MEMORANDUM

Agenda Item No. 7(B)

(Second Reading 7-19-11)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 8, 2010

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

SUBJECT: Ordinance amending Chapter 31 of the Code relating to taxicab for-hire motor vehicles

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: July 19, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Fiscal impact of ordinance amending Chapter 31 of the code relating to taxicab for-hire motor vehicles

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The proposed amendment to Chapter 31 of the Code relating to taxicab for-hire vehicles will have a positive fiscal impact to the Consumer Services Department that will be used to support taxicab regulatory activities.

The ordinance creates a taxicab medallion auction of four medallions with a minimum bid price of $140,000, a taxicab medallion auction of two wheelchair accessible medallions with a minimum bid price of $100,000, and a lottery of four medallions for senior taxicab drivers at $5,000 each. The ordinance also reduces certain fees charged by the Consumer Services Department to taxicab chauffeurs for a one-year period. In addition, the department anticipates additional revenue from existing approved fees of approximately 400 transfer applications from an individual's name to a wholly-owned corporation and from approximately 200 senior lottery applications. These applications will be charged in accordance with the existing approved fee schedule.

The net fiscal impact is estimated at $753,000 based on the following assumptions:

Revenue	
$ 54,000	200 senior lottery applications
$ 20,000	Four (4) senior lottery medallions
$200,000	Two (2) accessible medallion auctions
$560,000	Four (4) regular medallion auctions
$ 68,000	400 transfer applications by individuals to corporations
-$137,000	Temporary fee reduction
$765,000	
Expenses	
$ 10,000	Audit services in connection with lottery
$ 2,000	Duplication, postage and other expenses
$ 12,000	

The fiscal impact has been calculated based on the minimum bid price for the medallions. Actual revenue could be higher depending on the final results of the auction and the number of transfer and lottery applications received. Approximately 900 taxicab medallions are held in an individual's name and could potentially apply to transfer to a corporation; however, there is no way to predict with certainty the number that will actually apply or when they will apply. While there are approximately 800 drivers in CSD's database that may be eligible for the senior driver lottery, 100 applied in the last senior driver lottery that took place in 2006.

Assistant County Manager

Fis 7310

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MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 19, 2011

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)
7-19-11

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO TAXICAB FOR-HIRE MOTOR VEHICLES; AMENDING REQUIREMENTS REGARDING TAXICAB CHAUFFEUR AGREEMENTS AND CHAUFFEUR DEPOSITS; PROVIDING THAT SPECIFIED DRIVER-OWNER TAXICAB FOR-HIRE LICENSE HOLDERS MAY UNDER CERTAIN CIRCUMSTANCES TRANSFER FOR-HIRE LICENSES TO A CORPORATION PROVIDED THAT ALL LICENSES HELD BY EACH LICENSE HOLDER ARE TRANSFERRED TO SAME CORPORATION WHOLLY OWNED BY EACH DRIVER-OWNER; PROVIDING FOR AUCTION OF SPECIFIED NUMBER OF TAXICAB FOR-HIRE LICENSES; LIMITING PARTICIPATION IN AUCTION AND IMPOSING CERTAIN TRANSFER RESTRICTIONS; PROVIDING FOR LOTTERY OF SPECIFIED NUMBER OF TAXICAB FOR-HIRE LICENSES; LIMITING PARTICIPATION IN LOTTERY TO SPECIFIED SENIOR CHAUFFEURS; PROVIDING FOR TECHNOLOGICAL ENHANCEMENTS; AMENDING PROVISIONS RELATING TO GIFTING OF FOR-HIRE TAXICAB LICENSES; PROVIDING THAT CERTAIN NATURAL PERSONS WHO ARE GIFTED ONE OR MORE FOR-HIRE LICENSES FROM ANY QUALIFIED TAXICAB FOR-HIRE LICENSE HOLDER MAY UNDER CERTAIN CIRCUMSTANCES TRANSFER SAID FOR-HIRE LICENSES TO A CORPORATION PROVIDED THAT ALL LICENSES ARE TRANSFERRED TO THE SAME CORPORATION WHOLLY OWNED BY THE RECIPIENT REGARDLESS OF WHEN THE GIFT IS MADE; PROVIDING FOR ASSUMPTION OF LIABILITY ENFORCEABLE BY THIRD PARTIES UNDER CERTAIN CIRCUMSTANCES WHERE SPECIFIED FOR-HIRE LICENSES ARE TRANSFERRED; AMENDING PROVISIONS RELATING TO PASSENGER SERVICE COMPANIES REGARDING CHAUFFEUR AGREEMENTS AND CHAUFFEUR DEPOSITS; AMENDING IMPLEMENTING ORDER 4-107 BY REDUCING CERTAIN FEES CHARGED BY CONSUMER SERVICES DEPARTMENT RELATING TO TAXICAB CHAUFFEURS AND TAXICAB VEHICLES FOR ONE YEAR; PROVIDING FOR 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. 31-82. For-hire licenses.

* * *

(c) Application procedures. Every initial application for a for-hire license, renewal application, amendment to a for-hire license or transfer of a for-hire license, shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with an investigative and processing fee which shall be nonrefundable. 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 the CSD and shall contain all information required thereon, including:

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

[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.

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.

(a) Reserved.

(b) *Business location requirements for taxicab for-hire licensees.* All applicants who are applying for a taxicab for-hire license after the effective date of this ordinance or have been issued a taxicab for-hire license after the effective date of this ordinance shall have a place of business in Miami-Dade County, Florida. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in Miami-Dade County, Florida. Post office box addresses will not be accepted.

(2) The class or classes of transportation service which the applicant desires to furnish.

(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 names and addresses of at least three (3) residents of the County as references.

(5) The trade name under which the applicant intends to operate and a description, where applicable, of a distinctive uniform and decorative color scheme including placement of numbers and other markings.

(6) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.

(7) 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 >>or 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.

(8) Two (2) credit references including at least one (1) bank where applicant has an active account. In lieu of the second credit

reference, the applicant may submit alternative written evidence of financial trustworthiness.
(9) Reserved.
(10) Reserved.
(11) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.
(12) Any additional information as the Director shall require to enforce the provisions of this article.
(13) The name of the passenger service company who shall act as the for-hire license holder's agent, where applicable.
(d) Investigation of for-hire license applicants. The director shall investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The director may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The director's decision to reject or to deny may be appealed in accordance with this chapter.

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

(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, unless his or her civil or residency rights have been restored;
(5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not 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 Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;
(7) Has violated any condition, limitation, or restriction of a for-hire license imposed by the director or commission where the director deems the violation to be grounds for denial;

(8) 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;
(9) Has as a stockholder, officer, director, or partner of a corporation or partnership 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;
(10) 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;
(11) Has failed to satisfy the residency and domicile requirements of this chapter;
(12) Does not have a place of business located in Miami-Dade County, Florida;
(13) Has any unsatisfied civil penalty or judgment pertaining to for-hire operation;
(14) Has had a for-hire license issued by Miami-Dade County revoked;
(15) Has within the last five (5) years ple[[a]]d nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of whether adjudication is withheld) involving moral turpitude relating to sex; or
(16) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

Where the provisions of this article limit the total number of for-hire licenses to be issued for a specific category of for-hire transportation, the director shall not issue licenses in excess of such limit. Any for-hire licenses requiring approval by the commission shall be submitted to the commission with the written recommendation of the County Manager.

(e) Conditions for obtaining a for-hire license. No for-hire license shall be issued unless the applicant:
(1) Has paid an initial or annual license fee;
(2) Has provided an adequate management plan, where applicable, and has submitted a sworn statement that the applicant has executed a passenger service agreement;
(3) Has submitted proof of insurance required by this article;
(4) Has ensured that the for-hire passenger motor vehicle to be operated under the applicant's for-hire license has passed all

required vehicle inspections. Failure of the applicant to meet all of the foregoing requirements within forty-five (45) days after notification of conditional approval shall cause the license not to be issued. If the applicant believes he, she or it cannot meet the foregoing requirements within the forty-five-day period, the applicant may, prior to expiration of such forty-five-day period, request in writing a reasonable extension from the director. If the request states good cause for an extension, the director may grant such a reasonable extension as the director finds is in the public interest.

(f) Vehicles authorized to operate under a for-hire license. The number of vehicles authorized to operate under a for-hire license are as follows: taxi for-hire license holders shall operate only one (1) vehicle per for-hire license.

(g) Issuance and replacement of for-hire license.
(1) *Issuance.* Each for-hire license shall be on a form developed by the CSD and shall be signed by the director. Each for-hire license shall, at a minimum, contain the name and the business address of the license holder, date of issuance, its expiration date and such additional terms, conditions, provisions and limitations as were imposed during the approval process.
(2) *Replacement.* The director may issue a replacement license to any license holder upon application, payment of a nonrefundable 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 license. For-hire licenses may be issued for such periods as specified in the >>Implementing<<[[~~Administrative~~]] Order establishing the 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 expiration of the current initial or annual for-hire license together with payment of a 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 subsections 31-82(c)(d) or (e). 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 permitted for-hire vehicle operated during the

preceding license year. 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 license in which to renew same provided, however, that all operations shall cease on the date of license expiration and the license holder shall also pay a late fee over and above the annual 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) Rules of operation. For-hire license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A for-hire license holder and her, his or its agents shall comply with the following regulations:

(1) Comply with applicable federal law, Florida law, and ordinances, rules and regulations of the County applicable to the operation of for-hire vehicles;

(2) Immediately report any change of address;

(3) Maintain all records pertaining to the for-hire operations of a vehicle at the place of business of the entity responsible for passenger services for one (1) year and make same available for inspection during the regular business hours of such entity. When requested by the CSD, the entity shall provide copies of the records;

(4) Where required by this article, enter into a passenger service agreement with a passenger service company to provide passenger services or directly perform passenger services as provided in Section 31-100;

(5) Obtain the operating permit for each for-hire vehicle operated pursuant to authority of the for-hire license and pay all application and vehicle inspection fees;

(6) Not permit or authorize any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed therein;

(7) Not allow any person to operate a for-hire vehicle who is not a Miami-Dade County registered chauffeur and who has not entered into a chauffeur's agreement in accordance with this article;

(8) Not allow or permit any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage as required in this chapter;

(9) Register and have inspected by CSD all vehicles to be placed into service and all vehicles taken out of service;

(10) Not 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 chapter;

(11) Not allow or permit any person to operate a for-hire vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the chauffeur to begin or continue to drive the for-hire vehicle;

(12) Not refuse or neglect to transport to or from any place in the county, 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;

(13) Each for-hire license holder shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for-hire vehicle. The written chauffeur's agreement:

(a) Shall provide for an express duration of the agreement;

(b) Shall only be terminated with at least [[~~thirty (30)~~]] >>ninety (90)<< days prior notice unless good cause be shown and only for the reasons stated therein;

(c) 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;

(d) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for-hire vehicle authorized by a for-hire license. >>Such itemization shall separately list the amount of compensation that is attributable to the lease, insurance, dispatch and deposits, if any.<< It shall be unlawful for the for-hire 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 or passenger service company, whichever is applicable, 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;

(e) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for-hire vehicle;
(f) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees.
(g) Shall be signed by both the chauffeur and the license holder; and
(h) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.
>>(i) Whenever money is deposited by a chauffeur as security for performance or advance payment of a lease, the license holder shall either:
(1) Hold the total amount of such money in a separate non-interest bearing account in a Florida banking institution for the benefit of each chauffeur. The license holder shall not commingle such money with any other funds of the license holder or pledge, or in any other way make use of such money until such money is actually due the license holder; or
(2) Hold the total amount of such money in a separate interest-bearing account in a Florida banking institution for the benefit of each chauffeur, in which case the chauffeur shall receive and collect interest in an amount of at least 75 percent of the annualized average interest rate payable on such account or interest at the rate of 5 percent per year, simple interest, whichever the license holder elects. The license holder shall not commingle such money with any other funds of the license holder, pledge, or in any other way make use of such money until such money is actually due the license holder;
(j) The license holder shall, within thirty (30) days of receipt of a security deposit, notify the chauffeur in writing of the manner in which the license holder is holding the deposit and the rate of interest, if any, which the chauffeur is to receive and the time of interest payments to the chauffeur. Such written notice shall:
(1) Be given in person or by mail to the chauffeur.
(2) State the name and address of the depository where the deposit is being held and whether the deposit is being held in a non-interest or interest-bearing account.
(3) Include a copy of the provisions of subsection (k).
(k)(1) Upon the termination of the lease, if the license holder does not intend to impose a claim on the deposit, the license holder shall have fifteen (15) days to return the deposit together with interest if the funds have been deposited in an interest bearing account, or the license holder shall have thirty (30) days to give the chauffeur written notice by certified mail to the chauffeur's last known mailing address of his or her intention to impose a claim on the

deposit and the reason for imposing the claim. The notice shall contain a statement in substantially the following form:

> This is a notice of my intention to impose a claim in the amount of _____ upon your deposit, due to _____. It is sent to you as required by sec. 31-82(j)(13)(k) of the Code of Miami-Dade County, Florida. You are hereby notified that you must object in writing to this deduction from your deposit within fifteen (15) days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to _____.

If the license holder fails to give the required notice within the 30-day period, he or she forfeits the right to impose a claim upon the security deposit.
(2) Unless the chauffeur objects in writing to the imposition of the license holder's claim or the amount thereof within fifteen (15) days after receipt of the license holder's notice of intention to impose a claim, the license holder may then deduct the amount of his or her claim and shall remit the balance of the deposit to the chauffeur within thirty (30) days after the date of the notice of intention to impose a claim for damages.
(3) If either party to the chauffeur agreement institutes an action in a court of competent jurisdiction to adjudicate the party's right to the security deposit and interest, if any, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney.
(4) In those cases where interest is required to be paid to the chauffeur, the license holder shall pay directly to the chauffeur, or credit the current lease payment, the interest due to the chauffeur at least annually.<<

(14) For-hire license holders who operate an accessible vehicle shall place an advertisement in the Yellow Pages of the Miami-Dade County Telephone Directory under the trade name under which the owner operates indicating that it is capable of providing service to wheelchair passengers and that such requests for service shall receive priority over all other service requests.
(15) Each license holder shall ensure that chauffeurs operating an accessible vehicle are certified in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair. Proof of certification shall be provided to the CSD.
(16) It shall be unlawful for any person to use, drive or operate an accessible vehicle without certification in the safe and proper

methods of securing, transporting, and dealing with passengers utilizing a wheelchair.

(k) Responsibility for violations of chapter. The holder of a for-hire license shall be held responsible for any applicable violation of this article arising from the operation of the for-hire vehicle authorized under the holder's for-hire license and shall be subject to the penalties provided in this chapter for any such violation. In addition, his, her or its license shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a passenger service company or for-hire chauffeur for the same or related violations shall not relieve the for-hire license holder of responsibility under this article.

(l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.

(1) The director, by administrative decision, may require that at least fifty (50) percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to Sections 31-82(o)(1) and 31-82(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.

(2) Licenses to be operated using accessible vehicles pursuant to Section 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall be issued upon payment of an amount that is ten thousand dollars ($10,000.00) less than the amounts stated in Section 31-82(m), 31-93(c)(2), or 31-93(d), respectively, or five thousand dollars ($5,000.00), whichever amount is greater, payable in full within one hundred twenty (120) days after each lottery.

(3) It shall be a condition of all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to Section 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) that the vehicle operated under the authority of such license shall always be an accessible vehicle.

(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.

(5) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire taxicab license which is required to be operated using an accessible vehicle pursuant to Section 31-82(o)(2) or 31-82(o)(3) may convert that for-hire license into a license which may, except as provided herein, operate countywide upon payment of ten thousand dollars ($10,000.00) to the County by July 1, 2009. Notwithstanding the foregoing, a for-hire license holder who is unable to make a payment of ten thousand dollars ($10,000.00) to the County by July 1, 2009, may upon payment of a minimum of two thousand five hundred dollars ($2,500.00) by July 1, 2009, request from the CSD Director an additional period of time not to exceed eighteen (18) months within which to pay the remaining balance. For-hire licenses which are converted as provided in this subsection may not be operated countywide prior to July 1, 2009. Notwithstanding the foregoing, a for-hire license which has been converted into a for-hire license authorized to provide countywide service, as provided for in this subsection, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

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

(m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of twenty-five thousand dollars ($25,000.00), payable in full within one hundred twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in Section 31-82(c). A sixty-day extension may be granted by the CSD Director provided good cause be shown.

(n) Existing taxicab for-hire license holders on the effective date of this ordinance shall receive one (1) medallion for each for-

hire license upon payment of a one-time administrative fee established by administrative order.

(o) For-hire taxicab license lottery >>and auctions<<.
(1) In the year 2009 fifteen (15) for-hire taxicab licenses shall be operated using accessible vehicles and issued utilizing the criteria and procedure provided in Section 31-82. Notwithstanding any other provision of this chapter, taxicab licenses issued pursuant to this subsection, after January 1, 2009, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.
(2) In addition to the for-hire licenses authorized by the preceding subsection, an additional five (5) South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued in the year 2009, pursuant to Section 31-93(d) utilizing the criteria and procedure provided in Section 31-82.
(3) In addition to the for-hire licenses authorized by the preceding subsections, an additional five (5) underserved area for-hire taxicab licenses shall be issued in the year 2009, pursuant to Section 31-93(c), utilizing the criteria and procedure provided in Section 31-82.
(4) All taxicab licenses issued pursuant to this section after January 1, 2009 shall have a mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. In addition, notwithstanding any provision to the contrary, all taxicab licenses issued pursuant to this section shall be issued upon payment of twenty-five thousand dollars ($25,000.00).
>>(5) In fiscal year 2010-2011, four (4) for-hire taxicab licenses shall be issued to chauffeurs with twenty (20) or more years of continuous service as a Miami-Dade County chauffeur pursuant to a lottery advertised and supervised by the Consumer Services Department utilizing the criteria and procedure provided in Section 31-82. Notwithstanding any provision to the contrary, all taxicab licenses issued pursuant to this section shall be issued upon payment of five thousand dollars ($5,000.00) payable in full within thirty (30) days after each lottery.
(6) In fiscal year 2010-2011, six (6) for-hire taxicab licenses shall be auctioned to the highest bidder pursuant to an open auction advertised and supervised by the Consumer Services Department utilizing the criteria and procedure provided in Section 31-82. The

Clerk of the Circuit Court of Miami-Dade County shall sell each license to the highest and best bidder, who shall pay the amount bid by a cashier's check within thirty (30) days from the time of sale. Two (2) of the six (6) for-hire taxicab licenses shall be operated using accessible vehicles. A for-hire license issued pursuant to the preceding sentence as an accessible vehicle shall remain so classified despite any change in ownership of the for-hire license after its issuance. Participation in the auctions shall be limited to natural persons or corporations organized or qualified to do business under the laws of Florida where all of the shares of each corporation are held by a single natural person ("wholly-owned corporation"), and which satisfy the requirements and criteria provided in sections 31-82(c), (d), (e), (f), (g), (h), (i), (j) (k) and (r). The minimum price for taxicab for-hire licenses which must operate accessible vehicles shall be one hundred thousand ($100,000) dollars. The minimum price for the remaining taxicab for-hire licenses auctioned shall be one hundred and forty thousand ($140,000) dollars. Prior to participating in an auction, a prospective bidder shall provide the Clerk of the Circuit Court of Miami-Dade County with a letter from a registered bank or lending institution stating that the bidder has sufficient funds to pay the minimum price for a for-hire license required by this subsection (6). Each successful bidder shall provide the Consumer Services Department with a cashier's check in an amount equal to ten (10) percent of the total amount bid within two (2) business days of the sale which shall be non-refundable. Any successful bidder shall provide the Consumer Services Department with a cashier's check for the remainder of the amount bid within thirty (30) days from the time of sale. In the event that the highest and best bidder does not provide the Consumer Services Department with a cashier's check in an amount equal to ten (10) percent of the total amount bid and/or does not provide the Consumer Services Department with a cashier's check for the remainder of the amount bid within thirty (30) days from the time of sale, or the highest and best bid for a for-hire license does not satisfy the minimum price required by this subsection (6), the Clerk of the Circuit Court of Miami-Dade County shall schedule another auction for the unsold for-hire license within sixty (60) days. Any successful bidder who does not satisfy the for-hire license requirements of sections 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r) shall have ninety (90) days from the date of sale in which to apply for the transfer of such license to a natural person or corporation organized or qualified to do business under the laws of Florida where all of the shares of the corporation are held by a single natural person, and which satisfies the requirements and criteria provided in sections 31-82(c), (d), (e),

(f), (g), (h), (i), (j) (k) and (r). A for-hire license issued pursuant to the auctions provided for in this subsection may only be transferred, voluntarily or involuntarily, to a natural person or corporation organized or qualified to do business under the laws of Florida where all of the shares of the corporation are held by a single natural person, and which satisfies the requirements and criteria provided in sections 31-82(c), (d), (e), (f), (g), (h), (i), (j) (k) and (r). As a condition of transferring a for-hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for-hire license which accrued prior to the transfer of the for-hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as provided herein.

(7) Each taxicab operated pursuant to a for-hire license issued pursuant to the lotteries and auctions provided for in subsections (o)(5) and (o)(6) after September 1, 2010:

(i) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. Notwithstanding the foregoing, mobile two-way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the issuance of the for-hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, 365 days a year;

(ii) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the

CSD. In addition, all taximeters shall be programmed with the approved special service rates.

(iii) Shall within twelve (12) months from the issuance of the for-hire license be equipped with an operable digital security camera system ("DSCS");

(a) In addition to the following minimum requirements as provided by this subsection, the CSD shall establish and issue regulations to govern the specifications, installation and maintenance of the security cameras and may, from time to time, revise such regulations.

(1) The camera must record sharp, undistorted original still images that are reliable for identification of all individuals seated in any position inside the taxicab and under all lighting conditions including darkness with a strong rear light source.

(2) The DSCS shall record images and shall display at the top of each image the time/date, taxicab number, trigger source, and recording unit serial number.

(3) Storage capacity shall be, at a minimum, 4,000 images.

(4) When memory storage capacity is reached, the DSCS shall overwrite the oldest images as new images are recorded in sequence.

(5) Images shall be recorded and stored in a recording unit, within the vehicle, separate from the mounted camera. No image shall be transmitted from the recording unit to any other electronic device via the internet or any other means.

(6) The manufacturing process for the camera and the camera itself shall be certified by the International Organization for Standardization.

(7) The camera head housing and brackets shall be tamper-proof and securely mounted to the right of the rear-view mirror. The installation shall provide unobstructed vision for the driver.

(8) The camera housing mounting brackets shall prevent any adjustment of camera aim except by certified installers.

(9) The recording unit housing and installation brackets must use tamperproof fasteners. The recording unit, and all cables, must be installed under the dash board and concealed from view.

(10) The DSCS shall contain a visual indication of system status readily visible to the chauffeur and enforcement personnel inspecting the vehicle from outside of the driver door.

(11) The DSCS and components shall be sufficiently shock-resistant to withstand typical vehicle movement and collisions.

(12) Image capture shall be linked to the following events: vehicle door openings and closings, meter engagement and activation of an emergency switch that is linked to the DSCS.

(13) Image access shall be provided only to law enforcement agencies.

(b) Notice of a digital security camera system and a privacy notice shall be prominently displayed within the taxicab, as required by regulations promulgated by CSD;

(iv) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:

(a) provide for a printed receipt that shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction

and the telephone number for filing complaints with the CSD.
(b) be linked to the taximeter and include a global positioning system.
(c) display itemized fare information, provide for an ability to choose the payment form, and provide for the option of adding a gratuity;
(d) provide for a passenger information module with touch screen capability;
(e)There shall be no additional charge added to the fare for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon the vehicle the type of credit cards accepted for payment. The specifications of said posting shall be prescribed by the CSD. The credit card payment process shall comply with the Payment Card Industry Data Security Standard or its equivalent; and
(f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;

(v) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with operable warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle.

(a) The warning light system shall consist of two devices.
(b) Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate.
(c) The device shall display flashing red lights which shine on the roadway under the vehicle.
(d) The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated.

Any vehicle which fails to comply with any of the requirements imposed by this subsection (o)(7)(i)-(v) shall be removed from service until such time as the vehicle is in compliance with said requirements.<<

* * *

(q) All additional for-hire licenses >>issued pursuant to a lottery<< to operate a taxicab which are authorized pursuant to this section shall be issued by the CSD in accordance with the following procedures:

(1) *Determination of eligibility to participate in distribution of new taxicab for-hire licenses.* Participation in the lottery or random selection process shall be limited to those chauffeurs: who for the five-year period immediately prior to application for participation in such lottery have held a valid Miami-Dade County taxicab chauffeur's registration; who are not holders of a Miami-Dade County for-hire taxicab license; who have not previously held a for-hire taxicab license; who do not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; and who meet the requirements of this section and Section 31-82(c). Each chauffeur qualified to participate shall be allowed only one (1) entry in the random selection or lottery process. Provided, however, in no event shall such selection or process result in any chauffeur, corporation, partnership or any other entity in which such chauffeur has any interest being authorized to operate more than one (1) for-hire license.

(2) *Random selection or lottery.* Where required by this chapter, a random selection lottery process shall be conducted as determined by the director. The random selection or lottery process shall be conducted by an individual who shall not have responsibility for the enforcement of this chapter. All fees and applications must be received by the CSD no later than fifty (50) calendar days after the announcement of a lottery.

(3) *Separate lottery conducted by CSD.* If, due to revocation, cancellation or lapse, the total number of valid for-hire taxicab licenses is less than the total number authorized, the CSD shall have authority to issue sufficient new licenses to bring the total issued up to the total authorized utilizing the procedures of this section. In such event, the applicable deadlines for submission of applications and for conduct of the lottery may be administratively determined by the director.

(4) *Conditions for participating in random selection or lottery process.* In addition to the requirements stated above, all applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Every application to participate in the random selection or lottery process shall be filed in accordance with Section 31-82(c) of this chapter, including payment of the investigative and processing fee provided therein; list the chauffeur's registration number and include a sworn statement that

(1) the applicant is the holder of a valid Miami-Dade County taxicab chauffeur's registration and (2) that during the five (5) years prior to application, the applicant has not had his or her Miami-Dade County taxicab chauffeur's registration suspended or revoked or has not been found guilty of more than five (5) violations of this chapter. The CSD shall disqualify applicants who do not meet the requirements of this section from participation in the lottery. The director's decision shall be final.

(5) *Condition of all new taxicab licenses.* It shall be a condition of all for-hire taxicab licenses distributed through the random selection process which are issued after the effective date of this ordinance that the taxicab operated under authority of such license shall be driven by the license holder one (1) out of two (2) shifts per day an average of five (5) days per week. Licenses issued pursuant to this section shall be issued in the chauffeur's individual name only. No new for-hire taxicab license shall be assigned, sold or transferred during the five-year period following the issuance of said license. Notwithstanding the foregoing, a new taxicab for-hire license may be transferred during the five-year period following issuance where the license is>>: transferred to a corporation as provided in subsection (r)(3);<< transferred involuntarily pursuant to Section 31-82(r)>>;< or >>transferred<< due to the death or incompetency of the for-hire license holder, including an irreversible medical condition rendering the chauffeur unable to perform the duties of a chauffeur, such as loss of sight, paralysis, or a terminal illness. Notwithstanding the foregoing, a new taxicab for-hire license issued pursuant to the lottery to a driver who applied for and qualified for the lottery reserved for twenty-year drivers may be transferred, as provided in Chapter 31, between three (3) and (5) five years after the date of issuance if the driver is at least sixty-two (62) years of age at the time of transfer, and a new taxicab for-hire license issued pursuant to the lottery to a driver who applied for and qualified for the lottery reserved for twenty-five year drivers may be transferred, as provided in Chapter 31, between two (2) and (5) years after the date of issuance if the driver is at least sixty-two (62) years of age at the time of transfer. Where a new for-hire license is revoked during the aforementioned time periods immediately after the issuance of the license, the proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to Miami-Dade County.

(r) Transfer of a taxicab license. Transfer of a taxicab license may be accomplished by purchase, gift, bequest or operation of law, and is subject to the written approval of the CSD.

(1) *County approval required.* No for-hire taxicab license shall be assigned, sold (either outright or under a conditional sales contract) or transferred without prior approval of the director. No approval hereunder shall be granted unless it has been demonstrated that the assignee, purchaser (conditional or outright), or transferee meets all of the requirements of Section 31-82, including but not limited to payment of the required investigative and processing fee, and has submitted a written contract between the license holder and assignee, purchaser or transferee disclosing the terms and conditions of the proposed assignment, sale or transfer, including the amount of compensation which has been paid or is payable to the assignor, seller or transferor and any other consideration given or to be given to the assignor, seller or transferor in connection with the assignment, sale or transfer of the for-hire license. 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 for purposes of this section. Failure to comply with this subsection will result in revocation of the for-hire license. Appeals of the director's decision shall be in accordance with the provisions of this chapter.

(2) *Unsatisfied judgments and outstanding tort liabilities.* An assignment, sale or transfer shall not be permitted if an unsatisfied judgment is on file with Miami-Dade County against the licensed assignor, seller or transferor and the CSD has been notified of said judgment. If an appeal is pending from an unsatisfied judgment, the CSD, in its discretion, may permit such assignment, sale or transfer provided the assignor, seller or transferor files a bond in sufficient amount to satisfy the judgment. An assignment, sale or transfer also may be permitted without filing such bond provided that all judgment creditors of unsatisfied judgments file written permission with the CSD. An assignment, sale or transfer shall not be permitted unless the assignee, purchaser or transferee files a bond with the Clerk of the Circuit and County Court to cover all outstanding tort liabilities of the assignor, seller or transferor in excess of the amount covered by the required commercial auto liability insurance policy.

(3) *Assignment, sale (conditional or outright) and transfer to chauffeurs.* Unless otherwise provided, from the effective date of this ordinance for-hire taxicab licenses may only be assigned, sold (conditional or outright) or transferred to a Miami-Dade County registered taxicab chauffeur who: (i) does not hold a Miami-Dade County for-hire taxicab license; (ii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade

County for-hire taxicab license; and (iii) meets the requirements provided in this subsection and Section 31-82 >>("driver-owner")<<. Provided, however, in no event shall an assignment, sale (conditional or outright) or transfer be approved if a chauffeur has any interest (legal, equitable or beneficial) in any other for-hire license. It shall be a condition of any license that the assignee, purchaser or transferee shall actually drive the taxicab authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week and that the transferee shall not enter into any agreement to operate a taxicab under authority of such license with any other person who has any interest or ownership in another for-hire license. >>Notwithstanding any provision to the contrary, any driver-owner who has been issued a for-hire license may elect to transfer the for-hire license to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are held by the driver-owner who purchased the for-hire license ("wholly-owned corporation"), and which satisfies the requirements and criteria provided in sections 31-82(c), (d), (e), (f), (g), (h), (i), (j) (k) and (r). All for-hire licenses issued to a driver-owner and transferred to a wholly-owned corporation as provided for in subsections (r)(3) and (r)(4) shall, regardless of the date of issuance, be transferred to the same wholly-owned corporation. As a condition of transferring a for-hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for-hire license which accrued prior to the transfer of the for-hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as provided herein. Each vehicle operated pursuant to a for-hire license issued to a driver-owner and transferred to a corporation as provided in subsections (r)(3) and (r)(4):

(i) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire

transportation to a passenger. Notwithstanding the foregoing, mobile two-way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the issuance of the for-hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, 365 days a year;

(ii) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD. In addition, all taximeters shall be programmed with the approved special service rates;

(iii) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable credit card processing system. For-hire license holders shall be required to install in all taxicabs a credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:

(a) provide for a printed receipt that shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD;

(b) be linked to the taximeter and include a Global Positioning System;

(c) display itemized fare information, provide for an ability to choose the payment form, and provide for the option of adding a gratuity;

(d) provide for a passenger information module with touch screen capability;

(e)There shall be no additional charge added to the fare for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon

the vehicle the type of credit cards accepted for payment. The specifications of said posting shall be prescribed by the CSD. The credit card payment process shall comply with the Payment Card Industry Data Security Standard or its equivalent; and

(f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;

(iv) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with operable warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle.

(a) The warning light system shall consist of two devices.

(b) Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate.

(c) The device shall display flashing red lights which shine on the roadway under the vehicle.

(d) The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated.

Any vehicle which fails to comply with any of the requirements imposed by this subsection (r)(3)(i)-(iv) shall be removed from service until such time as the vehicle is in compliance with said requirements.<<

(4) *Purchase by driver-owner of second for-hire taxicab license.* Notwithstanding any provision to the contrary, a for-hire license holder who (i) is a registered chauffeur, (ii) holds only one (1) for-hire license in his or her name, (iii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire license >>except as provided in subsection (r)(3)<<, and (iv) actually drives the taxicab authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week >>("driver-owner")<< may purchase a second for-hire license provided that said for-hire license holder continues to drive one (1) of the two (2) taxicabs authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week. Failure to comply with the requirements of this subsection shall subject said for-hire taxicab license to suspension or

revocation. >>Notwithstanding any provision to the contrary, any driver-owner who purchases a second for-hire license may elect to transfer the for-hire license to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are held by the driver-owner who purchased the for-hire license ("wholly-owned corporation"), and which satisfies the requirements and criteria provided in sections 31-82(c), (d), (e), (f), (g), (h), (i), (j) (k) and (r). All for-hire licenses issued to a driver-owner and transferred to a wholly-owned corporation as provided for in subsections (r)(3) and (r)(4) shall, regardless of the date of issuance, be transferred to the same wholly-owned corporation. As a condition of transferring a for-hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for-hire license which accrued prior to the transfer of the for-hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as provided herein.<<

(5) *Gift of for-hire taxicab license.* Notwithstanding any provision to the contrary, a qualified taxicab for-hire license holder may transfer a for-hire license as a gift (i.e., without consideration) to >>any natural person. Any natural person who has been issued a for-hire license as a gift may elect to transfer the for-hire license(s) to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are held by the same natural person who is the recipient of the gift ("wholly-owned corporation"), and which satisfies the requirements and criteria provided in sections 31-82(c), (d), (e), (f), (g), (h), (i), (j) (k) and (r). All for-hire licenses gifted from any qualified taxicab for-hire license holder to the same natural person and transferred to a wholly-owned corporation as provided in the preceding sentence shall, regardless of when the gift is made, be transferred to the same wholly-owned corporation. As a condition of transferring a for-hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for-hire license which accrued prior to the transfer of the for-hire license ("assumption of liability"). The assumption

of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as a gift.<<[[~~an immediate family member or another natural person who: (i) does not hold a Miami-Dade County for-hire taxicab license; (ii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; and (iii) meets the requirements of Section 31-82 with the exception of the requirement that the transferee be a Miami-Dade County registered chauffeur~~.]]As used herein, a "qualified taxicab for-hire license holder" shall mean: (i) a natural person who holds a taxicab for-hire license in his or her name; (ii) a natural person who, as of the effective date of this ordinance, owns more than fifty (50) percent of the shares of a corporation which holds a taxicab for-hire license in its name; or (iii) a natural person who, as of the effective date of this ordinance, holds more than a fifty (50) percent interest in a partnership which holds a taxicab for-hire license in its name. [[~~A qualified taxicab for-hire license holder who holds more than one (1) taxicab for-hire license may transfer as a gift no more than one (1) for-hire license to each member of his or her immediate family and may only transfer a for-hire license as a gift to another natural person who is not an immediate family member on one (1) occasion during his or her lifetime. As used herein, "immediate family member" shall mean parents, spouse, children, grandchildren or court-appointed legal guardian of an immediate family member~~]]. >>Any recipient of a for-hire license as a gift who does not satisfy the for-hire license requirements of sections 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r) shall have ninety (90) days from the date of transfer in which to apply for the transfer of such license as provided in section 31-82(r)(3). Each vehicle operated pursuant to a for-hire license which has been transferred as a gift and subsequently transferred to a corporation as provided in subsection (r)(5):

(i) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. Notwithstanding the foregoing, mobile two-way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the

issuance of the for-hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, 365 days a year;

(ii) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD. In addition, all taximeters shall be programmed with the approved special service rates;

(iii) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with an operable credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:

(a) provide for a printed receipt that shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD.

(b) be linked to the taximeter and include a Global Positioning System.

(c) display itemized fare information, provide for an ability to choose the payment form, and provide for the option of adding a gratuity;

(d) provide for a passenger information module with touch screen capability;

(e)There shall be no additional charge added to the fare for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon the vehicle the type of credit cards accepted for payment. The specifications of said posting shall be prescribed by the CSD. The credit card payment process shall comply with

the Payment Card Industry Data Security Standard or its equivalent; and
(f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;

(iv) Shall within one hundred and twenty (120) days from the issuance of the for-hire license be equipped with operating warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle:

(a) The warning light system shall consist of two devices;
(b) Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate;
(c) The device shall display flashing red lights which shine on the roadway under the vehicle; and
(d) The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated;

Any vehicle which fails to comply with any of the requirements imposed by this subsection (r)(5)(i)-(iv) shall be removed from service until such time as the vehicle is in compliance with said requirements.<<

(6) *Leasing the for-hire taxi license to other for-hire taxi chauffeurs.* Leasing of the for-hire license to a Miami-Dade County registered chauffeur shall be permitted if the for-hire license holder complies with the provisions of this chapter.
(7) *Conditions of voluntary transfers.*
(i) Any for-hire taxicab for-hire license may only be transferred, sold or assigned in accordance with this section.
(ii) For purposes of the sale of a for-hire license, the following requirements must be satisfied: (i) all outstanding fines and penalties against the for-hire taxicab license and chauffeur's registration must be paid or satisfied and all pending administrative matters must be resolved; and (ii) when seller owns two (2) or more for-hire taxicab licenses, all outstanding items/proceedings as stated in (i) above shall be paid, satisfied or resolved.
(8) *Conditions of involuntary transfers.*
(i) An owner's interest in a for-hire taxicab license may be revoked pursuant to section 31-91. Upon a final order of

revocation where all appellate proceedings, if any, have been concluded, the Clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) business days from the time of sale. The proceeds from the sale of such licenses, after deducting the expenses of the sale and all costs incurred by Miami-Dade County including, but not limited to, attorney's fees, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to the person whose interest in the for-hire license has been revoked, or to the County when the person cannot be located.

(ii) An owner's interest in a for-hire taxicab license may be transferred involuntarily by a court of law and disposed of by public or private sale in the same manner as personal property. However, upon such involuntary transfer, the license holder's license shall immediately be canceled and a new license issued to the purchaser or his, her or its vendee, provided that such purchaser or vendee satisfies the bond requirements of this section; except that if the involuntary transfer is by reason of a tort judgment against an involuntary transferor no bond need be provided with respect to the same judgment.

(iii) Any person holding a bona fide lien or security interest in a for-hire taxicab license in Miami-Dade County shall have the right to enforcement of a lien against that license within thirty (30) days after any final order of revocation where all appellate proceedings, if any, have been concluded and upon actual notice to any lienholder whose name is on file with CSD.

(iv) In order to perfect a lien or security interest in a for-hire taxicab license, the party which holds the pledge, lien or security interest, within thirty (30) days of the date of creation of the pledge, lien or security interest, shall record the same with the CSD, the Department of State UCC Bureau and the Clerk of the Circuit Court of Miami-Dade County and must (i) describe the collateral as a "Miami-Dade County for-hire taxicab license" and (ii) include the for-hire taxicab license number.

(v) Any foreclosure of a perfected lien in a for-hire taxicab license shall be in the Circuit Court of Miami-Dade County and the CSD shall be joined as an indispensable party. All holders of liens or security interests senior to the pledge, lien or security interest being foreclosed shall be joined and deemed necessary parties to the foreclosure.

(vi) Upon a judgment of foreclosure, the Clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction, pursuant to chapter 45, Florida Statutes, to the highest and best bidder, who shall pay the amount bid by a cashier's check

within seven (7) days from the time of sale. The proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance shall be paid as directed in the judgment of foreclosure.

(vii) The institution of foreclosure procedures or the judicial transfer of a license shall not prevent the CSD from suspending or imposing a civil penalty or taking other administrative action against the licensee of record at the time of the alleged violation. However, should the CSD obtain a revocation of the license against the previous licensee of record, the revocation shall be effective only to impair the qualifications of the individual licensee, partners, officers, directors, or stockholders of that licensee.

(viii) Any transferee license holder who does not satisfy the for-hire taxicab license requirements of section 31-82 for a transfer shall have ninety (90) days from the date of judgment or sale in which to apply for transfer of such license to a Miami-Dade County registered taxicab chauffeur who satisfies the requirements of this section>>, except as provided in subsection (o)(6)<<. The transferee may continue the operation of the taxicab during the pendency of the application only with prior approval of the CSD.

(9) Distribution from estate to a beneficiary.

(i) When a for-hire taxicab license or stock in a corporation owning a for-hire taxicab license is distributed from an estate to a beneficiary by a court of law, the transferee shall submit to the CSD the court order directing the County to transfer the for-hire license to the beneficiary. The court order shall condition the transfer upon the transferee complying with this article.

(ii) An executor or administrator may continue the operation of a taxicab only with prior approval of the CSD. The executor or administrator shall apply for such approval within sixty (60) days of his or her appointment, subject, however, to any further extension of time in the event of any possible will contest or other delay not caused by the executor or the administrator which will be granted in the discretion of the CSD for good cause shown.

(iii) Any beneficiary who does not satisfy the for-hire taxicab license requirements of section 31-82 for a voluntary transfer shall have ninety (90) days in which to apply for CSD approval of the transfer of such license to a Miami-Dade County registered taxicab chauffeur who satisfies the requirements of section 31-82>>, except as provided in subsection (o)(6)<<. An extension may be granted by the CSD Director provided good cause be shown.

(10) Conditional sales agreements.

(i) Where an interest in a for-hire taxicab license is acquired through a conditional sales agreement the following shall apply: (i) the parties shall provide the CSD with a disclosure statement indicating the terms of the agreement within thirty (30) days of the execution of the agreement;
(ii) The seller shall be liable for any fines or penalties imposed against the taxicab license for violations occurring during the term of the agreement, unless they are paid by the purchaser; and
(iii) The seller shall notify the CSD in writing of any repossession by the seller of the taxicab within seventy-two (72) hours exclusive of weekends and holidays.
(s) As part of the annual renewal of a for-hire license, each operator shall certify on a form provided by the CSD the number of months during the preceding year that he >>or she<< operated and provided the service authorized by the for-hire license. Failure to so certify within the thirty-day grace period for renewal or failure to operate for at least five (5) months during the year period shall result in automatic revocation of the for-hire license. The foregoing notwithstanding, for for-hire licenses expiring January 31, 1991, or later, failure to operate for at least nine (9) months during the preceding year shall result in automatic revocation of such license. Operations within the thirty-day grace period provided in subsection (i) shall not be counted for purposes of determining compliance with the requirements of the two (2) preceding sentences.
(t) Reserved.
(u) It shall be unlawful to operate any vehicle as a for-hire motor vehicle without first having obtained a for-hire license specifically relating to said vehicle. The for-hire license shall, at all times, be displayed within the vehicle and shall be available for inspection by any police officer or authorized agent of the CSD.

* * *

Sec. 31-100. – Passenger Service Companies.

* * *

(j) *Requirement for chauffeur's agreement.* Each passenger service company shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for-hire vehicle for which the passenger service company provides passenger services. Each passenger service company 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 for the agreement;

(2) Shall only be terminated with at least [[~~thirty (30)~~]] >>ninety (90)<< 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 passenger service company's and chauffeur's registration numbers;

(4) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for-hire vehicle authorized by a for-hire license. >>Such itemization shall separately list the amount of compensation that is attributable to the lease, insurance, dispatch, and deposits, if any.<< It shall be unlawful for the passenger service company 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 or passenger service company, whichever is applicable, and 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 whether the passenger service company or 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 passenger service company; and

(8) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.

>>9 Whenever money is deposited by a chauffeur as security for performance or advance payment of a lease, the passenger service company shall either:

(a) Hold the total amount of such money in a separate non-interest bearing account in a Florida banking institution for the benefit of each chauffeur. The passenger service company shall not commingle such money with any other funds of the passenger service company or pledge, or in any other way make use of such

money until such money is actually due the passenger service company; or

(b) Hold the total amount of such money in a separate interest-bearing account in a Florida banking institution for the benefit of each chauffeur, in which case the chauffeur shall receive and collect interest in an amount of at least 75 percent of the annualized average interest rate payable on such account or interest at the rate of 5 percent per year, simple interest, whichever the passenger service company elects. The passenger service company shall not commingle such money with any other funds of the passenger service company, pledge, or in any other way make use of such money until such money is actually due the passenger service company;

(10) The passenger service company shall, within thirty (30) days of receipt of a security deposit, notify the chauffeur in writing of the manner in which the passenger service company is holding the deposit and the rate of interest, if any, which the chauffeur is to receive and the time of interest payments to the chauffeur. Such written notice shall:

(a) Be given in person or by mail to the chauffeur.

(b) State the name and address of the depository where the deposit is being held, and whether the deposit is being held in an interest-bearing or non-interest bearing account.

(c) Include a copy of the provisions of subsection (11).

(11)(a) Upon the termination of the lease, if the passenger service company does not intend to impose a claim on the deposit, the passenger service company shall have fifteen (15) days to return the deposit together with interest if otherwise required, or the passenger service company shall have thirty (30) days to give the chauffeur written notice by certified mail to the chauffeur's last known mailing address of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The notice shall contain a statement in substantially the following form:

> This is a notice of my intention to impose a claim in the amount of _____ upon your deposit, due to _____. It is sent to you as required by sec. 31-100(j)(11) of the Code of Miami-Dade County, Florida. You are hereby notified that you must object in writing to this deduction from your deposit within fifteen (15) days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to _____.

If the passenger service company fails to give the required notice within the 30-day period, he or she forfeits the right to impose a claim upon the security deposit.
(b) Unless the chauffeur objects in writing to the imposition of the passenger service company's claim or the amount thereof within fifteen (15) days after receipt of the passenger service company's notice of intention to impose a claim, the passenger service company may then deduct the amount of his or her claim and shall remit the balance of the deposit to the chauffeur within thirty (30) days after the date of the notice of intention to impose a claim for damages.
(c) If either party to the chauffeur agreement institutes an action in a court of competent jurisdiction to adjudicate the party's right to the security deposit and interest, if any, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney.
(d) In those cases where interest is required to be paid to the chauffeur, the passenger service company shall pay directly to the chauffeur, or credit the current lease payment, the interest due to the chauffeur at least annually.<<

* * *

Section 2. Implementing Order 4-107 Consumer Services Department Fee Schedule shall be amended as follows:

	From	To
Initial and Annual Taxicab Chauffeur Registration	$55	$50
Replacement of Taxicab Chauffeur Registration	$26	$0
Quarterly, Semi-Annual or Annual Taxicab Vehicle Inspection	$38	$35
Taxicab Vehicle Re-inspection (non-safety)	$20	$10
New Taxicab Vehicle Inspection	$70	$50

These reductions shall be in effect for the twelve-month period after the effective date of this ordinance, after which the fees shall revert to their original amounts.

Section 3. 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 4. 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 5. 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

Prime Sponsor: Commissioner Joe A. Martinez