Department shall notify the applicant of the withdrawal upon expiration of the fifteen (15) days. If the applicant corrects the deficiencies within the fifteen (15) days, the Department shall have fifteen (15) additional days to verify that the application is complete and, if complete, register the PIP Medical Provider.

(3) If the applicant does not satisfy the criteria in subsection (a), the PIP Medical Provider shall not be registered. The applicant shall be notified in writing of the decision to not register the PIP Medical Provider, including the reasons for denying registration, within thirty (30) days of submission of a new or renewal application or fifteen (15) days from the date that the applicant corrects deficiencies. The applicant shall have fifteen (15) days from the date of such notice to request a hearing in writing before a Hearing Officer pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, Florida. The request for a hearing shall be filed with the Department. The Department Director or any PIP Medical Provider regulated by this article who is aggrieved by any decision of the Hearing Officer may appeal a final order of the Hearing Officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for review of administrative action.

(c) Failure of the Department to meet any of the time requirements set forth herein shall not constitute an automatic registration of the PIP Medical Provider.

(d) In the event that any information provided in the application changes, the designated physician and the PIP Medical Provider business owner(s) must file a notarized statement providing the updated information with the Department within fifteen (15) days of the change.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-425. Additional Registration Compliance Requirements.

(a) PIP Medical Provider registration is nontransferable and cannot be assigned. Whenever ownership or management of a PIP Medical Provider changes, a new application must be filed and all applicable fees paid.

(b) A valid business tax receipt must be maintained by the PIP Medical Provider.

(c) Any Department designee, code enforcement officer, law enforcement officer, or any other persons authorized to enforce County ordinances must be allowed access for inspection of the PIP Medical Provider premises at any reasonable hour without prior notice.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-426. Registration Denial or Revocation of Registration; Grounds.

(a) The Department Director may deny or revoke a PIP Medical Provider registration upon the occurrence of one or more of the following:

(1) An application contains material false information or missing information;

(2) The PIP Medical Provider, as a clinic and/or individual, is not registered or licensed, as applicable, in accordance with state law, or has had its registration and/or license suspended or revoked by the State of Florida;

(3) A current business tax receipt is not submitted with the application for each PIP Medical Provider;

(4) Failure to allow an inspection for compliance with this article by a Department designee, code enforcement officer, law enforcement officer, or any other person authorized to enforce ordinance violations in Miami-Dade County at any reasonable hour;

(5) Failure of the PIP Medical Provider to notify the Department in writing of a change in the designated physician within fifteen (15) days pursuant to [Section 8A-424](../level3/PTIIICOOR_CH8ABURE_ARTXXIIPEINPRMEPR.docx#PTIIICOOR_CH8ABURE_ARTXXIIPEINPRMEPR_S8A-424REAPPRRE)

(6) Failure of the PIP Medical Provider to notify the Department in writing of any change in the registration application information within fifteen (15) days pursuant to [Section 8A-424](../level3/PTIIICOOR_CH8ABURE_ARTXXIIPEINPRMEPR.docx#PTIIICOOR_CH8ABURE_ARTXXIIPEINPRMEPR_S8A-424REAPPRRE)

(7) Failure to abide by any provision of this article; or

(8) If the payment for the application fee or registration fee is invalid or uncollectible for any reason.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-427. Revocation of PIP Medical Provider Registration.

(a) The Department Director shall provide written notice of the decision to revoke a current registration, specifying in writing the grounds for revoking the registration. The applicant shall have fifteen (15) days from the date of such notice to request a hearing in writing before a Hearing Officer pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, Florida. The request for a hearing shall be filed with the Department. The Department Director or any PIP Medical Provider regulated by this article who is aggrieved by any decision of the Hearing Officer may appeal a final order of the Hearing Officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for review of administrative action.

(b) Failure of the Department to meet any of the time requirements set forth herein shall not affect the revocation of a PIP Medical Provider registration.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-428. Registration Renewal.

(a) Registration required for PIP Medical Providers shall be valid for one year from the date of issuance. At least sixty (60) days prior to expiration of the registration, a renewal application must be submitted, along with a nonrefundable renewal application fee. Provided the PIP Medical Provider named in the renewal application and all information on the application are in compliance with this article, a renewal registration shall be issued by the Department, after payment of an annual registration fee. Renewal registration shall only be issued to PIP Medical Providers that were previously registered and who timely file a renewal application.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-429. Violation, Enforcement, and Penalties.

(a) It shall be unlawful for any person to Operate as a PIP Medical Provider without prior registration. Any enforcement action or legal remedy available under controlling state law including, but not limited to, prosecution as a non-criminal infraction with a fine not exceeding five hundred dollars ($500.00) or by imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment, may be imposed as a penalty.

(b) Nothing contained herein shall prevent the County from taking such other action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this article, including, but not limited to:

(1) Code Enforcement action pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code;

(2) Seeking any legal or equitable remedy available in a court of law. The Department Director is authorized to file any action in a court of competent jurisdiction to enforce the provisions of this article and to seek appropriate remedies. In any such action the Department shall be entitled to recover its reasonable costs in the enforcement of this article, including reasonable attorney fees.

(Ord. No. 12-08, § 2, 2-21-12)

Sec. 8A-430. Service of Notice.

(a) Any notice required by this article shall be in writing and sent by certified mail or by regular mail if notice is returned undelivered or unclaimed, to the mailing address set forth on the application for the PIP Medical Provider registration. The mailing address set forth in the application shall be presumed the correct mailing address.

(Ord. No. 12-08, § 2, 2-21-12)