

MEMORANDUM

Agenda Item No. 7(D)

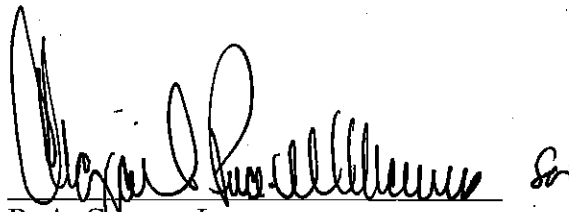
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 4-5-16)
June 17, 2014

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

SUBJECT: Ordinance relating to for-hire motor vehicles; amending Chapter 31, Article II of the Code regarding definitions of compensation, for-hire motor vehicle and taxicab; defining for-hire services; amending prohibitions against unauthorized for-hire services

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.


R. A. Cuevas, Jr.
County Attorney

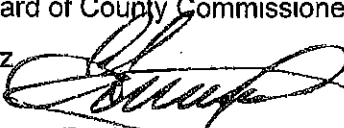
RAC/cp

Memorandum



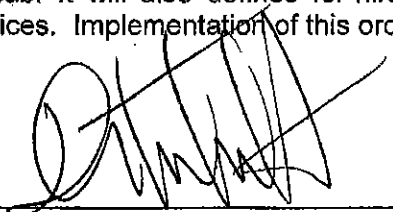
Date: April 5, 2016

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Relating to For-Hire Motor Vehicles; Amending Chapter 31, Article II of the Code, Regarding Definitions Of Chauffeur, Compensation, For-Hire Motor Vehicle And Taxicab; Defining For-Hire Services; Amending Prohibitions Against Unauthorized For-Hire Services

The proposed ordinance relating to for-hire motor vehicles amends Chapter 31, Article II of the Code of Miami-Dade County regarding definitions of chauffeur, compensation, for-hire motor vehicle and taxicab. It will also defines for-hire services and amends prohibitions against unauthorized for-hire services. Implementation of this ordinance will not have a fiscal impact to the County.

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

Jack Osterholt
Deputy Mayor

Fis8714



MEMORANDUM

(Revised)

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

DATE: April 5, 2016

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

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)
4-5-16

ORDINANCE NO. _____

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES;
AMENDING CHAPTER 31, ARTICLE II OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA, REGARDING
DEFINITIONS OF CHAUFFEUR, COMPENSATION, FOR-
HIRE MOTOR VEHICLE AND TAXICAB; DEFINING FOR-
HIRE SERVICES; AMENDING PROHIBITIONS AGAINST
UNAUTHORIZED FOR-HIRE SERVICES; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

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

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

Chapter 31 VEHICLES FOR HIRE

ARTICLE II.

**LICENSING AND REGULATION OF
FOR-HIRE MOTOR VEHICLES**

Sec. 31-81. Definitions.

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

- (d) *Chauffeur* means a duly licensed driver registered with and
authorized by the ~~[[Consumer Services
Department]]~~>>Regulatory and Economic Resources
Department<< to operate a for-hire passenger motor
vehicle. >>Only drivers who have been issued a Miami-
Dade County chauffeur's registration may operate a for-
hire passenger motor vehicle.<<

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.

* * *

- (p) For compensation or compensation means for money, property, service or anything of value, including>>, but not limited to,<< tips>>, donations<< and commissions>>received by the driver from any person or entity including, but not limited to, the passenger<<.

* * *

- (u) For-hire passenger motor vehicle or for-hire motor vehicle means any ~~[[chauffeur driven]]~~ >>motor vehicle<<[[taxicab as defined herein]] which >>is driven by another person and<< engages in the ~~[[casual and nonrecurring]]~~ transportation of persons and their accompanying property for compensation over the public streets, but excluding ambulances and nonemergency medical transportation of decedents and persons participating in funeral services, vehicles used solely to provide free transportation services for customers of the business establishment owning said vehicles, vehicles used solely to provide special transportation services for ~~[[the Metro-]]~~Miami-Dade Transit ~~[[Agency]]~~ pursuant to a contract with Miami-Dade County, and rental or leased vehicles which rental or lease does not include a chauffeur; provided, however, that no vehicles excluded under this definition shall be used on a for-hire basis except as authorized by this article. Vehicles used to provide ~~[[Metro-]]~~Miami-Dade Transit ~~[[Agency]]~~ special transportation services pursuant to a contract with Miami-Dade County are subject to the regulations contained in Article IV of this chapter.

* * *

- (pp) ~~[[Reserved.]]>>~~Taxicab means an eight (8) passenger or less, exclusive of chauffeur, for-hire passenger motor vehicle, which is not a limousine, with at least three (3) doors, which is equipped with a taximeter, unless authorized to exclusively operate at a flat rate, and provides either street hail or prearranged for-hire service for compensation where the route and destination are controlled by the passenger. With the exception of limousines, which are regulated by Article VI, any for-hire passenger motor vehicle as defined in subsection (u) shall

be deemed to be a taxicab, and shall comply with all of the requirements of this article applicable to taxicabs.<<

- (qq) ~~[[Taxicab means an eight (8) passenger or less, exclusive of chauffeur, for hire passenger motor vehicle, which is not a limousine, with at least three (3) doors, designed, constructed, reconstructed and equipped as required in this chapter to provide either street hail or prearranged taxicab service, which is equipped with a taximeter, unless authorized to exclusively operate at a flat rate, and where the route and destination are controlled by the passenger.]]>>For-hire services means the transportation of a person utilizing a for-hire passenger motor vehicle.<<~~

* * *

Sec. 31-82. For-hire licenses.

- (a) Prohibition against unauthorized operations. It shall be unlawful for any person to use, drive or operate, or to advertise in any newspaper, airwave transmission, telephone directory or other medium accessible to the public that it offers for-hire services, or to cause or permit any other person to use, drive or operate any for-hire motor vehicle upon the streets of Miami-Dade County without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid pursuant to the provisions of this article. >>With the exception of limousines, which are regulated by Article VI, only taxicabs and drivers who are in compliance with all of the requirements of this Article shall be authorized to provide for-hire services in Miami-Dade County.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Dennis C. Moss