

Memorandum



Date: July 7, 2011

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

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

From: Alina T. Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak".

Subject: Prestige Travel, LLC d/b/a Exclusive Limo, LLC application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30270

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30270 from Cervone Corp. to Prestige Travel, LLC d/b/a Exclusive Limo, LLC.

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

Licensing, operating permit and inspection fees are collected by the Consumer Services Department (CSD) to support regulatory activities. There is an annual regulatory fee of \$625 per certificate and \$625 per vehicle that will yield \$1,250 in revenue annually if the company operates only one vehicle. PMC certificate holders can operate an unlimited number of vehicles under the certificate. Vehicle inspections are \$38 per vehicle.

TRACK RECORD/MONITOR

Applicant is an existing service provider with seven luxury sedan licenses and one super-stretch limousine license. 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 public hearing. 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.

Cervone Corp. has filed an application to transfer PMC Certificate of Transportation No. 30270 to Prestige Travel LLC d/b/a Exclusive Limo LLC. Transferred on May 21, 2002, via Resolution R-479-02 (Attachment A), to Cervone Corp., PMC No. 30270 authorizes special operations service. This class of service 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 certificate. Prestige Travel LLC d/b/a Exclusive Limo LLC, located at 848 Brickell Avenue, #1200, Miami, Florida 33131, 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 B).

The management plan submitted by Mr. Lysvan Jimenez, Manager of Prestige Travel LLC d/b/a Exclusive Limo LLC, 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 C) between Prestige Travel LLC d/b/a Exclusive Limo LLC and Nicola Cervone, President of Cervone Corp., establishes the acquisition by Prestige Travel LLC d/b/a Exclusive Limo LLC of PMC Certificate of Transportation No. 30270 for a total price of \$15,000.

Attachments



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: July 7, 2011

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)
7-7-11

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30270 FROM CERVONE CORP. TO PRESTIGE TRAVEL, LLC D/B/A EXCLUSIVE LIMO, LLC 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. 30270 to Prestige Travel, LLC d/b/a Exclusive Limo, LLC 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:

- | | |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of July, 2011. 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

Approved _____

Mayor _____

Agenda Item No. _____
5-21-02

4(0)

Veto _____

ATTACHMENT A

Override _____

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

RESOLUTION NO. R-479-02

**RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF
TRANSPORTATION NO. 270 TO CERVONE CORP. D/B/A
MIAMI FUN TOURS 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. 270 to Cervone Corp. d/b/a Miami Fun Tours to provide special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County is approved.

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

| | | | |
|--------------------------|--------|-------------------------|-----|
| Bruno A. Barreiro | aye | Jose "Pepe" Cancio, Sr. | aye |
| Dr. Barbara Carey-Shuler | aye | Betty T. Ferguson | aye |
| Gwen Margolls | absent | Joe A. Martinez | aye |
| Jimmy L. Morales | aye | Dennis C. Moss | aye |
| Dorin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | absent | Rebeca Sosa | aye |
| Sen. Javier D. Souto | absent | | |

A 6

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of May, 2002. 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

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

Gerald K. Sanchez

By: KAY SULLIVAN
Deputy Clerk

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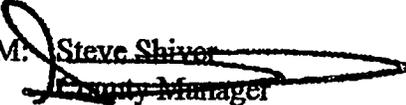
MEMORANDUM

Agenda Item No. 4(0)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: May 21, 2002

SUBJECT: Cervone Corp. d/b/a Miami Fun
Tours application for a transfer of
Passenger Motor Carrier Certificate
of Transportation No. 270

FROM: 
County Manager

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 270 from American Cruises Tours & Transportation, Inc. to Cervone Corp. d/b/a Miami Fun Tours.

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 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 Commission, 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

American Cruises Tours & Transportation, Inc. has filed an application to transfer Passenger Motor Carrier (PMC) Certificate of Transportation No. 270 to a new corporation, Cervone Corp. d/b/a Miami Fun Tours. The Code requires that such transfers be approved by the Board. PMC No. 270, originally issued on February 19, 1998, authorizes special operations service. Cervone Corp. d/b/a Miami Fun Tours, located at 6301 Biscayne Boulevard, #114, Miami, Florida, 33138, 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-155-98, attached). Cervone Corp. d/b/a Miami Fun Tours will continue



transporting tourist and resident groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24 hours minimum basis. These services will be provided 24 hours a day, seven days a week, 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 Nicola Cervone, President of Cervone Corp. d/b/a Miami Fun Tours, 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 transfer of the certificate. A Sales Agreement between Cervone Corp. and American Cruises Tours & Transportation, Inc., establishes the acquisition by Cervone Corp. of PMC Certificate of Transportation No. 270 for a total price of five thousand dollars (\$5,000.00).

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.

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ATTACHMENT B

Exclusive Limo, LLC
"24 HOUR ON CALL SERVICE"
305-508-9686

MIAMI AIRPORT TO PORT OF MIAMI

1-14 PAX @ \$15.00 P/PAX (ONE WAY)

Minimum of 6 PAX

Gratuity for the driver not included.

MIAMI AIRPORT TO DOWNTOWN MIAMI

1-14 PAX @ \$12.00 P/PAX (ONE WAY)

Minimum of 6 PAX

Gratuity for the driver not included.

MIAMI AIRPORT TO SOUTH BEACH

1-14 PAX @ \$18.00 P/PAX (ONE WAY)

Minimum of 6 PAX

Gratuity for the driver not included.

MIAMI AIRPORT TO NORTH MIAMI BEACH

1-14 PAX @ \$24.00 P/PAX (ONE WAY)

Minimum of 6 PAX

Gratuity for the driver not included.

MIAMI AIRPORT TO FORT LAUDERDALE

1-14 PAX @ \$30.00 P/PAX (ONE WAY)

Minimum of 6 PAX

Gratuity for the driver not included.

MIAMI CITY TOURS

1-8 PAX @ \$70.00

Minimum of 6 PAX

Gratuity for the driver not included.

ATTACHMENT C

BILL OF SALE

Nicola Cervone Representing Cervone Corporation ("Seller") of 13361 SW 52 Court, Miramar, FL 33027, USA, does hereby sell, assign and transfer to Prestige Travel, LLC ("Buyer") of, 848 Brickell Avenue, Suite #1200, Miami, FL 33131, USA, the following property:

1. Passenger Motor Carrier Permit # 30270

For a total amount of \$15,000.00 (Fifteen thousand dollars) which will be paid upon receipt of this document on the 31st of December, 2010.

The full transfer of the asset will be effective after all payments are done in the following bank account:

Bank: Wachovia Bank
Bank Address: 10801 NW 41st Street, Doral FL, 33178
ABA #: 063000021
Swift: PNBPU33
Account Number: 2000041937431
Beneficiary: Ultimate Service of South Florida, LLC
Beneficiary Address: 561 NW 82nd GT # 189, Miami, FL 33126

By:  Date: 06/01/2011
SELLER: Nicola Cervone
Cervone Corporation

By: _____ Date: _____
BUYER: Lysvan G. Jimenez
Prestige Travel, LLC

State of Florida – County of Miami-Dade

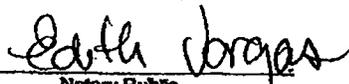
Before me personally appeared

Nicola Cervone

To me known to be the person who executed the foregoing instrument, and acknowledged that he executed the same as his true act and deed.

Produce ID: # _____

See (signed)


Notary Public

State of Florida – County of Miami-Dade

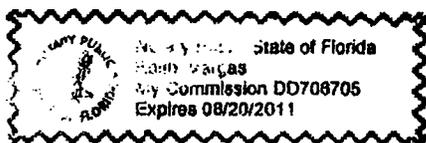
Before me personally appeared

To me known to be the person who executed the foregoing instrument, and acknowledged that he executed the same as his true act and deed.

Produce ID: _____

See (signed)

Notary Public



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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