

Memorandum

MIAMI-DADE
COUNTY

Date: (Second Reading 07-06-06)
May 9, 2006

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George W. Burgess
County Manager

Subject: Ordinance amending luxury limousine sedan lottery and increasing civil penalties for
out of county origin violations

Amended
Agenda Item No. 7(C)

O#06-110

RECOMMENDATION

It is recommended that the Board approve the attached ordinance that establishes a three year luxury sedan limousine lottery of forty-two (42) licenses each year in 2006, 2007, and 2008, changes the distribution and eligibility for the lottery licenses, and increases the civil penalties for certain violations.

BACKGROUND

On November 14, 2000, the Board approved Ordinance No. 00-139 establishing regulations governing limousines. Six categories of limousines were established, including luxury sedan, stretch, super stretch, antique, ancient, and collectable, and for the first time a mechanism was provided to issue new limousine licenses. The Ordinance was the result of many hours of workshops, public hearings and debate in order to strike a balance between the taxicab and limousine industries, particularly as it relates to luxury sedan service.

Luxury sedans are corporate car type vehicles. In addition to providing specific vehicle standards to ensure vehicle quality and service, the Ordinance capped the number of luxury sedans following a phased implementation involving the issuance of licenses to existing limousine license holders, lessees of licenses, illegal providers that met certain standards and paid fines, and taxicab chauffeurs competing in a lottery for 100 licenses. The sum of all of these phases established the numeric cap for luxury sedan licenses. The final phase, which was the taxicab chauffeur lottery, was completed in 2004.

The Ordinance provided a five (5) year growth mechanism that was to be effective two (2) years after adoption; however, the growth mechanism could not be activated until two (2) years after all implementation phases were concluded. Since the chauffeur lottery was concluded in 2004, the first eligible year for the growth lottery is 2006 and some of the original five year period has expired.

The number of current luxury limousine sedan for-hire licenses is 493, and the number of licenses that would achieve an increase of five (5) percent is 25. Over the five (5) year growth period 125 luxury sedan licenses would have been issued. The Code currently provides that licenses are issued by lottery and apportioned one-third to existing limousine license holders, one-third to taxicab service providers, and one-third to general public category.

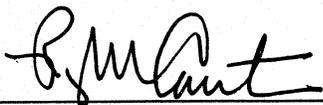
The Consumer Services Department (CSD) has met with the limousine industry to review these provisions. Instead of continuing with the existing provision that would allow 25 per year, this proposed amendment would issue 126 luxury sedan licenses over the next three (3) years at 42 per year. Two-thirds of the 42 licenses (28) would be allocated to existing limousine providers allowing them with an

opportunity to expand their operations. One-third of the 42 licenses (14) would be allocated to new providers, including providers of taxicab services, providing a platform for entry into the market. The amendment also clarifies that, in the three (3) years prior to the lottery, an applicant must not have had a limousine license suspended or revoked or been found guilty of more than three (3) violations for operating without a license, operating without a vehicle permit, or violating the out of county origin provisions of the Code.

Finally, the amendment increases the penalty for violating the out of county origin provisions of the Code from \$500 per occurrence to \$1,000 for the first violation and \$2,000 for each subsequent violation. The out of county origin provisions establish the limited circumstances under which a limousine from another county, which does not hold a Miami-Dade limousine license, may pick up a passenger in Miami-Dade County. The purpose of the increased penalty is to act as a further deterrent to unauthorized operations.

FISCAL IMPACT

This ordinance will have minimal fiscal impact on the County.



Roger M. Carlton, Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 06, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Amended
Agenda Item No. 7(C)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(C)
07-06-06

ORDINANCE NO. 06-110

ORDINANCE AMENDING SECTION 31-603 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO DISTRIBUTION BY LOTTERY OF LUXURY LIMOUSINE SEDAN LICENSES AND CONDITIONS FOR PARTICIPATION IN THE LOTTERY; AMENDING SECTION 8CC-10 RELATING TO CIVIL PENALTIES FOR VIOLATION OF OUT-OF-COUNTY ORIGIN PROVISIONS APPLICABLE TO LUXURY LIMOUSINE SEDANS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Chapter 31, Article VI of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE VI. LICENSING AND REGULATION OF FOR-HIRE
LIMOUSINES

* * *

**Sec. 31-603. ~~Luxury limousine sedan for-hire
limousine licenses.~~**

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(a) *Rules governing the distribution of luxury limousine sedan for-hire licenses.*

(i) Upon the effective date of this article, the director shall be authorized to issue the number of luxury limousine sedan for-hire licenses pursuant to subsections (c)(i), (ii), (iii) and (iv). ~~[[Beginning two (2) years after the adoption of this article, the director shall each calendar year thereafter for a period of five (5) years,]]~~ >>In 2006, 2007, and 2008, the director shall<< be authorized to issue ~~[[the number of licenses equivalent to five (5) percent of the total number of]]~~ >>forty-two (42)<< luxury limousine sedan~~[[s issued pursuant to (c)(i), (ii), (iii) and (iv)]]~~>>licenses each calendar year<<. ~~[[By April 1 of each calendar year, the CSD shall file with the County Manager a report detailing the current Miami Dade County number of luxury limousine sedan licenses and the number of licenses to be issued to reach an increase of five (5) percent in the number of luxury limousine sedans provided for in this subsection.]]~~ The CSD director shall administratively issue such licenses pursuant to the provisions of this section.

(b) *Method for distribution of new luxury limousine sedan for-hire licenses.* Issuance of luxury limousine sedan for-hire licenses shall be issued by the CSD director in accordance with the following procedures:

* * *

(iii) Conditions for participating in random selection or lottery process. All applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Each application to participate in the random selection or lottery process shall be filed in accordance with Section 31-602 of this Chapter, including payment of the investigative and processing fee provided therein. >>In addition to the eligibility requirements found elsewhere in this

Chapter, an applicant shall not be eligible to participate in the random selection or lottery process if he/she/it has, during the three (3) years prior to application, pled nolo contendere, pled guilty or been found guilty of a total of four (4) or more violations of any one or combination of the following sections of this Chapter: Section 31-602 (a); Section 31-603 (b); and/or Section 31-607 (a).<< The CSD shall disqualify applicants who do not meet the requirements of this Chapter from participation in the lottery. The director's decision shall be final.

* * *

(c) *Conditions for initial issuance of luxury limousine sedan licenses:*

- (i) Each holder of a current and valid for-hire license to operate a limousine shall, upon application, receive one luxury limousine sedan license for each such license held. ~~[[The number of for hire luxury limousine sedan licenses issued pursuant to this paragraph (i) shall be subtracted from the total number to be issued pursuant to Section 31-603(a)(i).]]~~ Such application shall be filed no later than forty-five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.
- (ii) Each lessee of a current and valid for-hire limousine license as of January 1, 1999, shall, upon application and the submission of documentation requested by CSD, receive one (1) luxury limousine sedan license for each for-hire limousine license leased prior to January 1, 1999. ~~[[The number of for-hire luxury limousine sedan licenses issued pursuant to this paragraph (ii) shall be in addition to the total number to be issued pursuant to 31-603(e)(iii).]]~~ Such application shall be filed no later than forty-five (45) days after the effective date

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of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.

- (iii) Each person in whose name continuous intra Miami-Dade County luxury limousine service was offered prior to January 1, 1999 shall be issued one (1) luxury limousine sedan license for each for-hire luxury limousine sedan operated if the applicant: (1) submits an application which is approved by the CSD; (2) pays the applicable application investigative and processing fees; (3) provides proof of continuous, intra Miami-Dade County luxury limousine sedan service, as required herein; and (4) enters into a settlement agreement with the County, which shall, among other things, include a promise that the applicant's future limousine operations will comply with the requirements of the Code and requires the payment of a \$500 per vehicle penalty for each year that a vehicle has been operated illegally. The settlement agreement may provide for payment of such penalty over a period of years. In order to demonstrate continuous, intra Miami-Dade County luxury limousine sedan service before January 1, 1999, the applicant shall submit, in addition to any other information required by the County, the following documents: (1) annual federal tax records relating to luxury limousine services showing the payment of taxes consistent with the provision of luxury limousine services as stated in the application; (2) a list and description of all vehicles operated, vehicle identification numbers and the years of operation; (3) annual revenues per vehicle; (4) evidence of automobile liability insurance as required by Florida Statutes for each vehicle operated; (5) the number of hours operated per year, per vehicle; (6) proof that each vehicle provided at least 240 intra Miami-Dade County trips for the 12-month calendar period prior to January 1, 1999; (7) occupational licenses for each year

the applicant provided for-hire limousine service from a municipality in Miami-Dade County, Miami-Dade County, or in the absence of an occupational license from the preceding governmental entities, an occupational license from a municipality in Broward or Palm Beach Counties, or from Broward or Palm Beach Counties; (8) manifests for each trip provided by each vehicle; (9) Articles of Incorporation, if required by law; (10) fictitious name registrations, if required by law; (11) annual renewals of Articles of Incorporation and fictitious name registrations, if required by law; (12) the name, address and telephone number for all chauffeurs who drove each luxury limousine and the dates of employment; and (13) a notarized affidavit, signed under oath, that the submitted application and documents are true and genuine. The CSD shall disqualify applicants who do not meet the requirements of this chapter. ~~[[The number of for-hire limousine licenses issued pursuant to this paragraph (iii) shall be subtracted from the total number to be issued pursuant to section 31-603(a)(i).]]~~

* * *

- (v) ~~[[Notwithstanding the foregoing, no additional for-hire luxury limousine sedan licenses shall be issued for a two (2) year period after the issuance of licenses pursuant to Section 31-603(c)(i), (ii), (iii) and (iv).]]~~ If, in the future, additional luxury limousine sedan for-hire licenses are to be issued, all applicants must meet the requirements of Section 31-602 >>and Section 603<< and, shall be distributed as follows:

- (1) ~~[[one-third (1/3)]]~~ >>Two-thirds (2/3)<< to holders of a current and valid limousine for-hire license; >>and<<
- (2) ~~[[One-third (1/3) to persons who are providing taxicab service in compliance~~

~~with the requirements of Chapter 31 of the Code; and~~
~~(3)] One-third (1/3) to applicants who~~
~~>>are not holders of a current and valid~~
~~limousine for-hire license<< [[meet the~~
~~requirements of section 31-602 of the~~
~~Code]].~~

(vi) No lottery applicant may apply for more than ~~[[twenty (20)]]~~ >>ten (10)<< luxury limousine sedan licenses.

* * *

Section 2. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

CHAPTER 8CC

CODE ENFORCEMENT

* * *

Sec. 8CC-10. Schedule of penalties.

* * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
31-602(b)	Failure to comply with out-of county origin exceptions	[[\$500.00]]
	>> <u>First offense</u>	<u>\$1,000.00</u>
	<u>Second and subsequent offenses</u> <<	<u>\$2,000.00</u>

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

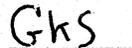
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez