

MEMORANDUM

Agenda Item No. 7(D)

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

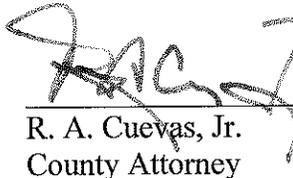
DATE: June 19, 2012

(Second Reading 9-4-12)

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

SUBJECT: Ordinance amending Chapter
31 of the Code, relating to
vehicles for hire; amending
Article II of the Code
pertaining to service in
underserved taxi service
areas

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Vice Chairwoman Audrey M. Edmonson, and Commissioner Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: September 4, 2012

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance amending Chapter 31 relating to vehicles for-hire

The proposed ordinance would allow a for-hire license holder, who has been issued a license prior to September 3, 2012, and is required to operate a taxicab in the underserved or South Miami taxicab service area to convert that for-hire license into a license that can be operated in both the designated area and countywide area upon payment of \$5,000. At this time it is very difficult to determine how many for-hire license holders may take this option, and therefore, to estimate any fiscal impact to the County



Jack Osterholt
Deputy Mayor

Fis7312



MEMORANDUM
(Revised)

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

DATE: September 4, 2012

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

SUBJECT: Agenda Item No. 7(D)

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

Agenda Item No. 7(D)

Veto _____

9-4-12

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO VEHICLES FOR HIRE; AMENDING ARTICLE II OF THE CODE PERTAINING TO SERVICE IN UNDERSERVED TAXI SERVICE AREAS; AUTHORIZING UNDERSERVED AREA TAXICABS TO CONVERT INTO HYBRID UNDERSERVED AREA TAXICABS AND PROVIDE TAXICAB SERVICE OUTSIDE OF DESIGNATED AREAS UNDER CERTAIN CIRCUMSTANCES; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR PENALTIES; PROVIDING 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. Section 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. 31-93. Special provisions.

* * *

(c) Underserved taxicab service area.

¹Words 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.

- (1) An underserved taxicab service area is hereby established. For purposes of this subsection, an "underserved taxicab service area" means the economically disadvantaged area in Miami-Dade County that is bounded as follows:
1. on the north by a line commencing at N.W. 47th Avenue and N.W. 215th Street running east to N.E. 2nd Avenue;
 2. on the east by a line commencing at N.W. 215th Street and running north to south along N.E. 2nd Avenue to N.W. 7th Street;
 3. on the south by a line commencing at N.E. 2nd Avenue and running west along 7th Street to N.W. 42nd Avenue; and
 4. on the west by a line commencing at N.W. 7th Street and N.W. 42nd Avenue north to N.W. 119th Street, west along N.W. 119th Street to N.W. 47th Avenue, north along 47th Avenue to N.W. 135th Street, west along 135th Street to N.W. 57th Avenue, north along 57th Avenue to N.W. 167th Street, east along N.W. 167th Street to N.W. 47th Avenue, north along 47th Avenue to N.W. 215th Street.

For purposes of this subsection, an "underserved area taxicab" means a taxicab where: (a) the for-hire license holder has entered into a passenger service company agreement with a passenger service company that has its principal place of business within the underserved taxicab service area; (b) an average minimum of seventy-five (75) percent of all pickups by the taxicab during each twenty-four hour period originate in the underserved taxicab service area; and (c) the for-hire license holder has applied for and been designated by the Director of CSD as an underserved area taxicab. Any for-hire license holder who seeks to be designated as an underserved area taxicab shall complete and submit a form provided by CSD documenting compliance with the provisions of this subsection for the three-month period preceding submission of the application. Each for-hire license holder authorized to operate as an underserved area taxicab shall on a semiannual basis submit on a form provided by CSD

documentation demonstrating continuing compliance with the requirements of this subsection. Failure of the underserved area taxicab for-hire license holder to comply with any of the provisions of this subsection shall result in the suspension or revocation of authorization to operate as an underserved area taxicab. All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

- (2) Underserved area for-hire taxicab licenses shall be issued through a separate lottery pursuant to Section 31-82(o)(3) to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only and (ii) the chauffeur shall enter into a passenger service company agreement with a passenger service company which has its principal place of business in an underserved taxicab service area. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in Section 31-82(q) of the Code. Any transfer of an underserved taxicab

(d) South Miami-Dade taxicab service area. A South Miami-Dade taxicab service area is hereby established. For purposes of this subsection, the South Miami-Dade taxicab service area means the area located south of S.W. 88 Street. South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued through a separate lottery, pursuant to Section 31-82(o)(2), to qualified chauffeurs who satisfy the criteria of Section 31-82(q) and enter into a binding agreement with the County that the chauffeur is restricted to picking up passengers in the South Miami-Dade taxicab service area only. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in section 31-82(q) of this Code. Any transfer of a South Miami-Dade taxicab service area license shall only be made to a qualified chauffeur who meets the requirements of this

subsection. The price for a South Miami-Dade taxicab service area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000). All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

* * *

>>(f) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire taxicab license prior to September 3, 2012, which is required to be operated using a taxicab in the underserved taxicab service area pursuant to Section 31-93(c) or the South Miami taxicab service area pursuant to Section 31-93(d) may convert that for-hire license into a license which may be operated in both the designated underserved area and countywide (hereinafter "hybrid underserved taxicab license" or "hybrid underserved taxicab") as provided herein. An underserved taxicab license may be converted into a hybrid underserved taxicab license upon payment of \$5,000. A hybrid underserved taxicab license may be operated countywide on alternating days as follows. All hybrid underserved taxicabs whose license number ends in an odd number (i.e., 1, 3, 5, 7, 9) are required to pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area, whichever is applicable, on odd numbered days of the month. All hybrid underserved taxicabs whose license number ends in an even number (i.e., 0, 2, 4, 6, 8) are required to pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area, whichever is applicable, on even numbered days of the month. To "pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area" means that such taxicabs may discharge passengers at any location, but may only accept passengers in the designated underserved taxicab service area. No hybrid underserved taxicab operating pursuant to this section may provide transportation of persons and their baggage from Miami International Airport.<<

* * *

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

* * *

Code Section	Description of Violation	Civil Penalty
>> <u>31-93 (c)</u>	<u>Operating outside the designated area</u>	<u>\$250.00</u> <<
>> <u>31-93 (d)</u>	<u>Operating outside the designated area</u>	<u>\$250.00</u> <<

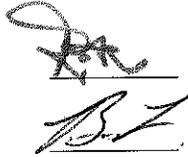
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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:

A handwritten signature in black ink, appearing to be 'JAL', written over a horizontal line.

Prepared by:

Gerald K. Sanchez

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsors: Vice Chairwoman Audrey M. Edmonson
Commissioner Jean Monestime