

Memorandum



(Second Reading 6-30-09)

Date: May 19, 2009

Agenda Item No. 7(H)

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

From: George M. Burgess
County Manager

Subject: Ordinance relating to economic impact to limousine operators

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amendment which provides temporary economic relief for limousine operators by authorizing luxury limousine sedans over five model years of age as of December 31, 2009, to be operated for an additional six month period, and allowing luxury limousine sedans to remain idle for a six month period during the licensing years 2009 and 2010, instead of three months as currently permitted by the Code.

SCOPE

This proposed ordinance applies countywide.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to Miami-Dade County.

TRACK RECORD/MONITOR

The Consumer Services Department (CSD) is responsible for regulating for-hire transportation in Miami-Dade County.

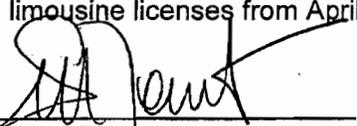
BACKGROUND

The current economic situation has negatively impacted demand for limousine service. Limousine industry representatives report a significant reduction in business derived from corporate, prom and leisure spending, as well as an inability to obtain financing for the purchase of new vehicles. The proposed amendments to the ordinance, which were discussed with the industry, seeks to provide some temporary assistance to the limousine industry by postponing some costs.

Section 31-609 (b) of the Code states that no luxury limousine sedan that exceeds five model years of age shall be inspected or operated. Twenty-one luxury limousine sedans must be replaced no later than December 31, 2009 under this provision. This amendment delays the replacement period for these vehicles to June 30, 2010 (an additional six months).

Sections 31-602 (m) and 31-603 (d) of the Code provide that failure to operate a for-hire limousine license during any nine month period shall result in automatic revocation. This amendment reduces the period for 2009 and 2010 to six months. This will allow those limousine operators without sufficient business to keep some vehicles idle for a period of up to six months to achieve savings on insurance and other fleet costs without forfeiting their licenses.

In addition to these proposed amendments, CSD administratively extended the deadline to renew for-hire limousine licenses from April 30 to July 31, 2009.


Assistant County Manager



MEMORANDUM
(Revised)

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

DATE: June 30, 2009

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

SUBJECT: Agenda Item No. 7(H)

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(H)
6-30-09

ORDINANCE NO. _____

ORDINANCE RELATING TO FOR-HIRE LIMOUSINES; AMENDING SECTION 31-613 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT LUXURY LIMOUSINE SEDANS OVER FIVE (5) MODEL YEARS OF AGE AS OF DECEMBER 31, 2009 SHALL BE ALLOWED TO BE OPERATED FOR AN ADDITIONAL SIX (6) MONTHS; PROVIDING THAT FAILURE TO OPERATE A LUXURY LIMOUSINE SEDAN FOR AT LEAST SIX (6) MONTHS FOR THE 2009 AND 2010 ANNUAL RENEWAL PERIODS SHALL RESULT IN AUTOMATIC REVOCATION OF AN OPERATOR'S LICENSE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE VI. LICENSING AND REGULATION OF FOR-HIRE LIMOUSINES.

* * *

Sec. 31-613. Special provisions.

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

* * *

>>(d) Notwithstanding the requirements of Section 31-609(b) of the Code, any properly permitted and inspected luxury limousine sedan over five (5) model years of age as of December 31, 2009, shall be allowed to be operated as a luxury limousine sedan for an additional six (6) month period. Notwithstanding the requirements of Sections 31-602(m) and 31-603(d) of the Code, for the year 2009 and 2010 annual renewal periods an operator's failure to operate a luxury limousine sedan for at least six (6) months shall result in automatic revocation of such license.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



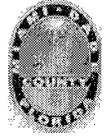
Prepared by:



Gerald K. Sanchez

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**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 7(H)
File Number: 091473
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 5, 2009
Type of Item: Code Amendment
Commission District(s): Countywide

Summary

This ordinance amends Section 31-613 of the Code of Miami-Dade County adding special provisions to permit luxury limousine sedans over five (5) model years of age as of December 31, 2009 to operate for an additional six months. This ordinance also provides that failure to operate a limousine sedan for a period of six months during the 2009 and 2010 annual renewal period will result in automatic revocation.

Background and Relevant Legislation

Currently, the Code provides that luxury limousine sedans should not be more than two (2) model years of age when initially placed into service. Luxury limousine sedans that exceed five (5) model years of age should not be in operation or be inspected.

This amendment allows twenty-one (21) luxury limousine sedans that are expected to be replaced by December 31, 2009 to remain in operation until June 30, 2010. According to the Consumer Services Department (CSD), the vehicles will be inspected quarterly after the five (5) year period. The cost for the inspection is \$35.

The Code also currently provides that an operator of a luxury limousine sedan has to certify at the time of annual renewal that he/she has provided service authorized by the for-hire license for nine (9) months during the preceding year. Failure to operate for at least nine months during the preceding year will result in automatic revocation of the for-hire license.

This amendment allows the operator to certify that he/she provided service for a period of six (6) months instead of nine (9) months. This will give the operator the option of having three (3) additional months of inactivity and not have to forfeit his/her license.

Policy Change and Implication

The amendment allows limousine operators by authorizing luxury limousine sedans over five model years of age to operate for an additional six month period and it allows luxury sedans to remain idle for a six month period instead of three months as currently permitted.

Question(s)

Does the CSD anticipate allowing other for-hire providers to operate vehicles beyond the vehicles retirement age?

According to the CSD, the Department does not anticipate allowing other for-hire providers to operate beyond the vehicles retirement age. Luxury sedans have the most restrictive vehicle age requirements being capped at five (5) model years and are more expensive vehicles to obtain as they must meet a minimum manufacture suggested retail price of no less than \$42,000.

Passenger Motor Carriers and Nonemergency vehicles can be used for fifteen (15) model years and taxicabs for 8 to10 years.

Budgetary Impact

N/A

Prepared By:

Tiandra D. Sullivan