

# MEMORANDUM

Agenda Item No. 2(A)3

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners


**DATE:** September 24, 2013

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

**SUBJECT:** Ordinance relating to for-hire vehicles; amending Chapter 31, Article II, of the Code, relating to taxicabs; mandating that taxicabs that transport persons and their baggage from Miami International Airport and Port of Miami be equipped with credit card processing systems

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata and Co-Sponsors Vice Chair Lynda Bell, and Commissioner Esteban L. Bovo, Jr.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:**

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Ordinance Relating to For-Hire Vehicles; Amending Chapter 31, Article II, of the Code, Relating to Taxicabs; Mandating that Taxicabs that Transport Persons and Their Baggage from Miami International Airport and Port of Miami be Equipped with Credit Card Processing Systems

The proposed ordinance amends Chapter 31, Article II of the Code relating to taxicabs; mandates that taxicabs that transport persons and their baggage from Miami International Airport and Port of Miami be equipped with credit card processing systems within a specified time period; establishes requirements relating to credit card processing systems and providers; empowers the Department of Regulatory and Economic Resources to approve credit card processing systems; requires County Commission to amend taxicab fares to include discount for payment by cash, check or other means not involving the use of a credit card within a specified time period; and amends Chapter 8CC of the Code to provide for penalties.

Implementation of this ordinance will have a one-time fiscal impact of approximately \$20,000 to cover staff time and the development of new taxicab rate decals and brochures.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt  
Deputy Mayor

Fis7413



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

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

**SUBJECT:** Agenda Item No. 4(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 Mayor'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. 4(B)

Veto \_\_\_\_\_

6-4-13

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO FOR-HIRE VEHICLES; AMENDING CHAPTER 31, ARTICLE II, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO TAXICABS; MANDATING THAT TAXICABS THAT TRANSPORT PERSONS AND THEIR BAGGAGE FROM MIAMI INTERNATIONAL AIRPORT AND PORT OF MIAMI BE EQUIPPED WITH CREDIT CARD PROCESSING SYSTEMS WITHIN SPECIFIED TIME PERIOD; ESTABLISHING REQUIREMENTS RELATING TO CREDIT CARD PROCESSING SYSTEMS AND PROVIDERS; EMPOWERING DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES TO APPROVE CREDIT CARD PROCESSING SYSTEMS; REQUIRING COUNTY COMMISSION TO AMEND TAXICAB FARES TO INCLUDE DISCOUNT FOR PAYMENT BY CASH, CHECK OR OTHER MEANS NOT INVOLVING THE USE OF A CREDIT CARD WITHIN SPECIFIED TIME PERIOD; 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.** Chapter 31, Article II, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 31**

**VEHICLES FOR HIRE**

<sup>1</sup> 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.

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**ARTICLE II. LICENSING AND REGULATION OF  
FOR-HIRE MOTOR VEHICLES**

\* \* \*

**Sec. 31-93. Special provisions.**

\* \* \*

(b) ~~[[Any taxicab licensed pursuant to Section 31-82 of this article and meeting all standards set forth in Section 31-89 of this article shall be authorized to provide transportation of persons and their baggage from Miami International Airport and from the Port of Miami upon compliance with reasonable and nondiscriminatory terms, conditions and fees, as established by the County Manager.]]~~ >>(1)<< The transportation of persons and baggage from Miami International Airport or from Port of Miami shall constitute an agreement by the operator that he >>or she<< will conform and cause the chauffeur driving such taxicab to conform to such terms, conditions, and fees. >>Notwithstanding any provisions to the contrary, any taxicab that picks up passengers at Miami International Airport or the Port of Miami shall, within three hundred and sixty (360) days after the adoption of the fare resolution required by subsection (b)(4), be equipped with an operable back-of-seat credit card processing system. The credit card processing system shall allow the passenger to utilize his or her credit card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fares, tolls and fees separately. The credit card payment display terminal shall be interfaced with the vehicle's taxi meter and shall be programmed to display all authorized meter and flat fare rates. The meter shall be used for all fares, including flat fare trips. A taxicab equipped with a credit card processing system shall not pick up passengers at Miami International Airport or the Port of Miami when the required credit card processing system is not operational. Operational failure of said system shall require the

- immediate vehicle removal from service at Miami International Airport or the Port of Miami until said equipment is repaired and re-inspected at the Department of Regulatory and Economic Resources Vehicle Inspection Facility.
- (2) No credit card processing fee, convenience fee, equipment rental fee or any other additional fees or charges are to be paid by the passenger when using a credit card to pay the fare. A receipt shall be provided for all trips. All customer receipts shall be generated by a taximeter or other electronic device and shall contain the date and time that the trip starts, the time the trip ends, and total distance traveled. The receipt shall also include the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, and the telephone number and e-mail address for filing complaints with the Department of Regulatory and Economic Resources. Chauffeurs shall be prohibited from refusing to accept payment by a credit card.
- (3) Any and all credit card service providers must utilize a paycard or direct deposit system and establish an account directly with each chauffeur that provides for electronic payments. Payments for taxicab fares must be credited to a chauffeur's paycard or bank account within two (2) business days. Only credit card processing systems approved by the Department of Regulatory and Economic Resources may be utilized in taxicabs. The processing of credit card payments shall comply with the Payment Card Industry Data Security Standard.
- (4) The County Commission shall adopt a resolution within one hundred and fifty (150) days after the effective date of this ordinance which offers a discount in taxicab fares or rates where payment is made by cash, check or other means not involving the use of a credit card as permitted by section 501.0117, Florida Statutes. Within ninety days (90) days from the effective date of this ordinance, the Mayor

shall prepare a fare resolution pursuant to the provisions of Section 31-87 which shall offer a discount in taxicab fares or rates where payment is made by cash, check or other means not involving the use of a credit card. The discount shall be offered to all prospective passengers. The Department of Regulatory and Economic Resources shall consult with the industry and any existing taxicab advisory group prior to completing the fare resolution required by this subsection.<<

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

<b>Sec. 8CC-10.</b>	<b>Schedule of civil penalties.</b>	
	*	*
	*	*
Code Section	Description of Violation	Civil Penalty
>> <u>31-93 (b)</u>	<u>Picking up a passenger at Airport or the Port of Miami without required credit card processing system</u>	<u>\$250.00</u>
<u>31-93 (b)</u>	<u>Picking up a passenger at Airport or the Port of Miami while the required credit card processing system is inoperative</u>	<u>\$250.00</u>
<u>31-93(b)</u>	<u>Refusal to accept payment by credit card</u>	<u>\$250.00&lt;&lt;</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:

RJC

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Juan C. Zapata  
Co-Sponsors: Vice Chair Lynda Bell  
Commissioner Esteban L. Bovo, Jr.