



## MEMORANDUM

Agenda Item No. 7(A)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 17, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance relating to vehicles for-hire; amending Chapter 31 of the Code of Miami-Dade County, providing that wheelchair accessible taxicabs serving designated areas may operate countywide with certain exceptions requiring that accessible taxicabs utilize specified dispatch system

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**This ordinance was amended by the Economic Development and Human Services Committee to provide that wheelchair accessible taxicabs which are converted to provide countywide service may not be placed into service prior to July 1, 2009.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** February 17, 2009  
**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners  
**From:** George M. Burgess  
County Manager  
**Subject:** Ordinance relating to vehicles for-hire

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The ordinance relating vehicles for-hire may have a positive fiscal impact of up to \$90,000 as there are nine taxicabs associated with the north and south Miami-Dade service areas that would be eligible to convert to countywide operations.

  
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Susanne M. Torriente  
Assistant County Manager

fis01109



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 17, 2009

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

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 Mayor'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 \_\_\_\_\_

Agenda Item No. 7(A)  
2-17-09

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO VEHICLES FOR-HIRE;  
AMENDING CHAPTER 31, ARTICLE II OF THE CODE OF  
MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT  
WHEELCHAIR ACCESSIBLE TAXICABS SERVING  
DESIGNATED AREAS MAY OPERATE COUNTYWIDE  
WITH CERTAIN EXCEPTIONS; REQUIRING THAT  
ACCESSIBLE TAXICABS UTILIZE SPECIFIED DISPATCH  
SYSTEM WITHIN SPECIFIED TIME PERIOD; 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 II of the Code of Miami-Dade County, Florida, is  
hereby amended to read as follows:<sup>1</sup>

**Chapter 31**

**VEHICLES FOR HIRE**

\* \* \*

**ARTICLE II.**

**LICENSING AND REGULATION OF  
FOR-HIRE MOTOR VEHICLES**

\* \* \*

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

**Sec. 31-82. For-hire licenses.**

\* \* \*

- (l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.
  - (1) The director, by administrative decision, may require that at least fifty percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to sections 31-82(o)(1) and 31-82(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.
  - (2) Licenses to be operated using accessible vehicles pursuant to 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall be issued upon payment of an amount that is \$10,000 less than the amounts stated in sections 31-82(m), 31-93(c)(2), or 31-93(d), respectively, or \$5,000, whichever amount is greater, payable in full within one hundred and twenty (120) days after each lottery.
  - (3) It shall be a condition of all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to sections 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) that the vehicle operated under the authority of such license shall always be an accessible vehicle.
  - (4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to sections 31-82(l)(1) or 31-82(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.

>>(5) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire license which is required to be operated using an accessible vehicle pursuant to section 31-82(o)(2) or 31-82(o)(3) may convert that for-hire license into a license which may, except as provided herein, operate countywide upon payment of \$10,000 to the County by July 1, 2009. For-hire licenses which are converted as provided in this subsection may not be placed into service prior to July 1, 2009. Notwithstanding the foregoing, a for-hire license which has been converted into a for-hire license authorized to provide countywide service, as provided for in this subsection, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

(6) Notwithstanding any provision to the contrary, all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to sections 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall, by June 1, 2010, have a mobile two-way radio or electronic dispatch system, installed and operating properly, that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, three hundred and sixty-five (365) days a year, and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger.<<

(m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of twenty-five thousand dollars (\$25,000), payable in full within one hundred and twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in section 31-82(c). A sixty-day extension may be granted by the CSD Director provided good cause be shown.

\* \* \*

## (o) For-hire taxicab license lottery

- (1) Beginning January 1, 2004, twenty-five (25) for-hire taxicab licenses shall be issued on an annual basis until December 31, 2006, utilizing the criteria and procedure provided in Section 31-82. In 2004 and 2005, fourteen (14) of the twenty-five (25) for-hire taxicab licenses shall be operated using accessible vehicles. In 2006, twelve (12) of the twenty-five (25) for-hire taxicab licenses shall be operated using accessible vehicles. Two (2) of the twenty-five (25) for-hire licenses to be issued annually shall be issued through a separate lottery to veterans of the United States Armed Forces who have been honorably discharged and satisfy all of the requirements of this chapter, two (2) of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty (20) or more years and satisfy all of the requirements of this chapter and five (5) of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfy all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take

place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

- (2) In addition to the for-hire licenses authorized by the preceding subsection, an additional seven (7) South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued in 2004, 2005 and 2006, pursuant to Section 31-93(d) utilizing the criteria and procedure provided in Section 31-82. One of the for hire taxicab licenses issued pursuant to this subsection (o)(2) shall be operated using an accessible vehicle. Three (3) of the seven (7) for hire licenses issued pursuant to this subsection shall be issued as follows: one (1) of the seven (7) for-hire licenses to be issued shall be issued through a separate lottery to a veteran of the United States Armed Forces who has been honorably discharged and satisfies all the requirements of this chapter; one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty (20) or more years and satisfies all the requirements of this chapter; and one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is

more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery of chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

- (3) In addition to the for-hire licenses authorized by the preceding subsections, an additional six (6) for-hire taxicab licenses shall be issued in 2004, 2005 and 2006, pursuant to Section 31-93(c), utilizing the criteria and procedure provided in Section 31-82. Two (2) of the for-hire taxicab licenses issued pursuant to this subsection (o)(3) shall be operated using an accessible vehicle. One (1) of the six (6)

for-hire licenses issued pursuant to this subsection shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who meet the requirements of Section 31-82(q).

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**Sec. 31-93. Special provisions.**

\* \* \*

- (b) Any taxicab licensed pursuant to Section 31-82 of this article and meeting all standards set forth in Section 31-89 of this article shall be authorized to provide transportation of persons and their baggage from Miami International Airport and from the Port of Miami upon compliance with reasonable and nondiscriminatory terms, conditions and fees, as established by the County Manager. The transportation of persons and baggage from Miami International Airport or from the Port of Miami shall constitute an agreement by the operator that he will conform and cause the chauffeur driving such taxicab to conform to such terms, conditions, and fees.
- (c) Underserved taxicab service area.
  - (1) An underserved taxicab service area is hereby established. For purposes of this subsection, an "underserved taxicab service area" means the

economically disadvantaged area in Miami-Dade County that is bounded as follows:

1. on the north by a line commencing at N.W. 47<sup>th</sup> Avenue and N.W. 215<sup>th</sup> Street running east to N.E. 2<sup>nd</sup> Avenue;
2. on the east by a line commencing at N.W. 215<sup>th</sup> Street and running north to south along N.E. 2<sup>nd</sup> Avenue to N.W. 7<sup>th</sup> Street;
3. on the south by a line commencing at N.E. 2<sup>nd</sup> Avenue and running west along 7<sup>th</sup> Street to N.W. 42<sup>nd</sup> Avenue; and
4. on the west by a line commencing at N.W. 7<sup>th</sup> Street and N.W. 42<sup>nd</sup> Avenue north to N.W. 119<sup>th</sup> Street, west along N.W. 119<sup>th</sup> Street to N.W. 47<sup>th</sup> Avenue, north along 47<sup>th</sup> Avenue to N.W. 135<sup>th</sup> Street, west along 135<sup>th</sup> Street to N.W. 57<sup>th</sup> Avenue, north along 57<sup>th</sup> Avenue to N.W. 167<sup>th</sup> Street, east along N.W. 167<sup>th</sup> Street to N.W. 47<sup>th</sup> Avenue, north along 47<sup>th</sup> Avenue to N.W. 215<sup>th</sup> Street.

For purposes of this subsection, an "underserved area taxicab" means a taxicab where: (a) the for-hire license holder has entered into a passenger service company agreement with a passenger service company that has its principal place of business within the underserved taxicab service area; (b) an average minimum of seventy-five (75) percent of all pickups by the taxicab during each twenty-four hour period originate in the underserved taxicab service area; and (c) the for-hire license holder has applied for and been designated by the Director of CSD as an underserved area taxicab. Any for-hire license holder who seeks to be designated as an underserved area taxicab shall complete and submit a form provided by CSD documenting compliance with the provisions of this subsection for the three-month period preceding submission of the application. Each for-hire license holder authorized to operate as an underserved area taxicab shall on a semiannual basis submit on a form provided by

CSD documentation demonstrating continuing compliance with the requirements of this subsection. Failure of the underserved area taxicab for-hire license holder to comply with any of the provisions of this subsection shall result in the suspension or revocation of authorization to operate as an underserved area taxicab. All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

- (2) Underserved area for-hire taxicab licenses shall be issued through a separate lottery pursuant to Section 31-82(o)(3) to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only; and (ii) the chauffeur shall enter into a passenger service company agreement with a passenger service company which has its principal place of business in an underserved taxicab service area. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in Section 31-82(q) of the Code. Any transfer of an underserved taxicab license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for an underserved taxicab area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000.00).
- (3) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than eight (8) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.

- (4) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) may utilize a color scheme approved by the Director of CSD which does not satisfy the requirements of Section 31-85(a) pertaining to uniform color scheme.
- (d) South Miami-Dade taxicab service area. A South Miami-Dade taxicab service area is hereby established. For purposes of this subsection, the South Miami-Dade taxicab service area means the area located south of S.W. 88 Street. South Miami-Dade taxicab service area, seven (7) additional for-hire taxicab licenses shall be issued through a separate lottery, pursuant to Section 31-82(o)(2), to qualified chauffeurs who satisfy the criteria of Section 31-82(q) and enter into a binding agreement with the County that the chauffeur is restricted to picking up passengers in the South Miami-Dade taxicab service area only. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in section 31-82(q) of this Code. Any transfer of a South Miami-Dade taxicab service area license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for a South Miami-Dade taxicab service area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000). All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

**Section 2.** 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 3.** 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 4.** 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:

JAC

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Audrey M. Edmonson