

MEMORANDUM

Special Item No. 4

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


DATE: January 29, 2014

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

SUBJECT: Ordinance relating to vehicles
for hire; amending Chapter 31,
Articles II and V of the Code,
regulating for hire vehicles

This item was amended at the Transportation and Aviation Committee meeting on November 13, 2013, to provide that if a person commits a third violation of Section 31-303(i)(7), such person's chauffeur's registration shall be automatically suspended for a period of five (5) years, and not permanently revoked.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Commissioner Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: January 29, 2014

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 Relating to Vehicles for Hire; Amending Chapter 31, Articles II and V of the Code, Regulating for Hire Vehicles

The proposed ordinance amends Chapter 31, Articles II and V of the Code, regulating for-hire vehicles; amends definitions of fares or rates and rate card; provides for definition of violation; amends provisions relating to rate regulation; prohibits the addition of any surcharge fee, convenience fee, or any other compensation for the use of a credit card or debit card without approval by the County Commission; increases penalties where chauffeur collects, requires, charges, demands, requests or accepts fares or compensation other than established fares or rates; amends provisions relating to taximeters and credit card processing systems; prohibits operators or chauffeurs from operating a credit card processing system that has not been inspected and certified; prohibits operators or chauffeurs from operating a taxicab where the taximeter or credit card processing system does not accurately display approved rates and fares; and amends Chapter 8CC of the Code.

Implementation of this ordinance will not have a fiscal impact to the County. Any additional enforcement required under the proposed ordinance will be absorbed using existing staff.

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

Jack Osterholt
Deputy Mayor


Fis0514



MEMORANDUM
(Revised)

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

DATE: January 29, 2014

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

SUBJECT: Special Item No. 4

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 _____

Special Item No. 4
1-29-14

ORDINANCE NO. _____

ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING CHAPTER 31, ARTICLES II AND V OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING FOR-HIRE VEHICLES; AMENDING DEFINITIONS OF FARES OR RATES AND RATE CARD; PROVIDING FOR DEFINITION OF VIOLATION; AMENDING PROVISIONS RELATING TO RATE REGULATION; PROHIBITING THE ADDITION OF ANY SURCHARGE, FEE, CONVENIENCE FEE OR ANY OTHER COMPENSATION FOR THE USE OF A CREDIT CARD OR DEBIT CARD WITHOUT APPROVAL BY THE COUNTY COMMISSION; INCREASING PENALTIES WHERE CHAUFFEUR COLLECTS, REQUIRES, CHARGES, DEMANDS, REQUESTS OR ACCEPTS FARES OR COMPENSATION OTHER THAN ESTABLISHED FARES OR RATES; AMENDING PROVISIONS RELATING TO TAXIMETERS AND CREDIT CARD PROCESSING SYSTEMS; PROHIBITING OPERATOR OR CHAUFFEUR FROM OPERATING A CREDIT CARD PROCESSING SYSTEM THAT HAS NOT BEEN INSPECTED AND CERTIFIED; PROHIBITING OPERATOR OR CHAUFFEUR FROM OPERATING A TAXICAB WHERE THE TAXIMETER OR CREDIT CARD PROCESSING SYSTEM DOES NOT ACCURATELY DISPLAY APPROVED RATES AND FARES; 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:¹

Sec. 31-81. Definitions.

¹ Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

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

* * *

- (o) Fares or rates means the charges >>, rates, surcharges, fees, convenience fees, fares or any other compensation<< established pursuant to this article to be paid by passengers for >>or related to<< the transportation services provided by a for-hire passenger motor vehicle. >>Fares or rates include any charge, rate, surcharge, convenience fee, fare or other compensation for the use of a credit or debit card.<<

* * *

- (ll) Rate card means a card, issued by the CSD, which displays >>approved<< for-hire rates >>and fares<< and such other data as the CSD may prescribe.

* * *

- >>(zz) Violation means: (i) having been found guilty of a citation issued pursuant to Chapter 31 or 8CC of the Code by an administrative hearing officer or judicial officer; or (ii) failing to pay or appeal a citation issued pursuant to Chapter 31 or 8CC of the Code within the established time; or (iii) paying the fine for a citation issued pursuant to Chapter 31 or 8CC of the Code.<<

* * *

Sec. 31-86. Taximeters >>and Credit Card Processing Systems<<.

- (a) Each taxicab shall be equipped with a taximeter meeting the requirements described in this article. All customer receipts, whether handwritten or generated by a taximeter >>or a credit card processing system<<, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number and the telephone number for filing complaints with the CSD. It shall be a violation of this article for any operator or chauffeur to operate any taxicab unless and until its taximeter >>and credit card processing system, if installed,<< has been inspected and certified as

operable and accurate by CSD and has affixed thereto a current valid taximeter >>and credit card processing system<< certification label, sticker or decal. >>It shall also be a violation of this article for any operator or chauffeur to operate any taxicab where the taximeter or the credit card processing system, if installed, does not accurately display approved rates and fares. In the event that a taximeter or credit card processing system, if installed, fails inspection, said taxicab shall not be utilized until the deficiency has been corrected.<<

* * *

Sec. 31-87. Rate regulation.

- (A) The provisions of this section shall be the exclusive method for the establishment of for-hire motor vehicle rates throughout Miami-Dade County. Notwithstanding the provisions of any municipal ordinance, resolution or agreement to the contrary, from and after the effective date of this article, no municipality shall authorize, establish, change, alter, amend, or otherwise regulate rates charged by the industry. All municipal ordinances or resolutions to the contrary are hereby superseded.
- (B) It shall be unlawful for an operator or chauffeur to >>collect, require,<< charge, demand, request or accept any fare other than the rates established pursuant to this article. Rates established by this article shall be applicable through Miami-Dade County, both in the incorporated and unincorporated areas, without regard to any municipal boundaries. >>It shall be unlawful to add a surcharge, fee, convenience fee, fare or any other form of compensation to the fare or rate for the use of a credit card or debit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to this subsection, to allow for an additional surcharge, fee, convenience fee, fare or any other form of compensation for the use of a credit or debit card.<<

* * *

Sec. 31-92. Violations; penalties.

- (a) In addition to any other penalties provided by law, including but not limited to those provided in this article, a violation of any applicable provision of this article by a for-hire license holder, registered passenger service company or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in Section 8CC-10 of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's for-hire license, passenger service company registration, operating permit and chauffeur registration and all for-hire operations shall cease until such fine is paid in full. If a person commits five (5) violations of the same section of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked. Provided however, if a person commits three (3) violations of Section 31-82(j)(12) or 31-303(i)(4) or any combination thereof during any twelve-month period, such person's for-hire license, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked. Notwithstanding any provision to the contrary, if a person commits two (2) violations of Section 31-303(i)(23), such person's chauffeur's registration may be suspended for a period of up to six (6) months or revoked. >>Notwithstanding any provision to the contrary: (i) if a person commits one (1) violation of Section 31-303(i)(7), such person's chauffeur's registration shall automatically be suspended for a period of thirty (30) days; (ii) if a person commits a second violation of Section 31-303(i)(7), such person's chauffeur registration shall automatically be suspended for a period of sixty (60) days; and (iii) if a person commits a third violation of

Section 31-303(i)(7),~~<< >>~~such person's chauffeur's registration shall be automatically suspended for a period of five (5) years~~<<² [[automatically and permanently revoked, and such person shall not be eligible for a chauffeur's registration in the future]]].~~

- (b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. Citations shall be issued under Chapter 8CC of the Code.
- (c) Any person who is found guilty on at least two (2) prior occasions within a three-year period of advertising or providing for-hire transportation, passenger services, or driving or operating a for-hire vehicle without having a valid, current for-hire license, passenger service company registration, operating permit or chauffeur's registration as required by this chapter shall be punishable by fines of greater than five thousand dollars (\$5,000.00) but less than ten thousand dollars (\$10,000.00) and/or imprisonment not to exceed forty-five (45) days.
- (d) Except for civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through the normal procedure.
- (e) Anyone who engages a for-hire vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to a fine of five hundred dollars (\$500.00) and/or imprisonment not to exceed ten (10) days.

² Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

- (f) Any person who is found guilty of signing an application for issuance, renewal, modification, assignment, sale or transfer of a for-hire license, passenger service company registration, chauffeur registration or operating permit which falsely states any material fact shall be punished by a fine of one thousand dollars (\$1,000.00) and imprisonment in the County Jail for thirty (30) days.

* * *

Section 2. Chapter 31, Article V of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

* * *

Sec. 31-303. Chauffeur's registration; all types.

* * *

- (i) Chauffeurs must abide by all rules and regulations applicable to chauffeurs and shall be subject to enforcement, violations and penalties contained in this chapter and Chapter 8CC of this Code. A chauffeur shall comply with the following regulations:

* * *

- (7) No chauffeur shall collect >> require, charge, demand, request or accept<< fares or compensation for transportation services >> or related services<< other than the established rates or ~~[[charges]]~~ >> fares<< for the type of service being provided, nor may any driver collect >> require, charge, demand, request or accept<< any additional payment >> including any surcharge, fee, convenience fee, fare or any other form of compensation<< for >> the use of a credit or debit card, unless approved by the County Commission, or for<< transporting any baggage which accompanies the passenger, provided, however, that this provision shall not apply to gratuities.

- (8) The passenger shall be offered a receipt for the fare collected.

* * *

Section 3. 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 |
|--------------|--|---------------|
| 31-86(a) | Failure to operate with a taximeter >> <u>or a credit card processing system</u> << meeting requirements of the Code | \$200.00 |

Section 4. 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 5. 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 6. 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:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Dennis C. Moss

Co-Sponsor: Commissioner Esteban L. Bovo, Jr.