

MEMORANDUM

TAC
Agenda Item No. 2(A)

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

DATE: December 11, 2013

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

SUBJECT: Ordinance amending Chapter
31, Article VI of the Code
regulating for-hire limousines

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsor Commissioner Xavier L. Suarez.



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", written over a horizontal line.

Subject: Ordinance Amending Chapter 31, Article VI of the Code Regulating For-Hire
Limousines

The proposed ordinance amends Chapter 31, Article VI of the Code of Miami-Dade County that regulates for-hire limousines. The amendment seeks to eliminate restrictions on the number of luxury sedan licenses currently in the marketplace and allows for open entry of an unrestricted number of applicants seeking this type of for-hire license.

Licensing, operating permits and inspection fees are collected by the Department of Regulatory and Economic Resources to support for-hire limousine regulatory activities. Initial limousine license application fees are \$350 per company. Annual operating permit fees are \$625 per license and \$625 per vehicle. Vehicle inspection fees for placing a new vehicle into service is \$70 per vehicle in addition to a renewal fee of \$38 per vehicle for re-inspections.

The total fiscal impact is difficult to quantify at this time because the determining factor is the number of applications that will ultimately be received.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

Fis7913



MEMORANDUM
(Revised)

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

DATE: June 18, 2013

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

SUBJECT: Agenda Item No. 4(G)

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
Veto _____
Override _____

Agenda Item No. 4(G)
6-18-13

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING FOR-HIRE LIMOUSINES; AMENDING DEFINITIONS OF DIRECTOR, CSD, LIMOUSINE, LUXURY LIMOUSINE SEDAN AND PRE-ARRANGED; DEFINING DIGITAL DISPATCH SOFTWARE AND DIGITAL DISPATCH SOFTWARE PROVIDER; REQUIRING DIGITAL DISPATCH SOFTWARE PROVIDERS TO OBTAIN A BUSINESS LICENSE, MAINTAIN A WEBSITE, AND ONLY DISPATCH PROPERLY LICENSED LIMOUSINES AND REGISTERED CHAUFFEURS; ELIMINATING REQUIREMENT THAT LIMOUSINES SHALL BE SOLELY OWNED OR LEASED BY THE FOR-HIRE LICENSE HOLDER; AMENDING PROHIBITIONS REGARDING THE ADVERTISEMENT OF LIMOUSINE SERVICES; PROVIDING THAT LUXURY LIMOUSINE SEDAN LICENSE HOLDERS MAY OPERATE MORE THAN ONE VEHICLE PER LICENSE; AMENDING RULES OF OPERATION; ELIMINATING LIMITATION ON THE NUMBER OF LUXURY LIMOUSINE SEDAN FOR-HIRE LICENSES THAT MAY BE ISSUED BY THE DIRECTOR; PROVIDING THAT LIMOUSINE LICENSE HOLDERS OR DIGITAL DISPATCH SOFTWARE PROVIDERS SHALL DETERMINE LIMOUSINE RATES IN EXCESS OF MINIMUM RATES; AMENDING VEHICLE AGE REQUIREMENTS; AMENDING REQUIREMENT FOR MINIMUM LIMOUSINE RATES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, new technologies, including limousine reservation and dispatch applications for wireless devices have been developed to permit more efficient reservation, dispatch, and utilization of for-hire limousine services; and

WHEREAS, Miami-Dade County desires to facilitate the implementation of these new technologies for the benefit of the citizens of Miami-Dade County,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 31, Article VI of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

CHAPTER 31

VEHICLES FOR HIRE

ARTICLE VI. LICENSING AND REGULATION OF FOR-

HIRE LIMOUSINES

Sec. 31-601. Definitions.

For the purposes of this article, the following definitions shall apply:

* * *

(k) *CSD* means the Miami-Dade County Consumer Services Department~~[[.]]>>~~, the Regulatory and Economic Resources Department or successor department.<<

(l) *Director* means the CSD ~~[[director or the director's designee.]]>>~~, the Regulatory and Economic Resources Department, or successor department director or designee.<<

* * *

(u) *Limousine* means a "luxury limousine sedan," >>a "luxury sedan,"<<a "stretch limousine," a "super-stretch limousine," an "ancient limousine," an "antique limousine," or a "collectible limousine" and which provides service on a pre-arranged basis only, which is dispatched by its central business location >>or by digital dispatch software<<.

¹ 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.

(v) *Luxury limousine sedan or luxury sedan* means a luxury >>vehicle including, but not limited to, an eco-friendly luxury vehicle (rated by the United States Environmental Protection Agency at more than twenty-five (25) miles per gallon or miles per gallon equivalent, combined city and highway)<<[[; non-metered vehicle]]>>, which is not a taxicab,<< of a wheelbase size smaller than a stretch limousine, as defined by >>the Regulatory and Economic Resources Department or successor department<< [[CESD]].

* * *

(bb) *Pre-arranged*>>,<< [[or]] *pre-arrange*>>, or *pre-arrangement*<< means a [[written or telephone]] reservation made [[at least one hour]] in advance by the person requesting service at the place of business of the for-hire license holder>>or via digital dispatch software<< for the provision of limousine service [[for a specified period of time]].

* * *

>>(mm) *Digital dispatch software* means a technology that connects a passenger to a duly licensed for-hire limousine via advanced reservation through a computer, mobile phone application, text, e-mail, web-based reservation or other similar software-based technologies that may be developed in the future.

(nn) *Digital dispatch software provider* means any business that provides digital dispatch software.<<

* * *

Sec. 31-602. For-hire limousine licenses.

(a) *Prohibition against unauthorized operations.* It shall be unlawful for any person to use, drive, or operate or to advertise in any newspaper, airwaves transmission, telephone directory, or other medium accessible to the public that it offers for-hire limousine services or to cause or permit any other person to use, drive, or operate any for-hire limousine vehicle upon the streets of Miami-Dade

County without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid pursuant to the provisions of this article.>>Notwithstanding any provision to the contrary, no provision of this Article, including this subsection (a), shall require a digital dispatch software provider to obtain a for-hire license or licensure as a passenger service company in order to advertise the provision of properly licensed for-hire limousine services.

A digital dispatch software provider shall be licensed pursuant to Chapter 8A of the Code to do business in Miami-Dade County and maintain a website, which shall contain information on its method of fare calculation, the rates and fees charged and provide a customer service telephone number or e-mail address. A digital dispatch software provider may only dispatch properly licensed and permitted limousines utilizing registered chauffeurs in compliance with Chapter 31 of the Code .<<

- (b) *Out-of-County origin exception.* Nothing in this article shall be construed to prohibit discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County. Notwithstanding any provision to the contrary, (1) Any passenger lawfully picked up in another county, transported to, and discharged at any location within Miami-Dade County, may be picked up at the discharge location and returned to the county of origin as long as the transportation is part of a pre-arranged, round-trip fare pursuant to a written contract, the limousine has complied with all of the regulatory requirements of the other county and the county where the passenger is picked up has adopted a similar provision; and (2) A limousine from another county may pick up a passenger at either the Miami International Airport (MIA) or the ~~[[Miami-Dade Seaport]]~~>>Port of Miami<< (Seaport) and transport said passenger directly to the limousine's county of origin as long as the transportation is part of a pre-arranged one-way continuous fare pursuant to a written contract, the passenger arrived at either the MIA or the Seaport, the limousine has complied with all of the regulatory requirements of the other county and the county where the passenger is picked up has adopted a similar provision. ~~[[Pre-arranged means a written or telephone reservation made at least one hour in advance~~

~~by the person requesting service at the place of business of the for-hire license holder for the provision of limousine service for a specified period of time.]]~~ Any limousine that picks up or discharges passengers at either the MIA or the Seaport shall meet the MIA and the Seaport limousine requirements. A copy of the contract shall be in the possession of the chauffeur at all times and shall be made available to enforcement personnel upon request.

- (c) *Application procedures.* Every initial application for a for-hire license, renewal application, transfer, or amendment to a for-hire license shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with an investigative and processing fee which shall be nonrefundable. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice-president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by the CSD and shall contain all information required thereon, including:
- (1) Sufficient information to identify the applicant, including but not limited to full legal name, and trade name, date of birth, telephone number, and residence address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident agent, director, and stockholder. If the applicant is a partnership, the foregoing information shall be provided for each partner. As part of such application, the applicant shall also disclose the foregoing information for any person who has any interest (legal, equitable, beneficial or otherwise) in the license. Post office box addresses will not be accepted hereunder. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in either Miami-Dade County, Broward County or Palm Beach County, Florida.
 - (2) The class or classes of transportation service which the applicant desires to furnish.
 - (i) Limousine service:

- (a) Luxury limousine sedan;
 - (b) Stretch limousine;
 - (c) Super-stretch limousine;
 - (d) Ancient limousine;
 - (e) Antique limousine;
 - (f) Collectible limousine.
- (3) A brief description of the kind(s) and type(s) of vehicles, seating capacity, seating arrangements, gross weight, mileage, and number of vehicles proposed to be used.
- (4) The names and addresses of at least three (3) residents of the County as references.
- (5) The trade name under which the applicant intends to operate and a description, where applicable, of a distinctive uniform and decorative color scheme including placement of numbers and other markings.
- (6) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.
- (7) A record of all crimes to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or been convicted, whether or not adjudication has been withheld within the five (5) years preceding the date of the application. The applicant shall have his or her fingerprints and photograph taken by the Miami-Dade Police Department. In the case of a corporate or partnership applicant, this information shall be obtained from all corporate officers and directors or partners, as the case may be. In the case of corporations, the above information shall be

obtained from stockholders who own, hold or control five (5) percent or more of the corporation's issued and outstanding stock.

- (8) Two (2) credit references including at least one bank where the applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.
- (9) Where applicable, the contract disclosing the terms and conditions of the proposed transfer, including amount of compensation which has been paid or is payable to the transferor and any other consideration given or to be given to the transferor in connection with the transfer of the for-hire license.
- (10) A limousine management service plan which shall include:
 - (a) Maintenance facilities and maintenance program for the upkeep of vehicles operating under the for-hire license.
 - (b) A system for handling complaints, accidents and property left by a passenger in the for-hire motor vehicle.
 - (c) A central place of business, with a properly listed telephone for receiving all calls relating to for-hire vehicle service and where the operator will maintain the business records and daily manifests as set forth in this article.
 - (d) A driver training program which the applicant will utilize to ensure quality service.

(e) A proposal for submission of appropriate insurance coverage as required by section 31-608 of this article.

(11) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.

(12) Any additional information as the Director shall require to enforce the provisions of this article.

* * *

(f) *Vehicles authorized to operate under a for-hire license.*

(1) ~~[[Except for luxury limousine sedans, limousines shall be solely owned or leased by the for-hire license holder.]]~~ Under no circumstances shall a limousine license holder require a chauffeur to purchase or lease a limousine motor vehicle. This requirement shall become effective one (1) year after the adoption of this article when a new vehicle is placed into service as provided by Section 31-609(b).

(2) ~~[[The number of vehicles authorized to operate under for-hire license are as follows:~~

(a) ~~Luxury limousine sedan for-hire license holders shall operate only one vehicle per for-hire license.~~

(b) ~~Stretch, super-stretch, ancient, antique, or collectible]]]>>L<<imousine~~ license holders may operate more than one vehicle per license, after each such vehicle has obtained a valid and current operating permit.

* * *

(j) *Rules pertaining to change in control of the for-hire license.* Except as provided in Section 31-602(n), no

for-hire license shall be assigned, transferred, or sold (either outright or under a conditional sales contract). Except as provided in Section 31-602(n), any change in the ownership structure of a corporation or partnership where at least five (5) percent of the shares of said corporation or at least five (5) percent of the partnership interest is assigned, sold or transferred to another shall be deemed a sale and shall immediately terminate the license and a new for-hire license application shall be filed. The for-hire transportation service may continue to operate provided that such application has been filed with the CSD within thirty (30) days of the change in accordance with Section 31-602 and be accompanied by an investigatory and processing fee.

- (k) *Rules of operation.* For-hire license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A for-hire license holder shall comply with the following regulations:

* * *

- (21) A limousine for-hire license holder shall, except as provided herein, be prohibited from entering into a written agreement with an existing for-hire limousine license holder or passenger service company as defined in Article II. Notwithstanding the foregoing, a luxury sedan limousine license holder who ~~[[has been]]~~ >>is operating<< ~~[[issued]]~~ three (3) or less luxury sedan limousine>>s<< ~~[[licenses]]~~ may enter into a written agreement with an existing for-hire limousine license holder or passenger service company for the provision of the following services as stated in section 31-602(c)(10). Under no circumstances shall an existing for-hire limousine license holder or passenger service company require a sedan limousine license holder to purchase any services or goods others than those stated in 31-602(c)(10);
- (22) Not allow a driver to solicit or pick up passengers other than by prearrangement ~~[[through a person located at the limousine license holder's place of business]]~~;

* * *

- (n) No for-hire limousine luxury sedan license shall be assigned, sold, (either outright or under a conditional sales contract) or transferred without prior County approval. Any change in the ownership structure of a corporation or partnership where at least five (5) percent of the shares of said corporation or at least five (5) percent of the partnership interest is assigned, sold or transferred to another shall be deemed a sale for the purposes of this section. The Director is authorized to approve assignments, sales, or transfers when requested by submission of an application (which discloses the information specified in and is signed and sworn to in accordance with the requirements of subsections (c) and (d) of this section) and payment of a transfer investigative and processing fee and after an investigation and determination, based on the criteria set forth in this section. An assignee, buyer, or transferee shall not begin operating the limousine luxury sedan license during the pendency of the application approval process. If the County approves an application to assign, sell, or transfer a limousine luxury sedan license, the assignor's, seller's, or transferor's limousine luxury sedan license shall be suspended until the County reissues the limousine luxury sedan licenses to the assignee, buyer, or transferee. Provided, however, that the County shall reissue the limousine luxury sedan licenses to the assignee, buyer, or transferee at a cost not to exceed the annual, limousine luxury sedan license renewal fee. ~~[[Any limousine luxury sedan license issued pursuant to Section 31-603(c)(ii)-(v) shall not be assigned, sold or transferred for a period of five (5) years from the date of issuance, except upon: (1) the sale of the luxury sedan license holder's business within the five year period; (2) the sale of shares or the corporation or partnership as provided in this subsection; or (3) the transfer of all for hire luxury sedan licenses by an individual to a person as defined in Section 31-601.]]~~ No transfer shall be approved that results in a license holder holding or controlling more than thirty (30) percent of the total number of luxury limousine sedan licenses issued by the County. Appeals of the Director's decision shall be made pursuant to the requirements of this Chapter.

* * *

~~[(c) Rules for existing for-hire limousine licenses. Notwithstanding any provision to the contrary, any person who converts an existing for-hire limousine license after the date of adoption of this article pursuant to Section 31-603(c)(i) and is providing luxury limousine service may lease the luxury limousine sedan license to a person who meets the requirements of Section 31-602(e) and (d), including payment of the application and investigatory fee, until such license is assigned, sold or transferred as provided in Section 31-602(n).]]~~

* * *

Sec. 31-603. Luxury limousine sedan for-hire limousine licenses.

(a) *Rules governing the distribution of luxury limousine sedan for-hire licenses.*

(i) ~~[[Upon the effective date of this article,]]>>Effective thirty (30) days after the adoption of this ordinance, there shall be no limitation on the number of luxury limousine sedan for-hire limousine licenses that may be issued administratively by the director.<< [[the director shall be authorized to issue the number of luxury limousine sedan for-hire licenses pursuant to subsections (c)(i), (ii), (iii) and (iv). In 2006, 2007 and 2008, the director shall be authorized to issue forty-two (42) luxury limousine sedan licenses each calendar year. The CSD director shall administratively issue such licenses pursuant to the provisions of this section.]]~~

(b) *Method for distribution of new luxury limousine sedan for-hire licenses.* ~~[[Issuance of]] >>L<<uxury limousine sedan for-hire licenses shall be issued by the CSD director in accordance with the >>provisions of section 31-602<<[[following procedures:]]>>.<<~~

- ~~[(i) Random selection or lottery for new issues. A random selection or lottery process shall be conducted as determined by the director. The random selection or lottery process shall be conducted by an individual who shall not have responsibility for the enforcement of this chapter. All fees and applications must be received by the CSD no later than fifty (50) calendar days after the announcement of the lottery.~~
- (ii) ~~Separate lottery conducted by CSD. If, due to revocation, cancellation, or lapse, there are ten (10) or more luxury sedan licenses which may be issued, the CSD shall have authority to issue such licenses utilizing the procedures of this section. In such event, the applicable deadlines for submission of applications and for conduct of the lottery may be administratively determined by the director.~~
- (iii) ~~Conditions for participating in random selection or lottery process. All applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Each application to participate in the random selection or lottery process shall be filed in accordance with Section 31-602 of this Chapter, including payment of the investigative and processing fee provided therein. In addition to the eligibility requirements found elsewhere in this Chapter, an applicant shall not be eligible to participate in the random selection or lottery process if he/she/it has, during the three (3) years prior to application, pled nolo contendere, pled guilty or been found guilty of a total of four (4) or more violations of any one or combination of the following sections of this Chapter: Section 31-602 (a); Section 31-603 (b); and/or Section 31-607(a). The CSD shall disqualify applicants who do not meet the requirements of this Chapter from participation in the lottery. The director's decision shall be final.~~
- (iv) ~~No luxury limousine sedan for hire license shall be issued until the applicant has met the provisions of Section 31-602 within forty five (45) days after the applicant has been notified of his or her~~

~~selection. If the applicant believes he or she cannot meet the requirements within the 45-day period, the applicant may, prior to expiration of such 45-day period, request in writing, a reasonable extension from the CSD director. The CSD director may grant such a reasonable extension that the director finds is in the public interest.~~

(e) ~~Conditions for initial issuance of luxury limousine sedan licenses:~~

- (i) ~~Each holder of a current and valid for-hire license to operate a limousine shall, upon application, receive one luxury limousine sedan license for each such license held. Such application shall be filed no later than forty five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.~~
- (ii) ~~Each lessee of a current and valid for-hire limousine license as of January 1, 1999, shall, upon application and the submission of documentation requested by CSD, receive one (1) luxury limousine sedan license for each for-hire limousine license leased prior to January 1, 1999. Such application shall be filed no later than forty five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.~~
- (iii) ~~Each person in whose name continuous intra Miami-Dade County luxury limousine service was offered prior to January 1, 1999 shall be issued one (1) luxury limousine sedan license for each for-hire luxury limousine sedan operated if the applicant: (1) submits an application which is approved by the CSD; (2) pays the applicable application investigative and processing fees; (3) provides proof of continuous, intra Miami-Dade County luxury limousine sedan service, as required herein; and (4) enters into a settlement agreement with the County, which shall, among other things, include a promise that the applicant's future limousine operations will comply with the requirements of the Code and~~

~~requires the payment of a five hundred dollar (\$500.00) per vehicle penalty for each year that a vehicle has been operated illegally. The settlement agreement may provide for payment of such penalty over a period of years. In order to demonstrate continuous, intra Miami-Dade County luxury limousine sedan service before January 1, 1999, the applicant shall submit, in addition to any other information required by the County, the following documents: (1) annual federal tax records relating to luxury limousine services showing the payment of taxes consistent with the provision of luxury limousine services as stated in the application; (2) a list and description of all vehicles operated, vehicle identification numbers and the years of operation; (3) annual revenues per vehicle; (4) evidence of automobile liability insurance as required by Florida Statutes for each vehicle operated; (5) the number of hours operated per year, per vehicle; (6) proof that each vehicle provided at least 240 intra Miami-Dade County trips for the 12-month calendar period prior to January 1, 1999; (7) occupational licenses for each year the applicant provided for hire limousine service from a municipality in Miami-Dade County, Miami-Dade County, or in the absence of an occupational license from the preceding governmental entities, an occupational license from a municipality in Broward or Palm Beach Counties, or from Broward or Palm Beach Counties; (8) manifests for each trip provided by each vehicle; (9) Articles of Incorporation, if required by law; (10) fictitious name registrations, if required by law; (11) annual renewals of Articles of Incorporation and fictitious name registrations, if required by law; (12) the name, address and telephone number for all chauffeurs who drove each luxury limousine and the dates of employment; and (13) a notarized affidavit, signed under oath, that the submitted application and documents are true and genuine. The CSD shall disqualify applicants who do not meet the requirements of this chapter.~~

- (iv) ~~After totaling the number of for-hire luxury limousine sedan licenses issued pursuant to (c)(i), (ii) and (iii), twenty (20) percent of the total number~~

~~of issued luxury limousine sedan licenses to be issued or 100 luxury limousine sedan licenses, whichever number is greater, shall be distributed through a random selection or lottery process to taxicab chauffeurs who as of January 1, 1999, were providing taxicab service in compliance with the requirements of Chapter 31 of the Code. The applicant shall be required to furnish such documentation as shall be required by the CSD.~~

(v) ~~If, in the future, additional luxury limousine sedan for hire licenses are to be issued, all applicants must meet the requirements of Section 31-602 and Section 603 and, shall be distributed as follows:~~

(1) ~~Two thirds (2/3) to holders of a current and valid limousine for hire license; and~~

(2) ~~One third (1/3) to applicants who are not holders of current and valid limousine for hire license.~~

(vi) ~~No lottery applicant may apply for more than ten (10) luxury limousine sedan licenses.]]~~

~~[[~~(d)~~]]>>(c)<<Renewals. Additional rule for renewal of luxury limousine sedan for-hire licenses. Failure to use a for-hire license during any nine (9) month period shall be deemed abandonment and shall result in automatic revocation of the for-hire license.~~

~~[[~~(e)~~]]>>(d)<<Leasing the for-hire license. A luxury limousine sedan license shall not be leased to another party.~~

* * *

Sec. 31-604. ~~[[Establishing I]]>>L<<imousine rates.~~

~~[[Except as otherwise provided herein, the Commission shall establish minimum rates for luxury limousine sedan, stretch limousine, super-stretch limousines, antique limousines, ancient limousines and collectible limousines operating in Miami Dade County. Such rates shall be established, altered, amended, revised,~~

increased, or decreased in accordance with the following procedures:

- (4)]>>(a) Rates for limousines operating in Miami-Dade County shall be established by the for-hire limousine license holder and/or digital dispatch software provider. Rates for limousines operating in Miami-Dade County may be calculated on the basis of time and distance, may be flat fares to airports and other point-to-point trips, or may be calculated on an hourly basis. There shall be no minimum time requirements for the usage of limousines. Notwithstanding the foregoing, a for-hire limousine may charge no less per trip than two (2) times the taximeter rate for the first fraction of a mile, as established by the Board of County Commissioners, regardless of the length of the limousine trip.<<[[The CSD, at two-year intervals or upon request of the Commission or the County Manager, shall investigate and prepare a report concerning the existing rates for luxury sedans, ancient limousines, antique limousines, collectible limousines, stretch, and super stretch limousines. Said investigation shall specify the relative changes in the consumer price index over the preceding two-year period and shall quantify what the rates would be if the currently approved minimum limousine rates were adjusted for such change. Such investigation may also consider the financial records of the industry to determine revenues or expenses when requested by the Commission or County Manager.
- (2)] >>(b) Prior to booking a vehicle, the fare calculation method, the applicable rates being charged, and the option for an estimated fare must be available to the customer.<<[[The CSD's report shall be forwarded to the County Manager who shall prepare a recommendation to the Board of County Commissioners.
- (3)]>>(c) Upon completion of a trip, the customer shall receive a paper or electronic receipt that lists the origination and destination of the trip, the total distance and time of the trip, and a breakdown of the total fare paid, including fees and gratuity, if any.<<[[A public hearing concerning rates shall be scheduled at which time all interested parties shall have an opportunity to be heard. The Commission shall consider the CSD's report, the County Manager's recommendation, and all evidence produced at the hearing

~~and, by resolution, shall determine and set the appropriate rates as may be in the public interest; provided, however, limousine minimum rates shall be no less than three and one-third (3 1/3) times the hourly rate of taxicabs.]]~~

* * *

Sec. 31-609. Vehicle standards.

* * *

(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as follows; provided however, that the CSD may inspect a for-hire vehicle at any time:

- (1) Luxury limousine sedans. No luxury limousine sedan initially placed into service shall be older than ~~two (2)~~ four (4) model years of age. No luxury limousine sedan that exceeds ~~five (5)~~ six (6) model years of age shall be inspected or operated.
- (2) Stretch limousines. No stretch limousine initially placed into service shall be older than ~~two (2)~~ four (4) model years of age. No stretch limousine that exceeds ~~five (5)~~ six (6) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of forty-two (42) inches may be operated beyond five (5) model years as long as the vehicle meets the inspection requirements of the Code.
- (3) Super-stretch limousines. No super-stretch limousine initially placed into service shall be older than ~~two (2)~~ four (4) model years of age. No super-stretch limousine that exceeds seven (7) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of one hundred twenty (120)

inches may be operated beyond seven (7) model years as long as the vehicle meets the inspection requirements of the Code.

* * *

Sec. 31-615. Advertisement of for-hire services.

- (a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated, displayed, distributed, or marketed within Miami-Dade County, Florida, which advertisement identifies for-hire transportation regulated by this article, unless the advertisement includes the for-hire license number of the limousine company.
- (b) For the purposes of this section, an advertisement shall be defined to include any announcement, listing, display, entry, or other statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading where the heading describes or encompasses any for-hire transportation regulated under this article.

~~[(e) No person shall advertise a rate or fare other than the rate or fare approved pursuant to Section 31-604.]]~~

~~[(d)]~~>>(c)<<No person shall advertise limousine service in a manner that is false, deceptive or misleading including, but not limited to, representing the limousine service as taxicab service or as demand response service.

Section 2. Severability. 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 3. 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 4. 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:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Commissioner Audrey M. Edmonson
Co-Sponsor: Commissioner Xavier L. Suarez