

MEMORANDUM

Workshop Item No. 2E
February 25, 2016

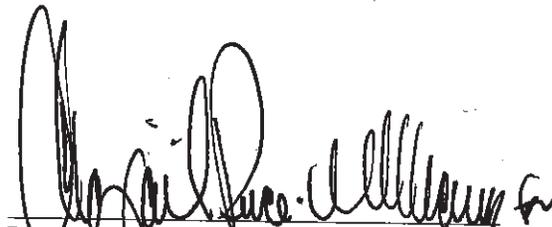
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 17, 2014

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

SUBJECT: Ordinance amending Chapter 31,
Article III of the Code, relating
to regulation of passenger motor
carriers; amending definitions
and application procedures

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro and Co-Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp

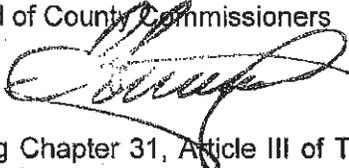
Memorandum

MIAMI-DADE
COUNTY

Date:

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

From: Carlos A. Gimenez
Mayor



Subject: Ordinance Amending Chapter 31, Article III of The Code, Relating To Regulation Of Passenger Motor Carriers

The proposed ordinance relates to regulation of passenger motor carriers, amends Chapter 31, Article III and Chapter 8CC, of the Code of Miami-Dade County. The implementation of this ordinance may have a positive impact to the County. It is anticipated that approximately 90 entities currently leasing PMC operating permits will submit applications for their own certificates resulting in one-time revenue of \$34,000 and recurring annual revenue of \$56,000. Commencing one year after adoption, it is estimated that up to 20 new certificates may be issued annually in the "general tours and transport" category resulting in annual revenues of \$20,000. Application of the ordinance to the contractor providing on-demand ground transportation service at Miami International Airport beginning in 2015 will result in estimated revenue of \$10,000 annually for vehicle inspections and chauffeur registrations, and \$31,000 annually for vehicle operating permit fees.



Jack Osterholt
Deputy Mayor

Fis8614



MEMORANDUM

(Revised)

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

DATE: June 17, 2014

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

SUBJECT: Agenda Item No. 4(A)

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(A)

Veto _____

6-17-14

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 31, ARTICLE III OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO REGULATION OF PASSENGER MOTOR CARRIERS; AMENDING DEFINITIONS AND APPLICATION PROCEDURES; AMENDING CLASSES OF TRANSPORTATION; PROVIDING FOR ADMINISTRATIVE APPROVAL OR DENIAL OF APPLICATIONS FOR CERTIFICATES OF TRANSPORTATION; AMENDING PROVISIONS RELATING TO TRANSFER OF PASSENGER MOTOR CARRIER CERTIFICATES; REQUIRING THAT ADVERTISEMENTS FOR PASSENGER MOTOR CARRIER SERVICE CONTAIN CERTAIN INFORMATION; AMENDING DUTIES AND RESPONSIBILITIES OF THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES; AMENDING PROVISIONS RELATING TO INSURANCE REQUIREMENTS AND ENFORCEMENT; AMENDING VEHICLE STANDARDS AND RULES OF OPERATION; PROVIDING PROCEDURES FOR THE CONVERSION OF EXISTING CERTIFICATES OF TRANSPORTATION FOR SPECIAL OPERATIONS AND CHARTER SERVICES; PROVIDING PROCEDURES FOR APPLICATIONS BY EXISTING LESSEES OF CERTIFICATES; PROVIDING PROCEDURES FOR ISSUANCE OF NEW CERTIFICATES; PROVIDING PROCEDURES FOR SUSPENSION AND REVOCATION PROCEEDINGS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AMENDING CHAUFFEUR REQUIREMENTS; AMENDING CHAPTER 8CC OF THE CODE PROVIDING CIVIL 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 III of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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.

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE III. PASSENGER MOTOR CARRIERS

* * *

Sec. 31-102. Definitions.

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

- ~~[(a) *Certificate of transportation* means the holder thereof may engage in providing the transportation services described thereon.~~
- ~~(b) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a passenger motor vehicle.~~
- ~~(c) *Commission* means the Board of County Commissioners of Miami Dade County, Florida.~~
- ~~(d) *Common carrier* means any motor carrier who holds his services out to the public.~~
- ~~(e) *Contract carrier* means any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contract with one (1) or more persons.~~
- ~~(f) *County Manager* means the chief executive officer and head of the administrative branch of the County Government as provided in Article 3 of the Home Rule Charter of Miami Dade County, Florida.~~
- ~~(g) *Director* means the Miami Dade County Consumer Services Department Director.~~
- ~~(h) *Fixed route or regular route service* means the transportation of persons by a common carrier for compensation on a regular route with a regular schedule between fixed terminals.~~

- (i) ~~*For compensation* means for money, property, service or anything else of value.~~
- (j) ~~*Jitney* means any motor vehicle having a maximum seating capacity of fifteen (15) or less, transporting passengers for compensation on a semi fixed route between fixed terminals not on a fixed schedule basis.~~
- (k) ~~*Operate* means providing transportation services for compensation utilizing a passenger motor vehicle.~~
- (l) ~~*Operator* means any person who has been issued a certificate in accordance with the provisions of this article.~~
- (m) ~~*CSD* means the Miami-Dade County Consumer Services Department.~~
- (n) ~~*Passenger motor carrier or motor carrier* means any person owning, controlling, operating or managing any motor vehicle used in the business of transportation of persons for compensation.~~
- (o) ~~*Passenger motor vehicle or motor vehicle* means any chauffeur driven motor vehicle engaged in the transportation of persons and their accompanying baggage, if any, for compensation over the public streets, but excludes motor vehicles engaged solely in providing special transportation services for the Miami-Dade Transit Agency pursuant to a contract with Miami-Dade County. Motor vehicles used to provide special transportation service pursuant to a contract with Miami Dade County are subject to regulations contained in Article IV of this chapter.~~
- (p) ~~*Permit* means an operating permit authorizing the holder thereof to utilize the motor vehicle described in said permit for the transportation of passengers as authorized by a certificate issued pursuant to this article.~~
- (q) ~~*Person* means any individual, corporation, firm, partnership, limited partnership, association or joint stock association.~~

- (r) ~~*Rates of fares* means the charges established pursuant to this article for the transportation services provided by an operator.~~
- (s) ~~*Registration* means a chauffeur's registration authorizing the holder thereof to operate passenger motor vehicles subject to the provisions of this article.~~
- (t) ~~*Special operations* means the transportation of persons in a motor vehicle to a common destination or series of destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminal or on a regular route.~~
- (u) ~~*Street* means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place located in the County and established for the use of vehicles.~~
- (v) ~~*Public interest* means a determination based on the following criteria, that transportation benefits will accrue to the community, transportation services, the public who presently or in the future utilize the passenger motor carrier industry to meet transportation needs, and adopted community development policy and that determination is consistent with the transportation policy statement contained in this article.~~
- (w) ~~*Charter service* means the transportation of a group of persons pursuant to a common purpose and traveling under a single contract involving the exclusive use of a motor vehicle.~~
- (x) ~~*Core transit or transit corridor* means the area one fifth (1/5) of a mile on each side of the street on which high service level of fixed route or jitney service is being legally provided.~~
- (y) ~~*Limited certificate of transportation* means the holder thereof may engage in providing transportation services as described in a contract with the Miami-Dade Transit Agency for the provision of transportation services for so long as such contract is in effect.~~
- (z) ~~Reserved.~~

(aa) ~~Paratransit services mean any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.]]~~

~~[[bb]]>>(a)<< The Americans with Disabilities Act of 1990 or the ADA means the civil rights act signed into law on July 26, 1990 as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.~~

~~[[ee]]>>(b)<< The ADA-defined area of Miami-Dade County means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths of a mile on each side of each of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths of a mile around each Metrorail station.~~

~~[[dd) Paratransit passenger means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one (1) or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such impairment.]]~~

>>(c) Applicant means an individual, partnership or corporation which applies for a certificate, permit, or chauffeur's registration pursuant to the provisions of this Article. "Applicant" shall also mean an individual, partnership or corporation which makes application, where applicable, to renew or transfer a certificate, permit or chauffeur's registration pursuant to the provisions of this article. In the case of partnerships and corporations, "applicant" shall also mean each individual with a partnership interest, each shareholder of the corporation as well as the corporate officers and directors.

(d) Chauffeur means a duly licensed driver registered with and authorized by the Department of Regulatory and Economic Resources to operate a for-hire passenger motor carrier vehicle.

(e) Chauffeur registration means a registration card issued by the Department of Regulatory and Economic Resources.

- (f) Circulator service means the provision of fixed route or semi-fixed route transportation service where at least seventy (70) percent of the route is within one (1) municipality. Motor vehicles owned, operated by or operated under contract with a municipality in a local public transportation system may provide circulator service when authorized by an interlocal agreement with Miami-Dade County which has been approved by the Board. The interlocal agreement and any certificate of transportation, chauffeur's registration and permit issued to provide circulator service pursuant to an interlocal agreement shall require, among other things, that the municipality, operator, vehicles and chauffeurs comply with safety, mechanical and vehicular standards mandated by Miami-Dade Transit and the Department of Regulatory and Economic Resources, and any applicable State or Federal requirements. Where a municipality intends to provide circulator service pursuant to a contract with a third party, said municipality shall give Miami-Dade County the opportunity to submit a bid or proposal to provide that transportation service.
- (g) Commission means the Board of County Commissioners of Miami-Dade County, Florida.
- (h) Contract services means pre-arranged transportation provided by a passenger motor carrier vehicle for compensation pursuant to a written contract with one or more persons and which excludes street hail service.
- (i) County means Miami-Dade County, Florida.
- (j) County Mayor means the head of county government as provided in Article 2 of the Home Rule Charter of Miami-Dade County, Florida.
- (k) Department means the Department of Regulatory and Economic Resources (hereinafter "Department") or successor department.
- (l) Director means the Department of Regulatory and Economic Resources Director or the Director's designee.
- (m) Duplication of Service means that a segment of the proposed fixed route or jitney service would operate or

overlap in a transit corridor where the existing or planned combined service has an average headway of twenty-nine (29) minutes or less.

- (n) Fares or Rates means the charges established pursuant to this article to be paid by passengers for the transportation services provided by a for-hire passenger motor vehicle.
- (o) Fixed route or route service means the transportation of persons by a passenger motor carrier vehicle on an authorized fixed route between fixed terminals on a fixed schedule with designated pick-up/drop off locations where service is not prearranged and the passenger hails the vehicle and pays a fare.
- (p) For compensation or compensation means for money, property, service, or anything of value, including tips and commissions, provided directly or indirectly.
- (q) For-hire means driving, operating, or managing a for-hire passenger motor carrier vehicle, and includes all non-revenue producing operations of the passenger motor vehicle.
- (r) For-hire certificate or passenger motor carrier certificate of transportation means an annual, renewable certificate issued pursuant to this Article which authorizes the provision of for-hire transportation services and which may expire, be suspended or revoked.
- (s) General Tours and Transport service means the prearranged transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including, but not limited to, sightseeing service, not between fixed terminals or on a regular route. For the purposes of this article "sightseeing service" is defined as the transportation of a person or a group of persons traveling under individual contracts at a fixed charge involving the use of a passenger motor carrier vehicle to sightsee or tour a county or municipal point of interest, including, but not limited to, historic buildings, parks or sites, for the purpose of explaining, describing, or generally relating to the history of South Florida under a pre-arranged itinerary, excluding street hail service. Certificates for this type of service shall only be issued

through a random selection or lottery pursuant to Section 31-115 (f).

- (t) *In service* means a for-hire vehicle which is displaying a valid, current operating permit or decal, as applicable, issued by the Department of Regulatory and Economic Resources.
- (u) *Jitney Service* means the transportation of persons by a passenger motor carrier vehicle on an authorized fixed route between fixed terminals on a semi-fixed schedule where service is not prearranged and individual passengers hail the vehicle and pay a fare.
- (v) *Lease* of a passenger motor carrier vehicle means a written agreement for the transfer from a lessor to a lessee of the right to possess and use a motor vehicle, meeting the requirements of Chapter 521, Florida Statutes, for a scheduled term exceeding four (4) months.
- (w) *MDT* means the Miami-Dade Transit agency or successor department.
- (x) *Off Duty* means the periodic, temporary cessation of daily for-hire service indicated by a sign placed and visible on the vehicle's front windshield and which shall not be construed to alter the "In service" status of the for-hire vehicle. No for-hire vehicle in operation or awaiting passengers shall display an off-duty sign.
- (y) *Operate* means to provide transportation services for compensation regulated by this article utilizing a for-hire passenger motor vehicle.
- (z) *Operating permit* means the valid and current vehicle decal issued to the certificate holder which authorizes a specific, registered vehicle to operate for-hire and which may expire, be suspended or revoked.
- (aa) *Operator* means any person who has been issued a certificate of transportation.
- (bb) *Out of Service* means the removal of a for-hire vehicle from operation by removal of a valid, current operating permit and filing with the Department of Regulatory and

Economic Resources a form removing the vehicle from service.

- (cc) Owner means a person who holds the legal title of a motor vehicle; or, in the event a motor vehicle is the subject of a security agreement or lease with an option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner.
- (dd) Paratransit passenger means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such impairment.
- (ee) Paratransit services mean any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.
- (ff) Passenger means a person utilizing a for-hire passenger motor vehicle for the purpose of being transported to a destination, or a person who is awaiting the arrival of a prearranged for-hire passenger motor vehicle, and does not include the chauffeur.
- (gg) Passenger motor carrier means a nine (9) passenger or greater (excluding chauffeur) for-hire passenger motor vehicle including, but not limited to, a fixed route, circulator or jitney vehicle designed, constructed, reconstructed and equipped as required in this chapter to provide passenger motor carrier service and excluding limousines. A passenger motor carrier vehicle shall not mean a motor vehicle providing contract and general tours and transport service having an overall length in excess of thirty (30) feet or a rated seating capacity in excess of twenty-eight (28) persons.
- (hh) Place of business means the specific Miami-Dade County, Broward County or Palm Beach County address where management of for-hire operations is provided and which is zoned for the appropriate business usage and matches the address on a current valid occupational license.

- (ii) Person means any natural person(s), firm, partnership, association, corporation, or other business entity.
- (ji) Personnel authorized by the Regulatory and Economic Resources Department means uniformed enforcement personnel and any other individual authorized by the Director.
- (kk) Pre-arranged or pre-arrange means a written, electronically generated, in person or telephone reservation made at least twelve (12) hours in advance by the person requesting service at the place of business of the for-hire license holder for the provision of passenger motor carrier service for a specified period of time.
- (ll) Solicit means an appeal by bell, horn, whistle, sign, display, words or gestures by a chauffeur or his or her agent directed at individuals or groups.
- (mm) Stage means to stop, park, or otherwise place a for-hire passenger motor vehicle in the loading or curbside area of a hotel, restaurant, shopping center, public sports facility, museum, theater, performing arts center or transportation facility when the for-hire passenger motor vehicle is not engaged in prearranged passenger motor carrier service. A curbside or loading area shall not include a parking lot.
- (nn) Street means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct, or other public place accessible to the public, located in Miami-Dade County and used by motor vehicles.
- (oo) Street hail means an immediate arrangement made on the street with a fixed route or jitney service chauffeur by a person seeking immediate transportation by a fixed route or jitney service vehicle when operating on an authorized route.
- (pp) Trade name or doing business as or (d/b/a) name means the county-approved name under which the certificate holder may provide for-hire passenger motor vehicle transportation services, and which name shall not duplicate the name of any other license holder.
- (qq) Transit corridor means the area one-fifth (1/5) of a mile on each side of the street on which fixed route service, jitney

service or Miami-Dade Transit service is being provided.<<

Sec. 31-103. Certificate of transportation

- (a) *Required.* From and after the effective date of this article, it shall be unlawful for any person to use, drive or operate >>₂, or to advertise in any newspaper, airwaves transmission, telephone directory, or other medium accessible to the public that it offers for-hire passenger motor carrier services.<< or to cause or permit any other person to use, drive or operate any passenger motor carrier vehicle for compensation upon the streets of Miami-Dade County without first obtaining a Miami-Dade County certificate and maintaining it current and valid, pursuant to the provisions of this article, unless specifically excluded from this article.

- (b) *Out-of-county origin* ~~[[excepted]]~~ >>exception<<. Nothing in this article shall be construed to prohibit:
 - (1) Discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County including preticketed round trips originating outside Miami-Dade County which are completed within a single twelve-hour period.

 - (2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a county adjacent to Miami-Dade County, provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked up within the ADA-defined area of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County ~~[[Certificate of public convenience and necessity]]~~ >>for-hire passenger motor carrier certificate of transportation<< for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Miami-Dade County for-hire chauffeur's registration.

- (c) *Application* ~~[[contents]]~~ >>procedures<<. Every application for a certificate shall be in writing, signed and

sworn to by the applicant, and shall be filed with ~~[[CSD]]~~ >>the Department 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 statements contained in the application shall become a part of the certificate and may be modified only in accordance with this article. The application shall be on a form provided by ~~[[CSD]]~~ >>the Department<< and shall contain all information required thereon, including but not limited to:

(1) Sufficient information to identify the applicant ~~[[.]]~~ >>including, but not limited to, full legal name and trade name, date of birth, telephone number, and residential address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, registered 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 certificate. 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 the State of Florida and shall have a place of business in either Miami-Dade County, Broward County or Palm Beach County, Florida.<<

(2) The ~~[[class]]~~ >>class(es)<< of transportation service ~~[[to be authorized under this article, routes, termini, schedules, etc., and a brief description of the kinds of and types of vehicles, seating capacity of the vehicles, seating arrangements, and size and gross weight thereof]]~~ >>which the applicant desires to furnish:<< ~~[[.]]~~

- >>(a) Circulator
- (b) Contract
- (c) Fixed route
- (d) General tours and transport

(e) Jitney route

(f) Limited

(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.<<

~~[[3]]>>~~(4)<<The trade name under which the applicant intends to operate and a description of the proposed vehicle color[[s]] >>scheme<<, >>including placement of<< numbers and >>other<< markings.

~~[[4]]~~ The applicant's management plan including but not limited to maintenance facilities, a system for handling complaints and accidents, a driver training program, insurance coverage, and a communication system.]]

(5) The applicant's proposed service standards, including but not limited to days and hours of operation, and passenger services to be provided.

(6) The applicant's proposed initial public fare and rate structure.

(7) A record of all present and prior transportation business activities of the applicant during the past five (5) years.

(8) ~~[[A record of all crimes (excluding traffic) of which the applicant has been convicted within five (5) years preceding the date of the application. The applicant shall have his/her fingerprints and photograph taken by the Miami-Dade Police Department.]] >>~~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.<<

- (9) Two (2) credit references including at least one (1) bank where the applicant [[maintains]] >>has<< an active account. >>In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.<<
- (10) [[An investigative and processing fee which shall be nonrefundable.]] >>A passenger motor carrier management service plan which shall include:
 - (a) Maintenance facilities and maintenance program for the upkeep of vehicles operating under the certificate.
 - (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 31-106 of this article.<<
- (11) [[An agreement on the part of the applicant to conform to and abide by the provisions of this article and the laws of the State of Florida.]] >>The names and addresses of at least three (3) residents of the County as references.<<
- (12) The applicant's current financial statement. If the applicant has an existing certified financial

statement, the most current certified financial statement is required.

- (13) A factual statement indicating the anticipated market to be served and such other pertinent information as the applicant may desire to present to support his application.
- (14) A factual statement supporting the economic feasibility of the services proposed to be provided, including estimated ridership, fare revenue, and operating expenses for the first year of operation.
- (15) An operational plan for implementing the proposed services.
- (16) A factual statement, if applying for jitney or fixed route authority, indicating the economic and ridership effect on any existing ~~[[sixed]]~~ >>fixed<< route or jitney transportation service providers on the same transit corridor, route or portion thereof.
- ~~[[17) A factual statement, if applying for jitney or fixed route authority, that the application is consistent with the criteria and factors contained in subsection (g) of this section.~~
- (18) A public notice which shall contain a brief summary of the subject matter of the application including a brief description of the type of service proposed and the geographical area or route(s) to be served.]]

~~[[19)]~~ >>(17)<<For transfer applications only, a statement 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 certificate of transportation; in lieu of the requirements of this paragraph, the applicant for transfer of the certificate of transportation may submit a notarized copy of the purchase contract which contains all information requested by this paragraph.

>>(18) Any additional information the Director shall require to enforce the provisions of this article.

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

(d) *Application review.* ~~The Director shall [[review and investigate each application and shall reject any application that is not properly filed, incomplete or, where applicable, in conflict with criteria set forth in subsection (g) of this section. Such investigation shall include a Miami Dade Police Department background check including, but not limited to, past business credit or financial standing and law enforcement records. Application rejection by the Director may be appealed in accordance with Section 31-112(f) of the Code.]]~~ >>review and investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The director may approve or deny the issuance of for-hire certificates as specified in this chapter on such terms and conditions as the public interest may require. The director's decision to reject or to deny may be appealed in accordance with this chapter. Notwithstanding the aforementioned, the director shall only be authorized to issue certificates of transportation for the general tours and transport class of service through a random selection or lottery pursuant to Section 31-115 (f).

An applicant shall not be eligible for a for-hire certificate if he/she/it:

- (1) Has misrepresented or concealed a material fact on his, her, or its application;
- (2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;
- (3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
- (4) Has pled nolo contendere, pled guilty, been found guilty or been convicted of a felony within the last

five (5) years, regardless of whether adjudication has been withheld;

- (5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;
- (6) Has pled nolo contendere, pled guilty, been found guilty, or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under §775.0823, Florida Statutes, or is a habitual violent felony offender under §775.084, Florida Statutes;
- (7) Has violated any condition, limitation, or restriction of a for-hire license/certificate imposed by the director or commission where the director deems the violation to be grounds for denial;
- (8) Was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;
- (9) Has as a stockholder, officer, director, or partner of a corporation or partnership committed an act or omission which would be cause for denying a for-hire license to the officer, director, stockholder, or partner as an individual;
- (10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;
- (11) Does not have a place of business located in either Miami-Dade County, Broward County or Palm Beach County, Florida;
- (12) Has any unsatisfied civil penalty or judgment pertaining to for-hire operation;

- (13) Has had a for-hire license/certificate of transportation issued by Miami-Dade County revoked;
- (14) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty, or been convicted of any misdemeanor, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex;
- (15) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, of any offense involving trafficking in narcotics. After said ten (10) year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored; or
- (16) For jitney and fixed route service, proposes a route alignment with a duplication of service exceeding thirty (30) percent as determined by MDT.<<

~~[(e) — Hearing and notices and reports.~~

- ~~(1) Upon the proper filing of an application under this article for a certificate to provide jitney or fixed route service, or for the transfer or modification thereof, and payment of the required fee, the Director shall give notice to the following: (a) The governing bodies of all affected municipalities within Miami-Dade County; (b) all jitney or fixed route certificate holders; (c) any other person, office or entity requesting notice.~~
- ~~(2) Any interested person affected by the proposed operation of jitney or fixed route service who wishes to intervene in the proceeding shall file with the Director and serve upon the applicant a formal protest within twenty (20) days after service of said notice. A person who has not filed a formal protest as provided in this section may not appear as a party in the proceeding. If no written protest is properly filed and served as herein provided, the Commission shall dispose of the application after a public hearing. If one (1) or more protests are properly filed and served as herein provided, the~~

~~County Manager shall appoint a hearing officer and fix a time for an administrative hearing no later than twenty (20) days after the conclusion of the termination date for filing a protest, and shall serve notice of hearing upon the applicant and all persons who have filed a written protest. The County Manager, by regulations, shall establish the procedures for such hearings.~~

~~(3) The Director shall submit a report and recommendation on each application to the County Manager. The Director shall base the recommendation on the thoroughness of the application, the competence of the applicant, the criteria contained in subsection (g) where applicable and consideration of the findings of the hearing examiner. The County Manager may require any further investigation or additional information that he deems necessary and shall submit a written report and recommendation to the Commission.~~

~~(f) *Public hearings.* The Commission shall hold at least two (2) public hearings each year if required, to consider and take action upon pending certificate applications and transfer applications. The Clerk of the Board shall provide at least seven (7) days' advance notice of such public hearing. Additionally, if the application is for jitney or fixed route authority, CSD shall provide at least twenty (20) days' advance notice of such public hearings to all applicants and all jitney or fixed route certificate holders by certified mail. In reaching its determination, the Commission shall consider the application, the County Manager's report and recommendation, and matters presented at the public hearing.~~

~~(g) *Certification criteria and process.* The Commission, at the conclusion of the public hearing shall determine if the requested certificate of transportation is consistent with the following public interest criteria.~~

~~(1) That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate and is able to comply with this article and regulations of the Commission.~~

- (2) ~~That the transportation to be provided under the requested certificate is consistent with the public interest.~~
- (3) ~~That the proposed transportation service will improve the quality of transportation available to the public.~~
- (4) ~~That, if applying for jitney or fixed route authority, the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami Dade Transportation Plan. In particular, it shall be deemed not in the public interest to authorize certificates of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at average frequencies of twenty nine (29) minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry. The provisions of the preceding sentence shall not apply when the applicant is applying for a certificate of transportation to provide jitney or fixed route authority and the Commission finds: (1) that the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami Dade Transportation Plan; (2) the route applied for has been operated by the applicant for at least five (5) years utilizing at least twelve (12) vehicles during 1997 which were issued permits by the CSD; (3) the fixed or jitney route traverses at least five (5) miles on either NW 7th Avenue or NE 2nd Avenue in Miami Dade County; and (4) the applicant has held a certificate of transportation issued by Miami Dade County for at least eight (8) years.~~

~~The Commission, after such public hearing by resolution, may authorize or refuse to authorize the certificate as applied for, or may authorize a certificate with such modifications or upon such terms and conditions as in its judgment the public interest, may require.~~

~~The County Manager may prescribe rules and regulations consistent with the criteria set forth in subsection (g)(1), (2), (3) and (4) above, for the approval and issuance of emergency temporary certificate. No temporary certificate shall be issued unless the applicant has paid a temporary certificate fee.~~

- (h) ~~*Burden of proof.* In any proceeding under this section, the applicant shall have the burden of providing all of the prerequisites of the issuance of the certificate except that if a protestant objects on the ground that issuance will adversely affect the existing transportation system or impair essential transportation services being provided by the motor carrier industry then, on that issue, the protestant shall have the burden of proof.~~
- (i) ~~*Resolution of approval.* CSD shall issue the certificate as authorized by the resolution.~~
- (j) ~~*Further requirements.* No certificate shall be issued unless the applicant has:

 - (1) Paid an annual certificate fee for the right to operate passenger motor vehicles;
 - (2) Has presented proof of insurance as required by Section 31-106; and
 - (3) Passed all required vehicle inspections.~~

~~Failure on the part of the applicant to complete this process within ninety (90) days after notification of approval shall cause the certificate not to be issued and the County's approval to be automatically revoked.~~

- (k) ~~Form of certificate. Each certificate shall be on a form developed by CSD and shall be signed by the Director. Each certificate shall contain, at a minimum, the name and address of the applicant, s statement of the transportation service authorized, the passenger capacity of the vehicles to which it applies, and such additional terms, conditions, provisions, and limitations as were authorized in the approval process. All operators holding certificates which are valid as of the effective date of this amendment shall be issued amended certificates which contain no limit on the number of vehicles authorized thereunder.~~

- (d) ~~Renewal. All certificates shall be renewed before April 1 of each year by payment of an annual certificate fee. All fees provided for in this section shall be in addition to any other license fees or charges and shall not be prorated for fractional parts of a year. All certificates which are not renewed shall automatically expire and all certificate transportation services rendered thereunder shall immediately cease as of April 1.~~

~~On or before March 31 of each year, each operator shall, on application for renewal, certify, on a form provided by CSD, the number of months during the preceding year that he operated and provided the service authorized by this certificate. Failure to certify or to operate for at least eight (8) months during the year period shall result in automatic expiration of the certificate.]]~~

- >>(e) Conditions for obtaining a certificate. No certificate shall be issued unless the applicant has:

- (1) Paid an annual certificate fee for the right to operate route service motor vehicles;
- (2) Has presented proof of insurance as required by Section 31-106; and
- (3) Ensure that the for-hire vehicle to be operated under the applicant's certificate has passed all required vehicle inspections.

Failure on the part of the applicant to complete this process within forty-five (45) days after notification of approval shall cause the certificate not to be issued and the County's approval to be automatically revoked.

- (f) Expiration of and renewal process for a certificate of transportation. Certificates may be issued for such periods as specified in the Implementing Order establishing the fees. The Department may establish staggered terms to ease administration of the renewal process. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual certificate together with payment of a certificate fee.

- (1) As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by the Department. The Director shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the Director that the applicant has failed to satisfy the requirements of subsections 31-103(c) and (d). Renewal applications shall additionally include disclosure of all interests in the certificate (legal, beneficial, equitable or otherwise) and shall certify on a form provided by the Department the number of months during the preceding year that he, she, it operated and provided the service authorized by the certificate. Failure to operate for at least nine (9) months during the preceding year shall result in automatic revocation of such certificate. Appeal of the denial of a renewal application shall be in accordance with this chapter.
- (2) Grace period. Certificate holders shall have a grace period of up to thirty (30) days after expiration of their certificate in which to renew same provided, however, that all operations shall cease on the date of certificate expiration and the certificate holder shall also pay a late fee over and above the annual fee. All certificates which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.<<

~~[(m)]~~ >>(g)<< *Transfer of certificate*

- ~~[(1) No certificate issued pursuant to this article may be sold, assigned, transferred or its ownership structure changed or altered so as to result in a change in the control of said certificate to another until the proposed sale, assignment, transfer or change in control shall have been approved by the commission. Any transfer of shares or stock or interest of any person or certificate holder so as to cause a change in the directors, officer, shareholders, or managers of such person or certificate holder shall be deemed a transfer or assignment as contemplated in this section and subject to the same rules and regulations as any other transfer or assignment.~~

- (2) ~~The Commission, in considering the proposed transfer of ownership or control of the certificate, by either direct or indirect means, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest or if said certificate, in whole or in part, is dormant within the meaning of this article.~~
- (3) ~~The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.~~
- (4) ~~All such applications for approval of transfers shall be filed on forms provided by the Director and shall be accompanied by payment of a nonrefundable transfer investigative and processing fee. Applications for transfers shall be noticed for public hearing before the Commission in the manner provided by this article for new applicants for certificates and the formal approval of the Commission shall be a condition precedent to any such transfer.]]~~

>>(1) No certificate of transportation 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 and shall immediately terminate the license and a new certificate application shall be filed. The Director is authorized to approve assignments, sales, or transfers when requested by submission of an application (which discloses the information specified in section 103 (c) and (d), and is signed and sworn to in accordance with the requirements 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 certificate during the pendency of the application approval process. If the County approves an application to assign, sell, or transfer a certificate, the assignor's, seller's, or transferor's certificate shall be suspended until the County reissues the certificate to the assignee, buyer, or transferee. Appeals of the Director's decision shall be made pursuant to the requirements of this Chapter.

- (2) Except for certificates issued under Section 31-115 (d), any general tours and transport certificate of transportation issued after the effective date of this ordinance 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 certificate holder's business within the five (5) year period; or (2) the sale of all shares of the corporation or partnership as provided in this subsection.<<

~~[(n)]~~>>(h)<< *Modification of certificate.* Every application for modification of a certificate shall be in writing, signed and sworn to by the operator and shall be filed together with a modification processing fee. The application >>for a modification<< shall be on a form provided by ~~[[CSD]]~~ >>the Department<< ~~[[and shall be noticed for hearing before the Commission in the manner as provided for in this article for applications for a certificate and the formal approval of the Commission shall be a precedent to any modification]].~~ Modifications of a certificate shall include changes in service standards and similar items which >>reduce or<< enlarge operating authority. >>Modifications of a certificate shall not include changes in the class(es) of service.<<

~~[(o)]~~ >>(i)<< *Surrender or abandonment of certificate.* An operator may relinquish or abandon ~~[[all or part of]]~~ the operating authority provided in such certificate upon written notice to the Director thirty (30) days prior to the effective date of such action, and submission of his certificate. >>The surrender or abandonment of the operating authority shall be posted within the passenger compartment section of each vehicle at least fifteen (15) days before it becomes effective.<< ~~[[The Director shall, upon his authority, re-issue a certificate containing the residual operating authority unless, in his opinion, the requested changes or~~

~~the residual authority are not in the public interest, in which case he may institute revocation or suspension procedures.]]~~

[[~~(p)~~]] >>(j)<<*Limited certificate of transportation.* A passenger motor carrier proposing to provide transportation services pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit ~~[[Agency]]~~ services may satisfy the passenger motor carrier certificate requirements by obtaining a limited certificate of transportation. A holder of a limited certificate of transportation must comply with all requirements of the Miami-Dade County Code pertaining to holders of a Certificate of Transportation. ~~[[Provided, however, that the requirements of Section 31-103(e) pertaining to hearings, notices, and administrative protest procedures and Section 31-103(f) pertaining to advance notice to certificate holders and applicants of the public hearing at which time the limited certificate of transportation is to be considered shall not apply]].~~ The limited certificate of transportation shall only authorize provision of transportation services pursuant to such contract for so long as such contract is in effect. A person who is issued a limited certificate of transportation shall not lease or otherwise assign the right to operate under such certificate to any other person.

[[~~(q)~~]] ~~[[The amendments to Section 31-103(g) (4) contained in this section shall sunset on July 5, 1999. Notwithstanding the requirements of the prior sentence, any certificate of transportation issued pursuant to an application approved by the Commission prior June 22, 1999 pursuant to Section 31-103(g)(4) as amended by this section shall remain in full force and effect so long as the certificate holder complies with all applicable provisions of the Code.]]~~

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

- (1) Every operator shall collect and file on a daily basis all manifests and trip sheets for each passenger motor vehicle. The operator shall furnish the forms for each manifest to the chauffeur, which forms

shall be approved by the County. Operators shall not destroy, mutilate, alter, or otherwise deface any daily manifests without Department approval. All manifests shall be available for inspection and copying by the Department or any police agency during regular business hours and shall be retained for one (1) year;

- (2) Shall maintain a record of all requests for service for each passenger transport request received by telephone, electronically, in person, made in writing or pursuant to a corporate charge account which shall minimally include the following information: name of passenger or corporation requesting service, assigned vehicle number, date and time of service request, service provision, including charge accounts, and origin and destination of each trip. All records must be made available for inspection and copying within one business day of such request by the Department or any police agency during regular business hours and shall be retained for one (1) year;
- (3) No certificate holder, chauffeur, or any other person shall directly or indirectly provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation, for the right to pick up passengers, or provide for-hire service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment, or public facility. The certificate or registration of any certificate holder or chauffeur violating this provision shall be subject to suspension for up to six (6) months and/or revocation in accordance with the provisions of Section 31-111 or other appropriate enforcement action as provided in this Chapter;
- (4) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, certificate holder, chauffeur, or any other person for the right to pick up passengers or provide for-hire service from any hotel, motel, apartment, restaurant, nightclub, bar,

or any other business establishment or public facility;

- (5) Each operator shall maintain accurate records of all revenues, all associated expenses, capital expenditures, and other financial and operating information as may be required by the Department. The revenue records shall include charge account contracts that reflect rates charged to all passengers. The Department shall be granted access to these records for the purpose of inspection and/or copying same upon five (5) days' prior notice. All such records and information shall be confidential to the extent permitted by law. Each operator shall annually furnish financial and operating information to the Department on forms and in the manner prescribed by the Department;
- (6) Shall maintain a log of all customer complaints;
- (7) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;
- (8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year;
- (9) Comply with applicable federal law, the state law, and ordinances, rules and regulations of the County applicable to the operation of for-hire vehicles;
- (10) Immediately report any change of address;
- (11) Maintain all records pertaining to the for-hire operations of a vehicle at the place of business for one year and make same available for inspection during the regular business hours of the certificate holder. When requested by the Department, the certificate holder shall provide copies of the records;

- (12) Obtain the operating permit for each for-hire vehicle operated pursuant to authority of the certificate and pay all application and vehicle inspection fees;
- (13) Not permit or authorize any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed therein;
- (14) Not allow any person to operate a for-hire vehicle who is not a Miami-Dade County registered chauffeur;
- (15) Not allow or permit any person to operate a for-hire vehicle without current, valid, and sufficient insurance coverage as required in this chapter;
- (16) Register and have inspected by the Department all vehicles to be placed into service and all vehicles taken out of service;
- (17) Not permit or authorize anyone to drive any for-hire vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors, and all lighting devices are in good working order, and the vehicle meets all other applicable vehicle standards as set forth in this chapter;
- (18) Not allow or permit any person to operate a for-hire vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the chauffeur to begin or continue to drive the for-hire vehicle;
- (19) Not refuse or neglect to transport or to dispatch to or from any place in the county any orderly person requesting service. Every deaf or hard of hearing person, totally or partially blind person, or physically disabled person shall have the right to be accompanied by a service animal specially trained for the purpose, without being required to pay an extra charge for the service animal;

- (20) A passenger motor carrier certificate holder shall be prohibited from leasing a certificate to another person or entity;
- (21) A passenger motor carrier certificate holder shall be prohibited from entering into a written agreement with an existing passenger motor carrier certificate holder or passenger service company as defined in Article II for the provision of services as stated in section 31-103(c)(10);
- (22) Except for certificate holders providing jitney, fixed route or circulator service, a driver, operator or the agent of either is not permitted to solicit or pick up passengers other than by prearrangement through a person located at the passenger motor carrier certificate holder's place of business. Notwithstanding the aforementioned, a prearrangement is not required for a single group of nine (9) or more natural persons traveling to a common destination originating at the Port of Miami;
- (23) Disclose to the customer if a vehicle substitution is necessary and provide the customer with an opportunity to cancel a contract based thereon;
- (24) Not allow a driver to stage for more than twenty (20) minutes prior to the prearranged pick-up time;
- (25) Except for certificate holders providing jitney service, a passenger motor carrier certificate holder shall be prohibited from requiring that a chauffeur pay any amount of compensation for the right to operate the vehicle authorized by the certificate.
- (26) Except for certificate holders providing jitney, fixed route or circulator service, each operator shall obtain a SunPass and utilize the "SunPass Only" or "SunPass Express" lane, if available, when the route to a trip destination includes a SunPass toll road and/or bridge where the toll is fixed. For purposes of this section, "SunPass Only" or "SunPass Express" lane shall be defined as lanes that are not equipped with toll attendants or coin-operated toll

baskets and installed exclusively for persons using the SunPass device.

- (1) Chauffeur agreements. Each jitney certificate holder, who requires a chauffeur pay any amount of compensation for the right to operate any vehicle authorized by a certificate of transportation, shall enter into a written chauffeur's agreement with each chauffeur. Each certificate holder shall post a sign summarizing the chauffeur agreement requirements stated herein. This sign shall be posted in a conspicuous place at the point of payment by the chauffeur and shall be written in a legible manner and preapproved by the Department. The written chauffeur's agreement:
- (1) Shall provide for an express duration of the agreement;
 - (2) Shall only be terminated with at least ninety (90) days prior notice unless good cause be shown and only for the reasons stated therein;
 - (3) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective certificate holder's number and chauffeur's registration numbers;
 - (4) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a vehicle authorized by a certificate of transportation. It shall be unlawful for the certificate holder to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement. The agreement shall specifically provide that the compensation to be paid by a chauffeur may be paid utilizing any of at least two of the following: (1) cash, (2) money order, (3) certified check, (4) cashier's check, (5) valid traveler's check, (6) valid bank credit card, or (7) valid personal check showing on its face the name and address of the chauffeur. The chauffeur shall be allowed to make payment as provided in the preceding sentence, and shall be provided with a written receipt which contains the name of the certificate holder and the name of the driver, the certificate of transportation number, payment amount and form of payment

utilized, date of payment and the period covered by the payment;

- (5) Shall state that the certificate holder shall be responsible for obtaining the required insurance for the vehicle;
- (6) Shall state that the certificate holder shall obtain the operating permit and pay all application and vehicle inspection fees;
- (7) Shall be signed by both the chauffeur and the certificate holder; and
- (8) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.

(m) Responsibility for violations of chapter. The holder of a certificate of transportation shall be held responsible for any applicable violation of this article arising from the operation of the for-hire vehicle authorized under the holder's certificate and shall be subject to the penalties provided in this chapter for any such violation. In addition, his, her, or its certificate shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a certificate holder or chauffeur for the same or related violations shall not relieve the certificate holder of responsibility under this article.

(n) Vehicles authorized to operate under a certificate of transportation.

- (1) Except for jitney operators, passenger motor carriers shall be solely owned or leased by the certificate holder or a shareholder or partner, of a corporation or partnership. Except for jitney operators, a passenger motor carrier certificate holder shall not require a chauffeur to purchase or lease a passenger motor carrier motor vehicle. This requirement shall become effective when a new vehicle is placed into service as provided by Section 31-107(b).
- (2) Passenger motor carrier certificate holders may operate more than one vehicle per certificate after

each such vehicle has obtained a valid and current operating permit. Notwithstanding the foregoing, no certificate holder providing general tours and transport service shall be permitted to hold or control more than ten (10) percent of the total number of operating permits issued by the County for said service.<<

Sec. 31-104. Operating permits.

- (a) ~~[[After a person has secured a certificate hereunder and before any motor vehicle shall be operated under authority of such certificate, such person shall make separate application to CSD for a permit for each motor vehicle to be operated pursuant to said certificate. Each permit application shall be in writing verified by the certificate holder and shall contain the name and address of the applicant, the certificate number and the make, type, year of manufacture, serial number, State license plate number, and seating capacity of each motor vehicle for which a permit is desired. Upon payment of a permit fee, the CSD shall issue to the applicant a permit; provided that any vehicle so permitted complies with the minimum safety requirements set forth in this article, is the type of vehicle authorized by such certificate, and is insured according to Section 31-106.]] >>It shall be unlawful for any passenger motor vehicle to be operated in Miami-Dade County without first obtaining a Miami-Dade County operating permit and maintaining such permit current and valid in accordance with this chapter. The for-hire operating permit shall, at all times, be displayed within the vehicle and shall be available for inspection by any police officer or authorized agent of the Director.<<~~
- (b) ~~[[Each permit issued hereunder shall expire April 1st of each year, and may be renewed upon payment of the fee prescribed in subsection (a) above. It shall be unlawful to operate any vehicle required to have an operating permit without such a current valid permit displayed within the vehicle.]] >>Before any for-hire vehicle shall be operated, the certificate holder shall make separate application to the Director for a permit for each motor vehicle to be operated under such certificate. Each application shall be accompanied by a permit fee, which shall be non-refundable. Each permit application shall be in writing on a form provided by the Director. The application shall state~~

the name and certificate number of the certificate holder and shall state the make, mileage, model year of manufacture, VIN number, and state the license plate number of the vehicle to be operated. Such application shall be accompanied by proof that the certificate holder owns or leases the vehicle. No permit shall be issued until the applicant has presented proof of the insurance coverage required by this article and the vehicle has passed all required vehicle inspections.<<

- (c) ~~[[No permit shall be issued for the operation of any vehicle, the condition of which would interfere with or detract from the comfort, convenience or safety of the passengers transported therein. In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body or seating facilities become so damaged, deteriorated or unclean as to render said vehicle unfit for public use, CSD may suspend the permit therefor until such time as the condition is remedied; provided, however, that no such suspension shall be effective until the permit holder or vehicle driver has received actual notice of the particular conditions to be remedied.]] >>~~Permits shall be separately numbered and shall identify the vehicle to which they apply. It shall be unlawful to operate a for-hire vehicle without a current, valid operating permit displayed within such vehicle.<<
- (d) ~~[[Each permit issued hereunder shall be separately numbered. The operating permit shall, at all times, be displayed within the vehicle and shall be available for inspection by any authorized personnel or police officer.]]>>~~Each operating permit may be issued for up to a one (1) year period. The term of the permit shall be concurrent with the term of the certificate and may be renewed upon compliance with this section.<<
- (e) Permits issued hereunder shall not be transferable or assignable.
- (f) No certificate holder shall reconstruct, alter, modify, add to or otherwise change the body, seating capacity or seating arrangement after a permit has been issued pursuant to this section, ~~[[unless and until the consent of the CSD shall first have been obtained]] >>~~without an inspection and the written consent of the Department <<

- (g) ~~[[In the event a vehicle permitted pursuant to this section becomes inoperable and is removed from service due to mechanical breakdown or traffic accident, the certificate holder may secure a substitute operating permit for a substitute vehicle, provided such substitute vehicle meets the requirements of this section. Said substitute permit shall expire and the substitute vehicle shall be removed from service when the inoperable vehicle is repaired and returned to service or on the last day of the month in which the substitute permit is issued, whichever is earlier; provided that another substitute operating permit may be obtained for the next calendar month if the inoperable vehicle is not repaired upon the expiration of such substitute operating permit. A fee shall be charged for issuance of such substitute operating permits.]]~~ >>In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body or seating facilities become so damaged, deteriorated, or unclean as to render said vehicle unfit for public use, the Department may suspend the permit until such time as the condition is remedied; provided, that no such suspension shall be effective until the certificate holder or vehicle driver has received notice of the particular conditions to be remedied.
- (h) If a permitted vehicle becomes inoperable and is temporarily removed from service, a substitute vehicle may be placed into service for a maximum period of thirty (30) days and the exterior vehicle signage requirements of section 31-107(a)(2)(b) shall not be required. A fee shall be charged for inspection and issuance of an operating permit to a substitute vehicle.
- (i) With the exception of jitney service, each lessee of a current and valid operating permit, as of the effective date of this ordinance, may apply for a passenger motor carrier certificate of transportation pursuant to Section 31-103 and submit all other documentation as requested by the Department. Such application shall be filed no later than sixty (60) days after the effective date of this ordinance. Failure to file such application within the prescribed period shall result in forfeiture of such option.
- (j) Operating permits shall not be leased, as of the effective date of this ordinance, with the exception of jitney service.<<

* * *

Sec. 31-106. ~~[[Financial responsibility or insurance requirements]]~~>>Insurance requirements.<<

- (a) No passenger motor carrier vehicle shall be permitted to operate without the operator having first obtained and filed with >>the Director<< ~~[[CSD]]~~ a certificate of insurance on forms provided by >>the Director<< ~~[[CSD]]~~ for each vehicle showing ~~[[automobile liability insurance coverage with limits of liability no less than fifty thousand dollars (\$50,000.00) for one (1) passenger and one hundred thousand dollars (\$100,000.00) for all passengers for injuries or death arising out of any one (1) occurrence, and fifty thousand dollars (\$50,000.00) for damage to property arising out of any one (1) occurrence. Any vehicle with a seating capacity in excess of fifteen (15) shall provide additional minimum limit for injury or death of ten thousand dollars (\$10,000) per passenger seat of each vehicle.]]~~ >>the federal vehicle identification number, a vehicle description, the certificate number, and shall list the certificate holder, each chauffeur the certificate holder allows to operate the vehicle, and the owner of the vehicle as insureds under an automobile liability insurance policy with limits of liability no less than one hundred thousand dollars (\$100,000) per person, and three hundred thousand dollars (\$300,000) per occurrence for bodily injury, and fifty thousand dollars (\$50,000) per occurrence for property damage. Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all drivers who have a Miami-Dade County chauffeur's registration, regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage. Failure to provide current certificates of insurance or to maintain appropriate insurance coverage for each passenger motor vehicle shall be grounds for suspension or revocation of the certificate.<<
- (b) >>Scope of Insurance.<< The insurance required in this section shall be ~~[[written by an insurance company authorized to do business in the State of Florida.]]~~ >>issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in this insurance policy or declaration shall permit binders.

deductibles, self insurance, or any provision requiring the insured to reimburse the insurance company for claims.<<

- (c) ~~[[The certificate of insurance]]~~ >>Each automobile liability insurance policy<< shall be endorsed to provide for thirty (30) days' notice by registered mail to >>the Department<< ~~[[CSD]]~~ of any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.
- (d) Unless an operator ~~[[has furnished]]~~ >>furnishes the Department<< ~~[[CSD]]~~ with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in ~~[[paragraph]]~~ >>subsection<< (c) of this section, or upon a third notice of cancellation within twelve (12) months, the certificate shall be suspended forthwith by the Director and surrendered to >>the Department<< ~~[[CSD]]~~ pending a hearing to determine whether ~~[[the]]~~ said certificate should be revoked. >>This automatic suspension requirement will not pertain to a passenger motor vehicle when its insurer withdraws from Florida and cancels its policies, or when the policy is canceled through no fault of the operator.<<
- (e) ~~[[Operators may comply with these insurance requirements if found to be a qualified self insurer with minimum limit required by paragraph (a) of this section by the State of Florida. An operator's failure to maintain the requirements of a qualified self insurer shall be grounds for CSD to take the actions described in paragraph (d) above.]]~~ >>Examination of Insurance Policy. The Department reserves the right to require submission of a certified copy of or to examine the original policies of insurance including, but not limited to, endorsements, amendments, exclusions, riders, any additional contracts between the insured and the insurer and applications to confirm the existence of the required insured coverage.<<

Sec. 31-107. ~~[[Safety regulation.]]~~ >>Vehicle standards.<<

- (a) ~~[[Adoption; enforcement. The Consumer Services Department (CSD) shall adopt and enforce all safety regulations of the United States Department of Transportation that are applicable to passenger motor carriers and passenger motor carrier vehicles, as required~~

~~for operation in an urban area. Any operator applying for a certificate or permit requiring or authorizing the use of a specialized or unique vehicle, not contemplated in United States Department of Transportation regulations, shall submit, subject to approval by CSD, safety regulations for each specific type of vehicle as to equipment, operation, maintenance, seating capacity and inspection of such vehicles, consistent with the vehicle manufacturer specifications, which must be submitted by the operator. The CSD shall develop special standards to be applied to motor vehicles older than five (5) model years which are operated as passenger motor vehicles in order to assure that such vehicles are safe.]] >>In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, part 571, and Florida Statutes, the following vehicle standards shall apply to all for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:~~

- (1) Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed; there shall be no audible air leaks in air brake system.
- (2) License, permit, identifying vehicle number and company, or inspection decals, as applicable, shall be correctly displayed and be clearly visible from the outside of the vehicle;
 - (a) chauffeur registration, operating permit number, for-hire license holder's name and business telephone number, and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the Department.
 - (b) permanent exterior vehicle signage and markings shall be as required by the Department.
- (3) Inside rear-view mirror and a mirror on each side of vehicle.

- (4) A functioning speedometer and odometer indicating speed in miles per hour and a functioning odometer indicating distance in miles.
- (5) Functioning windows, door handles, and latches. The primary and secondary hood/trunk/rear access door latches shall be fully operable.
- (6) A functioning interior light within the passenger compartment. If the light becomes defective, the operator must correct the defect on the very next day or remove the vehicle from service at that time.
- (7) An operating air-conditioning system that provides cooled and heated air. If the air-conditioning system becomes inoperable, the vehicle must be removed from service until such system is repaired. Maximum output temperature will be based on a sliding scale chart which takes outside air temperature and relative humidity into account. Output temperature will be taken at center duct with controls set for maximum cooling. This requirement shall become effective when placing a vehicle in service.
- (8) The vehicle exterior must be free of grime, oil, or other substances and free from cracks, breaks, dents and damaged paint that detracts from the overall appearance of the vehicle and that could harm, injure, soil, or impair the passenger or his or her personal belongings.
- (9) Equipped with hubcaps or wheel covers, on all four (4) wheels. If not on the vehicle, the operator must put them on the vehicle the next day.
- (10) Bumpers/moldings/guards shall be installed/replaced as originally manufactured except for moldings on side panel doors.
- (11) The interior of the trunk, or rear portion of for-hire vehicles, shall be free from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein.

- (12) The passenger compartment must be clean, free from torn upholstery or floor coverings, damaged or broken seats, and protruding sharp edges. All equipment in the interior of the vehicle shall be safely and adequately secured. There shall be no holes opening to the passenger compartment from the underbody.
- (13) A horn which shall be audible at a distance of fifty (50) feet.
- (14) The driver's vision must be unobstructed on all four (4) sides.
- (15) Safe tires – no regrooved, retreaded or recapped tires shall be used. Maximum allowable treadwear shall be where tread is level with wear bar, or 2/32" when measured at three random places in tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges or exposed belts.
- (16) Front-end and rear-end alignment shall be within allowable parameters as provided by test equipment readings for alignment.
- (17) Wiper blades must be able to clean glass when wet and the rubber element shall not be torn, ripped, or loose.
- (18) All lights shall be operable including four-way flasher, turn and signal, clearance, warning, marker, brakes, taillight, license plate, backup, and parking light. All lights must be of correct color and properly positioned as required by Florida Statutes and regulations. All dome lights must be operable with lens in place.
- (19) Reflectors and lenses shall not be cracked or missing and must be of correct color and properly positioned.
- (20) Both low and high beam headlights shall be operable, and within test equipment allowable readings.

- (21) Glass shall not be broken or cracked and chips must be capable of being ground out, leaving a smooth, clear finish.
- (22) Doors shall be operable with all weather stripping and rubber seals.
- (23) Vehicle steering and suspension shall be functional.
- (24) Seat belts for all persons transported shall be in place and functional, unless otherwise exempted by regulation.
- (25) Vehicles shall not display the word(s) "taxicab", "taxi", or "cab" on the vehicle exterior or interior; shall not be equipped with a taximeter; shall not stop, stand, park or await employment at a marked taxicab stand; and shall not operate as a taxicab as defined in this chapter.
- (26) Vehicles used to transport individuals in wheelchairs shall meet the requirements of the Americans with Disabilities Act and be equipped with the following:
 - (a) Ramp or lift facility which is operated electrically, hydraulically or manually with sufficient capacity to safely and smoothly lift passengers into and out of the vehicle and is in compliance with the lift and ramp requirements of the Americans with Disabilities Act.
 - (b) For each wheelchair passenger transported, four (4) points of securement of latching or locking to the vehicle and the wheelchair in which the passenger will ride. The latching or locking devices shall be designed to minimize any lateral, longitudinal, or vertical motion of the passenger conveyance within the vehicle.
 - (c) For each wheelchair passenger being transported, there shall be sufficient restraining belts or straps designed to

securely confine the passenger to the wheelchair in which he or she is transported. The restraining belts or straps shall be utilized.

(27) Vehicles shall be equipped with a functioning two and one-half pound fire extinguisher, certified and ABC rated.<<

(b) ~~[[*Vehicle age.* No vehicle older than fifteen (15) model years old shall be operated as a passenger motor carrier.]]~~
>>Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as stated in this subsection; provided, however, that the Department may inspect a for-hire vehicle at any time. All motor vehicles currently in service as of the effective date of this ordinance shall be permitted to remain in service until the motor vehicle reaches its fifteenth (15th) model year. Said motor vehicles must continue to pass inspection and meet all applicable vehicle standards. Any vehicle initially placed into service following the effective date of this ordinance shall be no greater than five (5) model years of age. In addition, passenger motor carrier vehicles initially placed into service following the effective date of this ordinance shall comply with the following retirement schedule:

(1) Medium-size, heavy-duty transit buses (approximately 30'); medium-size, medium-duty transit buses (approximately 30') and medium-size, light-duty transit buses (approximately 25 – 30') shall be required to retire from service, as a passenger motor carrier vehicle, after reaching their twelfth (12th) model year;

(2) Light-duty motor vehicles, such as small buses and regular and specialized vans shall be required to retire from service, as a passenger motor carrier vehicle, after reaching their tenth (10th) model year;

(3) Passenger motor vehicles shall minimally meet the following inspection schedule:

(i) Passenger motor carriers one (1) through two (2) model years of age shall be inspected annually;

(ii) Passenger motor carriers three (3) through four (4) model years of age shall be inspected semi-annually;

(iii) Passenger motor carriers five (5) model years of age or more shall be inspected quarterly.<<

(c) ~~[[Inspection for compliance. CSD shall provide for semi-annual inspection of each vehicle for compliance with the foregoing standards. The CSD shall provide for annual inspection of each vehicle between and including one (1) and two (2) model years old; CSD shall provide for semiannual inspection of each vehicle between and including three (3) and four (4) model years old; CSD shall provide for quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old for compliance with the foregoing standards. CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD may also inspect any passenger motor vehicle at any time. The results of each inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards shall not be operated as a passenger motor vehicle until such time as the vehicle satisfactorily passes inspection. Notwithstanding the foregoing, the quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old to determine compliance with the foregoing vehicle condition standards shall commence on May 1, 1995 and the quarterly inspection of each such vehicle to determine compliance with the foregoing vehicle safety and mechanical standards shall be reduced to semi-annual inspection until July 1, 1998.]] >>Inspection fees. The Department shall charge non-refundable fees for inspection and re-inspection of any motor vehicle for compliance with the vehicle standards and requirements of this subsection. Inspection results shall be recorded and a copy provided. Any vehicle failing to meet any required vehicle safety standard shall not be operated until it passes a re-inspection.~~

(d) Telecommunication devices. Passenger motor vehicles shall be equipped with a two-way radio or cellular telephone.

- (e) Each operator shall adopt and use, after approval by the Department, a distinctive, uniform, and decorative color scheme for all passenger motor carrier vehicles licensed pursuant to this article. The Department shall refuse to approve any proposed color scheme which will infringe upon any color scheme already in use by another operator. No other color scheme shall be employed until approved by the Department. Advertisement on behalf of third parties may be displayed on the outside or inside of a for-hire vehicle provided approval is given by the Department and any display is installed pursuant to instruction of the Department. In no event shall advertising be permitted on windows and/or the front or rear windshield windows of the vehicle.
- (f) No operator shall use for the purpose of advertising or requesting services to be provided under this article telephone number(s) used to request or furnish taxicab services.<<

Sec. 31-108. ~~[[Rules for operation.]]~~ >>Advertisement of for-hire services.<<

- ~~[[a) *Color scheme.* Each operator shall adopt and use, after approval by the CSD, a distinctive, uniform, and decorative color scheme for all passenger motor carrier vehicles certified pursuant to this article. The CSD shall refuse to approve any proposed color scheme which will infringe upon any color scheme already in use by another operator. No other color scheme shall be employed until approved by the CSD.~~
- ~~(b) *Disposal of personal property.* Personal property left by a passenger in any passenger motor vehicle shall, upon its discovery by or delivery to the chauffeur of said vehicle, be reported immediately to and deposited at the operator's office, where a record of the same shall be maintained and the property held for the owner for a period of six (6) months, at the end of which it shall become the property of the finder. The operator shall be responsible for chauffeur compliance with this section.~~
- ~~(e) *Compliance with other legislation.* Every operator shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of passenger motor vehicles.~~

- (d) ~~Accessibility of service to the public; accessibility of records for regulatory purposes.~~ Each operator shall maintain and list with CSD a central place of business, where a listed telephone number is operative and where business records and daily manifests set forth herein are kept.
- (e) ~~Records required.~~ Each operator shall maintain accurate records of all financial and operating information as may be required by CSD. CSD shall be granted access to these records for the purpose of inspection and/or copying same, upon five (5) days' prior notice. All such records and information shall be confidential except that they will become public records for the purpose of revocation or suspension hearings, or, if required by the Board of County Commissioners, for the purpose of approving or disapproving applications for new certificates or transfers of certificates. Each operator shall annually furnish financial and operating information to CSD on forms and in the manner prescribed by CSD.
- (f) ~~Antidiscrimination.~~ No operator or chauffer shall refuse or neglect to transport to and from any place in the County any orderly person requesting service regardless of race, sex, religion, national origin, age, marital status or handicap, who is willing and able to pay the prescribed fare.
- (g) ~~Vehicle numbering system.~~ Each operator shall adopt a vehicle numbering system approved by CSD, which does not conflict with those in use by other operators.
- (h) ~~Manifest or trip sheet required.~~ Every operator shall maintain a manifest or trip sheet on a form approved by CSD, which shall include, but not be limited to, the following information on each trip: Name of chauffeur, vehicle number, date, time, origin, destination, number of passengers, and rate of fare. Operators shall not destroy, mutilate, alter or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and/or copying by CSD or any police agency during regular business hours and shall be retained for three (3) years.
- (i) ~~[Prohibitions for operators.]~~ No operator shall:

- ~~(1) Knowingly allow or permit any person to operate a passenger motor vehicle while his ability or alertness is so impaired, or is likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to operate the motor vehicle; or~~
 - ~~(2) Permit or authorize any chauffeur or other person to operate any passenger motor vehicle without that vehicle's current valid certificate displayed therein; or~~
 - ~~(3) Operate or permit or authorize anyone else to operate any passenger motor vehicle unless and until that person is issued a chauffeur's registration in accordance with Section 31-105.~~
- (j) ~~[Vehicle prohibitions.] No operator shall allow vehicles permitted under this article to:~~
- ~~(1) Stop, stand, park or await employment at a marked taxicab stand.~~
 - ~~(2) Display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior.~~
 - ~~(3) Be equipped with a taximeter.~~
 - ~~(4) Operate as a taxicab, as defined in the County Code.]]~~
- >>(a) No person may knowingly place or publish an advertisement in any electronic and/or printed 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 certificate number of the passenger motor carrier certificate holder.
- (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.

- (c) No person shall advertise a rate or fare other than the rate or fare approved pursuant to Section 31-109.
- (d) No person shall advertise passenger motor carrier service in a manner that is false, deceptive or misleading including, but not limited to, representing the passenger motor carrier service as taxicab service or as demand response service.<<

* * *

Sec. 31-110. Enforcement >>of article<<.

- (a) This article shall be enforced by authorized personnel of >>the Department<< [[CSD.]], [[and by the Miami-Dade Police Department, and may be enforced by another police agency within Miami Dade County. CSD shall prepare and distribute to all authorized enforcement agencies an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.]] >>the police forces of the various municipalities in Miami-Dade County, and by the Miami-Dade Police Department. When specifically authorized by the Director, this article may be enforced by personnel of the Port of Miami and the Aviation Department when violations occur within their respective boundaries. The Department shall prepare and distribute to all authorized enforcement personnel an enforcement manual outlining procedures for the detection, reporting, and issuance of citations or deficiency reports for violations of this article.<<
- (b) >>The Department<< [[CSD. shall develop]] >>may employ<< a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. [[For more serious or repeated violations, CSD shall develop a citation form. Authorized personnel will issue citations as official notice of violations. Civil violations by chauffeurs shall be processed under Chapter 8CC of the Code.]] >>Unless otherwise provided, all other violations shall be processed under Chapter 8CC of the Code.<<

* * *

Sec. 31-111. Penalties.

- (a) ~~[[In addition to any other penalties provided by law, a fine not to exceed one hundred dollars (\$100.00) may be imposed for each and every violation of the provisions of this article, provided that violations which result in fines pursuant to this section shall not be the basis for revocation or suspension proceedings except that five (5) or more violations resulting in fines within any twelve-month period shall constitute grounds for revocation or suspension proceedings.]]~~ >>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 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, 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 (12) month period, such person's for-hire license, operating permit, or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve (12) month period, such person's for-hire license, operating permit, or chauffeur's registration shall be suspended for a period of up to six (6) months or revoked. Provided however, if a person commits three (3) violations of sections 31-103(q)(22) or 31-309(c)(1) or any combination thereof during any twelve-month period, such person's for-hire license, operating permit or chauffeur's registration shall 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.<<

- (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. ~~[[In the case of chauffeurs, for civil violations a citation shall be issued under Chapter 8CC of the Code.]]~~ >>Citations shall be issued under Chapter 8CC of the Code.<<
- (c) ~~[[Except for chauffeurs receiving civil violations, each person issued a citation shall within ten (10) days either satisfy the citation by payment to CSD of the fine stated in subsection (a) hereof or by filing a written request for a hearing on the charges. Failure to do one (1) of the foregoing may result in revocation or suspension proceedings or penalties in accordance with subsection (f) hereof.]]~~ >>Any person who is found guilty by a court on at least two (2) occasions within a three (3) year period of advertising or providing for-hire transportation, driving, or operating a for-hire vehicle without having a valid, current for-hire license, operating permit, or chauffeur's registration as required by this chapter, shall be punishable by fines of greater than \$5,000 but less than \$10,000 and/or imprisonment not to exceed forty-five (45) days.<<
- (d) Except for ~~[[chauffeurs receiving]]~~ 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 normal procedure.
- (e) Anyone who engages a ~~[[passenger motor vehicle]]~~ >>for-hire vehicle<< with intent to defraud the chauffeur or operator shall be in violation of this article and subject to ~~[[the penalty provided for in subsection (f) hereof]]~~ >>a fine of \$500 and/or imprisonment not to exceed ten (10) days<<.
- (f) ~~[[Violations of Section 31-103 shall be punishable by fines and/or imprisonment as follows: (1) the first such violation shall be punishable by fines of not less than two hundred fifty dollars (\$250.00) or more than one thousand dollars (\$1,000.00) and/or imprisonment not to exceed ten (10) days; (2) the second such violation shall be punishable by fines of not less than one thousand dollars (\$1,000.00) or more than five thousand dollars (\$5,000.00) and/or imprisonment not to exceed (10) days; and (3) the third and subsequent violation shall be punishable by fines of not less~~

~~than five thousand dollars (\$5,000.00) or more than ten thousand dollars (\$10,000.00) and/or imprisonment not to exceed ten (10) days. Violations of revocation or suspension ordered under Section 31-112 shall be punishable by fines of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) and/or imprisonment not to exceed ten (10) days.]] >>Any person who is found guilty of signing an application for issuance, renewal, modification, assignment, sale, or transfer of a for-hire license, chauffeur registration, or operating permit which falsely states any material fact shall be punished by a fine up to \$1,000 and/or imprisonment in the County Jail for up to thirty (30) days.<<~~

Sec. 31-112. Suspension or revocation proceedings.

~~[[a) [Criteria for consideration of proceedings.] Except as otherwise specified, certificates, permits, and registrations (issued pursuant to this article) shall be subject to suspension or revocation by the Director as follows:~~

- ~~(1) *Certificates.* Upon notice and hearing as hereinafter specified when it shall appear that:

 - ~~a. The holder thereof has failed or neglected to render the full service authorized by the certificate for a total period of eight (8) months during any calendar year; or~~
 - ~~b. The holder thereof has been convicted of a felony or any criminal offense involving moral turpitude; or~~
 - ~~c. The certificate was obtained by an application in which any material fact was omitted or falsely stated; or~~
 - ~~d. The holder thereof has permitted his passenger motor carrier vehicle to be operated in violation of any law; or~~
 - ~~e. The holder thereof has failed to comply with or has willfully violated any of the provisions of this article; or~~~~

f. ~~The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.~~

(2) ~~Permits. Upon notice and hearing as hereinafter specified when it shall appear that:~~

a. ~~The permit was obtained by an application in which any material fact was omitted or falsely stated; or~~

b. ~~The holder thereof has failed to comply with any provisions of this article or any lawful order of the Director; or~~

e. ~~The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.~~

(3) ~~Registrations. Upon notice and hearing as hereinafter specified when it shall appear that:~~

a. ~~The chauffeur has failed to comply with or has willfully violated any of the provisions of this article; or~~

b. ~~The chauffeur has pled guilty or nolo contendere to driving under the influence of alcoholic beverages, model glue or any substance controlled under Chapter 893, Florida Statutes, or has been convicted of same; or~~

e. ~~The registration was obtained by an application in which any material fact was omitted or falsely stated; or~~

d. ~~The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.]]~~

>>(a) Grounds for suspension or revocation. In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, for-hire licenses, operating permits, and chauffeur registrations shall be subject to suspension or revocation by the Director as follows:

(1) Upon the Director's determination that:

- (i) The license, registration, or permit holder has pled nolo contendere, pled guilty, been found guilty, or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of the license, registration, or permit as provided in this chapter;
- (ii) The license, registration, or permit was obtained by an application in which any material fact was omitted or falsely stated;
- (iii) The license, registration, or permit holder has failed to comply with or has violated any of the provisions of this chapter;
- (iv) The public interest will best be served by revocation, or suspension of the license, registration, or permit; provided, however, that good cause be shown;
- (v) The chauffeur has failed any drug test required by the Code or state or federal law;
or
- (vi) Any for-hire passenger motor carrier has been operated in violation of any of the provisions of this chapter.<<

(b) ~~[[Notice of hearing. All hearings required by this section shall be preceded by a minimum of (10) days' notice. Said notice shall specify the Director's proposed action and the grounds upon which the action is predicated. The operator or chauffeur (as the case may be) may be represented by legal counsel and shall be entitled to present his defense to the proposed action. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice. All such hearings shall be conducted before a hearing examiner who shall not have responsibility for the enforcement of this article and who shall be designated by the Director, and insofar as is practicable in accordance with the rules of civil~~

~~procedure governing the procedure in Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. All such hearings shall be reported and, at the request of any party, transcribed.]]~~
 >>Notice of suspension or revocation action. Except where this chapter provides for automatic suspension or revocation, the Department shall provide notice of suspension or revocation to the violator by certified mail, ten (10) days before the violator must comply with the director's decision.<<

(c) ~~[[Finding, conclusion and recommendation. Within a reasonable time after the conclusion of the hearing, the hearing examiner shall submit to the Director a statement of findings, conclusions and recommendations. If the hearing examiner affirms the Director's proposed action, the appellant shall pay the administrative costs of the hearing, unless such decision is reversed on subsequent appeal. The Director shall promptly notify all parties of his or her decision.]]~~ >>Appeals from decisions of Director and administrative hearings.

(1) Right to appeal. Any for-hire license holder and for-hire chauffeur shall have the right to appeal application denials, suspensions, and revocations by the Director. The named party shall elect to either:

(a) Comply with the Director's decision in the manner indicated on the Notice of Director's decision; or

(b) Request an administrative hearing before a hearing officer to appeal the decision of the Director.

(2) Filing the appeal. Appeal by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.

(3) Failure to appeal. Failure to appeal the decision of the Director within the prescribed time period shall constitute a waiver of the person's right to an

administrative hearing before the hearing officer. Where the Director's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Director's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.

(4) Hearing officers. Hearing Officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.

(5) Scheduling and conduct of hearing.

(a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.

(b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include but not be limited to the following: place, date, and time of the hearing; right of the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a director's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.

(c) The hearing officers shall call hearings on a monthly basis or upon the request of the Department. No hearing shall be set sooner than fifteen (15) calendar days from the date

of notice of the Director's decision, unless otherwise prescribed by this chapter.

- (d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the Department.
- (e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.
- (f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.
- (g) The Clerk of the Board of County Commissioners shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.
- (h) Each case before a hearing officer shall be presented by the director or his or her designee.
- (i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.
- (j) Each party shall have the following rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach

any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.

- (k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the Director's decision the hearing officer must find that a preponderance of the evidence supports the Director's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.
- (l) If the Director's decision is affirmed the named party may be held liable for the reasonable costs of the administrative hearing.
- (m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the Director's decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of the Director. If the hearing officer affirms the decision of the Director, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the Director. If the hearing officer reverses the decision of the Director and finds (1) the named party not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the Director, the named party shall not be required to comply with the decision of the Director, absent reversal of the hearing officer's findings pursuant to Section 31-112(c)(6). If the decision of the hearing officer is to affirm,

then the following shall be included in the decision:

- (a) Decision of the Director.
- (b) Administrative costs of the hearing.
- (c) Date for compliance, if applicable.
- (n) The hearing officer shall have the power to:
 - (a) Adopt procedures for the conduct of hearings;
 - (b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade County Police Department or by the hearing officer's staff;
 - (c) Subpoena evidence; and
 - (d) Take testimony under oath.
- (6) Appeals.
 - (a) The named party or the county may appeal a final order of the hearing officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.
 - (b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to Section 31-112(c)(6), all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the director's decision.
- (7) Nothing contained in this chapter shall prohibit Miami-Dade County from enforcing the Code by any other means authorized by law. The enforcement procedures outlined herein are

cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code. The words "action" and "decision" as used herein shall not include the filing of any action by the director in any court. The Director may reconsider at any time any action or decision taken by the Director and therefore may modify such an action or decision.<<

- [[~~(d) *Powers.* The hearing examiner shall have the power to administer oaths, subpoena witnesses upon the written request of any interested party and may compel the production of records, books and papers. Should the hearing examiner, without good cause, refuse to subpoena witnesses or compel the production of books, records or papers, then any interested party may, without cost to the petitioner, petition the County Court to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing. Failure of any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of court and may be punishable as may any other contempt of court.~~
- ~~(e) *Penalties.* Suspensions pursuant to this section shall not exceed six (6) months. Three (3) or more suspensions within any twelve-months period may constitute grounds for revocation of the certificate, permit, or registration.~~
- ~~(f) *Appeals.* The Director's decision may be appealed to the County Manager within ten (10) days of the date of said decision. Such appeal shall not stay the Director's decision. Upon such an appeal, the County Manager shall consider the transcript of the hearing and all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The County Manager shall, within twenty (20) days, on the basis of the record established before the Director, either affirm, reverse or modify the Director's decision.~~

~~Appeals from the County Manager's decisions pursuant to this section shall be to the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, in accordance with the Florida Rules of Appellate Procedure.]]~~

Sec. 31-113. Exclusions.

The following passenger motor carriers and/or passenger motor vehicles are exempt from the requirements of this article:

* * *

- (i) Social service transportation of persons ~~[[without compensation by]]~~ >>served by the State of Florida Agency for Persons with Disabilities which are << private, nonprofit organization >>s transporting from home and community based facilities by Medicaid waiver providers, << subject to State of Florida and/or federal government regulatory and safety standards.

- ~~[[j)] Motor vehicle providing special operations service, contract carrier service or charter service having an overall length in excess of thirty (30) feet or a rated seating capacity in excess of twenty eight (28) persons.~~

- ~~(k) A passenger motor carrier under contract to Miami Dade County pursuant to a State statute or County ordinance who has the exclusive right to provide demand ground transportation services at Miami International Airport, and is subject to the safety and insurance requirements of a County ordinance.~~

- ~~(l) Passenger motor carriers operating under authority of a municipal regulatory ordinance adopted prior to July 1, 1974, are exempt from the provisions of this article for those services provided in accordance with their municipal certificate(s).~~

- ~~(m) Motor vehicles owned, operated by or operated under contract with a municipality in a local public transportation system providing circulator service when authorized by an interlocal agreement with Miami Dade County which has been approved by the Board. As used herein, "circulator service" means the provision of fixed route or semi-fixed route transportation service where at least seventy (70) percent of the route is within one (1) municipality. The interlocal agreement and any certificate of transportation, chauffeur's registration and permit issued to provide circulator service pursuant to an interlocal agreement shall require, among other things, that the municipality, operator, vehicles and chauffeurs comply with safety, mechanical~~

~~and vehicular standards mandated by the Miami-Dade Transit Agency and the CSD, and any applicable State or Federal requirements. Notwithstanding any other provision of this article, the CSD may administratively issue certificates of transportation to municipalities providing circulator service or to operators under contract with a municipality providing circulator service pursuant to an interlocal agreement with Miami-Dade County. The provisions of Section 31-103(e), (f) and (g)(4) shall not apply when the CSD administratively issues a certificate of transportation pursuant to this paragraph. Where a municipality intends to provide circulator service pursuant to a contract with a third party, said municipality shall give Dade County the opportunity to submit a bid or proposal to provide that transportation service]]~~

**Sec 31-114. Duties of the ~~[[Consumer Services Department]]~~
>>Department of Regulatory and Economic Resources<<**

- (a) In addition to the duties and responsibilities specified in this article, ~~[[CSD.]]~~ >>the Department<< shall be charged with the following duties and responsibilities.
- (1) Process, investigate and prepare all reports required by this article.
 - (2) Investigate and prepare reports on alleged violations of this article.
 - (3) Enforce the provisions of this article.
 - (4) Attempt to resolve complaints received from any source concerning the industry.
 - >>(5) Issue, deny, suspend, and revoke all certificates and chauffeurs' registrations pursuant to the provisions of this chapter, and maintain appropriate files regarding same.
 - (6) Prepare and conduct or cause to be conducted a training and orientation program for chauffeurs and a training and orientation for certificate holders.<<
 - ~~[[5]]~~>>(7)<<Develop and implement, in cooperation with the industry, service expansion and improvements.

~~[[6]]~~>>(8)<<Provide technical assistance to the industry.

~~[[7] Create and render technical assistance to a passenger motor carrier advisory group comprised of representatives from consumers, the industry, transportation-related interests and public interest organizations. The role of the advisory group shall be to monitor the effectiveness of the article, improve communication between the County and parties interested in passenger motor carrier transportation, and help develop improved transportation services.]]~~

>>(9) Develop a standardized reporting technique for operators.

(10) Assign an exclusive number to be displayed on each for-hire vehicle operating in Miami-Dade County.

(11) Provide a system to handle complaints of municipal officials relating to for-hire service within such municipalities and expedite the resolution of same.<<

~~[[8]]~~>>(12)<<Perform any other function assigned by the County ~~[[Manager]]~~ >>Mayor.

(13) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.

(14) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article.<<

(b) The Director may propose and the County ~~[[Manager]]~~ >>Mayor<< may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of law.

(c) >>Except for the fees established by the County Mayor and approved by the Commission for for-hire vehicles providing transportation of persons and their baggage from Miami International Airport and from the Port of Miami,<<

~~[[W]]~~ Whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by ~~[[administrative]]~~ implementing order ~~[[of the County Manager]]~~ approved by the Commission. Such fees shall be deposited in a separate ~~Miami~~ Dade-County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided ~~[[s]]~~ therefore.

Sec. 31-115. Special provisions.

- (a) ~~[[Notwithstanding anything to the contrary, the provisions of this article shall not be applicable within those municipalities which regulated passenger motor carrier transportation as of July 1, 1974, and such municipalities shall be exempt from this article.]]~~ >> A passenger motor carrier who has the exclusive right to provide demand ground transportation services at Miami International Airport or the Port of Miami under a contract with Miami-Dade County shall comply with the requirements of this article. Notwithstanding the foregoing, a passenger motor carrier who has the exclusive right to provide demand ground transportation services at Miami International Airport under a contract with Miami-Dade County shall comply with the requirements of this article commencing with the expiration of the contract in place on the effective date of this ordinance, or September 1, 2012, whichever comes first. Notwithstanding anything to the contrary in this chapter, the following subsections shall not apply to a passenger motor carrier who has the exclusive right to provide demand ground transportation services at Miami International Airport or the Port of Miami under a contract with Miami-Dade County when providing exclusive demand service under the terms of said contract: 31-102 (jj), 31-103 (q) (22) and (24), and 31-107 (e); and a contract with Miami-Dade County for the exclusive right to provide demand ground transportation services at Miami International Airport or the Port of Miami, where such contract involves the payment of revenues to Miami International Airport or the Port of Miami, shall be permitted.<<

* * *

(c) ~~[[Any person operating a passenger motor vehicle within Dade County on February 2, 1981, upon the authority of a valid certificate of public convenience and necessity or other valid permit issued by the Florida Public Service Commission or a valid certificate of public convenience and necessity issued by a municipality within Dade County regulating passenger motor vehicles, shall, upon proper proof of possession of such authority, be entitled to a Dade County certificate upon the payment of the fee required in this article, with all existing authority, limitation or restriction of the Public Service Commission or municipal certificate as of February 2, 1981, providing the County certificate shall be limited to the maximum number of vehicles operated in any one (1) month of the previous twelve (12) months prior to February 2, 1981. Holders of municipal certificate shall only be issued a certificate for each vehicle that is not also operating under authority of a Florida (Public) Service Commission certificate. No Dade County shall be issued in accordance with this section unless same has been applied for no later than fifty (50) days after the effective date of the article, provided that on each certificate applied for, a separate and distinct vehicle meeting the requirements of this article is listed and a proper and timely application and fee is submitted in accordance with this section. A separate and identifiable motor vehicle cannot be used to apply for more than one (1) certificate under this section.]]~~ >>Temporary passenger motor carrier licenses. Notwithstanding any other provision of this chapter, the County Mayor may prescribe rules and regulations for the approval and issuance of temporary passenger motor carrier licenses for Super Bowls, summits, political conventions and other major special events of national or international significance, such as nationally televised awards shows, where the event's organizers can demonstrate that the existing supply of passenger motor carriers is not adequate to meet the needs of the event.<<

(d) ~~[[Any person operating a passenger motor vehicle upon the effective date of Ordinance No. 81-17 must make application for a certificate within then (10) days. Those persons who applied within the time period specified in the first sentence of this subsection (d) shall be issued a Dade County certificate for those operations specified in the application which have been continuously performed in accordance with the terms and conditions of Sections 31-~~

~~106 and 31-108 of this article. The County certificate issued hereunder shall not limit the number of vehicles authorized.]~~ >>Existing holders of special operations and charter certificates of transportation, on the effective date of this ordinance, shall receive a replacement certificate of transportation for contract or general tours and transport as directed by the Department.<<

(e) ~~[[On the effective date of this article, the existing rate(s) of operators entitled to the issuance of certificate pursuant to subsection (b) of this section shall be that rate in effect on February 2, 1981, and said rate may only be changed in accordance with the provisions of this article.]]~~ >>Upon renewal and/or upon request by the Department, a contract service provider shall be required to submit copies of written contract(s) for the pre-arranged transportation provided by same.<<

(f) ~~[[Each chauffeur authorized on the effective date of this article by a certificate holder to drive a passenger motor vehicle shall be issued by CSD, at no cost, a temporary ninety day chauffeur registration upon proof of possession of a valid Florida chauffeur license. Upon expiration of the temporary registration, said chauffeur must fully comply with Section 31-105.]]~~ >>Lottery or Random Selection Process. Beginning one (1) year after the adoption of this ordinance, the director shall each calendar year thereafter be authorized through a lottery or random selection process to issue new general tours and transport certificates of transportation. The total number of certificates to be issued in the lottery shall not exceed ten (10) percent of the total number of certificates for this type of service.

(1) Restrictions for participating in random selection or lottery process. Participation in the lottery or random selection process shall be limited to: persons who are not holders of a general tours and transport certificate of transportation; who do not hold any interest in a corporation, partnership or other entity which holds a general tours and transport certificate of transportation; and who meet the requirements of Section 31-103(d).

(2) Random selection or lottery. When required by this subsection, a random selection 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 Department no later than fifty (50) calendar days after the announcement of a lottery.

(3) 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 31-103 (c) of this Chapter, including payment of an investigative and processing fee. The Department shall disqualify applicants who do not meet the requirements of this Chapter from participation in the lottery. The director's decision shall be final.

(4) Separate lottery conducted by the Department. If due to revocation, cancellation, or lapse, there is one (1) or more certificates of transportation which may be issued, the Department shall have the authority to schedule a random selection or lottery 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.<<

(g) ~~[[Any person operating a passenger motor vehicle designed for carrying ten (10) to twenty eight (28) passengers, including driver, with an overall length of thirty (30) feet or less engaged solely in intercounty transportation or engaged in intracity transportation routes which intracity routes have been operated continuously from January 1, 1990 through July 1, 1990 in compliance with applicable safety rules and regulations promulgated under Section 316.70 Florida Statutes must make application for a certificate of transportation and pay a two hundred and twenty five dollar (\$225.00) application fee therefore to CSD by August 17, 1990. Those persons who apply and pay the required application fee by August 17, 1990 shall be issued a certificate of transportation for those operations which meet the requirements of the proceeding sentence. Appeal of the CSD Director's decision on any application hereunder must be filed with the County Manager within~~

~~ten (10) days of the issuance of the Director's decision. Such certificate shall be subject to the requirements of Section 31-101; 31-102; 31-103(a), (b), (c)(1)-(3), (8) and (10), and (j) through (o); 31-104; 31-105; 31-106; 31-107; 31-108; 31-110; 31-111; 31-112; and 31-115. A certificate of transportation issued hereunder shall expire July 1, 2010, or ten (10) years after any change in ownership of any such passenger motor vehicle.]] >>Reserved.<<~~

* * *

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

ARTICLE V. GENERAL REQUIREMENTS.

* * *

Sec. 31-302. Definitions.

* * *

(e) *Solicit* shall mean an appeal by bell, horn, whistle, >>sign, display,<< words or gestures for immediate patronage of a for-hire vehicle by a chauffeur or his agent directed at individuals or groups while the person making the appeal is upon the public way or public property, or the vehicle is parked, stopped, standing or moving up the public way or public property.

* * *

Sec. 31-309. Chauffeur's registration - Additional passenger motor carrier requirements.

* * *

>>(c) Each chauffeur shall comply with the following regulations:

(1) Except for jitney, circulator or fixed route service, no chauffeur shall solicit or pick up passengers other than by prearrangement through a person located at the passenger motor carrier certificate holder's place of business. Notwithstanding the aforementioned, a prearrangement is not required

for a single group of nine (9) or more natural persons traveling to a common destination originating at the Port of Miami.

(2) No chauffeur shall stage for more than twenty (20) minutes prior to the prearranged pick up time.<<

* * *

Section 3. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended as follows:

* * *

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

* * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
>>31-103(a)	<u>Driving, advertising or permitting operations without a valid, current certificate</u>	<u>\$1,000.00</u>
31-103(b)	<u>Failure to comply with out-of-county origin exceptions</u>	<u>\$500.00</u>
31-103(q)(3)	<u>Providing compensation for the right to pick up passengers from or provide for-hire service to any business establishment or public facility</u>	<u>\$500.00</u>
31-103(q)(4)	<u>Prohibition against accepting compensation for right to pick up passengers</u>	<u>\$500.00</u>
31-103(q)(5)	<u>Failure to maintain records at certificate holder's place of business</u>	<u>\$100.00</u>
31-103(q)(10)	<u>Failure to report change of address</u>	<u>\$100.00</u>
31-103(q)(11)	<u>Failure to maintain records or make records available to the Department</u>	<u>\$100.00</u>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>31-103(q)(13)</u>	<u>Permitting or authorizing any chauffeur or other person to operate any passenger motor vehicle without that vehicle's current valid operating permit displayed</u>	<u>\$500.00</u>
<u>31-103(q)(14)</u>	<u>Allowing any person to operate without a chauffeur registration</u>	<u>\$500.00</u>
<u>31-103(q)(15)</u>	<u>Allowing or permitting any person to operate a passenger motor vehicle without current, valid and sufficient insurance coverage</u>	<u>\$500.00</u>
<u>31-103(q)(16)</u>	<u>Failure to register and inspect all vehicles placed in and taken out of service</u>	<u>\$200.00</u>
<u>31-103(q)(17)</u>	<u>Permitting or authorizing operation of a vehicle which does not meet applicable vehicle standards</u>	<u>\$100.00</u>
<u>31-103(q)(18)</u>	<u>Allowing any person to operate a passenger motor vehicle whose alertness is impaired</u>	<u>\$250.00</u>
<u>31-103(q)(19)</u>	<u>Refusal or neglect to transport</u>	<u>\$100.00</u>
<u>31-103(q)(20)</u>	<u>Leasing a certificate requiring compensation for the right to operate a passenger motor vehicle</u>	<u>\$250.00</u>
<u>31-103(q)(22)</u>	<u>Allowing chauffeur to solicit or pick-up passengers other than by prearrangement, for first violation</u>	<u>\$500.00</u>
<u>31-103(q)(22)</u>	<u>Subsequent violations</u>	<u>\$1,000.00</u>
<u>31-103(q)(24)</u>	<u>Allowing chauffeur to stage</u>	<u>\$100.00</u>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>31-103(q)(25)</u>	<u>Requiring compensation for the right to operate a passenger motor vehicle</u>	<u>\$250.00</u>
<u>31-103(q)(26)</u>	<u>Failure to obtain a SunPass or utilize the SunPass lane when transporting passengers</u>	<u>\$50.00</u>
<u>31-103(r)</u>	<u>Failure to post notice</u>	<u>\$200.00</u>
<u>31-103(r)</u>	<u>Failure to enter into agreement with certificate holder</u>	<u>\$500.00</u>
<u>31-104(a)</u>	<u>Operating a passenger motor vehicle without a current, valid operating permit or inspection decal as applicable displayed</u>	<u>\$500.00</u>
<u>31-104(f)</u>	<u>Altering seating capacity after issuance of operating permit</u>	<u>\$500.00</u>
<u>31-106(a)</u>	<u>Permitting or operating without insurance</u>	<u>\$500.00</u>
<u>31-106(a)</u>	<u>Failure to comply with insurance coverage requirements</u>	<u>\$500.00</u>
<u>31-106(b)</u>	<u>Failure to provide necessary insurance coverage or insurance-related services</u>	<u>\$500.00</u>
<u>31-106(c)</u>	<u>Failure to provide the Department with required notice of insurance cancellation</u>	<u>\$200.00</u>
<u>31-106(e)</u>	<u>Failure to provide insurance documents when requested by the Department</u>	<u>\$200.00</u>
<u>31-107(a)</u>	<u>Operating a vehicle in violation of any vehicle standard</u>	<u>\$75.00</u>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>31-107(a)(7)</u>	<u>Failure to have an operating air-conditioning system</u>	<u>\$250.00</u>
<u>31-108(a)</u>	<u>Publishing an advertisement for ground transportation service without the certificate number</u>	<u>\$500.00</u>
<u>31-108(c)</u>	<u>Advertising other than approved rate or fare</u>	<u>\$500.00</u>
<u>31-108(d)</u>	<u>False, misleading and deceptive advertising</u>	<u>\$1,000.00</u>
<u>31-109</u>	<u>Failure to comply with rates requirements</u>	<u>\$500.00</u>
<u>31-309(c)(1)</u>	<u>Failure to comply with prearrangement requirements, for first violation</u>	<u>\$500.00</u>
<u>31-309(c)(1)</u>	<u>Subsequent violations</u>	<u>\$1,000.00</u>
<u>31-309(c)(2)</u>	<u>Staging vehicles</u>	<u>\$100.00</u>
	<u>Any and all other violations of Article III</u>	<u>\$50.00<<</u>

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:

APU

Gerald K. Sanchez

GKS

Prime Sponsor: Commissioner Bruno A. Barreiro
Co-Sponsor: Commissioner Barbara J. Jordan