

# MEMORANDUM

TMSC  
Agenda Item No. 1G4

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

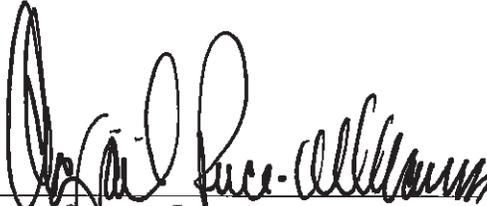
**DATE:** March 16, 2016

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

**SUBJECT:** Ordinance amending Chapter 31,  
Article VI of the Code regulating  
For Hire-Limousines

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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

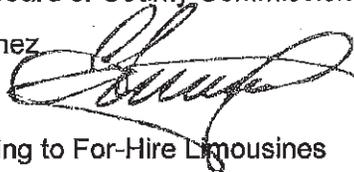
# Memorandum

MIAMI-DADE  
COUNTY

**Date:**

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

**From:** Carlos A. Gimenez  
Mayor



**Subject:** Ordinance relating to For-Hire Limousines

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The proposed ordinance is amending Chapter 31, Article VI of the Code of Miami Dade County regulating for-hire limousines. The amendment pursues the authorization of a lottery for the issuance of up to 300 for-hire luxury limousine sedan licenses in 2014; requiring a study to determine whether to issue additional for-hire limousine sedan licenses in 2015 or thereafter; and empowering the Commission to authorize via resolution the issuance, by lottery, of a number of up to 300 for-hire luxury limousine sedan licenses in 2015.

The proposed lottery for the issuance of for-hire luxury limousine sedan licenses will require notification to eligible applicants as well the employment of external auditor services. There will be a cost to Miami-Dade County of approximately \$18,000 to cover printing expenses, postage expenses, and the external auditor services. However, the implementation of this ordinance provides for collection of fees related to licensing, operating permit and inspection fees collected by the Department of Regulatory and Economic Resources to support regulatory activities. The estimated revenue related to the luxury limousine sedan lottery for 300 licenses required by this ordinance is anticipated to be \$357,000.



Jack Osterholt  
Deputy Mayor

Fls10114



**MEMORANDUM**  
(Revised)

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

**DATE:** September 3, 2014

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

**SUBJECT:** Agenda Item No. 4(E)

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(E)  
9-3-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING FOR-HIRE LIMOUSINES; AMENDING DEFINITIONS OF DIRECTOR, CSD, PRE-ARRANGED, LIMOUSINE AND LUXURY LIMOUSINE SEDAN; DEFINING FOR-HIRE LIMOUSINE REFERRAL SERVICE PROVIDER; AMENDING PROVISIONS REGARDING THE ADVERTISEMENT OF LIMOUSINE SERVICES; REQUIRING THE BOARD TO ADOPT A RESOLUTION ESTABLISHING AND AMENDING FEES RELATED TO FOR-HIRE LIMOUSINE SERVICES; IMPLEMENTING RULES AND REGULATIONS REGARDING FOR-HIRE LIMOUSINE REFERRAL SERVICE PROVIDER LICENSE HOLDERS; AMENDING REQUIREMENTS REGARDING LIMOUSINE RATES; PROVIDING THAT MINIMUM RATES SHALL BE NO LESS THAT ONE AND ONE HALF THE HOURLY WAITING TIME RATE FOR TAXICABS; AMENDING VEHICLE STANDARDS AND REQUIRING THE REGULATORY AND ECONOMIC RESOURCES DEPARTMENT TO SUBMIT A LIMOUSINE VEHICLE LIST FOR BOARD APPROVAL; AMENDING RULES OF OPERATION OF FOR-HIRE LIMOUSINES; AUTHORIZING A LOTTERY IN THE YEAR 2014 FOR THE ISSUANCE OF A NUMBER OF FOR-HIRE LUXURY LIMOUSINE SEDAN LICENSES NOT TO EXCEED THREE HUNDRED FOR-HIRE LICENSES; REQUIRING A STUDY TO DETERMINE WHETHER TO ISSUE ADDITIONAL FOR-HIRE LUXURY LIMOUSINE SEDAN LICENSES IN THE YEAR 2015 OR ANY YEAR THEREAFTER; EMPOWERING THE COMMISSION TO AUTHORIZE BY RESOLUTION THE ISSUANCE BY LOTTERY OF A NUMBER OF FOR-HIRE LUXURY LIMOUSINE SEDAN LICENSES NOT TO EXCEED THREE HUNDRED FOR-HIRE LICENSES IN THE YEAR 2015 OR ANY YEAR THEREAFTER; AMENDING PROVISIONS RELATING TO TRANSFER OF FOR-HIRE LIMOUSINE LICENSES ISSUED PURSUANT TO LOTTERIES AND PERMISSIBLE PARTICIPANTS IN LOTTERIES; ESTABLISHING PROVISIONS FOR SUSPENSION OR REVOCATION OF A FOR-HIRE LIMOUSINE REFERRAL SERVICE PROVIDER LICENSE; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

**Section 1.** Chapter 31, Article VI of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

**CHAPTER 31**  
**VEHICLES FOR HIRE**  
**ARTICLE VI. LICENSING AND REGULATION OF**  
**FOR-HIRE LIMOUSINES**

**Sec. 31-601. Definitions.**

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

\* \* \*

(k) CSD means the Miami-Dade County Consumer Services Department~~[[.]]>>~~, the Regulatory and Economic Resources Department ("RER") or successor department.<<

(l) Director means the CSD ~~[[director or the director's designee.]]>>~~, the Regulatory and Economic Resources Department, or successor department director or designee.<<

\* \* \*

(u) *Limousine* means a "luxury limousine sedan," >>a "luxury sedan."<<a "stretch limousine," a "super-stretch limousine," an "ancient limousine," an "antique limousine," or a "collectible limousine" and which provides service on a pre-arranged basis only, which is dispatched by its central business location >>or electronically<<.

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<sup>1</sup> 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.

(v) *Luxury limousine sedan or luxury sedan* means a luxury, non-metered vehicle ~~>>~~, which is not a taxicab, ~~<<~~ of a wheelbase size smaller than a stretch limousine, as defined by ~~>>~~ the Regulatory and Economic Resources Department or successor department ~~<<~~ ~~[[CSD]]~~.

\* \* \*

(bb) *Pre-arranged* ~~>>~~ ~~<<~~ ~~[[ø†]]~~ *pre-arrange* ~~>>~~, or pre-arrangement ~~<<~~ means a written, electronic or telephone reservation made at least fifteen minutes in advance by the person requesting ~~>>~~ limousine ~~<<~~ service through the place of business of the for-hire license holder ~~>>~~ or the for-hire limousine referral service provider ~~<<~~ for the provision of limousine service ~~[[for a specified period of time]]~~.

\* \* \*

~~>>~~ ~~(mm)~~ *For-hire limousine referral service provider* means a duly licensed person or entity that dispatches, books, refers clients to, collects money for or advertises duly licensed for-hire limousine services that connects a passenger to a duly licensed for-hire limousine, including a chauffeur with a Miami-Dade County chauffer's registration, via advanced reservation through a computer, mobile phone application, text, e-mail, web-based reservation or other similar software-based technologies that may be developed in the future. ~~<<~~

\* \* \*

**Sec. 31-602. For-hire limousine licenses.**

(a) *Prohibition against unauthorized operations.* ~~>>~~ Except as expressly provided elsewhere in Chapter 31 ~~<<~~ ~~[[†]]~~ ~~>>~~ ~~i~~ ~~<<~~ shall be unlawful for any person to use, drive, or operate or to advertise in any newspaper, airwaves transmission, telephone directory, or other medium accessible to the public that it offers for-hire limousine services or to cause or permit any other person to use, drive, or operate any for-hire limousine vehicle upon the streets of Miami-Dade County without first obtaining a Miami-Dade County for-hire license ~~>>~~ or a for-hire limousine referral service provider license ~~<<~~ and maintaining ~~>>~~ said license ~~<~~ ~~[[†]]~~ 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 discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County. Notwithstanding any provision to the contrary, (1) Any passenger lawfully picked up in another county, transported to, and discharged at any location within Miami-Dade County, may be picked up at the discharge location and returned to the county of origin as long as the transportation is part of a pre-arranged, round-trip fare pursuant to a written contract, the limousine has complied with all of the regulatory requirements of the other county and the county where the passenger is picked up has adopted a similar provision; and (2) A limousine from another county may pick up a passenger at either the Miami International Airport (MIA) or the ~~[[Miami-Dade Seaport]]~~>>Port of Miami<< (Seaport) and transport said passenger directly to the limousine's county of origin as long as the transportation is part of a pre-arranged one-way continuous fare pursuant to a written contract, the passenger arrived at either the MIA or the Seaport, the limousine has complied with all of the regulatory requirements of the other county and the county where the passenger is picked up has adopted a similar provision. Pre-arranged means a written, electronic or telephone reservation made at least fifteen minutes in advance by the person requesting service through the place of business of the for-hire license holder >>or the for-hire limousine referral service provider<< for the provision of limousine service ~~[[for a specified period of time]]~~. Any limousine that picks up or discharges passengers at either the MIA or the Seaport shall meet the MIA and the Seaport limousine requirements. A copy of the contract shall be in the possession of the chauffeur at all times and shall be made available to enforcement personnel upon request.
- (c) *Application procedures.* Every initial application for a for-hire license, renewal application, transfer, or amendment to a for-hire license shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD 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 CSD 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, and residence address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident 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 license. 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 Florida and shall have a place of business in either Miami-Dade County, Broward County or Palm Beach County, Florida.
- (2) The class or classes of transportation service which the applicant desires to furnish.
  - (i) Limousine service:
    - (a) Luxury limousine sedan;
    - (b) Stretch limousine;
    - (c) Super-stretch limousine;
    - (d) Ancient limousine;
    - (e) Antique limousine;
    - (f) Collectible limousine.

- (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.
- (4) The names and addresses of at least three (3) residents of the County as references.
- (5) The trade name under which the applicant intends to operate and a description, where applicable, of a distinctive uniform and decorative color scheme including placement of numbers and other markings.
- (6) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.
- (7) 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.
- (8) Two (2) credit references including at least one bank where the applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.
- (9) Where applicable, the contract 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 for-hire license.

- (10) A limousine management service plan which shall include:
  - (a) Maintenance facilities and maintenance program for the upkeep of vehicles operating under the for-hire license.
  - (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 31-608 of this article.
- (11) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.
- (12) Any additional information as the Director shall require to enforce the provisions of this article.

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(f) *Vehicles authorized to operate under a for-hire  
>>limousine<< license.*

(1) Except for luxury limousine sedans, limousines shall be solely owned or leased by the for-hire license holder. Under no circumstances shall a limousine license holder require a chauffeur to purchase or lease a limousine motor vehicle. This requirement shall become effective one (1) year after the adoption of this article when a new vehicle is placed into service as provided by Section 31-609(b).

(2) The number of vehicles authorized to operate under for-hire license are as follows:

(a) Luxury limousine sedan for-hire license holders shall operate only one vehicle per for-hire license.

(b) Stretch, super-stretch, ancient, antique, or collectible limousine license holders may operate more than one vehicle per license, after each such vehicle has obtained a valid and current operating permit.

\* \* \*

(j) *Rules pertaining to change in control of the for-hire license.* Except as provided in Section 31-602(n), no for-hire license shall be assigned, transferred, or sold (either outright or under a conditional sales contract). Except as provided in Section 31-602(n), 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 for-hire license application shall be filed. The for-hire transportation service may continue to operate provided that such application has been filed with the CSD within thirty (30) days of the change in accordance with Section 31-602 and be accompanied by an investigatory and processing fee.

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

\* \* \*

- (21) A limousine for-hire license holder shall, except as provided herein, be prohibited from entering into a written agreement with an existing for-hire limousine license holder or passenger service company as defined in Article II. Notwithstanding the foregoing, a luxury sedan limousine license holder who has been issued three (3) or less luxury sedan limousine licenses may enter into a written agreement with an existing for-hire limousine license holder or passenger service company for the provision of the following services as stated in section 31-602(c)(10). Under no circumstances shall an existing for-hire limousine license holder or passenger service company require a sedan limousine license holder to purchase any services or goods others than those stated in 31-602(c)(10);
- (22) Not allow a driver to solicit or pick up passengers other than by prearrangement;

\* \* \*

- (n) No for-hire limousine luxury sedan license 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 for the purposes of this section. The Director is authorized to approve assignments, sales, or transfers when requested by submission of an application (which discloses the information specified in and is signed and sworn to in accordance with the requirements of subsections (c) and (d) 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 limousine luxury sedan license during the pendency of the application approval process. If the County approves an application to assign, sell, or transfer a limousine luxury sedan license, the assignor's, seller's, or transferor's limousine luxury sedan license shall be suspended until the County reissues the limousine luxury sedan licenses to the assignee, buyer, or transferee. Provided, however, that the County shall reissue the limousine luxury sedan licenses to the assignee, buyer, or transferee at a cost not to exceed the annual, limousine luxury sedan license renewal fee. Any limousine luxury sedan license issued pursuant to Section 31-603[[~~(e)(ii)~~—~~(v)~~]] 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 luxury sedan license holder's business within the five-year period; (2) the sale of shares or the corporation or partnership as provided in this subsection; or (3) the transfer of all for-hire luxury sedan licenses by an individual to a person as defined in Section 31-601. No transfer shall be approved that results in a license holder holding or controlling more than thirty (30) percent of the total number of luxury limousine sedan licenses issued by the County. Appeals of the Director's decision shall be made pursuant to the requirements of this Chapter. >>Notwithstanding the foregoing, any luxury limousine sedan license issued by lottery in 2014 or any time thereafter shall not be assigned, sold or transferred.<<

\* \* \*

- (q) *Rules for existing for-hire limousine licenses.* Notwithstanding any provision to the contrary, any person who converts an existing for-hire limousine license after the date of adoption of this article pursuant to Section 31-603[[~~(e)(i)~~]] and is providing luxury limousine service may lease the luxury limousine sedan license to a person who meets the requirements of Section 31-602(c) and (d), including payment of the application and investigatory fee, until such license is assigned, sold or transferred as provided in Section 31-602(n).

>>(r) The Board shall adopt a resolution establishing fees relating to for-hire limousine referral service provider licenses and amending fees regarding for-hire limousine licenses to provide necessary revenue for RER to provide appropriate enforcement.<<

\* \* \*

**Sec. 31-603. Luxury limousine sedan for-hire limousine licenses.**

(a) *Rules governing the distribution of luxury limousine sedan for-hire licenses.*

(i) Upon the effective date of this ~~[[article]]~~ >>ordinance<<, the director shall be authorized to issue the number of luxury limousine sedan for-hire licenses pursuant to >>this<< subsection~~[[s (e)(i), (ii), (iii) and (iv)]]~~. In 2006, 2007 and 2008, the director shall be authorized to issue forty-two (42) luxury limousine sedan licenses each calendar year. >>In 2014, the director shall issue three hundred (300) luxury limousine sedan licenses. Thereafter, the Mayor shall conduct a study regarding the need to issue additional luxury limousine sedan licenses in 2015 or any year thereafter. After receiving the Mayor's report, the Commission may by resolution authorize the director to issue a number not to exceed three hundred (300) additional luxury limousine sedan licenses based upon demand as determined by the Mayor's study.<< The CSD director shall administratively issue such licenses pursuant to the provisions of ~~[[this]]~~ >>sub<<section >>(b)<<.

(b) *Method for distribution of new luxury limousine sedan for-hire licenses.* Issuance of luxury limousine sedan for-hire licenses shall be issued by the CSD director in accordance with the following procedures:

(i) Random selection or lottery for new issues. A random selection or 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 CSD no later than fifty (50) calendar days after the announcement of the lottery.

- (ii) Separate lottery conducted by CSD. If, due to revocation, cancellation, or lapse, there are ten (10) or more luxury sedan licenses which may be issued, the CSD shall have authority to issue such licenses 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.
- (iii) 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 31-602 of this Chapter, including payment of the investigative and processing fee provided therein. In addition to the eligibility requirements found elsewhere in this Chapter, an applicant shall not be eligible to participate in the random selection or lottery process if he/she/it has, during the three (3) years prior to application, pled nolo contendere, pled guilty or been found guilty of a total of four (4) or more violations of any one or combination of the following sections of this Chapter: Section 31-602 (a); Section 31-603 (b); and/or Section 31-607(a). The CSD shall disqualify applicants who do not meet the requirements of this Chapter from participation in the lottery. The director's decision shall be final.
- (iv) No luxury limousine sedan for-hire license shall be issued until the applicant has met the provisions of Section 31-602 within forty-five (45) days after the applicant has been notified of his or her selection. If the applicant believes he or she cannot meet the requirements within the 45-day period, the applicant may, prior to expiration of such 45-day period, request in writing, a reasonable extension from the CSD director. The CSD director may grant

such a reasonable extension that the director finds is in the public interest.

>>(v) The additional three hundred (300) luxury limousine sedan for-hire licenses required to be issued in the year 2014 shall be issued to applicants who meet the requirements of Section 31-602 and Section 603, and shall be distributed as follows:

- (1) One hundred (100) to holders of a current and valid Miami-Dade County limousine chauffeur's registration for at least two (2) consecutive years prior to the deadline to submit an application to participate in the lottery;
- (2) One hundred (100) to holders of a current and valid Miami-Dade County taxicab chauffeur's registration for at least two (2) consecutive years prior to the deadline to submit an application to participate in the lottery;
- (3) One hundred to holders of a current and valid Miami-Dade County for-hire limousine license who meet the application requirements.

In the event the Commission, after receipt of the Mayor's report, authorizes the director to issue additional luxury limousine sedan licenses as provided in sections 31-603(a)(i), said luxury limousine sedan for-hire licenses shall be issued as provided in a resolution adopted by the Board based upon the Mayor's study.

(vi) An applicant may only qualify and submit an application for one category. Only one application for any applicant for the lottery provided for in subsections (v)(1) and (2) shall be accepted. No lottery applicant for the lottery provided for in subsections (v)(1) and (2) may apply for more than one (1) luxury limousine sedan license. Notwithstanding the foregoing, an applicant for the lottery provided for in subsection (v)(3) may apply

for a maximum of ten (10) luxury limousine sedan licenses.<<

(c) *Conditions for initial issuance of luxury limousine sedan licenses:*

- (i) Each holder of a current and valid for-hire license to operate a limousine shall, upon application, receive one luxury limousine sedan license for each such license held. Such application shall be filed no later than forty-five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.
- (ii) Each lessee of a current and valid for-hire limousine license as of January 1, 1999, shall, upon application and the submission of documentation requested by CSD, receive one (1) luxury limousine sedan license for each for-hire limousine license leased prior to January 1, 1999. Such application shall be filed no later than forty-five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.
- (iii) Each person in whose name continuous intra Miami-Dade County luxury limousine service was offered prior to January 1, 1999 shall be issued one (1) luxury limousine sedan license for each for-hire luxury limousine sedan operated if the applicant: (1) submits an application which is approved by the CSD; (2) pays the applicable application investigative and processing fees; (3) provides proof of continuous, intra Miami-Dade County luxury limousine sedan service, as required herein; and (4) enters into a settlement agreement with the County, which shall, among other things, include a promise that the applicant's future limousine operations will comply with the requirements of the Code and requires the payment of a five hundred dollar (\$500.00) per vehicle penalty for each year that a vehicle has been operated illegally. The settlement agreement may provide for payment of such penalty over a period of years. In order to demonstrate

continuous, intra Miami-Dade County luxury limousine sedan service before January 1, 1999, the applicant shall submit, in addition to any other information required by the County, the following documents: (1) annual federal tax records relating to luxury limousine services showing the payment of taxes consistent with the provision of luxury limousine services as stated in the application; (2) a list and description of all vehicles operated, vehicle identification numbers and the years of operation; (3) annual revenues per vehicle; (4) evidence of automobile liability insurance as required by Florida Statutes for each vehicle operated; (5) the number of hours operated per year, per vehicle; (6) proof that each vehicle provided at least 240 intra Miami-Dade County trips for the 12-month calendar period prior to January 1, 1999; (7) occupational licenses for each year the applicant provided for-hire limousine service from a municipality in Miami-Dade County, Miami-Dade County, or in the absence of an occupational license from the preceding governmental entities, an occupational license from a municipality in Broward or Palm Beach Counties, or from Broward or Palm Beach Counties; (8) manifests for each trip provided by each vehicle; (9) Articles of Incorporation, if required by law; (10) fictitious name registrations, if required by law; (11) annual renewals of Articles of Incorporation and fictitious name registrations, if required by law; (12) the name, address and telephone number for all chauffeurs who drove each luxury limousine and the dates of employment; and (13) a notarized affidavit, signed under oath, that the submitted application and documents are true and genuine. The CSD shall disqualify applicants who do not meet the requirements of this chapter.

- (iv) After totaling the number of for-hire luxury limousine sedan licenses issued pursuant to (c)(i), (ii) and (iii), twenty (20) percent of the total number of issued luxury limousine sedan licenses to be issued or 100 luxury limousine sedan licenses, whichever number is greater, shall be distributed through a random selection or lottery process to taxicab chauffeurs who as of January 1, 1999, were providing taxicab service in compliance with the

requirements of Chapter 31 of the Code. The applicant shall be required to furnish such documentation as shall be required by the CSD.

~~[(v) If, in the future, additional luxury limousine sedan for hire licenses are to be issued, all applicants must]] meet the requirements of Section 31-602 and Section 603 and, shall be distributed as follows:~~

~~(1) Two thirds (2/3) to holders of a current and valid limousine for hire license; and~~

~~(2) One third (1/3) to applicants who are not holders of current and valid limousine for hire license to holders of a current and valid limousine for hire license;~~

~~(vi) No lottery applicant may apply for more than ten (10) luxury limousine sedan licenses.]]~~

(d) *Renewals.* Additional rule for renewal of luxury limousine sedan for-hire licenses. Failure to use a for-hire license during any nine (9) month period shall be deemed abandonment and shall result in automatic revocation of the for-hire license.

(e) *Leasing the for-hire license.* A luxury limousine sedan license shall not be leased to another party.

\* \* \*

**Sec. 31-604. Establishing limousine rates.**

~~[[Except as otherwise provided herein, the Commission shall establish minimum rates for luxury limousine sedan, stretch limousine, super stretch limousines, antique limousines, ancient limousines and collectible limousines operating in Miami-Dade County. Such rates shall be established, altered, amended, revised, increased, or decreased in accordance with the following procedures:~~

~~(4)]>>(a) Rates for limousines operating in Miami-Dade County shall be established by the for-hire limousine license holder and/or duly licensed for-hire limousine referral service provider. There shall be no minimum time requirements for limousines. Notwithstanding the~~

~~foregoing, a for-hire limousine license holder or duly licensed for-hire limousine referral service provider may charge no less than one and one-half (1 1/2) the hourly waiting time rate for taxicabs.<<[[The CSD, at two year intervals or upon request of the Commission or the County Manager, shall investigate and prepare a report concerning the existing rates for luxury sedans, ancient limousines, antique limousines, collectible limousines, stretch, and super stretch limousines. Said investigation shall specify the relative changes in the consumer price index over the preceding two year period and shall quantify what the rates would be if the currently approved minimum limousine rates were adjusted for such change. Such investigation may also consider the financial records of the industry to determine revenues or expenses when requested by the Commission or County Manager.~~

~~(2) The CSD's report shall be forwarded to the County Manager who shall prepare a recommendation to the Board of County Commissioners.~~

~~(3) A public hearing concerning rates shall be scheduled at which time all interested parties shall have an opportunity to be heard. The Commission shall consider the CSD's report, the County Manager's recommendation, and all evidence produced at the hearing and, by resolution, shall determine and set the appropriate rates as may be in the public interest; provided, however, limousine minimum rates shall be no less than three and one-third (3 1/3) times the hourly rate of taxicabs]]~~

>>(b) Prior to booking a vehicle, the fare calculation method, the applicable rates being charged, and the option for an estimated fare must be available to the customer. Upon completion of a trip, the customer shall receive a paper or electronic receipt that lists the origination and destination of the trip, the total distance and time of the trip, and a breakdown of the total fare paid, including fees and gratuity, if any.<<

\* \* \*

**Sec. 31-609. Vehicle standards.**

\* \* \*

- (b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as follows; provided however, that the CSD may inspect a for-hire vehicle at any time:
- (1) Luxury limousine sedans. No luxury limousine sedan initially placed into service shall be older than two (2) model years of age. No luxury limousine sedan that exceeds five (5) model years of age shall be inspected or operated.
  - (2) Stretch limousines. No stretch limousine initially placed into service shall be older than two (2) model years of age. No stretch limousine that exceeds five (5) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of forty-two (42) inches may be operated beyond five (5) model years as long as the vehicle meets the inspection requirements of the Code.
  - (3) Super-stretch limousines. No super-stretch limousine initially placed into service shall be older than two (2) model years of age. No super-stretch limousine that exceeds seven (7) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of one hundred twenty (120) inches may be operated beyond seven (7) model years as long as the vehicle meets the inspection requirements of the Code.
- >>(4) For-hire license holders shall only operate vehicles for limousine service that are listed on the RER's approved list of acceptable luxury limousine vehicles. Beginning in 2014, the RER shall, annually, prepare a list of acceptable luxury limousine vehicles and submit such list, no later than December 1<sup>st</sup> of each year, to the Board for approval by resolution within thirty (30) days. If such list is approved by the Board, it shall go into

effect on January 1<sup>st</sup> of the next year. If the Board declines and/or fails to approve such list, then the acceptable luxury limousine vehicle list previously approved shall remain in effect until the Board approves another list.<<

\* \* \*

**Sec. 31-615. Advertisement of for-hire services.**

- (a) No person may knowingly place or publish an advertisement in any 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 for-hire >>limousine<< license number >>or the for-hire limousine referral service provider license number<< ~~[[of the limousine company]]~~.
- (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 ~~[[minimum]]~~ rate or fare >>lower than the minimum rate or fare<< ~~[[other than the rate or fare]]~~ approved pursuant to Section 31-604.
- (d) No person shall advertise limousine service in a manner that is false, deceptive or misleading including, but not limited to, representing the limousine service as taxicab service or as demand response service.

**>>Sec. 31-616. For-hire limousine referral service provider licenses.**

- (a) Prohibition against unauthorized operations. No person or entity shall provide for-hire limousine referral services without first obtaining a Miami-Dade County for-hire limousine referral service provider license and maintaining it current and valid pursuant to the provisions of this article.

- (b) Any for-hire limousine referral service provider license holder shall only dispatch, book, refer clients to, collect money for or advertises duly licensed and permitted limousine vehicles utilizing chauffeurs issued a Miami-Dade County chauffeur's registration in compliance with Chapter 31 of the Code.
- (c) For-hire limousine referral service provider license holders shall maintain a website which shall contain information on the method of fare calculation, the rates and fees charged and provide a customer service telephone number or e-mail address.
- (d) For-hire limousine referral service provider license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code unless specifically excluded in this section.
- (e) For-hire limousine referral service provider license holders may contract to provide electronic dispatch services for an unlimited number of vehicles after each such vehicle has obtained a valid and current operating permit.
- (f) *Application procedures.* Every initial application for a for-hire limousine referral service provider license, renewal application, transfer, or amendment to a for-hire limousine referral service provider 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 and meet all requirements of Section 31-602(c)(1), (4), (5), (6), (7), (8), (9), (10) (b) and (d), (11) and (12) and 31-602(d), and shall be renewed annually in accordance with Section 31-602(h). Each applicant shall be required to pay all applicable fees.

- (g) Method for distribution of new for-hire limousine referral service provider licenses. Issuance of for-hire limousine referral service provider licenses shall be issued by the RER director in accordance with the provisions of subsection 31-616(f).
- (h) Failure to use a for-hire limousine referral service provider license during any nine (9) month period shall be deemed abandonment and shall result in automatic revocation of the license. RER may require a for-hire limousine referral service provider license holder to provide proof of business activity.
- (i) For-hire limousine referral service provider license holders shall submit to RER, on a monthly basis, a list of all contracted for-hire license holders and chauffeurs.
- (j) Grounds for suspension or revocation. In addition to the grounds for suspension or revocation provided elsewhere in this chapter, for-hire limousine referral service provider licenses shall be subject to suspension or revocation by the Director as follows:
  - (1) In addition to other penalties set forth, three (3) violations of subsection 31-616 during any twelve-month period by a for-hire limousine referral service provider license holder shall subject the license holder to suspension of the license for a period of up to six months or revocation of the license.
  - (2) In addition to other penalties set forth, two or more violations of subsection 31-616(a) by a for-hire limousine referral service provider license holder shall subject the license holder to a suspension of the license for a period of up to six months or revocation of the license.<<

**Section 2.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

\* \* \*

Code Section	Description of Violation	Civil Penalty
>>31-616	<u>Violation of Section 31-616</u>	<u>\$1000.00</u> <<

**Section 3.** Severability. 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 4.** 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:

ADW

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Dennis C. Moss