

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO BUSINESS REGULATIONS; AMENDING
3 SECTIONS 20-160 AND 20-164 OF THE BROWARD COUNTY CODE OF
4 ORDINANCES ("CODE"); REPEALING ARTICLE XII OF CHAPTER 20 AND
5 SECTIONS 20-242 THROUGH 20-253 OF THE CODE; AND PROVIDING FOR
6 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

7 (Sponsored by the Board of County Commissioners)
8

9 WHEREAS, pursuant to a recent amendment to the Florida Constitution, Broward
10 County transferred the tax collector duties previously performed by the Broward County
11 Finance and Administrative Services Department to the elected Tax Collector, including
12 the duties of providing motor vehicle tags and related services;

13 WHEREAS, Section 320.03, Florida Statutes, recognizes that tax collectors may
14 engage private tag agencies to assist in the work of providing motor vehicle tags and
15 related services; and

16 WHEREAS, the Board of County Commissioners finds it appropriate to amend the
17 Broward County Code of Ordinances pertaining to private tag agencies to repeal
18 provisions no longer applicable and to update related consumer protection provisions,

19 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
20 BROWARD COUNTY, FLORIDA:

Section 1. Section 20-160 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 20-160. Definitions.

(a) The following words when used in this division shall have the following meanings ~~ascribed to them~~ unless the text otherwise requires and specifies a different meaning:

(a) *Board* shall means the Consumer Protection Board of Broward County, Florida.

(b) *Code* shall means the Broward County Consumer Protection Code as established by this division.

(c) *Consumer* shall means a purchaser, ~~his or her agent,~~ lessee, or prospective purchaser, or lessee, or their agent, of consumer goods or services or consumer credit, including a co-obligor or surety.

(d) ~~*Consumer goods, services, credit and debts* shall mean goods, services, credit and debts which are primarily for personal, household or family purposes.~~

(e) *Director* shall means the executive director of the Broward County Consumer Affairs Protection Division or their written designee.

(f) *Merchant, vendor or, or supplier* means a seller, lessor, creditor, or any person who regularly makes available, either directly or indirectly, goods, services, or credit to consumers. ~~“Merchant, vendor or supplier” shall, and~~ includes a manufacturers, wholesalers, and any others ~~who are~~ person or entity that is responsible for any unfair or deceptive trade acts or practices defined in this division.

(g) *Order* shall means a cease and desist order issued by the Broward County Consumer Protection Board.

(h) ~~Person shall be construed to mean~~ both plural and singular as the case demands and ~~shall include~~, where applicable, individuals, partnerships, corporations, companies, trusts, societies, associations, and any other legal entity whatsoever.

Tax Collector means the person holding the office of tax collector for Broward County as provided by Article VIII, Section 1(d) of the Florida Constitution.

(i) (b) The phrase “~~Unfair or deceptive trade acts or practices,~~” shall when used in this division, includes but are is not limited to the following:

- (1) Representations that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or qualities ~~which~~ that they do not have;
- (2) Representations that a person, supplier, or vendor has a sponsorship, approval, status, affiliation, or connection ~~which~~ that such person does not have;
- (3) Representations that goods are original or new if in fact they are not, or if they are deteriorated, altered, reconditioned, reclaimed or secondhand;
- (4) Representations that goods or services are of a particular standard, brand, quality, style, character or model, if they are ~~of another~~ not;
- (5) False or deceptive ~~Representations or designations of deception~~ of geographic origin in connection with goods or services;
- (6) Representations that goods or services are those of another if they are not;
- (7) Advertising goods or services not sold as advertised;

- 65 (8) ~~Advertising goods or services without supplying reasonable expectable~~
66 ~~public demand, unless the advertisement discloses a "limitation of quantity"~~
67 ~~with actual quantity available;~~
- 68 (9) Making false or misleading statements concerning the need for, ~~or necessity~~
69 ~~of,~~ any goods, services, replacement, or repairs;
- 70 (10) (9) Disparaging the goods, services, or business of another by false or
71 misleading representations of fact;
- 72 (11) (10) Making false or misleading statements of fact concerning the reasons for,
73 the existence of, or the amounts of, a price reductions;
- 74 (12) (11) Failing to return or refund deposits or advance payments for goods
75 delivered or services not rendered, when there exists no default or further
76 obligation of ~~persons making such deposits or advance payments exists~~ the
77 purchaser(s);
- 78 (13) (12) Taking consideration for goods or services without delivering such goods or
79 performing such services, or delivering goods or providing services
80 materially different from those ordered or sold;
- 81 (14) (13) Offering gifts, prizes, free items, or other gratuities, without providing them
82 as offered in connection with a sale of goods or services to a consumer;
- 83 (15) (14) Making false or misleading statements concerning the existence, terms, or
84 probability of any rebate, additional goods or services, commission, or
85 discount offered as an inducement for ~~the~~ a sale ~~thereof~~;
- 86 (16) (15) Using physical force, threat of physical force, or coercion in dealing with
87 consumers;

- (17) (16) Conditioning A sale or an offer for a sale of any ~~property~~ goods or services which is contingent upon a concurrent purchase of any other ~~property~~ goods or services, unless clearly ~~spelled out~~ stated in the advertisement;
- ~~(18)~~ A rate of advertisement 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 be not fully occupied and that they be available for rent or lease at the time advertised;
- ~~(19)~~ (17) Failure to promptly notify customers of hazardous manufacturing defects and repairing or replacing same at no cost to the customer;
- ~~(20)~~ Failure of the landlord of rental apartments or mobile home parks to disclose to a tenant the requirements set forth in Chapter 83, F.S. and chapter 2-11 of the Florida Administrative Code;
- ~~(21)~~ Failure of a landlord to maintain the premises in substantial compliance with all applicable building, housing and health codes;
- ~~(22)~~ Abuse by a landlord of a person's right to access of dwelling unit;
- ~~(23)~~ Failure of a landlord to perform or commit any acts contrary to representations made to a tenant through disclosures required by law;
- ~~(24)~~ Retaliatory conduct of a landlord against a tenant;
- ~~(25)~~ (18) Failure to comply with an order of the ~~b~~Board to promptly return or refund moneys which monies that have been determined by the ~~b~~Board to represent quantifiable damages due and owing following a finding by the

111 ~~h~~Board that said ~~moneys~~ monies were obtained as the result of any unfair
112 or deceptive trade act or practice; quantifiable damages are those damages
113 which that will compensate the consumer for the direct and immediate
114 monetary loss sustained by the consumer for the direct and immediate
115 monetary loss sustained from any unfair or deceptive trade act or practice;
116 (26) (19) Practicing, advertising for, or in any way engaging in any trade, occupation,
117 or profession that requires the possession of a state license or registration
118 or a ~~e~~County certificate of competency in that trade, occupation, or
119 profession, without the possession of such license, registration, or
120 certificate; at the required time provided for in the applicable law, regulation,
121 or ordinance; it shall be prima facie evidence of practicing and engaging in
122 a trade, occupation, or profession, to enter into a written contract for, to
123 advertise for, or to take or receive money or anything of consideration for,
124 the performance of work in the trade, occupation, or profession;
125 (27) (20) Failure to comply with a ~~h~~Board order to refund any ~~moneys~~ monies paid,
126 collected, or received following a finding by the ~~h~~Board that a violation of
127 any provision of ~~s~~Sections ~~20-160(i)(26) or (35)~~ 20-160(b)(19) or (27) has
128 occurred;
129 (28) (21) Failure of any merchant or vendor who offers appliances for sale to set forth
130 the applicable model year on the price tag of each appliance and, upon a
131 sale, on the sales receipt given to the consumer;
132 (29) (22) Selling goods or merchandise by means of registering the sale prices on a
133 cash register or other registering device without making the sale price of

each item ~~register~~ appear in clearly observable view of any purchaser or purchaser's agent who is present;

(30) (23) Selling goods by weight through the use of a weighing device without making the weight of the goods ~~register~~ appear in clearly observable view of any purchaser or purchaser's agent who is present.

(31) (24) Practicing, advertising for, or in any way engaging in, or permitting any other person to engage in, the professions of barbering or cosmetology requiring the possession of a current and valid license from the State of Florida, as required by Chapters 476, F.S. and Chapter ~~or~~ 477, F.S. Florida Statutes, without the possession of such license at the required time provided for in ~~the~~ applicable law. Taking or receiving money, or anything of consideration, for the performance of work in that profession shall be prima facie evidence of practicing and engaging in a profession that requires an appropriate ~~State~~ license.

(32) (25) Failure of a motor vehicle repair facility, as defined in ~~s~~Sections 20-176.38 or 20-176.72, to comply with all applicable provisions of the Florida Motor Vehicle Repair Act (§ Section 559.901, ~~F.S.~~ Florida Statutes, et seq.);

(33) (26) Failure of a motor vehicle repair facility, as defined in ~~s~~Sections 20-176.38 or 20-176.72, to note legibly on a written repair estimate that a customer authorized additional repair work or additional charges. The notation ~~shall~~ must specify the date and time of authorization, the additional amount of money authorized by a the customer to be spent on the repairs, the names of the persons who made and received the authorization, and a description

of the additional work authorized. This subsection applies only in the event that a if the motor vehicle repair facility provides a written estimate to a the customer and:

- a. The written repair estimate contains only an estimate for diagnostic work necessary to estimate the cost of repair and such diagnostic work has been completed;
- b. A determination is made by a motor vehicle repair facility that the actual charges for the repair will exceed the written estimate by more than ten dollars (\$10.00) or ten ~~(40)~~ percent (10%), whichever is greater, but not to exceed by more than fifty dollars (\$50.00); or
- c. An implied partial waiver exists for diagnostic work, as described in § Section 559.905(5), F.S. Florida Statutes, and such diagnostic work has been completed.

~~(34) Selling, causing to be sold, or promoting the sale of any residential or commercial habitable structure located in Broward 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 circulars used to market 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.~~**

~~Notwithstanding the foregoing, this subsection shall not apply to 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.~~

(35) (27) Engaging in any activity requiring the possession of a current and valid
certificate or license issued by the Consumer ~~Affairs~~ Protection Division, as
required by Broward County Code Sections 20-176.16, 20-176.41,
20-176.75, 20-176.92, 20-176.114, 22½-2, or 22½-3, without the
possession of such certificate or license at the required time provided for in
the by applicable law. Taking or receiving money, or anything of
consideration, for engaging in any such activity shall be prima facie
evidence of engaging in an activity that requires an appropriate County
certificate or license.

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

Sec. 20-164. Misleading advertisements prohibited.

(1) (a) It shall be an unfair or deceptive trade practice for any person to intentionally
make, publish, or disseminate, or cause to be made, published, or disseminated, an
assertion, representation, or statement of fact ~~which~~ that is untrue, misleading, or ~~which~~
that, by the exercise of ordinary care, should be known to be untrue or misleading,
regarding:

- (a) (1) The selling or disposition of real or personal property; or
- (b) (2) The performance of services; or
- (c) (3) The inducement of the public ~~by an allegation~~ to enter into any transaction relating to ~~either of the above~~ such property or services.
- ~~(2)~~ (b) It shall be an unfair or deceptive trade practice, 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, poster, notice, display, or advertisement, or other public representation of any nature whatsoever, to mislead or deceive the public, as to the true nature, price, quantity, 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) It shall be an unfair or deceptive trade practice to advertise goods or services not sold as advertised, or to advertise goods or services without supplying reasonable expectable public demand, unless the advertisement clearly discloses a limited quantity.
- (d) It shall be an unfair or deceptive trade practice to advertise a rate or availability at any motel, hotel, apartment, rooming house, or any other room housing 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 section that such advertised accommodations must not be not fully occupied, and that they are available for rent or lease, at the time advertised.
- ~~(3)~~ (e) 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."

(4) (f) It shall be an unfair or deceptive trade practice to advertise or otherwise represent to the public in any manner whatsoever:

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

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

(5) (g) This section does not apply to any owner, operator, or publisher of a newspaper, magazine, or other publication, 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~~ platform, that publishes, broadcasts, or otherwise disseminates an advertisement in good faith without knowledge of its false, deceptive, or misleading character.

(6) (h) *Complete Price; Representations; Official Terms.* It shall be an unfair or deceptive trade practice to advertise or otherwise represent to the public in any manner whatsoever:

(a) (1) A price or price reference of a commodity, service, or other thing of value unless such price representation is the complete purchase price ~~which shall be~~, unconditioned, and includes all charges except taxes levied at the retail level, unless otherwise expressly stated. The prominence or emphasis of the

complete price shall be primary to any other related price quotations such as a payment or trade provision.

~~(b)~~ (2) 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)~~ (3) Terms such as “public notice,” “public sale,” “ordered sold,” etc., unless there is an official act by a governmental ~~agency~~ entity concerning the subject of application for such terms.

~~(7)~~ (i) *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 the height and width of, the numeral representing the whole cents.

~~(8)~~ (j) *Scales for Checkweighing of Prepackaged Commodities Required.* It shall be an unfair or deceptive trade practice for any person engaged in the business of selling prepackaged meat, poultry, edible fish, or produce in package form for retail sale and weighed out of 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 in its stead 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 (100 divisions) to the customary ounce divisions, reduced to quarter-ounce fractions thereof (64 divisions).

~~(9)~~ (k) *Private Courier Services.*

~~(a)~~ (1) It shall be an unfair or deceptive trade practice for any ~~business~~ person that acts merely as a private courier service and collects a fee and remits the fee to a county motor vehicle agency or private tag agency to have the license, registration, or title work completed, but is not authorized to issue motor vehicle tags, titles, and registrations (a "private courier service"), to represent itself to the public as a tag agency or title agency.

~~(b)~~ (2) Private courier services shall not use the words "auto tag," "tag agent," "tag agency," "title agency," "title and fast tag," or "fast title" (each a "Restricted Term") in their names or in any advertising, promotional, or informational materials (collectively, "Marketing Materials") unless the term "private courier service" immediately follows the Restricted Term in the identical font, size, and color as the Restricted Term. Marketing Materials of private courier services shall not include (i) images or logos that are confusingly similar to any official government logo or insignia; or (ii) an image of a license plate, unless the Marketing Materials clearly identify the business as a "private courier service" in a font, size, and color identical to the largest text used to state the name of the business.

(c) ~~Private courier services currently using one or more Restricted Terms in their business name or in their Marketing Materials on the effective date of any amendment of section (9) ("Effective Date") must come into compliance with the provisions of section (9), as amended: (i) for any electronic uses of the Restricted Terms, including on websites and in online Marketing Materials, within thirty (30) days after the Effective Date; (ii) for all nonelectronic uses of the Restricted Terms in Marketing Materials prepared or distributed by the business, within ninety (90) days after the Effective Date; (iii) for all other Marketing Materials not published or directly distributed by the business, such as printed yellow pages advertisements, no later than the next publication; and (iv) for all other uses of the Restricted Terms by the business, within six (6) months after the Effective Date.~~

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

(l) Private Tag Agencies.

(1) It is an unfair or deceptive trade practice for any person to provide motor vehicle, vehicle, mobile home, and/or vessel sales tax collection and/or to process State of Florida title, lien recordation, and/or registration applications on behalf of the Tax Collector ("private tag agency") without a current private tag agency contract for such services with the Tax Collector.

(2) It is an unfair or deceptive trade practice for any person to represent or advertise that the person is a private tag agency in Broward County unless that person has a current private tag agency contract with the Tax Collector.

Section 3. Article XII of Chapter 20, titled "Private Auto Tags Agencies," and Sections 20-242 through 20-253 are repealed in their entirety.

Section 4. Severability.

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

Section 5. Inclusion in the Broward County Code of Ordinances.

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

334 Section 6. Effective Date.

335 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 10/10/2025
Scott Andron (date)
Assistant County Attorney

By: /s/ René D. Harrod 10/10/2025
René D. Harrod (date)
Chief Deputy County Attorney

SA/sw
Private Tag Agencies Ordinance
10/10/2025
#1159531.18

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.