

Memorandum



Date: December 7, 2010

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

From: George M. Burgess
County Manager

Subject: Miami Blue Sea, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30183

Agenda Item No. 8(C)(1)(B)

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30183 from Blue Seas Transportation, Inc. to Miami Blue Sea, Inc.

SCOPE

This PMC Certificate of Transportation is countywide, allowing the certificate holder to operate in unincorporated and incorporated areas of Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

Applicant is a new permit holder. There is no enforcement history. The Consumer Services Department (CSD) will be responsible for monitoring this company.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the Government Operations Committee (GOC) meeting. The Board may approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

Blue Seas Transportation, Inc. has filed an application to transfer PMC Certificate of Transportation No. 30183 to Miami Blue Sea, Inc. Originally issued on February 7, 1995, to Miami Transtours, Inc. via Resolution R-156-95 (Attachment A) and transferred to Blue Seas Transportation, Inc. in 2005 via Resolution R-571-05 (Attachment B), PMC No. 30183 authorizes special operations services. This class is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-156-95). Miami Blue Sea, Inc., located at 3750 NW 28 Street, Suite 313, Miami, Florida 33142, seeks to continue providing this class of service by transporting resident and tourist groups to and from various locations throughout Miami-Dade County 24-hours a day, seven days a week. Transportation is required to be pre-arranged at least 24-hours prior to service, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule (Attachment D).

The management plan submitted by Ms. Zoraida Villalobos, President of Miami Blue Sea, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement (Attachment E) between Ms. Zoraida Villalobos and Mr. Nildo Nunez, President of Blue Seas Transportation, Inc., establishes the acquisition by Ms. Villalobos of PMC Certificate of Transportation No. 30183 for a total price of \$20,000.00.



Assistant County Manager



MEMORANDUM
(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 8(C)(1)(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. 8(C)(1)(B)
12-7-10

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30183 FROM BLUE SEAS TRANSPORTATION, INC. TO MIAMI BLUE SEA, INC. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 30183 to Miami Blue Sea, Inc. to provide special operations service is approved. This class of transportation is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Lynda Bell
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GKS

Gerald K. Sanchez

RESOLUTION NO. R-156-95

ATTACHMENT A

RESOLUTION APPROVING APPLICATION FOR ONE
CERTIFICATE OF TRANSPORTATION TO MIAMI
TRANSTOURS, INC. TO PROVIDE SPECIAL
OPERATIONS SERVICE AS A PASSENGER MOTOR
CARRIER

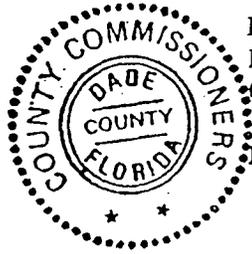
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations passenger motor carrier services to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to Miami Transtours, Inc.

The foregoing resolution was offered by Commissioner Natacha S. Millan, who moved its adoption, the motion was seconded by Commissioner Bruce Kaplan and upon being put to a vote, the vote was as follows:

James Burke	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	absent	Maurice A. Ferre	aye
Bruce Kaplan	aye	Gwen Margolis	aye
Natacha S. Millan	aye	Dennis C. Moss	aye
Alexander Penelas	aye	Pedro Reboredo	aye
Katy Sorenson	aye	Javier Souto	aye
Arthur E. Teele, Jr.	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of February, 1995.



DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. GKS

By: KAY SULLIVAN
Deputy Clerk

MEMORANDUM

Agenda Item No. 7(RR)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: February 7, 1995

FROM: Armando Vidal, P.E.
County Manager

SUBJECT: Miami Transtours, Inc.
application for a
Passenger Motor Carrier
(PMC Control No. 247)

RECOMMENDATION

It is recommended that the Board approve the application of Miami Transtours, Inc., for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedure to be followed by Metro Dade County in processing certificate applications. Based on these requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate, and is able to comply with this article and regulations of the commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

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ANALYSIS

Miami Transtours, Inc., located at 3100 Collins Avenue, #1001, Miami Beach, Florida 33140, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations transportation to passengers throughout all of Dade County. This class of service is defined as the transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminal or on a regular route. The company seeks to transport tourist groups to various points throughout Dade County. Transportation will be pre-arranged on a one week minimum basis. These services will be provided 24 hours a day, 365 days a year, using chauffeur-driven vehicles with a seating capacity of nine (9) or more, but less than twenty-eight (28) passengers, excluding the driver. The proposed rates are listed on the attached fare schedule. The management plan submitted by Mr. Rolando Lazarte, President of Miami Transtours, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation revealed no criminal record for the applicant.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all passenger motor carrier certificate holders, and interested parties. No protests were filed.

This item is being submitted for the January 23, 1995 Health & Public Safety Committee meeting.

Approved _____ Mayor

Agenda Item No. 8(C)(1)(B)

Veto _____

05-17-05

Override _____

ATTACHMENT B

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA**

RESOLUTION NO. R-571-05

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 183 TO BLUE SEAS TRANSPORTATION, INC. TO PROVIDE SPECIAL OPERATIONS SERVICES AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

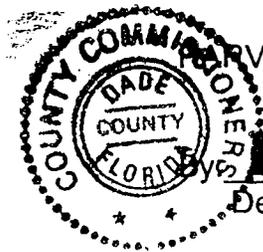
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 183 to Blue Seas Transportation, Inc. to provide special operations services as a passenger motor carrier to a common destination or series of common destinations in Miami-Dade County is approved.

The foregoing resolution was offered by Commissioner Rebeca Sosa who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	aye		
Dennis C. Moss, Vice-Chairman	absent		
Bruno A. Barreiro	absent	Dr. Barbara Carey-Shuler	aye
Jose "Pepe" Diaz	aye	Carlos A. Gimenez	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Dorin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS



HARVEY RUVIN, CLERK

KAY SULLIVAN

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GKS

Gerald K. Sanchez

Date: May 17, 2005

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

Agenda Item No. 8(C)(1)(B)

From: George M. Burgess
County Manager

Subject: Blue Seas Transportation, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation, No. 183

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 183 from Miami Transtours, Inc. to Blue Seas Transportation, Inc.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Community Empowerment and Economic Revitalization Committee and Board of County Commissioners, in considering the proposed transfer of ownership or control of the certificate, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

ANALYSIS

Miami Transtours has filed an application to transfer Passenger Motor Carrier (PMC) Certificate of Transportation No. 183 to Blue Seas Transportation, Inc. The Code requires that such transfers be approved by the Board. PMC No. 183, originally issued on February 7, 1995, to Miami Transtours, Inc., authorizes special operations service. Blue Seas Transportation, Inc. located at 7601 East Treasure Drive, North Bay Village, Florida, 33141, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-156-95, attached). Blue Seas Transportation, Inc. seeks to transport resident and tourist groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. Nildo Nunez, President of Blue Seas Transportation, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement between Miami Transtours, Inc. and Blue Seas Transportation, Inc. establishes the acquisition by Blue Seas Transportation, Inc. of PMC Certificate of Transportation No. 183 for a total price of nine thousand dollars (\$9,000.00).

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Attachments



Joseph A. Ruiz
Assistant County Manager

ATTACHMENT C



MIAMI BLUE SEA, INC

RATES FROM MIAMI TO:

Area	1-6 Pax	7-10 Pax	11-14 Pax
Miami or Miami Beach	60	80	110
Fort Lauderdale	90	110	130
Boca Raton	150	180	200
Palm Beach	160	190	220
Key Largo	160	190	220
Naples	230	260	290
Fort Myers	330	360	450
Key west	450	500	550
Orlando	500	550	650
Tampa	550	620	700
Hourly rate after transfer	50	60	60

Miami May 30, 2008.

ATTACHMENT D

OWNERSHIP BLUE SEAS PMC 30-183

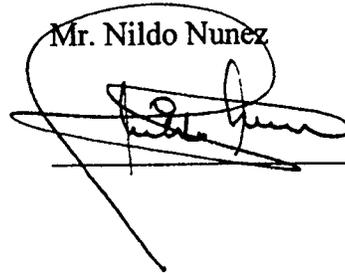
This letter is the confirmation of the purchase of PMC 30-183. Ms. Zoraida Villalobos has purchased 100% of the PMC; the cost of the PMC is \$20,000.00. Therefore Ms Zoraida Villalobos has given Mr. Nildo Nunez \$20,000.00.

If at anytime the new owner (Ms. Zoraida Villalobos) decide to sell her ownership, she can sell it.

Ms. Zoraida Villalobos

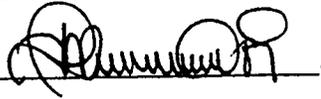


Mr. Nildo Nunez

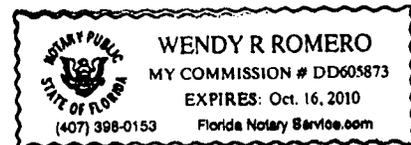


Signed and Sworn to and subscribed before me this 03 day of JUNE, 2008.

Notary Public



SEAL



must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

- (5) Shall maintain a log of all customer complaints;
- (6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;
- (7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;
- (8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and
- (9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(1) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.
(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

ARTICLE III. PASSENGER MOTOR CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2-16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

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