

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PRIVATE COURIER SERVICES; AMENDING SECTIONS 20-11 AND 20-164 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO INCREASE THE BOND REQUIREMENTS FOR PRIVATE COURIER SERVICES, RESTRICT SUCH BUSINESSES FROM ENGAGING IN FALSE AND MISLEADING ADVERTISING, AND PROVIDE FOR PENALTIES FOR NONCOMPLIANCE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Mayor Steve Geller)

WHEREAS, Broward County, through its Records, Taxes and Treasury Division, serves as an agent for the Florida Department of Highway Safety and Motor Vehicles ("DHSMV") for the purpose of issuing state motor vehicle license plates and parking placards, and processing applications for title on automobiles, trucks, mobile homes, and boats ("Tag and Title Services");

WHEREAS, in addition to directly performing Tag and Title Services, Broward County also has contracted with certain businesses to perform similar services ("Private Tag Agencies"), as permitted by DHSMV and at regulated rates, for the benefit of County residents;

WHEREAS, certain businesses operate as private couriers in connection with Tag and Title Services, but are not authorized to perform Tag and Title Services;

WHEREAS, some of these private courier businesses market their services in a manner that has the potential to mislead consumers regarding their lack of affiliation with the County or the DHSMV;

1 WHEREAS, the County has an interest in preventing consumers from being misled
2 and in preventing false or misleading advertising by businesses; and

3 WHEREAS, the Board of County Commissioners believes that, for the benefit of
4 the public, it is appropriate to modify existing regulations of private couriers to prohibit
5 misrepresentations and require certain affirmative statements by private couriers
6 regarding Tag and Title Services,

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8 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
9 BROWARD COUNTY, FLORIDA:

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11 Section 1. Section 20-11 of the Broward County Code of Ordinances is hereby
12 amended to read as follows:

13 **Sec. 20-11. Bond required for private couriers services.**

14 (a) *Definition—Private courier service*: A courier service ~~which~~ that takes the
15 required fee, plus an additional sum from consumers, and remits the statutory fee to a
16 county motor vehicle agency or a private tag agency, which then accomplishes the
17 license, registration, validation, or title work.

18 (b) *Bond requirement*. Each private courier service that ~~makes~~ collects
19 ~~payments to Broward County on behalf of third parties~~ for the issuance of registration
20 certificates, license plates, validation stickers, and/or mobile home stickers, pursuant to
21 Chapter 320, F.S., ~~by way of personal or corporate check~~ Florida Statutes, will be
22 required to give a good and sufficient payment for performance bond payable to
23 Broward County in the amount of ~~ten thousand dollars (\$10,000.00)~~ twenty-five
24 thousand dollars (\$25,000.00), ~~upon the second submission of a check submitted with~~

1 ~~insufficient funds~~ prior to engaging in such business. Private courier services engaged
2 in business at the time of any modification to the bond requirements of this section shall
3 have forty-five (45) days after the effective date of such modification to comply with any
4 modified requirements.

5
6 Section 2. Section 20-164 of the Broward County Code of Ordinances is hereby
7 amended to read as follows:

8 **Sec. 20-164. Misleading advertisements prohibited.**

9 . . .

10 (9) *Private Courier Services.*

11 (a) It shall be an unfair or deceptive trade practice for any business to ~~represent~~
12 ~~itself to the public as a tag agency or title agency when it~~ that acts merely
13 as a private courier service ~~which~~ and collects a fee and remits the fee to a
14 county motor vehicle agency or private tag agency to have the license,
15 registration, or title work completed, but is not authorized to issue motor
16 vehicle tags, titles, and registrations (a "private courier service"), to
17 represent itself to the public as a tag agency or title agency.

18 ~~(b) Businesses which provide courier services but are not authorized to issue~~
19 ~~motor vehicle tags, titles, and registrations shall display a disclaimer in full~~
20 ~~view of the public stating that they are not an authorized motor vehicle~~
21 ~~agency but merely act as a courier service.~~

22 ~~(c) (b)~~ Businesses acting merely as a Private courier services shall not use the
23 words "auto tag," "tag agent," "tag agency," or "title agency," "title and fast
24 tag," or "fast title" (each a "Restricted Term") in their names or in any

1 advertising, promotional, or informational materials (collectively, "Marketing
2 Materials") unless the term "private courier service" immediately follows the
3 Restricted Term in the identical font, size, and color as the Restricted Term.
4 Marketing Materials of private courier services shall not include (i) images
5 or logos that are confusingly similar to any official government logo or
6 insignia; or (ii) an image of a license plate, unless the Marketing Materials
7 clearly identify the business as a "private courier service" in a font, size, and
8 color identical to the largest text used to state the name of the business.

9 (c) ~~Businesses currently operating under a name using these words shall have~~
10 ~~a period of six (6) months from the effective date of this subsection~~
11 ~~(June 27, 1988) to delete these words from their names. Private courier~~
12 ~~services currently using one or more Restricted Terms in their business~~
13 ~~name or in their Marketing Materials on the date of the enactment of this~~
14 ~~section ("Effective Date") must come into compliance with the provisions of~~
15 ~~this section: (i) for any electronic uses of the Restricted Terms, including~~
16 ~~on websites and in online Marketing Materials, within thirty (30) days after~~
17 ~~the Effective Date; (ii) for all nonelectronic uses of the Restricted Terms in~~
18 ~~Marketing Materials prepared or distributed by the business, within ninety~~
19 ~~(90) days after the Effective Date; (iii) for all other Marketing Materials not~~
20 ~~published or directly distributed by the business, such as printed yellow~~
21 ~~pages advertisements, no later than the next publication; and (iv) for all~~
22 ~~other uses of the Restricted Terms by the business, within six (6) months~~
23 ~~after the Effective Date.~~
24

1 (d) In addition to any of the penalties provided in Section 20-176.10 of the
2 Code, private courier services that fail to comply with this section are subject
3 to fines of up to one hundred dollars (\$100.00) per day, as may be issued
4 after hearing before the Consumer Protection Board.

5
6 Section 3. Severability.

7 If any portion of this Ordinance is determined by any court to be invalid, the invalid
8 portion will be stricken, and such striking will not affect the validity of the remainder of this
9 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
10 legally applied to any individual, group, entity, property, or circumstance, such
11 determination will not affect the applicability of this Ordinance to any other individual,
12 group, entity, property, or circumstance.

13
14 Section 4. Inclusion in the Broward County Code of Ordinances.

15 It is the intention of the Board of County Commissioners that the provisions of this
16 Ordinance become part of the Broward County Code of Ordinances as of the effective
17 date. The sections of this Ordinance may be renumbered or relettered and the word
18 "ordinance" may be changed to "section," "article," or such other appropriate word or
19 phrase to the extent necessary in order to accomplish such intention.

Section 5. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Scott Andron 11/23/2020
Scott Andron (date)
Assistant County Attorney

By /s/ Nathaniel A. Klitsberg 11/23/2020
Nathaniel A. Klitsberg (date)
Senior Assistant County Attorney

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11/23/2020
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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.