

MEMORANDUM

Agenda Item No. 11(A)(19)

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

DATE: November 5, 2013

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

SUBJECT: Resolution urging the Florida
Legislature to repeal the
preemption currently in state law
that prohibits local governments
from regulating taxicab lease
rates

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

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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. 11(A)(19)
11-5-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
REPEAL THE PREEMPTION CURRENTLY IN STATE LAW
THAT PROHIBITS LOCAL GOVERNMENTS FROM
REGULATING TAXICAB LEASE RATES

WHEREAS, there are more than 2,000 taxicab licenses that have been issued in Miami-Dade County; and

WHEREAS, an individual must obtain such a license before being allowed to operate a taxicab; and

WHEREAS, such a license can either be purchased or leased from an owner of a taxicab license; and

WHEREAS, purchasing a license is often cost prohibitive for the vast majority of taxicab drivers, and as such, more than 75 percent of all taxicab licenses are leased by drivers from license owners; and

WHEREAS, leasing a taxicab license can be costly, requiring payment of as much as \$770 per week; and

WHEREAS, for many years, taxicab drivers who do not own their own taxicab licenses have expressed significant concerns about the large amounts they have to pay to lease a taxicab license; and

WHEREAS, such drivers claim that taxicab lease rates are so high that they create an impediment to their daily sustenance; and

WHEREAS, while Florida law currently authorizes local governments to regulate the rates that taxicab drivers can charge passengers, Florida law currently preempts local

governments from regulating the lease rates taxicab license holders can charge taxicab drivers;
and

WHEREAS, allowing local governments to regulate taxicab license lease rates that drivers pay to license owners would allow local governments to establish lease rates that are reasonable, predictable and consistent; and

WHEREAS, the establishment of reasonable, predictable and consistent taxicab lease rates would not only ensure that taxicab drivers make a fair wage, but also improve the quality of taxicab service generally in Miami-Dade County; and

WHEREAS, repeal of the preemption currently in state law that prohibits local governments from regulating taxicab lease rates is needed to allow the establishment of such reasonable, predictable and consistent taxicab lease rates,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to repeal the preemption currently in state law that prohibits local governments from regulating taxicab lease rates.

Section 2. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, the President of the Florida Association of Counties/Leon County Commissioner Bryan Desloge, and the Executive Director of the Florida Association of Counties.

Section 3. Directs the County's state lobbyists to advocate for the passage of legislation and funding as set forth in section 1 above, and authorizes and directs the Office of

Intergovernmental Affairs to include this item in the 2014 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. It 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 2013. 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.



Jess M. McCarty