MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 4-7-09)

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 amending the Code; relating to Vehicles For-Hire; amending the exclusion period for convictions involving trafficking in narcotics

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dorrin D. Rolle.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: April 7, 2009

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

From: George M. Burgess
County Manager

Subject: Ordinance amending the Code relating to Vehicles For-Hire; amending the exclusion period for convictions involving trafficking in narcotics

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The ordinance amending the Code; relating to Vehicles For-Hire; amending the exclusion period for convictions involving trafficking in narcotics will not have a fiscal impact to Miami-Dade.

This ordinance corrects provisions, which contradicts subsequent sections of the Code.

Susanne M. Torriente
Assistant County Manager

fis02609

MEMORANDUM

(Revised)

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

DATE: April 7, 2009

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

SUBJECT: 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 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(C)
4-7-09

ORDINANCE NO. _____

ORDINANCE RELATING TO VEHICLES FOR-HIRE; AMENDING SECTIONS 31-82; 31-303 AND 31-602 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AMENDING THE EXCLUSION PERIOD FOR CONVICTIONS INVOLVING TRAFFICKING IN NARCOTICS; REQUIRING THAT CHAUFFEURS NOTIFY CONSUMER SERVICES DEPARTMENT WITHIN SPECIFIED TIME PERIOD OF CONVICTION OF CRIME; 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. Section 31 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES

* * *

Sec. 31-82. For-hire licenses.

[1]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.

* * *

(d) *Investigation of for-hire license applicants.* The director shall investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The director may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The director's decision to reject or to deny may be appealed in accordance with this chapter.

An applicant shall not be eligible for a for-hire license if he/she/it:

* * *

(6) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, [[~~trafficking in narcotics,~~]] violence against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;

* * *

(16) Has within the last ten years (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

* * *

Sec. 31-100. Passenger service companies.

* * *

(d) *Investigation and eligibility of passenger service applicant.* The CSD shall investigate each

application. The director may issue or refuse to issue such registration on such terms and conditions as the public interest may require. The director's decision to deny an application may be appealed in accordance with this chapter. An applicant shall not be eligible for a passenger service company if he/she/it:

* * *

(14) Has within the last ten years (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

* * *

ARTICLE V. GENERAL REQUIREMENTS

* * *

Sec. 31-303. Chauffeur's registration; all types.

* * *

(c) The CSD and the Miami-Dade Police Department shall investigate each applicant and report all findings. The CSD, or any authorized agent, shall examine each applicant to determine his or her knowledge of the English language, Miami-Dade County geography, traffic regulations and chauffeur responsibilities as contained in this chapter.

* * *

(e) No person shall be issued a chauffeur's registration who:

* * *

(6) Has pled nolo contendere, pled guilty, been found guilty, or been convicted >>, regardless of whether adjudication has been withheld,<< of any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, [[~~trafficking in narcotics~~,]] violent offense against a law enforcement officer under Section 775.0823 Florida Statutes, or is a habitual violent felony offender under Section 775.084 Florida Statutes;

* * *

>>(11) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted, regardless of whether adjudication has been withheld, of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.<<

* * *

>> (l) Conviction of a crime. A chauffeur shall be required to notify the CSD in writing of a conviction of a crime within ten (10) business days of said occurrence. Failure to provide the required notice may result in the revocation or suspension of the chauffeur's registration. <<

* * *

ARTICLE VI. LICENSING AND REGULATION OF FOR-HIRE LIMOUSINES

* * *

Sec. 31-602. For-hire limousine licenses.

* * *

(d) Investigation of for-hire license applicants. The director shall investigate each application and

accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The director may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The director's decision to reject or to deny may be appealed in accordance with this chapter.

An applicant shall not be eligible for a for-hire license if he/she/it:

* * *

(6) Has pled nolo contendere, pled guilty, been found guilty, or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, [[~~trafficking in narcotics~~]], violence against a law enforcement officer under § 775.0823, Florida Statutes, or is a habitual violent felony offender under § 775.084, Florida Statutes;

* * *

(15) Has within the last ten years (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

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: KAC

Prepared by: GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Dorrin D. Rolle