Memorandum

MIAMI-DADE COUNTY

Date: November 15, 2011

Agenda Item No. 8(N)(8)

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

From: Carlos A. Gimenez
Mayor

Subject: Florida Solution Travel, LLC application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30315

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30315 from Official Tours, Inc. to Florida Solution Travel, 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 (1) 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 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 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.

Official Tours, Inc., Inc. has filed an application to transfer PMC Certificate of Transportation No. 30315 to Florida Solution Travel, LLC. Issued on July 13, 1999, via Resolution R-754-99 (Attachment A), PMC No. 30315 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. Florida Solution Travel, LLC, located at 5470 NW 114 Avenue, #105, Miami, Florida 33178, 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. Ezequiel Pudor, Manager of Florida Solution Travel, 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 Florida Solution Travel, LLC and Official Tours, Inc., establishes the acquisition by Florida Solution Travel, LLC of PMC Certificate of Transportation No. 30315 for a total price of $60,000.00.

Lisa M. Martinez
Senior Advisor

MEMORANDUM

(Revised)

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

DATE: November 15, 2011

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

SUBJECT: Agenda Item No. 8(N)(8)

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(N)(8)
11-15-11

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30315 FROM OFFICIAL TOURS, INC. TO FLORIDA SOLUTION TRAVEL, 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. 30315 to Florida Solution, 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 15th day of November, 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

Veto _____

Override _____

Agenda Item No. 4(T)
7-13-99

ATTACHMENT A

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

RESOLUTION NO. R-754-99

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

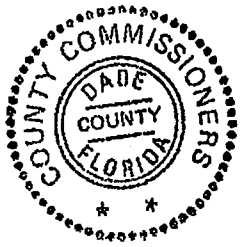
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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, a Certificate of Transportation to provide special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County, as recommended by the County Manager, be issued to Official Tours, Inc.

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

Dr. Miriam Alonso	aye	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	aye	Miguel Diaz de la Portilla	absent
Betty T. Ferguson	aye	Gwen Margolis	aye
Natacha Seijas Millan	absent	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorrin D. Rolle	aye	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of July, 1999. 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: KAY SULLIVAN
Deputy Clerk

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

MEMORANDUM Agenda Item No. 4(T)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 13, 1999

SUBJECT: Official Tours, Inc. application for a Passenger Motor Carrier Certificate (PMC Control No. 386)

FROM: Merrett R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board approve the application of Official Tours, 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 Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 of the Code provides the procedures to be followed by Miami-Dade County in processing certificate applications. Based on those 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 this 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.

ANALYSIS

Official Tours, Inc., located at 1150 NW 72 Avenue, Suite 355, Miami, Florida 33126, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons 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 a tour operator that seeks to transport tourist and resident 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. Gonzalo L. Carmona, President of Official Tours, 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.

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.

This application was filed prior to the adoption of R-1404-98 which provides that new applications will not be received by the department after December 15, 1998; however, applications on file will be processed for Board consideration.

TOURS

• MIAMI CITY TOUR	Adult $ 42.-	Child $ 36.-
• MIAMI CITY TOUR & BOAT	Adult $ 62.-	Child $ 42.-
• BISCAYNE BAY BOAT	Adult $ 48.-	Child $ 38.-
• EVERGLADES SAFARI PARK	Adult $ 65.-	Child $ 55.-
• MIAMI SEAQUARIUM	Adult $ 62.-	Child $ 52.-
• JUNGLE ISLAND	Adult $ 65.-	Child $ 50.-
• VIZCAYA MUSEUM & GARDEN	Adult $ 65.-	Child $ 45.-
• MIAMI CITY TOUR & EVERGLADES	Adult $ 88.-	Child $ 78.-
• MIAMI CITY TOUR, BOAT & EVERGLADES	Adult $ 105.-	Child $ 90.-
• MIAMI CITY TOUR & SEAQUARIUM	Adult $ 100.-	Child $ 80.-
• MIAMI CITY TOUR & JUNGLE ISLAND	Adult $ 100.-	Child $ 80.-
• MIAMI CITY TOUR & VIZCAYA PALACE	Adult $ 90.-	Child $ 80.-
• BISCAYNE BAY BOAT & SEAQUARIUM	Adult $ 95.-	Child $ 85.-
• BISCAYNE BAY BOAT & EVERGLADES	Adult $ 98.-	Child $ 82.-
• EVERGLADES & SEAQUARIUM	Adult $ 110.-	Child $ 98.-
• KEY WEST	Adult $ 85.-	Child $ 76.-
• KENNEDY SPACE CENTER	Adult $ 200.-	Child $ 180.-

TRANSFER

		NUMBER OF PASSENGER			
		01-05	06	07	08
From - To: MIA Airport	To - From: MIA Port	$49.-	$62.-	$68.-	$78.
From - To: MIA Airport	To - From: South Beach	$50.-	$76.-	$91.-	$105
From - To: MIA Airport	To - From: Downtown	$50.-	$76.-	$91.-	$105
From - To: MIA Airport	To - From: Fort Laud. Air-Port	$105.-	$112.-	$120.-	$126

Strategy and Implementation Summary

Florida Solution Travel has developed a strong customer support base with argentinians travel agencies and numerous companies in Miami. The expansion of services is in response to the growing demand by these repeat customers for additional van services.

To facilitate increased sales, the van will pick up and deliver customers as scheduled reservations. The reservation can be done by email, text message or email and needs to have at least 24hrs.

ATTACHMENT C

BILL OF SALE

May 10, 2011

Fernando A. Bedoya owner of Official Tours Transportation inc. sell Miami-Dade county Passenger Motor Carrier License #30315 to Florida Solution LLC for the amount of $60,000.00 (sixty thousand dollars). This sale includes the PMC license, Aviation Department permit, and Port of Miami permit. This sale is for one hundred twenty days expiring on September 10, 2011

Fernando A. Bedoya
Official Tours Transportation

Ezequiel Pudor
Florida Solution Travel LLC

State of Florida/County of MIAMI-DADE
The Foregoing instrument was acknowledged before me this 5/17/20 by Fernando Augusto Bedoya
Personally Known ☐ or Produced Identification ☒
Type of I.D Produced DL - B300241624150
(Notary Signature)
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION # DD 836266
EXPIRES: November 25, 2012
Bonded Thru Budget Notary Services

State of Florida/County of MIAMI-DADE
The Foregoing instrument was acknowledged before me this 5/17/20 by Ezequiel Pudor
Personally Known ☐ or Produced Identification ☒
Type of I.D Produced P360200823810
(Notary Signature)
NOTARY PUBLIC STATE OF FLORIDA
ZAIDA BATISTA
MY COMMISSION # DD 836266
EXPIRES: November 25, 2012
Bonded Thru Budget Notary Services

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.

(l) *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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