

MEMORANDUM

TMSC
Agenda Item No. 1G1

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

DATE: March 16, 2016

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

SUBJECT: Ordinance relating to For-hire
Motor Vehicles amending
Chapter 31, Article V of the
Code relating to Chauffeurs

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Esteban L. Bovo, Jr. and Commissioner Audrey M. Edmonson and Co-Sponsors Vice Chair Lynda Bell, Commissioner Xavier L. Suarez and Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date:

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

From: Carlos A. Gimenez
Mayor

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

Subject: Ordinance relating to for-hire motor vehicles; amending Chapter 31, Article V of the Code of Miami-Dade County, Florida, relating to chauffeurs; mending definitions and requiring that transportation network entity for-hire vehicle drivers obtain a chauffeur's registration and comply with the requirements therein; creating Chapter 31, Article VII of the Code regulating transportation network entities, chauffeurs

The proposed ordinance amends Chapter 31, Article V of the Code of Miami-Dade County relating to definitions of chauffeurs and requiring that transportation network entity for-hire vehicles obtain chauffeur's registration and comply with the requirements therein creating Chapter 31, Article VII. Licensing, operating permit and inspection fees are collected by the Department of Regulatory and Economic Resources to support regulatory activities. Chauffeur fees are \$55 per year, per driver. Operating permit fees are \$625 per vehicle while vehicle inspection fees are \$70 per vehicle for new vehicle inspections and \$38 per vehicle for re-inspections.

Fiscal impact to the County will be determined at a later time once an analysis can be performed to ascertain the number of companies, chauffeurs, and vehicles that will require licensing and registration in compliance with this ordinance and a fee schedule for the Transportation Network Entity for hire vehicles is presented to and adopted by the Board of County Commissioners.

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

Jack Osterhoff
Deputy Mayor

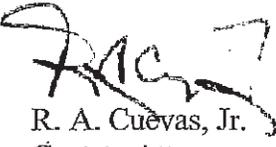
Fis9514



MEMORANDUM
(Revised)

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

DATE: July 15, 2014

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

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)
7-15-14

ORDINANCE NO. _____

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31, ARTICLE V OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO CHAUFFEURS; AMENDING DEFINITIONS AND REQUIRING THAT TRANSPORTATION NETWORK ENTITY FOR-HIRE VEHICLE DRIVERS OBTAIN A CHAUFFEUR'S REGISTRATION AND COMPLY WITH THE REQUIREMENTS THEREIN; CREATING CHAPTER 31, ARTICLE VII OF THE CODE REGULATING TRANSPORTATION NETWORK ENTITIES, CHAUFFEURS AND VEHICLES; PROVIDING FOR DEFINITIONS, LICENSING AND REGULATION OF TRANSPORTATION NETWORK ENTITIES; PROHIBITING TRANSFER OF TRANSPORTATION NETWORK ENTITY LICENSES; REQUIRING THAT DRIVERS OF TRANSPORTATION NETWORK ENTITY VEHICLES OBTAIN A CHAUFFEUR'S REGISTRATION; PROVIDING FOR DUTIES OF REGULATORY AND ECONOMIC RESOURCES DEPARTMENT; PROVIDING FOR RULES OF OPERATION; PROVIDING THAT TRANSPORTATION NETWORK ENTITIES MAY DETERMINE RATES AND FARES; ESTABLISHING INSURANCE REQUIREMENTS AND VEHICLE STANDARDS; PROVIDING FOR ENFORCEMENT, SUSPENSION, REVOCATION AND PENALTIES; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR PENALTIES; PROVIDING FOR 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 V of the Code of Miami-Dade County, Florida, is hereby amended as follows:

CHAPTER 31. VEHICLES FOR HIRE

Article V. General Requirements

Sec. 31-301. Applicability.

All general requirements contained in this article are applicable to chauffeur applicants and chauffeurs for nonemergency medical transportation regulated under Chapter 4, Article III, private school buses regulated under Chapter 30, Section 371 and 372, taxicabs regulated under Chapter 31, Article II, Passenger Motor Carriers regulated under Chapter 31, Article III, and special transportation service regulated under Chapter 31, Article IV ~~[[and]]~~ >> limousines regulated under Chapter 31, Article VI >> and transportation network entity for-hire vehicles regulated under Chapter 31, Article VII~~<<~~.¹

Sec. 31-302. Definitions.

For purposes of this article the following definitions shall apply:

- (a) >>RER<< [[CSD]] means the Miami-Dade County ~~[[Consumer Services Department]]~~ >>Regulatory and Economic Resources Department or successor department.<<
- (b) *For-hire company* means an entity which is registered with the ~~[[Consumer Services Department]]~~ >>Regulatory and Economic Resources Department<<, which shall minimally provide a color scheme, including the trade name, customer lost and found services and a system for handling customer complaints satisfactory to the RER. A for-hire company may among other things also provide communication services, contract services to chauffeurs and contract services for for-hire license holders.
- (c) *For-hire passenger motor vehicle or for-hire vehicle* means any of the following chauffeur-driven vehicles as defined in Chapters 4, 30 or 31 of the Code of Miami-Dade County:
 - (i) Taxicab
 - (ii) Limousine

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.

5

- (iii) Passenger motor carrier vehicle
- (iv) Non-emergency medical transportation vehicle
- (v) Private school bus
- (vi) Special transportation service vehicle

>>(vii) Transportation network entity for-hire vehicle<<
which engages in the transportation of passengers and their accompanying property for compensation over the public streets of Miami-Dade County which complies with Section 319.23, Florida Statutes, as may be amended from time to time, but excluding ambulances, vehicles used exclusively for the 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, and rental or leased vehicles which rental or lease does not include a chauffeur; provided, however, that no vehicle excluded under this definition shall be used on a for-hire basis except as authorized by this chapter.

* * *

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

- (a) It shall be unlawful for any person to drive any for-hire vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from the ~~[[CSD]]~~>>RER<< pursuant to this section.
- (b) Initial application for a chauffeur's registration shall be on forms provided by the Department and shall be accompanied by a non-refundable payment of an application and processing fee. Application for renewal of chauffeur's registration shall be accompanied by a non-refundable payment of a renewal fee. Registration applications whether initial or for a renewal shall contain all information required by this chapter.

- (c) The ~~[[CSD]]~~>>RER<< and the Miami-Dade Police Department shall investigate each applicant and report all findings. The ~~[[CSD]]~~>>RER<<, or any authorized agent, shall examine each applicant to determine his or her knowledge of the English language, Miami-Dade County geography, traffic regulations and chauffeur responsibilities as contained in this chapter.
- (d) The ~~[[CSD]]~~>>RER<< may issue a chauffeur's registration, for such periods as prescribed within the administrative order establishing the fees when it is shown that the initial or renewal applicant:
- (1) Holds a current, valid State of Florida driver's license of the class required for the type of for-hire vehicle to be operated;
 - (2) Has taken a one (1) day course in one (1) location, as directed by ~~[[CSD]]~~>>RER<<, which will ensure that the applicant is able to speak, read and write the English language sufficiently to perform the duties of a chauffeur; and passes the required ~~[[CSD]]~~>>RER<< oral and written exam demonstrating his or her knowledge of the English language, Miami-Dade County geography, traffic regulations, defensive driving techniques and chauffeur responsibilities. Notwithstanding the foregoing, chauffeurs who have held a chauffeur's registration issued by Miami-Dade County for twenty or more years and have not violated a vehicle or chauffeur standard on two or more occasions within the preceding five (5) years, shall be exempt from the requirements of this paragraph (2). Further, chauffeurs who, as of the effective date of this ordinance, have held a chauffeur's registration issued by Miami-Dade County for twenty or more years shall be exempt from the requirements of this paragraph (2). The provisions of this paragraph (2) shall not apply to initial or

renewal private school bus chauffeur applicants except as provided in Section 31-306. In addition, the provisions of this paragraph (2) shall not apply to initial or renewal fixed route or jitney service chauffeur applicants except as provided in Section 31-309.

- (3) Completes a physical examination within the most recent twelve-month period (including any drug test required by the CSD Director pursuant to authority of subsection (j)) by a licensed physician or advanced registered nurse practitioner showing the applicant to be free from any physical or mental defect and to be of sound health;
 - (4) Is eighteen (18) years of age or older;
 - (5) Certifies under oath that he or she is not a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
 - (6) Certifies under oath that he or she is free from any physical or mental defect or disease that would constitute a direct threat to the property or safety of others or would impair his or her ability to drive a for-hire vehicle;
 - (7) Has attended a National Safety Council Defensive Driving Course or equivalent; provided, however, that renewal applicants shall only be required to take an additional defensive driving course approved by the ~~[[CSD]]~~ RER if, in the most recent two-year period, said renewal applicant has been found guilty, or pled guilty or nolo contendere to two (2) or more moving violations.
- (e) No person shall be issued a chauffeur's registration who:
- (1) Fails the physical examination or any drug test required by subsection (d)(3);

- (2) Is an individual 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) Falsifies his or her application, is found cheating on any exam, or has altered any chauffeur registration such an applicant shall not be eligible to re-apply for one (1) year;
- (5) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of a felony, unless his or her civil or residency rights have been restored;
- (6) Has pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, of any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, violent offense against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;
- (7) Has been convicted of an offense involving moral turpitude not relating to sex crimes when, in the discretion of the ~~[[CSD]]~~>>RER<< Director, approval of such registration would constitute a threat to health, welfare or safety of the public or property and therefore would not be in the public's interest;
- (8) During the last five (5) years prior to application has had his or her driver's license suspended for or has pled nolo contendere, pled guilty or been found

guilty or been convicted (regardless of whether adjudication has been withheld) of:

- (i) Driving under the influence of drugs or intoxicating liquors (D.U.I.);
 - (ii) Three (3) or more traffic infractions resulting in accidents;
 - (ii) Fleeing the scene of any accident, or
 - (iv) Vehicular manslaughter or any death resulting from driving;
- (9) During the last five (5) years prior to application has accumulated twenty-four (24) points provided, however, renewal applicants applying for renewal of a chauffeur's registration on or before five (5) years from the effective date of this ordinance shall not be issued a renewal registration, if he or she has accumulated twenty-four (24) points during the last three (3) years prior to such application; or
- (10) A chauffeur registration shall be denied when a chauffeur has received in the most recent twelve (12) month period prior to application two (2) or more driver's license suspensions of any type on his or her State of Florida or other state record; or when the applicant has been determined by the State of Florida, or other State to be a habitual traffic offender in accordance with Section 322.264, Florida Statutes, as amended or other applicable State law.
- (11) 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-year period, such a

10

person shall only be eligible if and when his or her civil or residency rights have been restored.

(f) The director of the ~~[[CSD]]~~>>RER<< may issue a temporary chauffeur's registration valid for six (6) months only to any applicant, who otherwise qualifies, whose State of Florida application for restoration of civil or residency rights is pending. This temporary chauffeur registration process shall not be available to nor shall such chauffeur's registration be issued to any person who:

(1) Has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld) of:

a. Any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, trafficking in narcotics, or a violent offense against a law enforcement officer under Section 775.0823 Florida Statutes, or is a habitual felony offender or a habitual violent felony offender under Section 775.084 Florida Statutes; or

b. Any crime wherein a for-hire vehicle was employed; or

c. The crime of assault or battery on any county code enforcement personnel.

(2) Upon approval of a pending application for restoration of civil or residency rights, the temporary chauffeur shall have the privilege of applying for a chauffeur's registration. Upon denial of a pending application for restoration of civil or residency rights, the temporary chauffeur registration shall be automatically revoked. If, at the expiration of the temporary chauffeur's registration, the applicant can prove that his same application for

restoration of civil or residency rights is still legitimately pending, the ~~[[CSD]]~~>>RER<< director may further extend the temporary chauffeur's registration, upon application and non-refundable fee payment.

- (g) Each chauffeur's registration (other than a temporary chauffeur's registration) shall expire on the chauffeur's birthday during the appropriate calendar year following issuance. Duplicate chauffeur's registrations may be issued in the same manner as required by Section 31-303. The request must be sworn to and must state that the original has been lost or stolen.
- (h) Chauffeurs shall have a grace period of up to thirty (30) days after expiration in which to renew same and maintain the continuity of the registration, provided, however, the chauffeur within such thirty-day period shall not drive a for-hire vehicle without a valid chauffeur registration and shall also pay a non-refundable penalty surcharge over and above the chauffeur's registration fee.
- (i) Chauffeurs must abide by all rules and regulations applicable to chauffeurs and shall be subject to enforcement, violations and penalties contained in this chapter and Chapter 8CC of this Code. A chauffeur shall comply with the following regulations:
 - (1) At all times when operating a for-hire motor vehicle, a chauffeur shall display in such a vehicle a valid chauffeur's registration issued by the ~~[[CSD]]~~>>RER<< for the class of transportation operated.
 - (2) No chauffeur shall solicit, as defined by this article, passengers or drive his or her vehicle back and forth in front of any place of public assemblage.
 - (3) No chauffeur shall smoke while transporting passengers or sleep or permit others to sleep inside

the motor vehicle while parked at a public or private stand or stop.

- (4) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person regardless of race, sex, religion, national origin, age or physical disability, who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate.
- (5) Chauffeurs at all times shall maintain a neat appearance. Chauffeurs, other than private school bus chauffeurs, shall wear a collared shirt, dark trousers or skirt, and closed shoes.
- (6) Chauffeurs shall maintain accurate trip sheets for at least one (1) year showing at least the following information: name of chauffeur, vehicle number, date, origin and destination of each trip, number of passengers, and fare for each trip. The total miles, trips and units accumulated during a chauffeur's shift shall be recorded. All information must be recorded legibly. Upon request of ~~[[CSD]]~~ >>RER<<, chauffeurs shall produce, in person, trip sheets required to be maintained by this section within one (1) business day of such request.
- (7) No chauffeur shall collect fares or compensation for transportation services other than the established rates or charges for the type of service being provided, nor may any driver collect any additional payment for transporting any baggage which accompanies the passenger, provided, however, that this provision shall not apply to gratuities.
- (8) The passenger shall be offered a receipt for the fare collected.

- (9) Chauffeurs shall not operate any for-hire vehicle with any lighting devices that are not functioning properly. Likewise, no vehicle shall be driven unless the chauffeur shall have satisfied himself or herself that the brakes, steering mechanism, tires, horn, windshield wipers, and side and rearview mirrors are in good working order.
- (10) A chauffeur shall not use abusive language or be discourteous to passengers or enforcement personnel or solicit gratuities.
- (11) No chauffeur shall operate a motor 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 him or her to begin or continue to operate the motor vehicle. However, in a case of grave emergency where the hazard to occupants of the vehicle or other users of the highway could be increased by compliance with this section, the driver may continue to operate the motor vehicle to the nearest place at which that hazard is removed.
- (12) All chauffeurs shall notify the ~~[[CSD]]~~>>RER<< upon each modification of his or her agreement with an operator or for-hire company. All chauffeurs shall notify the ~~[[CSD]]~~>>RER<< of each change of address within ten (10) days of relocation.
- (13) Chauffeurs shall select routes to trip destinations that are most economical to the passenger unless otherwise directed by or agreed to by the passenger.
- (14) No chauffeur shall attempt to solicit or attempt to divert the patronage of any passenger, prospective passenger, or other person on behalf of any hotel, motel, apartment, restaurant, nightclub, bar or any other business establishment, or accept or receive

from any business establishment any payment for such solicitation or diversion of passengers from or to any place of business.

- (15) It shall be unlawful for any chauffeur to refuse to stop his or her vehicle for inspection by ~~[[CSD]]~~>>RER<< authorized personnel or any police officer when such personnel witness a violation of the Code of Miami-Dade County pertaining to such vehicle or when the officer witnesses a violation of the requirements of law or the Code of Miami-Dade County pertaining to such vehicle; or to refuse to permit ~~[[CSD]]~~>>RER<< authorized personnel or any police officer to conduct inspection of the vehicle.
- (16) Each chauffeur shall prominently display an off-duty sign when not waiting employment or actually transporting paying passengers.
- (17) Each chauffeur shall use the air conditioner unless otherwise requested by the passenger, where the vehicle standards mandated by the Code require that a vehicle be equipped with an air conditioner.
- (18) No chauffeur shall display an altered chauffeur's registration when operating.
- (19) No chauffeur shall refuse to sign and accept a violation notice.
- (20) No chauffeur shall operate a vehicle without a currently valid operating permit and vehicle inspection displayed.
- (21) No chauffeur shall operate a vehicle with a tampered or altered operating permit decal or vehicle inspection sticker.

- (22) All chauffeurs who are authorized by state law to carry a firearm and intend to carry said firearm on their bodies or in their vehicles shall notify the ~~[[CSD]]~~>>RER<< in writing on a form provided by the ~~[[CSD]]~~>>RER<<.
- (23) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person, including a service animal, who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate. As used in Chapter 31, the term "service animal" shall mean any guide dog, signal dog, or other animal, as defined in 28 C.F.R. § 36.104, individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
- (j) The county ~~[[manager]]~~>>mayor<<, within one hundred eighty (180) days from the date of passage of this ordinance, shall prepare and submit directly to the commission a proposed administrative order which provides for drug and alcohol testing where (i) reasonable suspicion exists that a chauffeur applicant or registered chauffeur is abusing alcohol or misusing prescription drugs or illegal substances, or (ii) a registered chauffeur has been involved in a serious accident or repetitive accidents as defined in said administrative order. Such administrative order may also provide for the conduct of periodic recurring testing of such chauffeurs. A chauffeur who is determined to have used or to have been impaired by alcohol while operating or driving a for-hire motor vehicle shall have his or her registration revoked for two (2) years.

A chauffeur who is determined to have used a controlled substance, except as permitted for medical purposes by law or regulation, shall have his or her registration revoked for two (2) years.

- (k) Any chauffeur's registration shall be automatically revoked should the chauffeur plead nolo contendere, plead guilty, or be convicted of a felony or of any criminal offense involving moral turpitude or a crime involving the use of deadly weapons or trafficking in narcotics or should the State of Florida revoke or suspend the chauffeur's driver's or operator's license.
- (l) Conviction of a crime. A chauffeur shall be required to notify the ~~[[CSD]]~~>>RER<< in writing of a conviction of a crime within ten (10) business days of said occurrence. Failure to provide the required notice may result in the revocation or suspension of the chauffeur's registration.

* * *

Section 2. Chapter 31, Article VII of the Code of Miami-Dade County, Florida, is hereby created as follows:

CHAPTER 31. VEHICLES FOR HIRE

**Article VII. LICENSING AND REGULATION OF
TRANSPORTATION NETWORK ENTITY
FOR-HIRE VEHICLES**

Section 31-701. Definitions.

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

- (a) *Applicant* means an individual, partnership or corporation which applies for a transportation network entity license, 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.

- (b) *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 vehicle.
- (c) *Chauffeur registration* means a registration card issued by the Department of Regulatory and Economic Resources.
- (d) *Commission* means the Board of County Commissioner of Miami-Dade County, Florida.
- (e) *County* means Miami-Dade County, Florida.
- (f) *County Mayor* means the head of county government as provided in Article 2 of the Home Rule Charter of Miami-Dade County, Florida.
- (f) *Department* means the Department of Regulatory and Economic Resources (hereinafter "Department") or successor department.
- (g) *Director* means the Department of Regulatory and Economic Resources Director or the Director's designee.
- (h) *Operating permit* means the valid and current vehicle decal issued to the transportation network entity or for-hire chauffeur, when applicable, which authorizes a specific, registered vehicle to operate for-hire and which may expire, be suspended or revoked.
- (i) *Transportation Network Entity License* means a license issued by RER to a transportation network entity authorizing the transportation network entity to allow transportation network entity chauffeurs to provide transportation network entity services within the incorporated and unincorporated areas of Miami-Dade County, Florida.
- (j) *MDT* means the Miami-Dade Transit.
- (k) *Passenger* means a person utilizing a transportation network entity for-hire vehicle for the purpose of being transported to a destination, or a person who is awaiting the

arrival of a transportation network entity vehicle, and does not include the transportation network entity chauffeur.

- (l) *Person* means any natural person(s), firm, partnership, association, corporation, or other business entity.
- (m) *Personnel authorized by the RER* means uniformed enforcement personnel and any other individual authorized by the director.
- (n) *Solicit* means an appeal by bell, horn, whistle, words or gestures by a chauffeur or his or her agent directed at individuals or groups.
- (o) *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.
- (p) *Street hail* means an immediate arrangement made on a street with a transportation network entity chauffeur by a person seeking immediate transportation.
- (q) *Taxicab stand* means the county-approved location on a public right-of-way for awaiting employment which is specifically marked with a taxicab stand sign. "Taxicab stand" also means a location for awaiting employment authorized and provided by the owner of private property.
- (r) *Transportation Network Entity* shall mean a natural person(s), firm, partnership, association, corporation, or other business entity that uses a digital platform to connect passengers to transportation network entity chauffeurs for the purpose of transportation.
- (s) *Transportation Network Entity For-hire Chauffeur* shall mean an individual who uses the individual's personal vehicle to provide transportation services through a transportation network entity.
- (t) *Transportation Network Company Services* shall mean the provision of transportation services by a transportation network entity chauffeur through a transportation network entity.

- (u) *Transportation Network Entity For-hire Vehicle or Transportation Network Entity Vehicle* shall mean a vehicle which transports eight passengers or less, which is not a limousine or taxicab, that is used by a transportation network entity and chauffeur to provide transportation services.
- (v) *Trade name or doing business as or (d/b/a) name* means the county-approved name under which the transportation network entity license holder may provide a transportation network entity, and which name shall not duplicate the name of any other license holder or transportation network entity.

Sec. 31-702. Transportation Network Entity License.

- (a) Prohibition against unauthorized operations. It shall be unlawful for any transportation network entity to begin operations, or allow affiliated transportation network entity chauffeurs to provide transportation network entity services, as defined in Section 31-701, upon the streets of Miami-Dade County, Florida without first obtaining a transportation network entity license and maintaining it current and valid pursuant to the provisions of this article.
- (b) Out-of-County origin 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.
 - (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 areas of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County transportation network entity license for such purpose.
- (c) Application procedures. Every initial applicant for a transportation network entity license shall be in writing,

signed and sworn to by the applicant, and shall be filed with the RER together with an investigative and processing fee which shall be nonrefundable. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by the RER and shall contain all information required thereon, including:

- (1) Sufficient information to identify the applicant, including but not limited to full legal name and trade name, date of birth, telephone number, business address and residence address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident agent and director. If the applicant is a partnership, the foregoing information shall be provided for each partner. Post office box address will not be accepted hereunder.
- (2) All applicants shall have a place of business in Miami-Dade County, Florida. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in Miami-Dade County, Florida. Post office box addresses will not be accepted.
- (3) The class or classes of transportation service which the applicant desires to furnish.
- (4) The trade name under which the applicant intends to operate.
- (5) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.
- (6) 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.

- (7) Two (2) credit references including at least one (1) bank where applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.
 - (8) A sworn statement signed by the applicant that all information provided by the applicant is true and correct.
 - (9) Any additional information as the Director shall require to enforce the provisions of this article
- (d) Investigation of Transportation Network Entity License Applicants. The director shall 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 transportation network entity licenses as specified in this article 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 article. An applicant shall not be eligible for a transportation network entity license 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, unless his or her civil or residency rights have been restored;
- (5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a transportation network entity 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 Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;
 - (7) Has violated any condition, limitation, or restriction of an transportation network entity license 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 who committed an act or omission which would be cause for denying an transportation network entity 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;
 - (11) Does not have a place of business located in Miami-Dade County, Florida;
 - (12) Has any unsatisfied civil penalty or judgment pertaining to transportation network entity operation;
 - (13) Has had an transportation network entity license 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 is withheld) involving moral turpitude relating to sex; or
 - (15) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.
- (e) Conditions for obtaining a Transportation Network Entity License. No transportation network entity license shall be issued unless the applicant:
- (1) Has paid an annual license fee;
 - (2) Has submitted proof of insurance required by this article;
 - (3) Has ensured that the transportation network entity vehicles to be operated under the applicant's transportation network entity license have passed all required vehicle inspections. Failure of the applicant to meet all of the foregoing requirements within forty-five (45) days after notification of conditional approval shall cause the license not to be issued. If the applicant believes he, she or it cannot meet the foregoing requirements within the forty-five-day period, the applicant may, prior to expiration of such forty-five-day period, request in writing a reasonable extension from the director. If the request states good cause for an extension, the director may grant such a reasonable extension as the director finds is in the public interest.
- (f) Vehicles authorized to operate under a Transportation Network Entity License. There shall be no limit to the number of vehicles authorized to operate under a transportation network entity license.
- (g) Issuance of Transportation Network Entity License. Each transportation network entity license shall be on a form

developed by RER and shall be signed by the director. Each transportation network entity license shall, at a minimum, contain the name and the business address of the license holder, date of issuance, its expiration date and such additional terms, conditions, provisions and limitations as were imposed during the approval process.

- (h) Expiration of and renewal process for Transportation Network Entity License. Transportation network entity licenses may be issued for such periods as specified in the Implementing Order establishing the fees. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual transportation network entity license together with payment of a license fee. As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by RER. 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 31-702 (c), (d) or (e). Appeal of the denial of a renewal application shall be in accordance with this chapter.
- (i) Grace period. License holders shall have a grace period of up to thirty (30) days after expiration of their license in which to renew same provided, however, that all operations shall cease on the date of license expiration and the license holder shall also pay a late fee over and above the annual license fee. All transportation network entity licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.
- (j) Rules of operation. Transportation network entity license holders shall abide by all rules and regulations applicable to transportation network entity license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A transportation network entity license holders and her, his or its agents shall comply with the following regulations:
 - (1) Comply with applicable federal law, Florida law, and ordinances, rules and regulations of the County applicable to the operation of transportation network entity vehicles;

- (2) Immediately report any change of address;
- (3) Maintain all records pertaining to the transportation network entity services of a vehicle electronically for one (1) year and make same available for inspection during the regular business hours of such entity. When requested by the RER, the entity shall electronically provide copies of the records;
- (4) Not allow any person to operate a transportation network entity vehicle who has not passed the requirements set out in this article;
- (5) Not allow or permit any person to operate a transportation network entity vehicle without current, valid and sufficient insurance coverage as required in this chapter;
- (6) Obtain an operating permit for each for-hire vehicle operated pursuant to authority of the for-hire license and pay all application and vehicle inspection fees;
- (7) Not permit or authorize any chauffeur or other person to operate any transportation network entity vehicle without that vehicle's current valid operating permit being displayed therein;
- (8) Not allow any person to operate a transportation network entity vehicle who is not a Miami-Dade County registered chauffeur in accordance with this article;
- (9) Ensure that all transportation network entity vehicles to be placed into service and all vehicles taken out of service have been registered and inspected by RER;
- (10) Not permit or authorize anyone to drive any transportation network entity 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;
- (11) Not allow or permit any person to operate a transportation network entity 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;

- (12) Not refuse or neglect to transport to or from any place in the county, any orderly person requesting service;
 - (13) 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;
 - (14) Every transportation network entity license holder shall ensure that any transportation network entity chauffeur operating an accessible vehicle is certified in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair. Proof of certification shall be provided to the RER.
 - (15) It shall be unlawful for any person to use, drive or operate an accessible vehicle without training in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair.
- (k) Responsibility for violations of chapter. The holder of a transportation network entity license shall be held responsible for any applicable violation of this article arising from the operation of the transportation network entity vehicle authorized under the holder's transportation network company license and shall be subject to the penalties provided in this chapter for any such violation. In addition, his, her or its license shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a transportation network chauffeur for the same or related violations shall not relieve the transportation network company license holder of responsibility under this article.
- (l) The fee for a transportation network entity license shall be determined by an implementing order approved by a resolution adopted by the County Commission.

- (m) Transfers. No transportation network entity license may be sold, leased, assigned, mortgaged or otherwise transferred by a holder of a transportation network entity license.
- (n) Each transportation network entity operating pursuant to a transportation network entity license:
 - (1) Shall, upon completion of a trip, transmit an electronic receipt to the passenger's e-mail address or mobile application documenting the date of the trip, the origination of the trip, the name of the transportation network entity chauffeur and a description of the total amount paid, if any.
 - (2) Shall maintain a website that provides a customer service telephone number or e-mail address.

Sec. 31-703. Transportation Network Entity Chauffeurs.

It shall be unlawful for any person to drive a transportation network entity for-hire vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from RER pursuant to Chapter 31, Article V of this Code.

Sec. 31-704. Duties of Regulatory and Economic Resources Department.

- (a) In addition to the duties and responsibilities specified in this article, the RER 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 transportation network entity licenses pursuant to the provisions of this chapter, and maintain appropriate files regarding same.

- (6) Develop and implement, in cooperation with the industry, service expansion and improvements.
- (7) Provide technical assistance to the industry.
- (8) Develop a standardized reporting technique for transportation network entities.
- (9) Provide a system to handle complaints of municipal officials relating to transportation network entity service within such municipalities and expedite the solution of same.
- (10) Perform any other functions assigned by the County Mayor.
- (11) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.
- (12) Prepare and implement changes, amendments or modifications to implementing orders establishing fees pursuant to this article and provide the industry with at least ten (10) days notice prior to consideration of such changes, amendments or modifications by the Board of County Commissioners.
- (13) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article.
- (14) The Director may propose and the County 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 the law.
- (15) The Commission may by implementing order proposed by the County Mayor approve fees for transportation network entity vehicles providing transportation of persons and their baggage to and from Miami International Airport and from the Port of Miami.

- (16) With the exception of fees established pursuant to Section 31-704(15), all fees charged or required to be paid shall be established by implementing order and 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.

Sec. 31-705. Rules for operation.

- (a) Each transportation network entity shall adopt and require all transportation network entity chauffeurs to display consistent trade markings (i.e., distinctive signage or display on the vehicle) when providing transportation network entity services that is sufficiently large and color contrasted as to be readable during daylight hours at a distance of at least 50 feet.
- (b) No transportation network entity vehicle or chauffeur shall utilize a designated taxicab stand.
- (c) A transportation network entity license holder shall not allow a chauffeur to solicit or pick up passengers other than by prearrangement through the transportation network entity.
- (d) A transportation network entity license holder shall not allow a chauffeur to accept street hails. Chauffeurs shall not accept street hails.
- (e) Transportation network entity vehicles shall not display the word(s) taxicab, taxi or cab on the exterior or interior of the vehicle.
- (f) Every transportation network entity shall fully comply with all ordinances, rules and regulations of the County applicable to the operation of transportation network entity vehicles.
- (g) The computer application used by a transportation network entity to connect transportation network entity chauffeurs and passengers must display name of the transportation network entity chauffeur, and a picture of the transportation network entity vehicle, including the license plate number to identify the vehicle.

- (h) All transportation network entities shall implement a zero tolerance policy on the use of drugs or alcohol while a transportation network entity chauffeur provides transportation network entity services, provide notice of the zero tolerance policy on its website, as well as the procedures to report a complaint, including a complaint telephone number, about a transportation network entity chauffeur with whom the rider was matched and for whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the ride.
- (i) Each transportation network entity shall establish a driver-training program to ensure that each driver safely operates his or her transportation network entity vehicle prior to the driver being able to offer service.
- (j) Each transportation network entity shall maintain accurate records of all revenues, all associated expenses, capital expenditures, and other financial and operating information as may be required by the RER. The RER shall be granted access to these records for the purpose of inspection and copying same upon five (5) days' prior notice. Each Transportation Network Company shall annually furnish financial and operating information to the RER on forms and in the manner prescribed by the RER.

Sec. 31-706. Fares and rates.

Transportation network entities may charge fares or rates for transportation services based on distance travelled and/or time elapsed during service, or a flat prearranged fare, or a suggested donation.

Sec. 31-707. Insurance requirements.

- (a) No transportation network entity vehicle shall be permitted to operate without the transportation network entity or chauffeur providing passenger services having first obtained and filed with the RER a certificate of insurance for each for-hire motor vehicle showing the federal vehicle identification number, a vehicle description and the transportation network entity license number, and shall list each chauffeur that operates the vehicle, and the owner of the vehicle as insureds under a commercial automobile liability insurance policy with limits of 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 arising out of or caused by the operation of a transportation network entity vehicle (including owned, hired, leased and non-owned vehicles). Additionally, the certificate of insurance and each policy shall specify that each policy provides complete 24-hour vehicle coverage for all 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 shall be grounds for revocation of a transportation network entity license.

- (b) Insurance policies required in this section shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications: the company must be rated no less than "A-" as to management, and no less than "Class VII" as to financial strength by A.M. Best Company, Oldwick, New Jersey, or its equivalent subject to the approval of the County Risk Management Division. Nothing in the insurance policy or declaration shall permit binders, deductibles, self-insurance or any provision requiring the insured to reimburse the insurance company for claims.
- (c) Each automobile liability insurance policy shall be endorsed to provide for thirty (30) days' notice by registered mail to the RER of any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.
- (d) Unless a transportation network entity or chauffeur furnishes the RER with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in subsection (c) of this section, or upon a third notice of cancellation within twelve (12) months, the transportation network entity license shall be suspended forthwith by the Director and surrendered to the RER pending a hearing to determine whether said for-

hire license should be revoked. This automatic suspension requirement will not pertain to a for-hire 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) Examination of Insurance Policy. The RER 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. 31-708. Vehicle Standards.

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 apply to all transportation network entity vehicles operated under the provisions of this article. It is the transportation network entity's and chauffeur'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 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, and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the RER.

- (b) Vehicle signage and markings shall be as required by this article.
- (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.
- (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 personal belongings.
- (9) Equipped with hubcaps or wheelcovers, on all four (4) wheels. If not on vehicle, the operator must put them on 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 from a reasonable distance.
- (14) The driver's vision must be unobstructed on all four (4) sides.
- (15) Safe tires no recaps 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 4-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) Headlights, low and high beam, 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) Seatbelts for all persons transported shall be in place and functional, unless otherwise exempted by regulation.
- (25) Accessible vehicles shall have posted the international symbol of accessibility for disabled persons in the manner prescribed by RER and shall be equipped with the following:

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.

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.

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.

- (26) Vehicles, other than taxicabs, used to transport passengers shall not display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior or interior and shall not be equipped with a taximeter.
- (27) 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 RER and any display is installed pursuant to instructions of the RER.

Vehicle age limits and inspection schedules. Transportation network entity vehicle age limits and frequency of inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any vehicle initially placed into service shall be no greater than five (5) model years of age. Any vehicle over five (5) model years of age shall not be operated as a transportation network entity vehicle. Transportation network entity vehicles shall display an operating permit issued by RER and shall minimally meet the following inspection schedule:

- (1) Transportation network entity vehicles 1 through 2 model years of age shall be inspected annually;
- (2) Transportation network entity vehicles 3 through 5 model years of age shall be inspected semi-annually;

Sec. 31-709. Enforcement of article.

- (a) This article shall be enforced by authorized personnel of the RER, 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 Seaport and Aviation Department against violations occurring within their respective boundaries. The RER 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 RER may employ a deficiency or warning system through which transportation network entities are given written notice of minor violations and a specified period of time to correct same. Unless otherwise provided, all other violations shall be processed under Chapter 8CC of the Code.
- (c) Deficiency reports and citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it.
- (d) Whenever a corporation, partnership, or association violates any of the provisions of this article, such violation shall be deemed also to be that of the individual officers, directors, partners, or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for an individual.
- (e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

Sec. 31-710. Suspension and revocation proceedings.

- (a) Grounds for suspension or revocation. In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, transportation network entity licenses shall be subject to suspension or revocation by the director as follows:
 - (1) Upon the director's determination that:
 - (i) The license 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 was obtained by an application in which any material fact was omitted or falsely stated;
 - (iii) The license holder has failed to comply with or has violated any of the provisions of this chapter; or
 - (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 transportation network entity license renewal application does not comply with the requirements of this chapter,
 - (vi) Any transportation network entity vehicle has been operated in violation of this chapter.
- (b) Notice of suspension or revocation action. Except where this chapter provides for automatic suspension or revocation, the RER 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) Appeals from decisions of director and administrative hearings.
- (1) Right to appeal. Any transportation network entity license holder 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 RER. 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 RER.
- (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 right: 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 this article. 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 Sheriff's 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 this article, 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.

Sec. 31-711. Violations; penalties.

- (a) In addition to any other penalties provided by law, including, but not limited to, those provided in this article, a violation of any applicable provision of this article by a transportation network entity license holder 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 transportation network entity license. If a person commits five (5) violations of the same section of this chapter during any twelve-month period, the transportation network entity chauffeur shall be automatically suspended. If a person commits five (5) violations of this chapter during any twelve-month period, such transportation network entity chauffeur may be suspended for a period of up to six (6) months or revoked.

- (b) Except for civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby

empowered to dispose of the case and fines assessed through the normal procedure.

Sec. 31-712. Special provisions.

- (a) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of transportation network entity services in Miami-Dade County. Notwithstanding the provisions of any municipal ordinance, resolution or agreement to the contrary, from and after the effective date of this article no municipality shall authorize, establish, change, alter, amend, or otherwise regulate transportation network entity transportation in Miami-Dade County. Regulations established by this article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.
- (b) Any transportation network entity chauffeurs driving on a transportation network entity platform licensed pursuant to this article shall be authorized to provide transportation of persons and their baggage from Miami International Airport and from the Port of Miami upon compliance with reasonable and nondiscriminatory terms, conditions and fees, as established by the County Mayor. The transportation of persons and baggage from Miami International Airport or from the Port of Miami shall constitute an agreement by the transportation network entity that it will conform to such terms, conditions, and fees.

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

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

Code Section	Description of Violation	Civil Penalty
>> <u>31-702(a)</u>	<u>Unauthorized operation</u>	<u>\$1000.00</u>

45

<u>31-702(j)(1)</u>	<u>Violation of applicable law</u>	<u>\$250.00</u>
<u>31-702(j)(2)</u>	<u>Failure to report change of address</u>	<u>\$100.00</u>
<u>31-702(j)(3)</u>	<u>Failure to maintain records at principal place of business of entity responsible for passenger services</u>	<u>\$100.00</u>
<u>31-702(j)(4)</u>	<u>Allowing person to operate without a chauffeur registration</u>	<u>\$500.00</u>
<u>31-702(j)(5)</u>	<u>Allowing or permitting any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage</u>	<u>\$500.00</u>
<u>31-702(j)(7)</u>	<u>Permitting or authorizing any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit displayed</u>	<u>\$500.00</u>
<u>31-702(j)(8)</u>	<u>Allowing person to operate without a chauffeur registration</u>	<u>\$500.00</u>
<u>31-702(j)(9)</u>	<u>Failure to register and inspect all vehicles placed and taken out of service</u>	<u>\$200.00</u>
<u>31-702(j)(10)</u>	<u>Permitting or authorizing operation of a vehicle which does not meet applicable vehicle standards</u>	<u>\$100.00</u>
<u>31-702(j)(11)</u>	<u>Allowing any person to operate a for-hire vehicle whose alertness is impaired</u>	<u>\$250.00</u>
<u>31-702(j)(12)</u>	<u>Refusal or neglect to transport, for first violation</u>	<u>\$250.00</u>
<u>31-702(j)(12)</u>	<u>Subsequent violations</u>	<u>\$500.00</u>

<u>31-702(j)(13)</u>	<u>Refusal to transport passenger and service animal, for first violation</u>	<u>\$500.00</u>
<u>31-702(j)(13)</u>	<u>Refusal to transport passenger and service animal, subsequent violations</u>	<u>\$1000.00</u>
<u>31-702(j)(14)</u>	<u>Operating accessible vehicle without certification</u>	<u>\$250.00</u>
<u>31-702(j)(15)</u>	<u>Allowing chauffeur to operate accessible vehicle without certification</u>	<u>\$250.00</u>
<u>31-705(b)</u>	<u>Failure to comply with requirements for designated public stands</u>	<u>\$100.00</u>
<u>31-705(c)</u>	<u>Permitting a chauffeur to solicit passengers other than by prearrangement through the transportation network entity</u>	<u>\$100.00</u>
<u>31-705(d)</u>	<u>Permitting a chauffeur to accept street hails</u>	<u>\$100.00</u>
<u>31-705(e)</u>	<u>Permitting a network entity vehicle to display the word(s) taxicab, taxi or cab on the exterior or interior of the vehicle</u>	<u>\$100.00</u>
<u>31-705(f)</u>	<u>Failure to comply with all ordinances, rules and regulations</u>	<u>\$100.00</u>
<u>31-705(g)</u>	<u>Failure to provide chauffeur's name, license plate number and picture of vehicle to passenger</u>	<u>\$100.00</u>
<u>31-705(j)</u>	<u>Failure to provide documents when requested by the RER</u>	<u>\$200.00</u>

<u>31-707(a)</u>	<u>Failure to comply with insurance coverage requirements</u>	<u>\$500.00</u>
<u>31-707(b)</u>	<u>Failing to provide necessary insurance coverage or insurance-related services</u>	<u>\$500.00</u>
<u>31-707(c)</u>	<u>Failure to provide RER with required notices of insurance cancellation</u>	<u>\$200.00</u>
<u>31-707(e)</u>	<u>Failure to provide documents when requested by the RER</u>	<u>\$200.00</u>
<u>31-708</u>	<u>Operating a vehicle in violation of the vehicle standards and Sec. 31-711(a)</u>	<u>\$75.00</u>
<u>31-708(2)</u>	<u>Operating for-hire vehicle without a current, valid operating permit or inspection decal, as applicable displayed</u>	<u>\$250.00</u>
<u>31-708(7)</u>	<u>Failure to have an operating air-conditioning system</u>	<u>\$250.00</u>
<u>31-708(25)</u>	<u>Failure to have or to maintain in working order wheelchair restraining devices</u>	<u>\$500.00</u>
<u>31-708(26)</u>	<u>Unauthorized display of "taxicab", "taxi", or "cab" and/or use of taximeter <<</u>	<u>\$100.00</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:

JAC

Prepared by:

GKS

Gerald K. Sanchez

Co-Prime Sponsors: Commissioner Esteban L. Bovo Jr.
Commissioner Audrey M. Edmonson
Co-Sponsors: Vice Chair Lynda Bell
Commissioner Xavier L. Suarez
Commissioner Juan C. Zapata