

# Memorandum



**Date:** May 12, 2009

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

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance creating Article VII of Chapter 31 of the Code relating to route service motor carriers

GO  
Agenda Item No.  
3(E)

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

## **RECOMMENDATION**

It is recommended that the Board approve the attached ordinance that eliminates provisions related to route service motor carriers currently contained in Article III of Chapter 31 of the Code of Miami-Dade County, and creates a new Article VII Chapter 31 of the Code establishing updated regulations relating to route service motor carriers.

## **SCOPE**

This proposed ordinance applies countywide.

## **FISCAL IMPACT/FUNDING SOURCE**

The County currently regulates route service motor carriers under an existing Code section. Licensing, operating permit and inspection fees are collected by the Consumer Services Department (CSD) to support regulatory activities related to this category of for-hire transportation. The proposed amendments are expected to be expense and revenue neutral to the County.

## **TRACK RECORD/MONITOR**

CSD is responsible for regulating for-hire transportation in Miami-Dade County.

## **BACKGROUND**

The Passenger Motor Carrier (PMC) provisions of the Code, located in Article III of Chapter 31, govern for-hire vehicles with a passenger capacity of nine to 28 providing route and non-route service. Route service includes jitneys, fixed route, circulators and limited certificates. Non-route service encompasses charter, contract and special operations, including tour vans, provided on a prearranged basis. The County has regulated this form of transportation since 1981.

In July 1998, following concerns regarding new PMC applications and the attempt by new operators to provide on-demand rather than prearranged service, the Board approved Resolution R-1404-98 placing a moratorium on new PMC applications, with certain exceptions, until the Board received proposed amendments to the PMC Code. Applications for new jitney service have continued to be accepted and processed under the exception of the aforementioned resolution, although very few such applications have been submitted. Applications for the transfer of existing PMC certificates of transportation have also continued to be accepted and submitted for Board approval.

On December 2, 2008, the Board adopted Resolution R-1366-08 directing that the proposed amendments to the PMC Code be finalized and submitted for Board consideration within 120 days. Based on concerns that arose during a prior industry workshop and obtained in written comments, a determination was made to bifurcate route and non-route services into separate regulations. This proposed ordinance is therefore the first of two that will address the revisions.

Route service is aimed at a different market than non-route service which normally focuses on prearranged passenger carrier service, like tour van or shuttle services. Conversely, route service is on demand or street hail in character, where prearrangement is not required, and provides the equivalent of fixed route bus service. This proposed ordinance integrates all route service motor carrier regulations into a new article of the Code. Regulations relating to non-route service providers will be submitted separately for Board consideration in April 2009 following additional industry input.

The new route service provisions, as outlined in the attached matrix, will provide for a system of regulation that streamlines market entry and includes upgraded operating standards and enforcement remedies. The proposed ordinance contains the following major elements:

- Converts the application process from one requiring a public hearing and Board approval to administrative approval based on specific standards, and allows for administrative transfers.
- Retains route review by Miami-Dade Transit that confirms no greater than 30 percent duplication of existing bus or jitney service on a requested jitney route.
- Continues to provide for circulator service authority provided there is an approved agreement with the County.
- Codifies vehicle standards addressing equipment such as tires, brakes, alignment, and operability of all doors, lights, air conditioning/heat and standards for wheelchair ramps and points of security if vehicles are wheelchair accessible.
- Imposes a maximum age of five model years for vehicles initially placed into service and establishes vehicle retirement requirements according to the type of vehicle placed in service.
- Requires license holders to enter into a written agreement with each chauffeur operating any route service motor vehicle when compensation is required from the chauffeur.
- Establishes a system of civil penalties utilizing Chapter 8CC of the Code to enhance code enforcement.

These proposals were reviewed with the route service motor carrier industry at three industry workshops. Most of the amendments are supported by the industry; however, concerns were raised regarding the new vehicle age limits. Currently, there is a maximum vehicle age of 15 years. Mandating newer vehicles will have a positive effect in the level of service being provided by this for-hire industry.

Based upon input from industry, this proposal establishes a maximum vehicle age of five (5) model years when initially placed into service, and ties the vehicle retirement age to the type of vehicle placed in service. Light duty passenger vans seating 15 passengers or less are proposed to be retired after 10 model years. Medium-size, light-duty transit buses (approximately 25- 35'); medium size, medium-duty transit buses (approximately 30'); and medium size, heavy-duty transit buses (approximately 30') are proposed to be retired at twelve (12) model years. Large, heavy-duty transit buses (approximately 35'-40') are proposed to be retired at fifteen (15) model years. This schedule acknowledges that some vehicles are more durable with a longer useful life, as well as requiring a larger investment. All vehicles currently in service will be allowed to remain in service until they reach their normal retirement age as long as they are able to pass inspections and meet vehicle condition requirements.

**Honorable Chairman Dennis C. Moss and Members,  
Board of County Commissioners  
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For-hire chauffeurs are regulated under a different section of the Code. A technical amendment is made to those provisions to ensure a linkage between the chauffeur requirements and the new route service Code section.

Attachments



Assistant County Manager

**PROPOSED ROUTE SERVICE MOTOR CARRIER ORDINANCE AMENDMENTS**

**COMPARISON OF EXISTING PROVISIONS IN ARTICLE III, CHAPTER 31 TO PROPOSED AMENDMENTS**

This comparison highlights major areas of reform and, therefore, does not list all proposed changes.

|                                 | <u>CURRENT REGULATIONS</u>  | <u>PROPOSAL</u>  |
|---------------------------------|---|--|
| <b>Definitions</b>              | <b>31-102</b>   | <b>31-701</b>  |
|                                 | <p>Establishes definitions for used terms, including fixed route and jitney.</p> <p>Jitneys are defined as vehicles having a maximum seating capacity of 15, including the driver.</p>  | <p>Expands definitions for common terms to be consistent with other for-hire regulations.</p> <p>Fixed route and jitney definitions are expanded and the passenger limitation on jitneys (15) is removed.</p> <p>Adds definitions for "route service motor carrier", "circulator service" and "limited for-hire service".</p> <p>"For compensation" is amended to add "tips" consistent with other articles.</p> <p>Definition of "duplication of service" remains the same as the present Code, but is moved to the definitions section: "Duplication of Service means that a segment of the proposed fixed route or jitney service would operate or overlap with a current service route by more than thirty (30) percent, in a transit corridor where the existing or planned combined service has an average headway of 29 minutes or less."</p> |
| <b>For-hire licenses</b>        | <b>31-103</b>   | <b>31-702</b>  |
|                                 | <p>31-103(a) Prohibits operations without Certificate of Transportation.</p> <p>31-103(b) Paratransit passengers may be picked up by licensed and legally authorized paratransit provider from adjacent county within ADA defined areas if passenger is eligible for service.</p>   | <p>31-702(a) Prohibits advertising, offering or providing services without a for-hire license.</p> <p>31-702(b) Similar</p>  |
| <b>Out of County Origin</b>     |   |  |
|                                 |   |  |
| <b>Application requirements</b> | <p>31-103(c) Application requirements include: applicant identification, management plan, trade name, description of vehicles to be used, proposed rates, credit references, criminal history, financial statement, statement as to market anticipated to be served, public notice including geographic area or routes to be served.</p> <p>Transfer applicants must disclose any compensation to be paid in connection with transfer of certificate.</p> <p>Jitney or fixed route applicant must furnish</p> | <p>31-702(c) Application requirements similar but enlarged to clarify corporate and partnership members and additional information required to identify applicant.</p> <p>Passenger service plan must include maintenance program, system for handling complaints, driver training program, and central place of business.</p> <p>Classes of transportation include jitney, fixed route, circulator and limited</p> <p>Transfer applicants must disclose any compensation to be paid in connection with transfer.</p> <p>Must provide a detailed map or drawing of the proposed route.</p>   |

**PROPOSED ROUTE SERVICE MOTOR CARRIER ORDINANCE AMENDMENTS**

|                              | <u>CURRENT REGULATIONS</u>  | <u>PROPOSAL</u>  |
|------------------------------|---|--|
|                              | route description and map.  |  |
| Certificate approval process | <p>31-103(d)-(j) 20 day notice protest period required for applications, with Hearing Officer consideration in event of protest. Hearing Officer makes recommendation; CSD evaluates and incorporates into recommendation to BCC.</p> <p>Route applications are reviewed by MDT for duplication of service with MDT or other jitney/fixd routes. Application denied if route in conflict with parameters for duplication.</p> <p>A second 20 day notice is required to all Certificate Holders before public hearing. BCC authorizes Certificate of Transportation after public hearing.</p> <p>Limited Certificate applicants with MDT contracts require BCC approval but the 20 day notice requirements do not apply.</p> | <p>31-702 (d)-(g) Approval process converted to administrative process, consistent with taxi and limousine ordinances. Must meet all conditions for eligibility, including:</p> <ul style="list-style-type: none"> <li>• criminal history prerequisites updated to be consistent with taxi/limo ordinances</li> <li>• no prior injunctions or unsatisfied judgments, penalties, not previously revoked, etc. authorized to work in USA</li> <li>• application elements complete</li> </ul> <p>Upon filing of application for a new license, transfer or modification of the license the Director shall review and investigate each application and reject any application that is incomplete, untrue or not properly filed.</p> <p>Eliminates protest and public hearing procedures and notices for all applicants.</p> <p>Incorporates current practice of route applications reviewed by MDT for duplication of service of more than 30% with MDT or jitney/fixd routes.</p> |
| Renewal                      | <p>31-103(l) Administrative renewal based on Code compliance.</p> <p>Certificate expires and is automatically revoked for failure to renew by prescribed period.</p> <p>Must operate 8 months of year.</p>  | <p>31-702(h)-(i) Administrative renewal based on standards for initial issuance. Automatic revocation for failure to renew.</p> <p>Must operate vehicles under licenses at least 9 months of year.</p> <p>Denial determinations may be appealed per Code provisions.</p> <p>Establishes a grace period of 30-day after expiration of the license</p>   |
| Transfer                     | <p>31-103(m) County approval required.</p> <p>A transfer is any change in control or ownership, including any change affecting directors, officers or managers.</p> <p>BCC approval and public hearing required for all transfers.</p>  | <p>31-702(j) County approval required.</p> <p>Any change in the ownership structure of a corporation where at least 5% of the shares is sold or transferred shall be deemed a sale and a new application shall be filed.</p> <p>Administrative process.</p>  |
| Operating Permits            | <p align="center"><b>31-104</b></p> <p>Once a Certificate of Transportation is issued, operating permits may be issued for each vehicle operated.</p> <p>Permits must be renewed annually, may not be</p>   | <p align="center"><b>31-703</b></p> <p>Similar with some enhancements consistent with taxicab and limousine ordinances.</p> <p>No vehicle permit/decal may be assigned, leased or transferred.</p> <p>Vehicles once permitted may not be altered without advance approval from CSD and a</p>   |

PROPOSED ROUTE SERVICE MOTOR CARRIER ORDINANCE AMENDMENTS

|  | CURRENT REGULATIONS  | PROPOSAL  |
|--|--|---|
|  | <p>transferred or assigned.</p> <p>Requirements for markings, and provisions for substitute vehicles.</p> <p>Vehicles once permitted may not be altered without advance approval from CSD.</p> | <p>vehicle inspection.</p>  |
| <b>Chauffeur Registrations</b>           | <p><b>31-105</b></p> <p>Chauffeurs may not operate without a chauffeur registration issued pursuant to Chapter 31</p>  | <p><b>31-704</b></p> <p>Same.</p>   |
| <b>Insurance requirements</b><br>General | <p><b>31-106</b></p> <p>Requirements applied are 100/300/50 per State law with coverage by FIGA company. These supersede actual provisions in the Code.</p>                                    | <p><b>31-705</b></p> <p>Provisions are consistent with taxicab and limousine ordinances.</p> <p>Limits are updated to 100/300/50 to be consistent with State law with coverage by FIGA company.</p> <p>Insurance must list license holder/vehicle owner and chauffeur as insured's.</p> <p>24-hour coverage required, regardless of for-hire or not, or location. No deductibles, reimbursables, self-insurance, binders.</p> <p>Certificate of Ins. requires federal VIN number and description of vehicle. Policy to be provided on request.</p>  |
| <b>Vehicle standards</b>                 | <p><b>31-107</b></p> <p>Compliance with US DOT regulations.</p> <p>CSD to establish standards.</p>   | <p><b>31-706</b></p> <p>Compliance with applicable Code of Federal Regulations and Florida Statute provisions and the standards that are consistent with taxi and limousine ordinance requirements and are described specifically in this section. Includes:</p> <ul style="list-style-type: none"> <li>• Tires, brakes, alignment, AC/heat temperature, operability of all doors, lights, equipment, headlights, horn, wipers, etc.</li> <li>• Air conditioning required for vehicles to be effective as vehicles are replaced.</li> <li>• Must comply with CSD requirements for markings in interior/exterior of vehicle.</li> <li>• Standards for wheelchair ramps and points of security if vehicles to be wheelchair accessible.</li> <li>• Color scheme that does not infringe upon others, approved by CSD.</li> <li>• Third party advertisement requires prior approval by the CSD.</li> <li>• Mobile two-way radio or a cellular phone shall be installed and operating properly.</li> </ul> |
| <b>Vehicle age</b>                       | <p>No vehicle older than 15 years may be</p>   | <p>No more than 5 model years old when placed in service and retirement age determined</p>  |

**PROPOSED ROUTE SERVICE MOTOR CARRIER ORDINANCE AMENDMENTS**

|                            | <u>CURRENT REGULATIONS</u>  | <u>PROPOSAL</u>  |
|----------------------------|---|--|
|                            | operated.   | <p>by the type of vehicle placed in service:</p> <ul style="list-style-type: none"> <li>• Large, heavy-duty transit buses (approximately 35'-40') to be retired at 15 model years.</li> <li>• Medium-size, heavy-duty transit buses (approximately 30') to be retired at 12 model years.</li> <li>• Medium-size, medium-duty transit buses (approximately 30') to be retired at 12 model years.</li> <li>• Medium-size, light duty transit buses (approximately 25'-35') to be retired at 12 model years.</li> <li>• Light duty vehicles such as small buses and regular and specialized vans at 10 model years.</li> </ul> <p>All vehicles currently in service will be allowed to remain in service until they reach their normal retirement age as long as they are able to pass inspections and meet vehicle condition requirements.</p> |
| Inspection schedule        |   |  |
| 1-2 year old vehicles.     | Annually  | Same   |
| 3-4 year old vehicles      | Semiannually  | Same   |
| 5+ year old vehicles       | Quarterly   | Same   |
| <b>Rules for operation</b> | <b>31-108</b>   | <b>31-707</b>  |
|                            | <p>Requirement for a color scheme that does not infringe on other companies.</p> <p>Must have lost and found for personal property left in a vehicle, must hold property for 6 months.</p> <p>Compliance with federal, state and local laws.</p> <p>Must maintain records.</p> <p>May not discriminate.</p> <p>Must have a vehicle numbering system.</p> <p>Manifests and trip records required.</p> <p>May not permit operations without valid permit or chauffeur registration; permit the driving of vehicle by person who is impaired or likely to be impaired</p> <p>May not operate as a taxicab, use taxicab</p> | <p>Covers same areas but expanded to be consistent with taxi and limousine ordinances, with some differences</p> <p>Each license holder who requires a chauffeur pay any amount of compensation for the right to operate a route service motor vehicle is required to enter into a written chauffeur's agreement with each driver. The license holder shall post a sign summarizing the elements of the chauffeur agreement at the point of payment.</p>   |

**PROPOSED ROUTE SERVICE MOTOR CARRIER ORDINANCE AMENDMENTS**

|                              | <u>CURRENT REGULATIONS</u>  | <u>PROPOSAL</u>  |
|------------------------------|---|--|
|                              | stands, display the word taxicab or derivatives, advertising one number for taxi and PMC work.  |  |
| <b>Rates</b>                 | <p align="center"><b>31-109</b></p> <p>Applicant required to file rate with application, which may be changed with 30 day written advance notice to CSD.</p> <p>Jitney or fixed route rates must be posted in/on vehicle interior/exterior and rate changes posted 15 days prior to change.</p> <p>All rates to be posted at business site. Company may establish contract rates with contracts filed with CSD.</p>                                   | <p align="center"><b>31-708</b></p> <p>Same</p>  |
| <b>Enforcement</b>           | <p align="center"><b>31-110</b></p> <p>Enforcement by CSD and police.</p> <p>Use of deficiency/warning system for minor violations or citations for more serious violations.</p> <p>Prosecution of citations is through State Attorney's Office and Courts.</p> <p>Additional redress through legal action, including injunctive relief.</p>  | <p align="center"><b>31-709</b></p> <p>Violations converted to civil process through the Chapter 8CC Code Enforcement process administered by the Clerk of Courts.</p>   |
| <b>Violations; Penalties</b> | <p align="center"><b>31-111</b></p> <p>Fines not to exceed \$100. 5 or more violations in 12-month period are grounds for suspension or revocation.</p> <p>Citations in jurisdiction of Courts.</p> <p>Intent to defraud chauffeur or operator punishable through Courts.</p> <p>Violations of licensing requirements subject to criminal prosecution punishable by fines and or jail ranging from \$250 to \$10,000 and/or 10 days imprisonment.</p> | <p align="center"><b>31-710</b></p> <p>Violations converted to civil process through the Chapter 8CC Code Enforcement process administered by the Clerk of Courts. Fines are prescribed in Section 2 of the ordinance and are consistent with taxi and limousine ordinance fines.</p> <p>Failure to pay civil penalty within time frame results in automatic suspension. 5 violations of the same section within 12 mo. period results in automatic revocation. 5 violations within 12 mos. results in suspension for up to six months.</p> <p>Anyone found guilty of advertising or providing for-hire operations without a license or driving without requisite registrations on two occasions within a period of 3 yrs is subject to fines between \$5,000. and \$10,000. and up to 45 days imprisonment.</p> <p>Defrauding of chauffeur or operator is subject to a criminal fine \$500 and/or up to 10 days imprisonment.</p> |

**PROPOSED ROUTE SERVICE MOTOR CARRIER ORDINANCE AMENDMENTS**

|                                  | <u>CURRENT REGULATIONS</u>   | <u>PROPOSAL</u>   |
|----------------------------------|--|---|
| <b>Suspension and Revocation</b> | <p align="center"><b>31-112</b></p> <p>Establishes criteria on suspension and revocation for certificates, permits and registrations. Requires notice of section preceded by a 10 day notice.</p> <p>Appeal hearings by a hearing examiner. Currently Clerk of Courts Hearing Officers used. Hearing officer submits findings and recommendations. Hearing officer may affirm or reverse director's decision.</p> <p>If affirmed, appeal made to County Manager and subsequently to the Circuit Court for Miami Dade County.</p> | <p align="center"><b>31-711</b></p> <p>Establishes suspension and revocation proceedings that are consistent with the requirements for taxi and limousine, provides that determinations for license, registration and permit denial, suspension or revocation are issued by CSD. May be appealed.</p> <p>Administrative hearings conducted by Hearing Officers who are appointed by Clerk of Courts. Named party or County may appeal the hearing officer's decision to the Circuit Court for Miami Dade County.</p>  |
| <b>Exclusions</b>                | <p align="center"><b>31-113</b></p> <p>Lists the types of vehicles that are exempt from the PMC requirements including ambulances, school buses, taxicabs, van pools, mass transit, government vehicles operated by government employees, vehicles used for demand ground transportation at MIA, vehicles operating per pre 1974 municipal regulatory ordinance.</p> <p>This section also includes provisions regarding municipal circulators.</p>   | <p align="center"><b>31-712</b></p> <p>Limits exclusions to those that relate to route service motor carriers, including:</p> <ul style="list-style-type: none"> <li>• Motor vehicles owned and operated by Miami-Dade Transit.</li> <li>• Federal, State, County and municipal vehicles when operated by a government employee providing transportation services without compensation.</li> </ul> <p>Municipal circulators are provided for in 31-702(n).</p>  |
| <b>CSD Duties</b>                | <p align="center"><b>31-114</b></p> <p>Includes investigation and preparation of reports as required, enforce provisions, resolve complaints, work with industry on service expansion and improvements, provide technical assistance to industry, create and render technical assistance to advisory group.</p> <p>Other rules and regulations must be approved by the BCC.</p> <p>Required fees must be by administrative order.</p>  | <p align="center"><b>31-713</b></p> <p>Amplified to include issuance, denial, suspension and revocation, conduct of training programs, standardized reporting, numbering system for vehicles, disposition of fine revenues from cooperative enforcement activities with cities. Upon court order have closed and sealed unlicensed provider establishments. Advisory group not included. CSD will hold meetings with industry representatives address concerns.</p> <p>Other rules and regulations must be approved by the BCC.</p> <p>Required fees must be by administrative order.</p> |

**PROPOSED ROUTE SERVICE MOTOR CARRIER ORDINANCE AMENDMENTS**

|  | <u>CURRENT REGULATIONS</u>   | <u>PROPOSAL</u>  |
|--|--|--|
| <b>Special Provisions</b>                  | <p align="center"><b>31-115</b></p> <p>Regulations are applicable countywide and exclusive.</p> <p>Contains obsolete provisions that are no longer needed relating to issuance of certificates when Article III enacted in 1981; stemming from 1990 state law changes regarding intercounty and intracity transportation; and the Jitney Transportation Network.</p> | <p align="center"><b>31-714</b></p> <p>Countywide applicability retained.</p> <p>Certificate Holders for jitney or fixed route, circulator, or limited service as of the date of enactment of ordinance to be issued a route service motor carrier for-hire license within 90 days from the enactment date of the ordinance.</p>   |
| <b>Seizure, Impoundment and forfeiture</b> | <p align="center"><b>31-116</b></p> <p>Seizure, impoundment and forfeiture procedures contained. Taxi and limousine ordinances mirror these procedures.</p>  | <p align="center"><b>31-715</b></p> <p>Same</p>  |
| <b>Advertisement</b>                       | <p>No current requirement relating to advertisement in publications, etc. and inclusion of license number.</p>   | <p align="center"><b>31-716</b></p> <p>For-hire license number must be included in any advertisement.</p> <p>Illegal to advertise a rate other than rate established pursuant to 31-708.</p> <p>Prohibition of advertisement that is false, misleading or deceptive, including representing the passenger motor carrier service as taxicab or demand response service.</p> |
| <b>Chapter 8CC</b>                         | <p>No civil penalties currently contained in Chapter 8CC.</p>  | <p>Enforcement converted to Chapter 8CC civil penalty process.</p>   |



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** March 17, 2009  
and Members, Board of County Commissioners

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

**SUBJECT:** Agenda Item No. 4(E)

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. 4(E)  
3-17-09

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

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, BY CREATING ARTICLE VII TO PROVIDE FOR REGULATION AND LICENSING OF ROUTE SERVICE MOTOR VEHICLES; REQUIRING THAT ADVERTISEMENTS FOR ROUTE SERVICE INCLUDE CERTAIN INFORMATION; ESTABLISHING DUTIES AND RESPONSIBILITIES OF THE MIAMI-DADE COUNTY CONSUMER SERVICES DEPARTMENT; CREATING PROVISIONS RELATING TO RATES, INSURANCE REQUIREMENTS AND ENFORCEMENT; ESTABLISHING VEHICLE STANDARDS AND RULES OF OPERATION FOR ROUTE SERVICE MOTOR VEHICLES; PROVIDING FOR SUSPENSION AND REVOCATION OF FOR-HIRE LICENSES AND OPERATING PERMITS; PROVIDING FOR SEIZURE, IMPOUNDMENT AND FORFEITURE OF ROUTE SERVICE MOTOR VEHICLES; AMENDING CHAPTER 8CC OF THE CODE PROVIDING CIVIL PENALTIES; AND PROVIDING FOR DEFINITIONS, PENALTIES, SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

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

Section 1. Chapter 31, Article III of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 31**

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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.

**VEHICLES FOR HIRE**

\* \* \*

**ARTICLE III. PASSENGER MOTOR CARRIERS**

\* \* \*

**Sec 31-102. Definitions.**

For the purpose of this article, the following definitions shall apply:

\* \* \*

(h) >>Reserved.<<[[~~Fixed route or regular route service means the transportation of persons by a common carrier for compensation on a regular route with a regular schedule between fixed terminals.~~]]

\* \* \*

(j) >>Reserved.<<[[~~Jitney means any motor vehicle having a maximum seating capacity of fifteen (15) or less, transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.~~]]

\* \* \*

(x) >>Reserved.<<[[~~Core transit or transit corridor means the area one-fifth ( $\frac{1}{5}$ ) of a mile on each side of the street on which high service level of fixed route or jitney service is being legally provided.~~]]

\* \* \*

**Sec 31-103. Certificate of transportation.**

\* \* \*

(c) *Application contents.* Every application for a certificate shall be in writing, signed and sworn to by the applicant, and shall be filed with CSD. The statements contained in the application shall become a part of the certificate and may be modified only in accordance with this article. The application shall be on a form provided by

CSD and shall contain all information required thereon, including but not limited to:

\* \* \*

(16) >>Reserved.<<[[A factual statement, if applying for jitney or fixed route authority, indicating the economic and ridership effect on any existing fixed route or jitney transportation service providers on the same transit corridor, route or portion thereof.]]

(17) >>Reserved.<<[[A factual statement, if applying for jitney or fixed route authority, that the application is consistent with the criteria and factors contained in subsection (g) of this section.]]

\* \* \*

(e) *Hearing, notices and reports.*

(1) >> Reserved.<< [[Upon the proper filing of an application under this article for a certificate to provide jitney or fixed route service, or for the transfer or modification thereof, and payment of the required fee, the Director shall give notice to the following: (a) The governing bodies of all affected municipalities within Miami-Dade County; (b) all jitney or fixed route certificate holders; (c) any other person, office or entity requesting notice.]]

(2) >>Reserved. <<[[Any interested person affected by the proposed operation of jitney or fixed route service who wishes to intervene in the proceeding shall file with the Director and serve upon the applicant a formal protest within twenty (20) days after service of said notice. A person who has not filed a formal protest as provided in this section may not appear as a party in the proceeding. If no written protest is properly filed and served as herein provided, the Commission shall dispose of the application after a public hearing. If one (1) or more protests are properly filed and served as herein provided, the County Manager shall appoint a hearing officer and fix a time for an

~~administrative hearing no later than twenty (20) days after the conclusion of the termination date for filing a protest, and shall serve notice of hearing upon the applicant and all persons who have filed a written protest. The County Manager, by regulations, shall establish the procedures for such hearings.]]~~

\* \* \*

(f) *Public hearings.* The Commission shall hold at least two (2) public hearings each year if required, to consider and take action upon pending certificate applications and transfer applications. The Clerk of the Board shall provide at least seven (7) days' advance notice of such public hearing. ~~[[Additionally, if the application is for jitney or fixed route authority, CSD shall provide at least twenty (20) days' advance notice of such public hearings to all applicants and all jitney or fixed route certificate holders by certified mail.]]~~ In reaching its determination, the Commission shall consider the application, the County Mayor's report and recommendation, and matters presented at the public hearing.

(g) *Certification criteria and process.* The Commission, at the conclusion of the public hearing shall determine if the requested certificate of transportation is consistent with the following public interest criteria.

- (1) That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate and is able to comply with this article and regulation of the Commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.
- ~~[[~~(4) That, ~~if applying for jitney or fixed route authority, the proposed transportation will~~

~~not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami Dade Transportation Plan. In particular, it shall be deemed not in the public interest to authorize certificates of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at average frequencies of twenty-nine (29) minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry. The provisions of the preceding sentence shall not apply when the applicant is applying for a certificate of transportation to provide jitney or fixed route authority and the Commission finds: (1) that the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami Dade Transportation Plan; (2) the route applied for has been operated by the applicant for at least five (5) years utilizing at least twelve (12) vehicles during 1997 which were issued permits by the CSD; (3) the fixed or jitney route traverses at least five (5) miles on either NW 7th Avenue or NE 2nd Avenue in Miami Dade County; and (4) the applicant has held a certificate of transportation issued by Miami Dade County for at least eight (8) years.}}~~

The Commission, after such public hearing, by resolution, may authorize or refuse to authorize the certificate as applied for, or may authorize a certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require.

The County Mayor may prescribe rules and regulations consistent with the criteria set forth in subsection (g)(1), (2), (3) and (4) above, for the approval and issuance of emergency temporary certificate. No temporary certificate shall be issued unless the applicant has paid a temporary certificate fee.

(h) *Burden of proof.* In any proceeding under this section, the applicant shall have the burden of providing all of the prerequisites of the issuance of the certificate>>.<< ~~[[except that if a protestant objects on the ground that issuance will adversely affect the existing transportation system or impair essential transportation services being provided by the motor carrier industry then, on that issue, the protestant shall have the burden of proof.]]~~

\* \* \*

(n) *Modification of certificate.* Every application for modification of a certificate shall be in writing, signed and sworn to by the operator and shall be filed together with a modification processing fee. The application shall be on a form provided by CSD, and shall be noticed for hearing before the Commission in the manner as provided for in this article for applications for a certificate and the formal approval of the Commission shall be a precedent to any modification. Modifications of a certificate shall include changes in service standards ~~[[, route changes in service standards, route extensions,]]~~ and similar items which enlarge operating authority.

\* \* \*

~~[[ (q) The amendments to Section 31-103(g) (4) contained in this section shall sunset on July 5, 1999. Notwithstanding the requirements of the prior sentence, any certificate of transportation issued pursuant to an application approved by the Commission prior June 22, 1999 pursuant to Section 31-103(g)(4) as amended by this section shall remain in full force and effect so long as the certificate holder complies with all applicable provisions of the Code.]]~~

\* \* \*

**Sec. 31-107. Safety regulation.**

\* \* \*

(c) *Inspection for compliance.* CSD shall provide for semi-annual inspection of each vehicle for compliance with the foregoing standards. The CSD shall provide

for annual inspection of each vehicle between and including one (1) and two (2) model years old; CSD shall provide for semi-annual inspection of each vehicle between and including three (3) and four (4) model years old; CSD shall provide for quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old for compliance with the foregoing standards. CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD may also inspect any passenger motor vehicle at any time. The results of each inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards shall not be operated as a passenger motor vehicle until such time as the vehicle satisfactorily passes inspection. ~~[[Notwithstanding the foregoing, the quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old to determine compliance with the foregoing vehicle condition standards shall commence on May 1, 1995 and the quarterly inspection of each such vehicle to determine compliance with the foregoing vehicle safety and mechanical standards shall be reduced to semi-annual inspection until July 1, 1998. ]]~~

\* \* \*

**Sec 31-108. Rules for operation**

\* \* \*

~~[[*(k)* *Separate phone numbers for jitney and taxi service.*] No operator shall use for the purpose of advertising or requesting services to be provided under this article telephone number(s) that is used to request or furnish taxicab services.]]~~

**Sec 31-109. Rates and fares.**

\* \* \*

(c) *Methods of establishing rates.* Each operator may establish rates and fares under one (1) or both of the following categories:

- (1) Rates and fares:

\* \* \*

b. An operator may change the rate or fare by filing a proposed rate or fare, thirty (30) days prior to its effective date, with CSD. ~~[[The proposed rate or fare for jitney and fixed route service shall be posted within the passenger compartment section of each vehicle at least fifteen (15) days before it becomes effective.]]~~

c. >> Reserved. << ~~The rate(s) or fare structure for jitney or fixed route service shall be clearly set forth as a schedule of charges based on service elements understandable by the public, posted within the passenger compartment and on the exterior located adjacent to the entrance of each vehicle.]]~~

\* \* \*

**Sec 31-113. Exclusions.**

The following passenger motor carriers and/or passenger motor vehicles are exempt from the requirements of this article:

\* \* \*

>>(n) Route service motor carriers as defined in Article VII of this Chapter.<<

\* \* \*

**Sec 31-115. Special provisions.**

\* \* \*

(c) >>Reserved.<< ~~[[Any person operating a passenger motor vehicle within Dade County on February 2, 1981, upon the authority of a valid certificate of public convenience and necessity or other valid permit issued by the Florida Public Service Commission or a valid certificate of public convenience and necessity issued by a municipality within Dade County regulating passenger motor vehicles, shall, upon proper proof of possession of~~

~~such authority, be entitled to a Dade County certificate upon the payment of the fee required in this article, with all existing authority, limitation or restriction of the Public Service Commission or municipal certificate as of February 2, 1981, providing the County certificate shall be limited to the maximum number of vehicles operated in any one (1) month of the previous twelve (12) months prior to February 2, 1981. Holders of municipal certificates shall only be issued a certificate for each vehicle that is not also operating under authority of a Florida [Public] Service Commission certificate. No Dade County certificate shall be issued in accordance with this section unless same has been applied for no later than fifty (50) days after the effective date of the article, provided that on each certificate applied for, a separate and distinct vehicle meeting the requirements of this article is listed and a proper and timely application and fee is submitted in accordance with this section. A separate and identifiable motor vehicle cannot be used to apply for more than one (1) certificate under this section.~~

(d) >>Reserved<< ~~Any person operating a passenger motor vehicle upon the effective date of Ordinance No. 81-17 must make application for a certificate within ten (10) days. Those persons who applied within the time period specified in the first sentence of this subsection (d) shall be issued a Dade County certificate for those operations specified in the application which have been continuously performed in accordance with the terms and conditions of Sections 31-106 and 31-108 of this article. The County certificate issued hereunder shall not limit the number of vehicles authorized.~~

(e) >>Reserved<< ~~On the effective date of this article, the existing rate(s) of operators entitled to the issuance of certificate pursuant to subsection (b) of this section shall be that rate in effect on February 2, 1981, and said rate may only be changed in accordance with the provisions of this article.~~

(f) >>Reserved<< ~~Each chauffeur authorized on the effective date of this article by a certificate holder to drive a passenger motor vehicle shall be issued by CSD, at no cost, a temporary ninety day chauffeur registration upon proof of possession of a valid Florida chauffeur license. Upon expiration of the temporary registration, said chauffeur~~

~~must fully comply with Section 31-105.~~

(g) >>Reserved.<< ~~Any person operating a route service motor carrier designed for carrying ten (10) to twenty-eight (28) passengers, including driver, with an overall length of thirty (30) feet or less engaged solely in intercounty transportation or engaged in intracity transportation routes which intracity routes have been operated continuously from January 1, 1990 through July 1, 1990 in compliance with applicable safety rules and regulations promulgated under Section 316.70 Florida Statutes must make application for a certificate of transportation and pay a two hundred and twenty five dollar (\$225.00) application fee therefore to CSD by August 17, 1990. Those persons who apply and pay the required application fee by August 17, 1990 shall be issued a certificate of transportation for those operations which meet the requirements of the proceeding sentence. Appeal of the CSD Director's decision on any application hereunder must be filed with the County Manager within ten (10) days of the issuance of the Director's decision. Such certificate shall be subject to the requirements of Section 31-101; 31-102; 31-103(a), (c)(1)-(3), (8) and (10); and (j) through (o); 31-104; 31-105; 31-106; 31-107; 31-108; 31-110; 31-111; 31-112; and 31-115. A certificate of transportation issued hereunder shall expire July 1, 2010, or ten (10) years after any change in ownership of any such passenger motor vehicle.]]~~

\* \* \*

(i) >>Reserved.<< ~~[[No person or business entity shall be awarded a contract by Dade County to provide transportation on more than twenty-five (25) percent of Jitney Transportation Network Service. No business entity shall be awarded a contract by Dade County to provide transportation on a Jitney Transportation Network Route, if a person with a controlling financial interest in that business entity has a controlling financial interest in another business entity or entities, which provide or have agreed to provide transportation on more than twenty-five (25) percent of the Jitney Transportation Network Service. In the event that an award of a Jitney Transportation Network Route to the lowest bidder would be in violation of this ordinance, such award shall be made to the next lowest bidder, if any award is made.~~

These terms used in the preceding paragraph shall have the meanings provided below:

~~*Coordinated jitney service contract* means a contract between the County and the operator of a passenger motor carrier to provide transportation on a Jitney Transportation Route, when the expressed aim of such contract is to incorporate private jitneys or other passenger motor carriers into the public transportation system of Dade County.~~

~~*Jitney Transportation Network Routes* means such transportation route designated by the Metro Dade Transit Agency on which passenger motor carriers will provide transportation pursuant to a coordinated jitney service contract.~~

~~*Jitney Transportation Network Service* means the total number of revenue miles on which private passenger motor carriers provide transportation, pursuant to a coordinated jitney service contract.~~

~~*Controlling financial interest* means the ownership, directly or indirectly, of ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.~~

~~The foregoing requirements may be waived by resolution of the County Commission (1) upon a finding that a waiver is in the best interest of Dade County, and (2) that there are not enough responsive bidders or proposers with whom the County can contract to provide the necessary transportation on Jitney Transportation Network Routes, unless the provisions of this ordinance are waived.]]~~

Section 2. Chapter 31, Article V of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE V. GENERAL REQUIREMENTS

Sec. 31-301. Applicability

All general requirements contained in this article are applicable to chauffeur applicants and chauffeurs for nonemergency medical transportation regulated under Chapter 4, Article III, private school buses regulated under Chapter 30, Section 371 and 372, taxicabs regulated under Chapter 31, Article II, Passenger Motor Carriers regulated under Chapter 31, Article III, ~~[[and]]~~ special transportation service regulated under Chapter 31, Article IV>>,<< ~~[[and]]~~ limousines regulated under Chapter 31, Article VI >>, and Route Service Motor Carriers regulated under Chapter 31, Article VII<<.

\* \* \*

**Sec. 31-308. Chauffeur violations – All types**

\* \* \*

>>(G) Non-civil violations of Sections 31-303 and 31-307 by route service motor vehicle chauffeurs shall be punishable as provided in Chapter 31, Article VII of the Code. Civil violations of Sections 31-303 and 31-307 by route service motor vehicle chauffeurs shall be punishable as provided in Section 8CC-10 of the Code and as provided in Chapter 31, Article VII of the Code.

**Sec. 31-309. Chauffeur’s registration - Additional Route Service Motor Carrier chauffeur requirements**

Each chauffeur shall comply with the following regulation:

- (1) No chauffeur providing fixed route or jitney service pursuant to a fixed route or jitney service for-hire license shall operate outside of the authorized route.<<

\* \* \*

Section 3. Chapter 31, Article VII of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**>>ARTICLE VII. LICENSING AND REGULATION OF ROUTE SERVICE MOTOR CARRIERS**

**Sec. 31-701.**                    **Definitions.**

For the purposes of this article, the following definitions shall apply:

- (a) The Americans with Disabilities Act of 1990 or the ADA means the civil rights act signed into law on July 26, 1990 as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.
  
- (b) The ADA-defined area of Miami-Dade County means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths of a mile on each side of each of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths of a mile around each Metrorail station.
  
- (c) Applicant means an individual, partnership or corporation which applies for a for-hire license, permit, or chauffeur's registration, pursuant to the provisions of this article. "Applicant" shall also mean an individual, partnership or corporation which makes application, where applicable, to renew, modify or transfer a for-hire license, permit or chauffeur's registration pursuant to the provisions of this article. In the case of partnerships and corporations, "applicant" shall also mean each individual with a partnership interest, each shareholder of the corporation as well as the corporate officers and directors.
  
- (d) Chauffeur means a duly licensed driver registered with and authorized by the CSD to operate a route service motor vehicle.
  
- (e) Chauffeur Agreement means the CSD approved form agreements entered into by the chauffeur and the holder of a route service motor carrier for-hire license prior to the provision of any for-hire route service.
  
- (f) Chauffeur registration means a registration card

issued by the CSD.

- (g) Circulator service means the provision of fixed route or semi-fixed route transportation service where at least seventy (70) percent of the route is within one (1) municipality. Motor vehicles owned, operated by or operated under contract with a municipality in a local public transportation system may provide circulator service when authorized by an interlocal agreement with Miami-Dade County which has been approved by the Board.
- (h) Commission means the Board of County Commissioners of Miami-Dade County, Florida.
- (i) County means Miami-Dade County, Florida.
- (j) County Mayor means the head of county government as provided in Article 2 of the Home Rule Charter of Miami-Dade County.
- (k) CSD means the Miami-Dade County Consumer Services Department.
- (l) Director means the CSD Director or the Director's designee.
- (m) Duplication of Service means that a segment of the proposed fixed route or jitney service would operate or overlap with a current service route by more than thirty (30) percent, in a transit corridor where the existing or planned combined service has an average headway of 29 minutes or less.
- (n) Fares or Rates means the charges established pursuant to this article to be paid by passengers for the transportation services provided by a route service motor vehicle.
- (o) Fixed route service means the transportation of persons by a route service motor carrier for compensation on a regular route with a regular schedule between fixed terminals where service is not prearranged and the passenger hails the vehicle.
- (p) For compensation or compensation means for

25

money, property, service, or anything of value, including tips and commissions, provided directly or indirectly.

- (q) For-hire license means an annual, renewable license issued pursuant to this Article which authorizes the provision of route transportation services and which may expire, be suspended or revoked.
- (r) In service means a route service motor vehicle which is displaying a valid, current operating permit or decal, as applicable, issued by the CSD.
- (s) Jitney means a route service motor carrier transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.
- (t) Limited for-hire license means that a route service motor carrier is authorized to provide transportation services pursuant to a contract with Miami-Dade Transit for the duration of the contract.
- (u) MDT means Miami-Dade Transit.
- (v) Off Duty means the periodic, temporary cessation of daily for-hire service indicated by a sign placed and visible on the vehicle's front windshield and which shall not be construed to alter the "In service" status of the for-hire vehicle. No route service motor vehicle in operation shall display an off-duty sign.
- (w) Operate means to provide transportation services for compensation regulated by this article utilizing a route service motor vehicle.
- (x) Operating permit means the valid and current vehicle decal issued to the license holder which authorizes a specific, registered vehicle to operate as a route service motor vehicle and which may expire, be suspended or revoked.
- (y) Operator means any person who has been issued a route service motor carrier for-hire license.

- (z) Out of Service means the removal of a route service motor vehicle from operation by removal of a valid, current operating permit and filing with the CSD a CSD form removing the vehicle from service.
- (aa) Owner means a person who holds the legal title of a motor vehicle; or, in the event a motor vehicle is the subject of a security agreement or lease with an option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner.
- (bb) Paratransit passenger means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such impairment.
- (cc) Paratransit services mean any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.
- (dd) Passenger means a person utilizing a route service motor vehicle for the purpose of being transported, or a person who is awaiting the arrival of a route service motor vehicle, and does not include the chauffeur.
- (ee) Person means any natural person(s), firm, partnership, association, corporation, or other business entity.
- (ff) Personnel authorized by the CSD means any individual authorized by the Director and any other uniformed enforcement personnel.
- (gg) Route service motor carrier or motor carrier means any person owning, controlling, operating or managing any route service motor vehicle used in the business of transportation of persons for compensation.

- (hh) Route service motor vehicle or motor vehicle means any chauffeur-driven motor vehicle with a passenger capacity greater than ten (10), including the driver, engaged in the transportation of persons and their accompanying baggage, if any, on an authorized route for compensation over the public streets including, but not limited to, jitney service, circulator service, fixed route service and service pursuant to a limited for-hire license, but excludes motor vehicles engaged solely in providing special transportation services for Miami-Dade Transit pursuant to a contract with Miami-Dade County. Motor vehicles used to provide special transportation service pursuant to a contract with Miami-Dade County are subject to regulations contained in Article IV of this chapter.
- (ii) Street means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct, or other public place accessible to the public, located in Miami-Dade County and used by motor vehicles.
- (jj) Street hail means an immediate arrangement made on a street with a route service motor vehicle chauffeur by a person seeking immediate transportation by a route service motor vehicle when operating on an authorized route.
- (kk) Trade name or doing business as or (d/b/a) name means the county-approved name under which the license holder may provide route service motor vehicle transportation services, and which name shall not duplicate the name of any other license holder.
- (ll) Transit corridor means the area one- fifth (1/5) of a mile on each side of the street on which fixed route service, jitney service or Miami-Dade Transit service is being provided.

**Sec. 31-702. For-Hire Licenses.**

- (a) Required. It shall be unlawful for any person to use, drive or operate, or to advertise in any newspaper, airwaves

transmission, telephone directory, or other medium accessible to the public that it offers fixed route service, jitney service, limited for-hire license service, or circulator service or to cause or permit any other person to use, drive or operate any route service motor vehicle upon the streets of Miami-Dade County without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid, pursuant to the provisions of this article, unless specifically excluded from this article.

(b) *Out-of-county origin exception.* Nothing in this article shall be construed to prohibit the pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a county adjacent to Miami-Dade County, provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked up within the ADA-defined area of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Miami-Dade County for-hire chauffeur's registration.

(c) *Application procedures.* Every initial application for a for-hire license, renewal application, transfer, or amendment to a for-hire license shall be in writing, signed and sworn to by the applicant, and shall be filed with CSD together with an investigative and processing fee which shall be nonrefundable. The statements contained in the application shall become a part of the for-hire license and may be modified only in accordance with this article. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice-president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by CSD and shall contain all information required thereon, including but not limited to:

(1) Sufficient information to identify the applicant, including but not limited to full legal name, and trade name, date of birth, telephone number, and residence address, of the applicant. If the applicant

is a corporation, the foregoing information shall be provided for each officer, resident agent, director, and stockholder. If the applicant is a partnership, the foregoing information shall be provided for each partner. As part of such application, the applicant shall also disclose the foregoing information for any person who has any interest (legal, equitable, beneficial or otherwise) in the license. Post office box addresses will not be accepted hereunder. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida.

- (2) The class of transportation which the applicant desires to furnish. Classes of transportation shall include jitney, fixed route, circulator, and limited for-hire licenses.
- (3) A brief description of the kind(s) and type(s) of vehicles, seating capacity, seating arrangements, gross weight, mileage, and number of vehicles proposed to be used.
- (4) The trade name under which the applicant intends to operate and a description of the proposed vehicle color scheme, including placement of numbers and other markings.
- (5) The names and addresses of at least three (3) residents of the County as references.
- (6) The applicant's proposed initial public fare and rate structure.
- (7) A record of all present and prior transportation business activities of the applicant during the past five (5) years.
- (8) A record of all crimes to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or been convicted, whether or not adjudication has been withheld, within the five (5) years preceding the date of the application. The applicant shall have his/her fingerprints and photograph taken by the Miami-Dade Police Department. In the case of a corporate

or partnership applicant, this information shall be obtained from all corporate officers and directors or partners, as the case may be. In the case of corporations, the above information shall be obtained from stockholders who own, hold or control five (5) percent or more of the corporation's issued and outstanding stock.

- (9) Two (2) credit references including at least one (1) bank where the applicant maintains an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.
- (10) A factual statement indicating the proposed stops and termini and proposed service frequency.
- (11) A passenger service plan which shall include:
  - (i) Maintenance facilities and maintenance program for the upkeep of vehicles operating under the for-hire license.
  - (ii) A system for handling complaints, accidents and property left by a passenger in the route service motor vehicle.
  - (iii) A central place of business, with a properly listed telephone for receiving all calls relating to route service and where the operator will maintain the business records as set forth in this article.
  - (iv) A driver training program which the applicant will utilize to ensure quality service.
  - (v) A proposal for submission of appropriate insurance coverage as required by section 31-705 of this article.
- (12) For transfer applications only, a statement disclosing the terms and conditions of the proposed transfer, including amount of compensation which has been paid or is payable to the transferor and any other consideration given or to be given to the

transferor in connection with the transfer of the for-hire license; in lieu of the requirements of this paragraph, the applicant for transfer of the for-hire license may submit a notarized copy of the purchase contract which contains all information requested by this paragraph.

- (13) The applicant's current financial statement. If the applicant has an existing certified financial statement, the most current certified financial statement is required.
  - (14) A factual statement indicating the anticipated market to be served and such other pertinent information as the applicant may desire to present to support its application.
  - (15) A factual statement supporting the economic feasibility of the services proposed to be provided, including estimated ridership, fare revenue, and operating expenses for the first year of operation.
  - (16) A factual statement indicating the economic and ridership effect on any existing fixed route or jitney transportation service providers on the same transit corridor, route or portion thereof.
  - (17) A brief summary of the subject matter of the application including a brief description of the type of service proposed and the geographical area or route(s) to be served.
  - (18) A detailed map or drawing of the proposed route containing all roads and intersections plus all major attractions along the route.
  - (19) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.
  - (20) Any additional information as the Director shall require to enforce the provisions of this article.
- (d) Investigation of For-Hire License applicants. The Director shall review and 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. Application rejection by the Director may be appealed in accordance with this article.

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

- (1) Has misrepresented or concealed a material fact on his, her, or its application;
- (2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;
- (3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
- (4) Has pled nolo contendere, pled guilty, been found guilty or been convicted of a felony within the last five (5) years, regardless of whether adjudication has been withheld;
- (5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony wherein a route service motor vehicle was employed regardless of whether adjudication has been withheld;
- (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, violence against a law enforcement officer under §775.0823, Florida Statutes, or is a habitual violent felony offender under §775.084, Florida Statutes;
- (7) Was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;

- (8) Has a stockholder, officer, director, or partner of a corporation or partnership that committed an act or omission which would be cause for denying a for-hire license to the officer, director, stockholder, or partner as an individual;
- (9) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the Director;
- (10) Has any unsatisfied civil penalty or judgment pertaining to route service operation;
- (11) Has any outstanding obligations to Miami-Dade County such as unpaid civil penalties, unpaid administrative costs of hearing, unpaid County investigative, enforcement, testing or monitoring costs, or unpaid liens;
- (12) Has had a for-hire license issued by Miami-Dade County revoked;
- (13) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty, or been convicted of any misdemeanor, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex;
- (14) 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 (10) year period, such a person shall only be eligible if and when his or her civil rights have been restored; or
- (15) Has a proposed route alignment with a duplication of service.

(e) Investigation of for-hire license applicants.

(1) In any proceeding under this section, the applicant shall

have the burden of proving all of the prerequisites of the issuance of the for-hire license.

(2) 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 issuance of the 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.

(f) Conditions for obtaining a for-hire license. No for-hire license shall be issued unless the applicant:

(1) Has paid an annual for-hire license fee for the right to operate route service motor vehicles;

(2) Has presented proof of insurance as required by Section 31-705; and

(3) Ensures that the route service motor vehicle to be operated under the applicant's for-hire license has passed all required vehicle inspections.

Failure on the part of the applicant to complete this process within forty-five (45) days after notification of approval shall cause the for-hire license not to be issued and the County's approval to be automatically revoked.

(g) Issuance and Replacement of a for-hire license.

(1) Issuance. Each for-hire license shall be on a form developed by CSD and shall be signed by the Director. Each for-hire license shall contain, at a minimum, the name and business address of the license holder, date of issuance, its expiration date, a statement of the transportation service authorized, and such additional terms, conditions, provisions, and limitations as were authorized in the approval process.

(2) Replacement. The Director may issue a replacement license to any license holder upon application, payment of a non-refundable replacement fee and presentation of proof or a sworn affidavit that the license has been lost

or stolen.

(h) Expiration of and renewal process for for-hire licenses. For-hire licenses may be issued for such periods as specified in the Implementing Order establishing fees. The CSD may establish staggered license terms to ease administration of the renewal process. Each renewal shall be submitted no less than thirty (30) days prior to the expiration of the current initial or annual for-hire license together with payment of a for-hire license fee. As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by the CSD. The Director shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the Director that the applicant has failed to satisfy the requirements of subsection 31-702 (c) and (d). Renewal applications shall additionally include disclosure of all interests in the for-hire license (legal, beneficial, equitable or otherwise) and a sworn statement as to the number of months which each route service motor vehicle operated during the preceding for-hire license year. Failure to certify or to operate for at least nine (9) months during the year period shall result in automatic revocation of the for-hire license. Appeal of the denial of a renewal application shall be in accordance with this chapter.

(i) Grace period. License holders shall have a grace period of up to thirty (30) days after expiration of their for-hire license in which to renew same provided, however, that all operations shall cease on the date of the for-hire license expiration, and the license holder shall also pay a late fee over and above the annual for-hire license fee. All for-hire licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(j) Transfer of for-hire license. No for-hire license shall be assigned, sold (either outright or under a conditional sales contract) or transferred without prior County approval. Any change in the ownership structure of a corporation, or partnership where at least five (5) percent of the shares of said corporation or at least five (5) percent of the partnership interest is assigned, sold, or transferred to another shall be deemed a sale and shall immediately terminate the license and a new for-hire license application

shall be filed. The Director is authorized to approve assignments, sales, or transfers when requested by submission of an application (which discloses the information specified in subsections 31-702 (c) and (d), and is signed and sworn to in accordance with the requirements of this section) and payment of a transfer investigative and processing fee and after an investigation and determination, based on the criteria set forth in this section. An assignee, buyer or transferee shall not begin operating the for-hire license during the pendency of the application approval process. If the County approves an application to assign, sell, or transfer a for-hire license, the assignor's, seller's, or transferor's for-hire license shall be suspended until the County reissues the for-hire license to the assignee, buyer, or transferee. Appeals of the Director's decision shall be made pursuant to the requirements of this Chapter.

(k) *Modification of for-hire license.* Every application for modification of a for-hire license shall be in writing, signed and sworn to by the operator and shall be filed together with a modification processing fee. The application shall be on a form provided by CSD. Modifications to existing routes shall be submitted for approval to Miami-Dade Transit prior to being approved by CSD. Modifications of a for-hire license shall include changes in service standards, route changes, route extensions, and similar items which enlarge or reduce operating authority. The formal approval of the CSD shall be a requirement to any modification.

(l) *Surrender or abandonment of for-hire license.* An operator may relinquish or abandon all or part of the operating authority provided in such for-hire license upon written notice to the Director thirty (30) days prior to the effective date of such action, and submission of the for-hire license. The Director shall have the authority to re-issue a for-hire license containing the residual operating authority unless the Director finds that the requested changes or the residual authority are in violation of the Code and/or not in the public interest, in which case the Director may institute revocation or suspension procedures.

(m) *Limited for-hire license.* A route service motor carrier proposing to provide transportation services pursuant to a contract with Miami-Dade Transit services may satisfy the route service motor carrier for-hire license

requirements by obtaining a limited for-hire license. A holder of a limited for-hire license must comply with all requirements of the Miami-Dade County Code pertaining to holders of a for-hire license. The limited for-hire license shall only authorize provision of transportation services pursuant to such contract for so long as such contract is in effect. A person who is issued a limited for-hire license shall not lease or otherwise assign the right to operate under such for-hire license to any other person.

(n) Circulator service requirements. An interlocal agreement with Miami-Dade County to provide circulator service and any for-hire license, chauffeur's registration and permit issued to provide circulator service pursuant to such an interlocal agreement shall require, among other things, that the municipality, operator, vehicles and chauffeurs comply with safety, mechanical and vehicular standards mandated by Miami-Dade Transit and the CSD, and any applicable State or Federal requirements. Where a municipality intends to provide circulator service pursuant to a contract with a third party, said municipality shall give Miami-Dade County the opportunity to submit a bid or proposal to provide that transportation service.

**Sec. 31-703. Operating Permits.**

(a) It shall be unlawful for any for-hire vehicle to be operated in Miami-Dade County without first obtaining a Miami-Dade County operating permit and maintaining such permit current and valid in accordance with this chapter.

(b) Before any for-hire vehicle shall be operated, the license holder shall make separate application to CSD for a permit for each motor vehicle to be operated under such for-hire license. Each application shall be accompanied by a permit fee, which shall be non-refundable. Each permit application shall be in writing on a form provided by the CSD. The application shall state the name and license number of the for-hire license holder and shall state the make, model year of manufacture, vehicle mileage, VIN number, and state license plate number of the vehicle to be operated. No permit shall be issued until the applicant has presented proof of the insurance coverage required by this article and the for-hire vehicle has passed all required vehicle inspections.

(c) Permits shall be separately numbered and shall identify the vehicle to which they apply. It shall be unlawful to operate a for-hire vehicle without a current, valid operating permit displayed within such vehicle.

(d) Each operating permit may be issued for up to a one (1) year period. The term of the permit shall be concurrent with the term of the for-hire license and may be renewed upon compliance with this section.

(e) Operating permits shall not be transferred or assigned.

(f) In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body or seating facilities become so damaged, deteriorated, or unclean as to render said vehicle unfit for public use, CSD may suspend the permit until such time as the condition is remedied; provided, that no such suspension shall be effective until the permit holder or vehicle driver has received notice of the particular conditions to be remedied.

(g) No license holder shall reconstruct, alter, modify, add to or otherwise change the body, seating capacity, or seating arrangement from that of the original manufacturer after a permit has been issued pursuant to this section, unless and until the consent of the CSD shall first have been obtained.

**Sec. 31-704.                   Chauffeur's registration.**

It shall be unlawful for any person to drive a route service motor vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to Chapter 31, Article V of this Code.

**Sec. 31-705.                   Insurance Requirements**

(a) No for-hire motor vehicle shall be permitted to operate without the for-hire license holder having first obtained and filed with the CSD a for-hire license of insurance on forms provided by the CSD for each for-hire motor vehicle showing the federal vehicle identification number, a vehicle description, and the for-hire license number, and shall list the license holder, each chauffeur the license holder allows to operate the vehicle, and the owner of the vehicle as insureds under an automobile liability

insurance policy with limits of liability no less than one hundred thousand dollars (\$100,000) per person, and three hundred thousand dollars (\$300,000) per occurrence for bodily injury, and fifty thousand dollars (\$50,000) per occurrence for property damage. Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all drivers who have a Miami-Dade County chauffeur's registration, regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage. Failure to provide current certificates of insurance or to maintain appropriate insurance coverage for each for-hire vehicle shall be grounds for revocation of the for-hire license.

(b) Scope of Insurance. The insurance required in this section shall be issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in the insurance policy or declaration shall permit binders, deductibles, self insurance, or any provision requiring the insured to reimburse the insurance company for claims.

(c) Each automobile liability insurance policy shall be endorsed to provide for thirty (30) days' notice by registered mail to the CSD of any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.

(d) Unless an operator furnishes the CSD with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in subsection (c) of this section, or upon a third notice of cancellation within twelve (12) months, the for-hire license shall be suspended forthwith by the Director and surrendered to the CSD pending a hearing to determine whether said for-hire license should be revoked. This automatic suspension requirement will not pertain to a route service motor vehicle when its insurer withdraws from Florida and cancels its policies, or when the policy is canceled through no fault of the operator.

(e) Examination of Insurance Policy. The CSD reserves the right to require submission of a certified copy of or to examine the original policies of insurance including

but not limited to endorsements, amendments, exclusions, riders, any additional contracts between the insured and the insurer and applications to confirm the existence of the required insured coverage.

**Sec. 31-706. Vehicle Standards.**

(a) In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, part 571, and Florida Statutes, the following vehicle standards shall apply to all for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:

- (1) Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed; there shall be no audible air leaks in air brake system.
- (2) For-hire license, permit or inspection decals, as applicable, shall be displayed and be clearly visible from the outside of the vehicle;
  - (i) chauffeur registration, operating permit number, rate card, passenger advisory, and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the CSD.
  - (ii) permanent exterior vehicle signage and markings shall be as required by the CSD.
- (3) Inside rear-view mirror and a mirror on each side of vehicle.
- (4) A functioning speedometer and odometer indicating speed in miles per hour and a functioning odometer indicating distance in miles.
- (5) Functioning windows, door handles, and latches. The primary and secondary hood/trunk/rear access door latches shall be fully operable.

- (6) A functioning interior light within the passenger compartment. If the light becomes defective, the operator must correct the defect on the very next day or remove the vehicle from service at that time.
- (7) An operating air-conditioning system that provides cooled and heated air. If the air-conditioning system becomes inoperable, the vehicle must be removed from service until such system is repaired. The air-conditioning system must cool to a minimum of sixty (60) degrees after five (5) minutes in the shade. This requirement shall become effective when placing a vehicle in service.
- (8) The vehicle exterior must be free of grime, oil, or other substances and free from cracks, breaks, dents and damaged paint that detracts from the overall appearance of the vehicle and that could harm, injure, soil, or impair the passenger or his or her personal belongings.
- (9) Equipped with matching hubcaps or wheel covers, on all four (4) wheels. If not on the vehicle, the operator must put them on the vehicle the next day.
- (10) Bumpers/moldings/guards shall be installed/replaced as originally manufactured except for moldings on side panel doors.
- (11) The interior of the trunk, or rear portion of for-hire vehicles, shall be free from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein.
- (12) The passenger compartment must be clean, free from torn upholstery or floor coverings, damaged or broken seats, and protruding sharp edges. All equipment in the interior of the vehicle shall be safely and adequately secured. There shall be no holes opening to the passenger compartment from the underbody.
- (13) A horn which shall be audible at a distance of fifty (50) feet.

- (14) The driver's vision must be unobstructed on all four (4) sides.
- (15) Safe tires - no regrooved, recapped or retreaded tires shall be used. Maximum allowable treadwear shall be where tread is level with wear bar, or 2/32" when measured at three random places in tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges or exposed belts.
- (16) Front-end and rear-end alignment shall be within allowable parameters as provided by test equipment readings for alignment.
- (17) Windshield wipers shall work properly and wiper blades must be able to clean glass when wet and the rubber element shall not be torn, ripped, or loose.
- (18) All lights shall be operable including four-way flasher, turn and signal, clearance, warning, marker, brakes, taillight, license plate, backup, and parking light. All lights must be of correct color and properly positioned as required by Florida Statutes and regulations. All dome lights must be operable with lens in place.
- (19) Reflectors and lenses shall not be cracked or missing and must be of correct color and properly positioned.
- (20) Both low and high beam headlights shall be operable, and within test equipment allowable readings.
- (21) Glass shall not be broken or cracked and chips must be capable of being ground out, leaving a smooth, clear finish.
- (22) Doors shall be operable with all weather stripping and rubber seals.
- (23) Vehicle steering and suspension shall be functional.

- (24) Seat belts for all persons transported shall be in place and functional, unless otherwise exempted by regulation.
- (25) A mobile two-way radio or a cellular telephone, excluding CB radios, shall be installed and operating properly in compliance with applicable standards and requirements of the Federal Communications Commission (FCC).
- (26) Vehicles used to transport individuals in wheelchairs shall meet the requirements of the Americans with Disabilities Act and be equipped with the following:
- (i) Ramp or lift facility which is operated electrically, hydraulically or manually with sufficient capacity to safely and smoothly lift passengers into and out of the vehicle and is in compliance with the lift and ramp requirements of the Americans with Disabilities Act.
  - (ii) For each wheelchair passenger transported, four (4) points of securement of latching or locking to the vehicle and the wheelchair in which the passenger will ride. The latching or locking devices shall be designed to minimize any lateral, longitudinal, or vertical motion of the passenger conveyance within the vehicle.
  - (iii) For each wheelchair passenger being transported, there shall be sufficient restraining belts or straps designed to securely confine the passenger to the wheelchair in which he or she is transported. The restraining belts or straps shall be utilized.
- (27) Vehicles shall be equipped with a functioning two and one-half pound fire extinguisher, certified and ABC rated.
- (b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle

inspections are as follows; provided, however, that the CSD may inspect a for-hire vehicle at any time. Notwithstanding the foregoing, all motor vehicles currently in service, as of the effective date of this ordinance, shall be permitted to remain in service until the motor vehicle reaches its fifteenth (15<sup>th</sup>) model year. Said motor vehicles must continue to pass inspection and meet all applicable vehicle standards. Any vehicle initially placed into service, following the effective date of this ordinance, shall be no greater than five (5) model years of age. In addition, route service motor vehicles initially placed into service, following the effective date of this ordinance, shall comply with the following retirement schedule:

- (1) Large, heavy-duty transit buses (approximately 35'-40', and articulated buses) shall be required to retire from service, as a route service motor vehicle, after reaching their fifteenth (15<sup>th</sup>) model year;
- (2) Medium-size, heavy-duty transit buses (approximately 30'); medium-size, medium-duty transit buses (approximately 30') and medium-size, light-duty transit buses (approximately 25 – 35') shall be required to retire from service, as a route service motor vehicle, after reaching their twelfth (12<sup>th</sup>) model year;
- (3) Light-duty motor vehicles, such as small buses and regular and specialized vans shall be required to retire from service, as a route service motor vehicle, after reaching their tenth (10<sup>th</sup>) model year;
- (4) Route service motor vehicles shall minimally meet the following inspection schedule:
  - (i) Route service motor vehicles one (1) through two (2) model years of age shall be inspected annually;
  - (ii) Route service motor vehicles three (3) through four (4) model years of age shall be inspected semi-annually;
  - (iii) Route service motor vehicles five (5) model years of age or more shall be inspected quarterly.

(c) Inspection fees. The CSD shall charge non-refundable fees for inspection and re-inspection of any for-hire vehicle for compliance with the vehicle standards and requirements of this subsection. Inspection results shall be recorded and a copy provided to the operator. Any vehicle failing to meet any required vehicle safety standard shall not be operated until it passes a re-inspection.

(d) Display of information identifying vehicle number and company. The operating permit number, fares or rates, license holder's business name, and business telephone number shall be permanently affixed to the exterior of the vehicle in accordance with instructions issued by the CSD. Rate information shall be affixed permanently on the interior of the vehicle in accordance with instructions issued by the CSD.

**Sec. 31-707. Rules for operation.**

(a) Color scheme. Each operator shall adopt and use, after approval by the CSD, a distinctive, uniform, and decorative color scheme for all route service motor vehicles certified pursuant to this article. The CSD shall refuse to approve any proposed color scheme which will infringe upon any color scheme already in use by another operator. No other color scheme shall be employed until approved by the CSD. Advertisement on behalf of third parties may be displayed on the outside or inside of a route service motor vehicle provided approval is given by the CSD and any display is installed pursuant to instruction of the CSD. In no event shall advertising or other decorative markings be permitted on windows and/or the front or rear windshield windows of the vehicle.

(b) Disposal of personal property. Personal property left by a passenger in any route service motor vehicle shall, upon its discovery by or delivery to the chauffeur of said vehicle, be reported immediately to and deposited at the operator's office, where a record of the same shall be maintained and the property held for the owner for a period of six (6) months, at the end of which it shall become the property of the finder. The operator shall be responsible for chauffeur compliance with this section.

(c) Compliance with other legislation. Every operator

shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of motor vehicles.

(d) *Accessibility of service to the public; accessibility of records for regulatory purposes.* Each operator shall maintain and list with CSD a central place of business, where a listed telephone number is operative and where business records and manifests are kept.

(e) *Records required.* Each operator shall maintain accurate records of all financial and operating information as may be required by CSD. CSD shall be granted access to these records for the purpose of inspection and/or copying same, upon five (5) days' prior notice. All such records and information shall be confidential to the extent permitted by law. Each operator shall annually furnish financial and operating information to CSD on forms and in the manner prescribed by CSD.

(f) *Antidiscrimination.* No operator or chauffeur shall refuse or neglect to transport to and from any place in the County any orderly person requesting service regardless of race, sex, religion, national origin, age, marital status or disability, who is willing and able to pay the prescribed fare.

(g) *Vehicle numbering system.* Each operator shall adopt a vehicle numbering system approved by CSD, which does not conflict with those in use by other operators.

(h) *Prohibitions for operators.* No operator shall:

(1) Knowingly allow or permit any person to operate a route service motor vehicle while his or her ability or alertness is so impaired, or is likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him or her to begin or continue to operate the motor vehicle; or

(2) Permit or authorize any chauffeur or other person to operate any route service motor vehicle without that vehicle's current valid for-hire license displayed therein; or

- (3) Operate or permit or authorize anyone else to operate any route service motor carrier unless and until that person is issued a chauffeur's registration in accordance with Section 31-704; or
  - (4) Operate or permit anyone to operate a for-hire vehicle without current, valid and sufficient insurance coverage as required by this article; or
  - (5) Permit or authorize anyone to drive any for-hire vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors, and all lighting devices are in good working order, and the vehicle meets all other applicable vehicle standards as set forth in this article; or
  - (6) Operate or permit or authorize anyone to operate except on the license holder's authorized route; or
  - (7) Refuse or neglect to transport any orderly person requesting service. Every deaf or hard of hearing person, totally or partially blind person, or physically disabled person shall have the right to be accompanied by a service animal specially trained for the purpose, without being required to pay an extra charge for the service animal.
- (i) *Vehicle prohibitions.* No operator shall allow vehicles permitted under this article to:
- (1) Stop, stand, park or await employment at a marked taxicab stand.
  - (2) Display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior.
  - (3) Be equipped with a taximeter.
  - (4) Operate as a taxicab, as defined in the County Code.
- (i) *Utilizing separate phone numbers for route service motor carrier and taxicab.* No operator shall use for the purpose of advertising or requesting services, to be provided under this article, telephone number(s) used to request or furnish taxicab services.

(k) *Chauffeur agreements.* Each license holder, who requires a chauffeur pay any amount of compensation for the right to operate any route service motor vehicle authorized by a license, shall enter into a written chauffeur's agreement with each chauffeur. Each licenseholder shall post a sign summarizing the chauffeur agreement requirements stated herein. This sign shall be posted in a conspicuous place at the point of payment by the chauffeur and shall be written in a legible manner and preapproved by the CSD. The written chauffeur's agreement:

- (1) Shall provide for an express duration of the agreement;
- (2) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein;
- (3) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective license holder's number and chauffeur's registration numbers;
- (4) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a route service motor vehicle authorized by a for-hire license. It shall be unlawful for the license holder to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement. The Agreement shall specifically provide that the compensation to be paid by a chauffeur may be paid utilizing any of at least two of the following: (1) cash, (2) money order, (3) certified check, (4) cashier's check, (5) valid traveler's check, (6) valid bank credit card, or (7) valid personal check showing on its face the name and address of the chauffeur. The chauffeur shall be allowed to make payment as provided in the preceding sentence, and shall be provided with a written receipt which contains the name of the license holder and the name of the driver, the for-hire license number, payment amount and form of payment utilized, date of payment and the period covered by the payment;

- (5) Shall state that the license holder shall be responsible for obtaining the required insurance for the for-hire vehicle;
- (6) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees;
- (7) Shall be signed by both the chauffeur and the license holder; and
- (8) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.

**Sec. 31-708. Rates and fares.**

(a) Applicability. The provisions of this section shall be the exclusive method for the establishment of route service motor carrier rates through Miami-Dade County.

(b) Rates and fares to be charged. It shall be unlawful for any operator to charge, demand, request or accept any fare other than the rates and fares established pursuant to this article.

(c) Methods of establishing rates. Each operator may establish rates and fares under one (1) or both of the following categories:

(1) Rates and fares:

(i) The operator's initial rate will be that rate or fare proposed in the application for a for-hire license and will become effective upon issuance of the for-hire license.

(ii) An operator may change the rate or fare by filing a proposed rate or fare, thirty (30) days prior to its effective date, with CSD. The proposed rate or fare for route service motor carriers shall be posted within the passenger compartment section of each vehicle at least

fifteen (15) days before it becomes effective.

(iii) The rate(s) or fare structure for route service motor carriers shall be clearly set forth as a schedule of charges based on service elements understandable by the public, posted within the passenger compartment and on the exterior located adjacent to the entrance of each vehicle.

**Sec. 31-709.**

**Enforcement of Article.**

(a) This article shall be enforced by authorized personnel of the CSD, the police forces of the various municipalities in Miami-Dade County and by the Miami-Dade Police Department. When specifically authorized by the Director, this article may be enforced by personnel of the Seaport and Aviation Department against violations occurring within their respective boundaries. The CSD shall prepare and distribute to all authorized enforcement personnel an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.

(b) CSD may employ a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. Unless otherwise provided, all other violations shall be processed under Chapter 8CC of the Code.

(c) Deficiency reports and citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept said report or citation. Notice given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whenever a corporation, partnership or association violates any of the provisions of the article, such violation shall be deemed also to be that of the individual officers, directors, partners or agents of such corporations who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent

may be fined in the same manner and to the same extent as herein provided for an individual.

(e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary such as application to any court for injunctive relief or other appropriate relief.

**Sec 31-710.**

**Penalties.**

(a) In addition to any other penalties provided by law, including, but not limited, to those provided in this article, a violation of any applicable provision of this article by a license holder or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in Section 8CC-10 of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's for-hire license, operating permit, and chauffeur registration, and all operations shall cease until such fine is paid in full. If a person commits five (5) violations of the same section of this chapter during any twelve (12) month period, such person's for-hire license, operating permit, or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve (12) month period, such person's for-hire license, operating permit, or chauffeur's registration may be suspended for a period of up to six (6) months or revoked.

(b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued to the license holder for each item. Citations shall be issued under Chapter 8CC of the Code.

(c) Any person who has pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, on at least two (2) prior occasions within a three (3) year period of advertising or providing route service transportation, driving, or operating a route service motor vehicle without having a valid, current for-hire license, operating permit, or chauffeur's registration as required by this chapter, shall be

punishable by fines of greater than five thousand dollars (\$5,000) but less than ten thousand dollars (\$10,000) and/or imprisonment not to exceed forty-five (45) days.

(d) Except for civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court, and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through the normal procedure.

(e) Anyone who engages a route service motor vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to a fine of five hundred dollars (\$500) and/or imprisonment not to exceed ten (10) days.

(f) Any person who is found guilty of signing an application for issuance, renewal, modification, assignment, sale, or transfer of a for-hire license, chauffeur registration, or operating permit which falsely states any material fact shall be punished by a fine of one thousand dollars (\$1,000) and/or imprisonment in the County jail for thirty (30) days.

**Sec 31-711. Suspension and revocation proceedings.**

(a) Grounds for suspension or revocation. In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, for-hire licenses for route service transportation, operating permits, and chauffeur registrations shall be subject to suspension or revocation by the Director as follows:

- (1) Upon the Director's determination that:
  - (i) The for-hire license, registration, or permit holder has pled nolo contendere, pled guilty, been found guilty, or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of the license, registration, or permit as provided in this chapter;

- (ii) The for-hire license, registration, or permit was obtained by an application in which any material fact was omitted or falsely stated;
- (iii) The for-hire license, registration, or permit holder has failed to comply with or has violated any of the provisions of this chapter;
- (iv) The public interest will best be served by revocation, or suspension of the for-hire license, registration, or permit; provided, however, that good cause be shown;
- (v) The chauffeur has failed any drug test required by the Code or state or federal law; or
- (vi) Any route service motor vehicle has been operated in violation of any of the provisions of this chapter.

(b) Notice of suspension or revocation action. Except where this chapter provides for automatic suspension or revocation, the CSD shall provide notice of suspension or revocation to the violator by certified mail, ten (10) days before the violator must comply with the Director's decision.

(c) Appeals from decisions of Director and administrative hearings.

- (1) Right to appeal. Any for-hire license holder and for-hire chauffeur shall have the right to appeal application denials, suspensions, and revocations by the Director. The named party shall elect to either:
  - (i) Comply with the Director's decision in the manner indicated on the Notice of Director's decision; or
  - (ii) Request an administrative hearing before a hearing officer to appeal the decision of the Director.

- (2) Filing the appeal. Appeal by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.
- (3) Failure to appeal. Failure to appeal the decision of the Director within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the Director's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Director's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.
- (4) Hearing officers. Hearing Officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.
- (5) Scheduling and conduct of hearing.
  - (a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.
  - (b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include but not be limited to the following: place, date, and time of the hearing; right of the

named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a Director's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.

- (c) The hearing officers shall call hearings on a monthly basis or upon the request of the CSD. No hearing shall be set sooner than fifteen (15) calendar days from the date of notice of the Director's decision, unless otherwise prescribed by this chapter.
- (d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the CSD.
- (e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.

- (f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.
- (g) The Clerk of the Board of County Commissioners shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.
- (h) Each case before a hearing officer shall be presented by the Director or his or her designee.
- (i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.
- (j) Each party shall have the following rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.
- (k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the Director's decision the hearing officer must find that a preponderance of the evidence supports the Director's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.
- (l) If the Director's decision is affirmed the named party may be held liable

for the reasonable costs of the administrative hearing.

- (m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the Director's decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of the Director. If the hearing officer affirms the decision of the Director, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the Director. If the hearing officer reverses the decision of the Director and finds (1) the named party not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the Director, the named party shall not be required to comply with the decision of the Director, absent reversal of the hearing officer's findings pursuant to Section 31-711 (c)(6). If the decision of the hearing officer is to affirm, then the following shall be included in the decision:
- (a) Decision of the Director.
  - (b) Administrative costs of the hearing.
  - (c) Date for compliance, if applicable.
- (n) The hearing officer shall have the power to:

- (a) Adopt procedures for the conduct of hearings;
  - (b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade County Police Department or by the hearing officer's staff;
  - (c) Subpoena evidence; and
  - (d) Take testimony under oath.
- (6) Appeals.
- (a) The named party or the county may appeal a final order of the hearing officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.
  - (b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to Section 31-711(c)(6), all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the Director's decision.
- (7) Nothing contained in this chapter shall prohibit Miami-Dade County from enforcing the Code by any other means authorized by law. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code. The words "action" and "decision" as used herein shall not include the filing of any action by the Director in any court. The Director may reconsider at any time any action or decision taken by the

Director and therefore may modify such an action or decision.

**Sec. 31-712. Exclusions.**

The following route service motor carriers and/or route service motor vehicles are exempt from the requirements of this article:

- (a) Motor vehicles owned and operated by Miami-Dade Transit.
- (b) Federal, State, County and municipal vehicles when operated by a government employee providing transportation services without compensation.

**Sec. 31-713. Duties of the Consumer Services Department.**

- (a) In addition to the duties and responsibilities specified in this article, CSD shall be charged with the following duties and responsibilities.
  - (1) Process, investigate and prepare all reports required by this article.
  - (2) Investigate and prepare reports on alleged violations of this article.
  - (3) Enforce the provisions of this article.
  - (4) Attempt to resolve complaints received from any source concerning the industry.
  - (5) Issue, deny, suspend, and revoke all for-hire licenses and chauffeurs' registrations pursuant to the provisions of this chapter, and maintain appropriate files regarding same.
  - (6) Prepare and conduct or cause to be conducted a training and orientation program for chauffeurs and a training and orientation for license holders.
  - (7) Develop and implement, in cooperation with

the industry, service expansion and improvements.

- (8) Provide technical assistance to the industry.
- (9) Develop a standardized reporting technique for operators.
- (10) Assign an exclusive number to be displayed on each route service motor vehicle operating in Miami-Dade County.
- (11) Perform any other function assigned by the County Mayor.
- (12) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.
- (13) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article.

(b) The Director may propose and the County Mayor may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of law.

(c) Whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by implementing order of the County Mayor approved by the Commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided therefore.

**Sec. 31-714. Special Provisions.**

(a) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of route service motor vehicle transportation services in Miami-Dade County. Notwithstanding the provisions of

any municipal ordinance, resolution or agreement to the contrary, from and after the effective date of this article, no municipality shall authorize, establish, change, alter, amend, or otherwise regulate route service motor vehicle transportation in Miami-Dade County. Regulations established by this article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.

(b) Any person that is the holder of a current, valid Certificate of Transportation for fixed route, jitney service, circulator service, or limited service as of the date of approval of this ordinance may be issued a for-hire license for the class of transportation authorized by the for-hire license no later than ninety (90) days from the enactment date of this ordinance.

(c) On the effective date of this ordinance, the existing rate(s) of operators entitled to the issuance of a for-hire license pursuant to subsection (b) of this section shall be that rate in effect on the date of approval of the ordinance, and said rate may only be changed in accordance with the provisions of this article.

**Sec. 31-715.                    Seizure, impoundment and forfeiture.**

Any route service motor vehicle may be subject to seizure, impoundment and/or forfeiture as provided for in Section 31-116 of Article III of Chapter 31 of the Miami-Dade County Code.

**Sec. 31-716.                    Advertisement of route services.**

(a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated, displayed, distributed, or marketed within Miami-Dade County, Florida, which advertisement identifies route service transportation regulated by this article, unless the advertisement includes the for-hire license number of the route service motor carrier.



| <u>Code Section</u>  | <u>Description of Violation</u>  | <u>Civil Penalty</u> |
|----------------------|--|----------------------|
|                      | <u>without insurance</u>   |                      |
| <u>31-705(a)</u>     | <u>Failure to comply with insurance coverage requirements</u>  | <u>500.00</u>        |
| <u>31-705(b)</u>     | <u>Failing to provide necessary insurance coverage or insurance-related services</u>                                   | <u>500.00</u>        |
| <u>31-705(c)</u>     | <u>Failure to provide CSD with required notices of insurance cancellation</u>  | <u>200.00</u>        |
| <u>31-705(e)</u>     | <u>Failure to provide insurance documents when requested by the CSD</u>  | <u>200.00</u>        |
| <u>31-706(a)</u>     | <u>Operating a motor vehicle in violation of the vehicle standards</u>   | <u>75.00</u>         |
| <u>31-706(a)(2)</u>  | <u>Operating a motor vehicle without a current, valid operating permit or inspection decal as applicably displayed</u> | <u>500.00</u>        |
| <u>31-706(a)(7)</u>  | <u>Failure to have an operating air-conditioning system</u>  | <u>250.00</u>        |
| <u>31-706(a)(26)</u> | <u>Failure to have or to maintain in working order wheelchair restraining devices</u>                                  | <u>500.00</u>        |
| <u>31-706(d)</u>     | <u>Failure to obtain CSD approval or to install/display in accordance with CSD instructions</u>                        | <u>100.00</u>        |
| <u>31-707(e)</u>     | <u>Failure to maintain records or make records available to CSD</u>  | <u>100.00</u>        |
| <u>31-707(h)(1)</u>  | <u>Allowing any person to operate a route service motor vehicle whose alertness is impaired</u>                        | <u>250.00</u>        |

| <u>Code Section</u> | <u>Description of Violation</u>   | <u>Civil Penalty</u> |
|---------------------|---|----------------------|
| <u>31-707(h)(2)</u> | <u>Permitting or authorizing any chauffeur or other person to operate any route service motor vehicle without that vehicle's current valid operating permit displayed</u> | <u>500.00</u>        |
| <u>31-707(h)(3)</u> | <u>Allowing person to operate without a chauffeur registration</u>  | <u>500.00</u>        |
| <u>31-707(h)(4)</u> | <u>Allowing or permitting any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage</u>   | <u>500.00</u>        |
| <u>31-707(h)(5)</u> | <u>Permitting or authorizing operation of a vehicle which does not meet applicable vehicle standards</u>  | <u>100.00</u>        |
| <u>31-707(h)(6)</u> | <u>Operating outside of authorized route.</u>   | <u>500.00</u>        |
| <u>31-707(h)(7)</u> | <u>Refusal or neglect to transport</u>  | <u>100.00</u>        |
| <u>31-707(k)</u>    | <u>Failure to post notice</u>   | <u>200.00</u>        |
| <u>31-707(k)</u>    | <u>Failure to enter into agreement with route service motor carrier for-hire license holder</u>   | <u>500.00</u>        |
| <u>31-708(b)</u>    | <u>Charging or demanding any fare other than approved rate or fare</u>  | <u>250.00</u>        |
| <u>31-716(a)</u>    | <u>Publishing an advertisement for route service without the for-hire license number</u>  | <u>500.00</u>        |
| <u>31-716(c)</u>    | <u>Advertising other than approved rate or fare</u>   | <u>500.00</u>        |
| <u>31-716(d)</u>    | <u>False, misleading and deceptive advertising</u>  | <u>1000.00</u>       |

| <u>Code Section</u> | <u>Description of Violation</u>                    | <u>Civil Penalty</u>    |
|---------------------|--|-------------------------|
|                     | <u>Any and all other violations of Article III</u> | <u>\$250.00&lt;&lt;</u> |

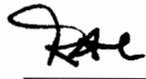
Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. 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 7. This ordinance shall become effective ninety (90) 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