MEMORANDUM

Agenda Item No. 7(B)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	June 3, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance relating to for-hire motor vehicles; amending Chapter 31 of Code to provide that no chauffeur shall refuse or neglect to transport any person traveling with a service animal

The attached ordinance was amended at the 5-11-10 Government Operations committee to include the following language:

> **Section 4. The Consumer Services Department shall amend its chauffeur registration application forms to incorporate a written acknowledgement from each chauffeur that the chauffeur is aware of the provisions of this ordinance.**
>
> **Section 5. Each for-hire passenger service company or for-hire provider registered with the CSD shall as soon as practicable distribute to each chauffeur authorized by the company or for-hire provider a notice and acknowledgement, prepared by the CSD, which explains the requirements of this ordinance. Each chauffeur shall acknowledge in writing receipt of the notice distributed by the for-hire passenger service company or for-hire provider. Each for-hire passenger service company or for-hire provider shall retain a copy of each acknowledgement for a period of one (1) year. The requirements of this section shall sunset one (1) year after the effective date of this ordinance.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsors Vice-Chairman Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Ordinance amending to Chapter 31 of the Code of Miami-Dade County relating to for-hire chauffeurs and service animals

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The proposed ordinance providing that no for-hire chauffer shall refuse or neglect to transport any person traveling with a service animal will not result in a fiscal impact to Miami-Dade County. Although no compliance with this ordinance would result in the impositions of new fines, at this time it's very difficult to calculate any potential new revenues.

Alex Munoz
Assistant County Manager

Fis04810

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
6-3-10

ORDINANCE NO. _____

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT NO CHAUFFEUR SHALL REFUSE OR NEGLECT TO TRANSPORT ANY PERSON TRAVELING WITH A SERVICE ANIMAL; PROVIDING FOR DEFINITION OF SERVICE ANIMAL, PENALTIES, 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 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Chapter 31

VEHICLES FOR HIRE

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

* * *

Sec. 31-92. Violations; 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 for-hire license holder, registered passenger service company or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil

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

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, passenger service company registration, operating permit and chauffeur registration and all for-hire 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-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked. Provided however, if a person commits three (3) violations of Sections 31-82(j)(12) or 31-303(i)(4) or any combination thereof during any twelve-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.>>Notwithstanding any provision to the contrary, if a person commits two (2) violations of Section 31-303(i)(23), such person's chauffeur's registration may be suspended for a period of up to six (6) months or revoked.<<

Section 2. Section 31-303 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

(a) It shall be unlawful for any person to drive any for-hire vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to this section.

* * *

(i) Chauffeurs must abide by all rules and regulations applicable to chauffeurs and shall be subject to enforcement, violations and penalties contained in this chapter and Chapter 8CC of this Code. A chauffeur shall comply with the following regulations:

* * *

(4) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person regardless of race, sex,

religion, national origin, age or physical disability [[(~~including a seeing-eye dog),~~]] who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate.

* * *

>>(23) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person, including a service animal, who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate. As used in Chapter 31, the term "service animal" shall mean any guide dog, signal dog, or other animal, as defined in 28 C.F.R. § 36.104, individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. <<

Section 3. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Chapter 8CC

CODE ENFORCEMENT

Sec. 8CC-10. Schedule of civil penalties. The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC,

regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
*	*	*
>>31-303(i)(23)	Refusal to transport passenger and service animal, for first violation	$500.00
31-303(i)(23)	Refusal to transport passenger and service animal, subsequent violations<<	$1000.00

Section 4. >>The Consumer Services Department shall amend its chauffeur registration application forms to incorporate a written acknowledgement from each chauffeur that the chauffeur is aware of the provisions of this ordinance.<<[2]

Section 5. >>Each for-hire passenger service company or for-hire provider registered with the CSD shall as soon as practicable distribute to each chauffeur authorized by the company or for-hire provider a notice and acknowledgement, prepared by the CSD, which explains the requirements of this ordinance. Each chauffeur shall acknowledge in writing receipt of the notice distributed by the for-hire passenger service company or for-hire provider. Each for-hire passenger service company or for-hire provider shall retain a copy of each acknowledgement for a period of one (1) year. The requirements of this section shall sunset one (1) year after the effective date of this ordinance.<<

Section 6. 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.

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[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted. Words double underlined and/or >>double arrowed<< constitute the amendment proposed.

Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance>>, with the exception of Section 4 and Section 5,<< 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 8. 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: RAC

Prepared by: GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Sally A. Heyman
Co-Sponsors: Vice-Chairman Jose "Pepe" Diaz
Commissioner Carlos A. Gimenez
Commissioner Rebeca Sosa