

MEMORANDUM

Agenda Item No. 5(B)

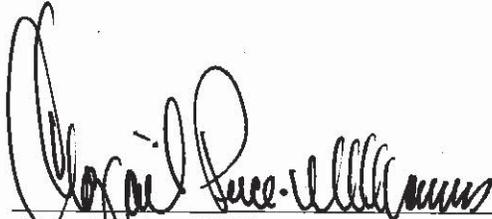
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Public Hearing 5-3-16)
January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending
Chapter 31 of the Code
relating to regulation of
taxicabs; amending
requirements relating to
licensing and regulation
of taxicabs

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.



Abigail Price-Williams
County Attorney

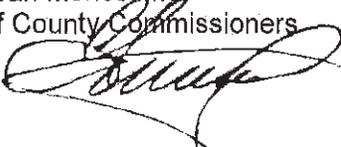
APW/cp

Memorandum

MIAMI-DADE
COUNTY

Date: May 3, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Fiscal Impact for Ordinance Relating to Regulation of Taxicabs; Amending Requirements Relating to Licensing and Regulation of Taxicabs

The proposed ordinance amends Chapter 31, Article II of the Code of Miami-Dade County relating to the regulation of taxicabs by amending requirements relating to licensing and regulations of taxicabs. Amendments to the Code include, among other things, changes to the chauffeur licensing and training requirements, vehicle age requirements, frequency of vehicle inspections, the elimination of the underserved and South Miami-Dade service areas and changes to the rate regulations.

The Department of Transportation and Public Works (DTPW) will experience a revenue loss of \$240,250. This loss is associated with the elimination of the chauffeur training program is estimated to generate a revenue loss of (\$20,250), and the reduction of the number of for-hire vehicle inspections from the current system of up to four inspections a year based on the age of the vehicle to annual inspections only (\$220,000). Additionally, if all the taxicab companies in this industry opt to certify their own drivers, and vehicles, then it is estimated that the DTPW will lose \$253,000 in Driver Certification fees, and \$80,000 in Vehicle Inspection fees. In the short term, the DTPW will reallocate staff to enforcement efforts, and as part of the annual budget process, it will reevaluate the fees it charges to this industry.

DTPW will enforce this section of the code, and enforcement activities amended by this ordinance will be funded entirely by fees charged to companies in this industry. It is anticipated that implementation of this ordinance will have a neutral fiscal impact to the County.

Finally, the proposed ordinance makes various adjustments to the civil penalties section of the code, whose fiscal impact cannot be determined at this time.



Alina T. Hudak
Deputy Mayor

Fis03016.160015

Memorandum



Date: May 3, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Glmenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Glmenez". The signature is written in a cursive style and is positioned to the right of the "From:" field.

Subject: Social Equity Statement for Ordinance Amending Chapter 31 of the Code relating to Regulation of Taxicabs; Amending Requirements Relating to Licensing and Regulations of Taxicabs

The proposed Ordinance amends Chapter 31, Article II of the Code of Miami-Dade County relating to the regulation of taxicabs by amending requirements relating to licensing and regulations of taxicabs. Amendments to the Code include changes to the vehicle age requirements, frequency of vehicle inspections, the elimination of the underserved and south Miami-Dade service areas, and changes to the rate regulations.

Changes to the vehicle age requirements in conjunction with a decrease in the frequency of vehicle inspections will reduce expenses paid by the taxi driver, thereby allowing them to retain more of their income. The elimination of the underserved and south Miami-Dade service areas will allow those drivers the opportunity to provide service countywide, thereby increasing their income. Allowing drivers to charge a lower rate will allow them to be more competitive in the new transportation environment created by the introduction of technology based transportation alternatives. The potential for a lower rate will also benefit the community that relies on taxicab service as a primary source of transportation.

A handwritten signature in black ink, appearing to read "Alina T. Hudak". The signature is written in a cursive style and is positioned above the name and title of the signatory.

Alina T. Hudak
Deputy Mayor

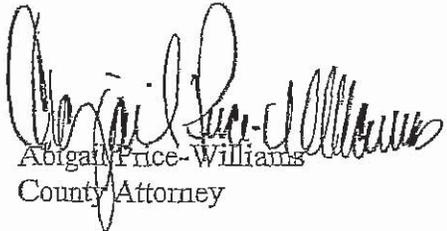


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 3, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 5(B)

Veto _____

5-3-16

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO REGULATION OF TAXICABS; AMENDING REQUIREMENTS RELATING TO LICENSING AND REGULATION OF TAXICABS; AMENDING DEFINITIONS; DELETING REQUIREMENT PROVIDING FOR CHAUFFEUR AGREEMENTS AND PASSENGER SERVICE AGREEMENTS; ELIMINATING PROVISIONS REQUIRING TRANSFERS TO TAXICAB CHAUFFEURS; ELIMINATING CHAUFFER TRAINING AND OTHER SPECIFIED REQUIREMENTS; AMENDING DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES; AMENDING PROVISIONS RELATING TO TAXICAB RATES; ALLOWING PASSENGER SERVICE COMPANIES OR FOR-HIRE LICENSE HOLDERS TO CERTIFY THAT DRIVERS AND VEHICLES SATISFY THE REQUIREMENTS OF THE CODE; AMENDING PROVISIONS RELATING TO VEHICLE STANDARDS INCLUDING VEHICLE AGE REQUIREMENTS AND VEHICLE INSPECTIONS; AMENDING PROVISIONS REGARDING INSURANCE REQUIREMENTS; PROVIDING THAT UNDERSERVED AREA TAXICABS AND SOUTH MIAMI-DADE AREA TAXICABS MAY OPERATE COUNTYWIDE; AMENDING CHAPTER 8CC OF THE CODE PROVIDING CIVIL PENALTIES; AND 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 II of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

CHAPTER 31. VEHICLES FOR HIRE

* * *

Article II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES.

Sec. 31-81. Definitions.

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

- (a) *The ADA-defined area of Miami-Dade County* means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths ($\frac{3}{4}$) of a mile on each side of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths ($\frac{3}{4}$) of a mile around each Metrorail station.
- (b) *The Americans with Disabilities Act of 1990 or the ADA* means the civil rights acts signed into law on July 26, 1990 as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.
- (c) *Applicant* means an individual, partnership or corporation which applies for a for-hire license, permit, chauffeur's registration, or a passenger service company registration pursuant to the provisions of this article. "Applicant" shall also mean an individual, partnership ~~or~~ corporation ~~or limited liability company~~ which makes application, where applicable, to renew or transfer a for-hire license, permit, chauffeur's registration or a passenger service company 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 ~~owning at least five (5) percent of the shares of the corporation~~ of a privately held corporation as well as the corporate officers and directors.
- (d) *Chauffeur* means a duly licensed driver registered with and authorized by the ~~Consumer Services Department~~ RER to operate a for-hire passenger motor vehicle.

- (e) ~~[[Chauffeur agreements means the CSD approved form agreements entered into by the chauffeur and the passenger service company and the chauffeur and the for hire license holder prior to the provision of any for hire service.]]~~
>>Reserved<<
- (f) *Chauffeur registration* means a registration card issued by the ~~[[CSD]]~~ >>RER<<.
- (g) *Color scheme and markings* mean a County-approved decorative vehicle exterior design to be utilized on each vehicle.
- (h) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.
- (i) *County* means Miami-Dade County, Florida.
- (j) ~~[[County Manager]]~~ >>Mayor<< means the ~~[[chief executive officer and]]~~ head of the administrative branch of county government as provided in Article ~~[[3]]~~ >>2<< of the Home Rule Charter of Miami-Dade County.
- (k) ~~[[CSD]]~~ >>Department or RER<< means the Miami-Dade County ~~[[Consumer Services]]~~ Department of >>Regulatory and Economic Resources, its predecessor department or successor department<<.
- (l) *Director* means the ~~[[CSD]]~~ >>RER<< director or the director's designee.
- (m) *Dispatch* means ~~[[a communication via two-way radio or cellular telephone from a passenger service company to a taxi chauffeur to provide for hire transportation to a passenger]]~~ >>connecting a passenger to a duly licensed taxicab, including a chauffeur with a Miami-Dade County chauffeur's registration, via advanced reservation through a two-way radio, cellular telephone, computer, mobile phone application, text, e-mail, web-based reservation or other similar software-based technologies that may be developed in the future. <<
- (n) ~~[[Reserved]]~~ >>E-Request means a pre-arranged request for service through a software program or application approved by RER residing on a smartphone or other electronic device which performs one or more of the following functions: allows a passenger to identify the location(s) of available

taxicabs in a given area and allows a taxicab to identify the location of a passenger who is currently ready to travel; allows a passenger to request a taxicab via the electronic device; allows a taxicab to receive a request from a passenger if the application provides for connecting a passenger to a taxicab; and allows a passenger to pay for taxicab fares through the application.<<

- (o) *Fares or rates* means the charges, rates, surcharges, fees, convenience fees, fares or any other compensation established pursuant to this article to be paid by passengers for or related to the transportation services provided by a for-hire passenger motor vehicle. Fares or rates include any charge, rate, surcharge, convenience fee, fare or other compensation for the use of a credit or debit card >>approved by the County Commission when permissible by State law<<.
- (p) *For compensation or compensation* means for money, property, service or anything of value, including >>but not limited to<< tips, >>donations<< and commissions >> paid for transportation services and received from any person or entity including, but not limited, to the passenger.<<
- (q) *For-hire* means driving, operating, or managing a for-hire passenger motor vehicle, and includes all non-revenue producing operations of the passenger motor vehicle.
- (r) *For-hire license* means an annual, renewable license issued pursuant to this Article which authorizes the provision of for-hire transportation services and which may expire, be suspended or revoked.
- (s) *Passenger service company* means a Florida corporation or partnership created for the purpose of providing passenger services for for-hire taxi operations and providing various services to for-hire license holder(s) and chauffeurs>>.<< [[with whom the passenger service company has entered into passenger service agreements.]]
- (t) *Passenger service company registration* means an annual, renewable registration issued pursuant to this article which grants authority to provide passenger services for for-hire operations and which may expire, be suspended or revoked.

- (u) *For-hire passenger motor vehicle or for-hire motor vehicle* means any ~~[[chauffeur-driven taxicab as defined herein]]~~ >>motor vehicle<< which >>is driven by another person and<< engages in the ~~[[casual and nonrecurring]]~~ transportation of persons and their accompanying property for compensation over the public streets, but excluding ambulances and nonemergency medical transportation of decedents and persons participating in funeral services, vehicles used solely to provide free transportation services for customers of the business establishment owning said vehicles, vehicles used solely to provide special transportation services for ~~[[the Metro]]~~ Miami-Dade Transit ~~[[Agency]]~~ pursuant to a contract with Miami-Dade County, and rental or leased vehicles which rental or lease does not include a chauffeur; provided, however, that no vehicles excluded under this definition shall be used on a for-hire basis except as authorized by this article. Vehicles used to provide ~~[[Metro]]~~ Miami-Dade Transit ~~[[Agency]]~~ special transportation services pursuant to a contract with Miami-Dade County are subject to the regulations contained in Article IV of this chapter.
- (v) *Good cause* shall mean delay caused by circumstances beyond the control of the applicant.
- (w) *In service* means a for-hire vehicle which is displaying a valid, current operating permit or decal, as applicable, issued by the ~~[[CSD]]~~ >>RER<<.
- (x) ~~[[Passenger service agreement means the CSD approved form agreement entered into by the for-hire license holder and the passenger service company prior to any for-hire operation.]]~~ >>Reserved.<<
- (y) *MDT*~~[[A]]~~ means the Miami-Dade Transit ~~[[Agency]]~~>>Department or successor department<<.
- (z) *Medallion* means a plate or decal issued by ~~[[CSD]]~~ >>the County<< as the physical evidence of a taxicab license which is affixed to the outside or inside of such taxicab.
- (aa) *Medallion system* means the system which deems a taxicab for-hire license to be intangible property.
- (bb) *Off Duty* means the periodic, temporary cessation of daily for-hire service indicated by a sign placed and visible on

the vehicle's front windshield and which shall not be construed to alter the "in service" status of the for-hire vehicle. No for-hire vehicle in operation or awaiting passengers shall display an off-duty sign.

- (cc) *Operate* means to provide transportation services for compensation regulated by this article utilizing a for-hire passenger motor vehicle.
- (dd) *Operating permit* means the valid and current vehicle decal issued to the license holder or passenger service company, when applicable, which authorizes a specific, registered vehicle to operate for-hire and which may expire, be suspended or revoked.
- (ee) *Operator* means any person who has been issued a for-hire license and her, his or its agent, where applicable, which shall be a passenger service company.
- (ff) *Out of Service* means the removal of a for-hire vehicle from operation by removal of a valid, current operating permit and filing with the ~~[[CSD-a-CSD]]~~ >>RER a RER<< form removing the vehicle from service.
- (gg) *Paratransit services* means any transportation service provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by the individual user at a certain time that is agreed upon by the user and the service provider.
- (hh) *Passenger* means a person utilizing a for-hire vehicle for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched for-hire vehicle, and does not include the chauffeur.
- (ii) *Person* means any natural person(s), firm, partnership, association, corporation, or other business entity.
- (jj) *Personnel authorized by the* ~~[[CSD]]~~ >>RER<< means uniformed enforcement personnel and any other individual authorized by the ~~[[director]]~~ >>Director<<.
- (kk) *Place of business* means the specific Miami-Dade>>, Broward or Palm Beach<< County address where management of for-hire operations is provided and which is zoned for the appropriate business usage and matches the address on a current valid occupational license.

- (ll) *Rate card* means a card, issued by the [[CSD]] >>RER<< which displays approved for-hire rates and fares and such other data as the [[CSD]] >>RER<< may prescribe.
- (mm) *Solicit* means an appeal by bell, horn, whistle, words or gestures by a chauffeur or his or her agent directed at individuals or groups.
- (nn) *Street* means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place accessible to the public, located in Miami-Dade County and used by motor vehicles.
- (oo) *Street hail* means an immediate arrangement made on a street with a taxi chauffeur by a person seeking immediate transportation by taxi.
- (pp) Reserved.
- (qq) ~~[[Taxicab means an eight (8) passenger or less, exclusive of chauffeur, for hire passenger motor vehicle, which is not a limousine, with at least three (3) doors, designed, constructed, reconstructed and equipped as required in this chapter to provide either street hail, e-hail or prearranged taxicab service, which is equipped with a taximeter, unless authorized to exclusively operate at a flat rate, and where the route and destination are controlled by the passenger.]]~~
>>Taxicab means an eight (8) passenger or less, exclusive of chauffeur, for-hire passenger motor vehicle, which is not a limousine, nonemergency vehicle, contracted special transportation service vehicle, ambulance or any other vehicle regulated by Chapter 4 or Chapter 31 with at least three (3) doors, which provides either street hail, E-Request or any other on-demand or prearranged for-hire service for compensation.<<
- (rr) *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.
- (ss) *Taximeter* means any approved mechanical or electronic internally mounted device approved by the [[CSD]] >>RER<< and meeting all certifications, tolerances and other technical requirements for taximeters specified in the

most recent edition of the National Bureau of Standards Handbook H. 44 published by the U.S. Department of Commerce which automatically records and indicates a charge or fare measured by distance traveled, waiting time, or other traditionally compensable activities or times of taxicab service.

- (tt) *Trade name or doing business as or (d/b/a) name* means the county-approved name under which the for-hire license holder and the passenger service company may provide for-hire passenger motor vehicle transportation services, and which name shall not duplicate the name of any other license holder or passenger service company.
- (uu) *Two-way dispatch system* means a communication system utilizing a two-way radio, ~~[[or]]~~ cellular telephone, ~~>>computer, mobile phone application, text, e-mail, web-based reservation or other software-based technologies<<~~ by which a dispatcher may communicate with the chauffeurs of all taxicabs during all hours of vehicle operation ~~>>.<< [[and in which each for hire vehicle is equipped with a two-way radio or cellular telephone.]]~~
- (vv) *Waiting employment or awaiting employment* means that the vehicle and chauffeur are available and are in proper condition, location, attendance so as to be hired for service.
- (ww) *Paratransit passenger* means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one (1) or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such an impairment.
- (xx) *Accessible vehicle* means a vehicle that has been significantly modified and specially equipped with the installation of lifts or other equipment necessary for the transport of disabled persons who use wheelchairs or wheelchair conveyances.
- (yy) *Wheelchair* means those wheeled devices, usable indoors, designed for and used by persons with mobility impairments which do not exceed 30 inches in width and 48 inches in length, measured 2 inches above the ground, and do not weigh more than 600 pounds when occupied.

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

Sec. 31-82. For-hire licenses.

- (a) Prohibition against unauthorized operations. It shall be unlawful for any person to use, drive or operate, or to advertise in any newspaper, airwave transmission, telephone directory or other medium accessible to the public that it offers for-hire services, or to cause or permit any other person to use, drive or operate any for-hire motor vehicle upon the streets of Miami-Dade County without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid pursuant to the provisions of this article.
- (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 area of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Miami-Dade County for-hire chauffeur's registration.
- (c) Application procedures. Every initial application for a for-hire license, renewal application, amendment to a for-hire license or transfer of a for-hire license, shall be in writing,

signed and sworn to by the applicant, and shall be filed with the ~~[[CSD]]~~ >>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 ~~[[CSD]]~~ >>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, 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.
 - (a) Reserved.
 - (b) Business location requirements for taxicab for-hire licensees. All applicants who are applying for a taxicab for-hire license after the effective date of this ordinance or have been issued a taxicab for-hire license after the effective date of this ordinance shall have a place of business in Miami-Dade >>, Broward or Palm Beach<< 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.
- (2) The class or classes of transportation service which the applicant desires to furnish.

- (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]]~~
>>Reserved<<.
- (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 (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]]~~ >>Reserved<<.
- (9) ~~[[Reserved.]]~~ >>A description of the vehicle and driver certification program, as described elsewhere in this article, if applicable.<<
- (10) Reserved.

- (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.]]~~
>>Reserved.<<
 - (13) The name of the passenger service company who shall act as the for-hire license holder's agent, where applicable.
- (d) Investigation of for-hire license applicants. The ~~[[director]]~~ >>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]]~~ >>Director<< may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The ~~[[director]]~~ >>Director<<'s decision to reject or to deny may be appealed in accordance with this chapter.

An applicant shall not be eligible for a for-hire 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 for-hire vehicle was employed whether or not adjudication has been withheld;

- (6) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under 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 a for-hire license imposed by the ~~[[director]]~~ >>Director<< or commission where the ~~[[director]]~~ >>Director<< deems the violation to be grounds for denial;
- (8) Was enjoined by a court of competent jurisdiction >>in Miami-Dade County<< from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;
- (9) Has as a stockholder, officer, director, or partner of a corporation or partnership committed an act or omission which would be cause for denying a for-hire license to the officer, director, stockholder, or partner as an individual;
- (10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the ~~[[director]]~~ >>Director<<;
- ~~[[(11) Has failed to satisfy the residency and domicile requirements of this chapter;]]~~
- >>(11)<<[[(12)]]
- Does not have a place of business located in Miami-Dade >>, Broward or Palm Beach<< County, Florida;
- >>(12)<<[[(13)]]
- Has any unsatisfied civil penalty or judgment pertaining to for-hire operation;
- >>(13)<<[[(14)]]
- Has had a for-hire license issued by Miami-Dade County revoked;

>>(14)<<[[(15)]] 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)<<[[(16)]] 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.

Where the provisions of this article limit the total number of for-hire licenses to be issued for a specific category of for-hire transportation, the [[director]] >>Director<< shall not issue licenses in excess of such limit. Any for-hire licenses requiring approval by the commission shall be submitted to the commission with the written recommendation of the County [[Manager]] >>Mayor<<.

(e) Conditions for obtaining a for-hire license. No for-hire license shall be issued unless the applicant:

- (1) Has paid an initial or annual license fee;
- (2) Has provided an adequate management plan, where applicable [[, and has submitted a sworn statement that the applicant has executed a passenger service agreement]];];
- (3) Has submitted proof of insurance required by this article;
- (4) Has ensured that the for-hire passenger motor vehicle to be operated under the applicant's for-hire license has 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]]~~ >>Director<<. If the request states good cause for an extension, the ~~[[director]]~~ >>Director<< may grant such a reasonable extension as the ~~[[director]]~~ >>Director<< finds is in the public interest.

- (f) Vehicles authorized to operate under a for-hire license. The number of vehicles authorized to operate under a for-hire license are as follows: taxi for-hire license holders shall operate only one (1) vehicle per for-hire license.
- (g) Issuance and replacement of for-hire license.
 - (1) Issuance. Each for-hire license shall be on a form developed by the ~~[[CSD]]~~ >>RER<< and shall be signed by the ~~[[director]]~~ >>Director<<. Each for-hire 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.
 - (2) Replacement. The ~~[[director]]~~ >>Director<< may issue a replacement license to any license holder upon application, payment of a nonrefundable replacement fee and presentation of proof or a sworn affidavit that the license has been lost or stolen.
- (h) Expiration of and renewal process for for-hire license. For-hire licenses may be issued for such periods as specified in the Implementing Order establishing the fees. The ~~[[CSD]]~~ >>RER<< may establish staggered license terms to ease administration of the renewal process. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual for-hire 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 the ~~[[CSD]]~~ >>RER<<. The ~~[[director]]~~ >>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]]~~ >>Director<< that the applicant has failed to satisfy the requirements of subsections 31-82(c), (d) or (e). >>Notwithstanding the foregoing provision, a for-hire

license holder who has had a for-hire license revoked for failing to comply with the provisions of subsection 31-82 (s), shall be allowed to renew all additional for-hire licenses that he/she/it has been issued.<< Renewal applications shall additionally include disclosure of all interests in the for-hire license (legal, beneficial, equitable or otherwise) and a sworn statement as to the number of months which each permitted for-hire vehicle operated during the preceding license year. 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 for-hire licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.
- (j) 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 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 for-hire vehicles;
 - (2) Immediately report any change of address;
 - (3) Maintain all records pertaining to the for-hire operations of a vehicle at the place of business of the entity responsible for passenger services for one (1) year and make same available for inspection during the regular business hours of such entity. When requested by the ~~[[CSD]]~~ >>RER<<, the entity shall provide copies of the records;

- (4) ~~>>Reserved.<< [[Where required by this article, enter into a passenger service agreement with a passenger service company to provide passenger services or directly perform passenger services as provided in Section 31-100.]]~~
- (5) Obtain the operating permit for each for-hire vehicle operated pursuant to authority of the for-hire license and pay all application and vehicle inspection fees;
- (6) Not >>knowingly<< permit or authorize any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed therein;
- (7) >>Except as provided elsewhere in this article, not<< ~~[[Not]]~~ allow any person to operate a for-hire vehicle who is not a Miami-Dade County registered chauffeur ~~[[and who has not entered into a chauffeur's agreement in accordance with this article]]~~;
- (8) Not >>knowingly<< allow or permit any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage as required in this chapter;
- (9) Register >>with RER<< and have inspected ~~[[by CSD]]~~ all vehicles to be placed into service and all vehicles taken out of service;
- (10) Not >>knowingly<< permit or authorize anyone to drive any for-hire vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors and all lighting devices are in good working order and the vehicle meets all other applicable vehicle standards as set forth in this chapter;
- (11) Not >>knowingly<< allow or permit any person to operate a for-hire vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the chauffeur to begin or continue to drive the for-hire vehicle;

(12) ~~[[Not refuse or neglect to transport to or from any place in the county, any orderly person requesting service.]]~~ Every deaf or hard of hearing person, totally or partially blind person, or physically disabled person shall have the right to be accompanied by a service animal specially trained for the purpose without being required to pay an extra charge for the service animal;

~~[(13) Each for hire license holder shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for hire vehicle. The written chauffeur's agreement:~~

~~(a) Shall provide for an express duration of the agreement;~~

~~(b) Shall only be terminated with at least ninety (90) days prior notice unless good cause be shown and only for the reasons stated therein;~~

~~(c) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective license holder's number and chauffeur's registration numbers;~~

~~(d) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for hire vehicle authorized by a for hire license. Such itemization shall separately list the amount of compensation that is attributable to the lease, insurance, dispatch and deposits, if any. It shall be unlawful for the for hire license holder to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement. The Agreement shall specifically provide that the compensation to be paid by a chauffeur may be paid utilizing any of at least two of the following: (1) cash, (2) money order, (3) certified check, (4) cashier's check, (5) valid traveler's check, (6) valid bank credit card, or (7) valid personal check showing on its face the name and address of the chauffeur.~~

~~The chauffeur shall be allowed to make payment as provided in the preceding sentence, and shall be provided with a written receipt which contains the name of the license holder or passenger service company, whichever is applicable, and the name of the driver, the for hire license number, payment amount and form of payment utilized, date of payment and the period covered by the payment. Such receipt shall be itemized so as to separately list the amount of compensation that is attributable to the lease, insurance, dispatch, and deposits if any;~~

- ~~(e) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for hire vehicle;~~
- ~~(f) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees.~~
- ~~(g) Shall be signed by both the chauffeur and the license holder; and~~
- ~~(h) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.~~
- ~~(i) Whenever money is deposited by a chauffeur as security for performance or advance payment of a lease, the license holder shall either:~~
 - ~~(1) Hold the total amount of such money in a separate non interest bearing account in a Florida banking institution for the benefit of each chauffeur. The license holder shall not commingle such money with any other funds of the license holder or pledge, or in any other way make use of such money until such money is actually due the license holder; or~~

- (2) ~~Hold the total amount of such money in a separate interest-bearing account in a Florida banking institution for the benefit of each chauffeur, in which case the chauffeur shall receive and collect interest in an amount of at least 75 percent of the annualized average interest rate payable on such account or interest at the rate of 5 percent per year, simple interest, whichever the license holder elects. The license holder shall not commingle such money with any other funds of the license holder, pledge, or in any other way make use of such money until such money is actually due the license holder;~~

- (j) ~~The license holder shall, within thirty (30) days of receipt of a security deposit, notify the chauffeur in writing of the manner in which the license holder is holding the deposit and the rate of interest, if any, which the chauffeur is to receive and the time of interest payments to the chauffeur. Such written notice shall:~~
 - (1) ~~Be given in person or by mail to the chauffeur.~~

 - (2) ~~State the name and address of the depository where the deposit is being held and whether the deposit is being held in a non-interest or interest-bearing account.~~

 - (3) ~~Include a copy of the provisions of subsection (k).~~

- (k) (1) ~~Upon the termination of the lease, if the license holder does not intend to impose a claim on the deposit, the license holder shall have fifteen (15) days to return the deposit together with interest if the funds have been~~

~~deposited in an interest-bearing account, or the license holder shall have thirty (30) days to give the chauffeur written notice by certified mail to the chauffeur's last known mailing address of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The notice shall contain a statement in substantially the following form:~~

~~This is a notice of my intention to impose a claim in the amount of _____ upon your deposit, due to _____. It is sent to you as required by sec. 31-82(j)(13)(k) of the Code of Miami-Dade County, Florida. You are hereby notified that you must object in writing to this deduction from your deposit within fifteen (15) days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to _____.~~

~~If the license holder fails to give the required notice within the 30-day period, he or she forfeits the right to impose a claim upon the security deposit.~~

- (2) ~~Unless the chauffeur objects in writing to the imposition of the license holder's claim or the amount thereof within fifteen (15) days after receipt of the license holder's notice of intention to impose a claim, the license holder may then deduct the amount of his or her claim and shall remit the balance of the deposit to the chauffeur within thirty (30) days after the date of the notice of intention to impose a claim for damages.~~
- (3) ~~If either party to the chauffeur agreement institutes an action in a court of competent jurisdiction to adjudicate the party's right to the security deposit and interest, if any, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney.~~
- (4) ~~In those cases where interest is required to be paid to the chauffeur, the license holder shall pay directly to the chauffeur, or credit the current lease payment, the interest due to the chauffeur at least annually.~~
- (1) ~~It shall be unlawful for any for hire license holder to require that a chauffeur purchase a taxicab, lease a taxicab or finance the purchase of a taxicab as a condition of entering into a chauffeur's agreement.]]~~

[[~~(14)~~]]>>(13)<<

~~For-hire license holders who operate an accessible vehicle shall [place an advertisement in the Yellow Pages of the Miami-Dade County Telephone directory under the trade name under which the owner operates indicating that it is capable of providing service to wheelchair passengers and]]~~
~~>>ensure that requests for service from wheelchair passengers<< [[that such requests for service]] shall receive priority over all other service requests.~~

[[~~(15)~~]]>>(14)<< Each license holder shall ensure that chauffeurs operating an accessible vehicle are 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 [[CSD]] >>RER<<.

[[~~(16)~~]]>>(15)<< It shall be unlawful for any person to use, drive or operate an accessible vehicle without certification 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 for-hire license shall be ~~[[held responsible]]~~ >>subject to the penalties provided in this article<< for any applicable violation of this >>chapter<< ~~[[article]]~~ arising from the operation of the for-hire vehicle authorized under the holder's for-hire license >>where the for-hire license holder knowingly permitted or allowed the violation.<< ~~[[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 passenger service company or for-hire chauffeur for the same or related violations shall not relieve the for-hire license holder of responsibility under this article.

(l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.

(1) The ~~[[director]]~~ >>Director<<, by administrative decision, may require that at least fifty (50) percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to Sections 31-82(o)(1) and 31-82(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.

- (2) Licenses to be operated using accessible vehicles pursuant to Section 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall be issued upon payment of an amount that is ten thousand dollars (\$10,000.00) less than the amounts stated in Section 31-82(m), 31-93(c)(2), or 31-93(d), respectively, or five thousand dollars (\$5,000.00), whichever amount is greater, payable in full within one hundred twenty (120) days after each lottery.
- (3) It shall be a condition of all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to Section 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) that the vehicle operated under the authority of such license shall always be an accessible vehicle.
- (4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the ~~[[director]]~~ >>Director<< to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than ~~[[five (5)]]~~ >>ten (10)<< model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab. Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31, 2011, shall be allowed to be operated for an additional one-year period.
- (5) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire taxicab license which is required to be operated using an accessible vehicle pursuant to Section 31-82(o)(2) or 31-82(o)(3) may convert that for-hire license into a license which may, except as provided herein, operate countywide upon payment of ten thousand dollars (\$10,000.00) to the County by July 1, 2009. Notwithstanding the foregoing, a for-hire license holder who is unable to make a payment of ten thousand dollars (\$10,000.00) to the County by July 1, 2009, may upon payment of a minimum of two thousand five hundred dollars (\$2,500.00) by

July 1, 2009, request from the ~~[[CSD]]~~>>RER<< Director an additional period of time not to exceed eighteen (18) months within which to pay the remaining balance. For-hire licenses which are converted as provided in this subsection may not be operated countywide prior to July 1, 2009. Notwithstanding the foregoing, a for-hire license which has been converted into a for-hire license authorized to provide countywide service, as provided for in this subsection, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

- (6) Notwithstanding any provision to the contrary, all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to Section 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall, by June 1, 2010, have a mobile two-way radio or electronic dispatch system, installed and operating properly, that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, three hundred sixty-five (365) days a year, and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger.
- (m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of twenty-five thousand dollars (\$25,000.00), payable in full within one hundred twenty (120) days after. A sixty-day extension may be granted by the ~~[[CSD]]~~>>RER<< ~~[[director]]~~ >>Director<< provided good cause be shown.
- (n) Existing taxicab for-hire license holders on the effective date of this ordinance shall receive one (1) medallion for each for-hire license upon payment of a one-time administrative fee established by administrative order.
- (o) For-hire taxicab license lottery and auctions.
 - (1) In the year 2009 fifteen (15) for-hire taxicab licenses shall be operated using accessible vehicles

and issued utilizing the criteria and procedure provided in Section 31-82. Notwithstanding any other provision of this chapter, taxicab licenses issued pursuant to this subsection, after January 1, 2009, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

- (2) In addition to the for-hire licenses authorized by the preceding subsection, an additional five (5) South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued in the year 2009, pursuant to Section 31-93(d) utilizing the criteria and procedure provided in Section 31-82 >>.<<
- (3) In addition to the for-hire licenses authorized by the preceding subsections, an additional five (5) underserved area for-hire taxicab licenses shall be issued in the year 2009, pursuant to Section 31-93(c), utilizing the criteria and procedure provided in Section 31-82 >>.<<
- (4) All taxicab licenses issued pursuant to this section after January 1, 2009 shall have a mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. In addition, notwithstanding any provision to the contrary, all taxicab licenses issued pursuant to this section shall be issued upon payment of twenty-five thousand dollars (\$25,000.00).
- (5) In fiscal year 2010—2011, four (4) for-hire taxicab licenses shall be issued to chauffeurs with twenty (20) or more years of continuous service as a Miami-Dade County chauffeur pursuant to a lottery advertised and supervised by the Consumer Services Department utilizing the criteria and procedure provided in Section 31-82. Notwithstanding any provision to the contrary, all

taxicab licenses issued pursuant to this section shall be issued upon payment of five thousand dollars (\$5,000.00) payable in full within thirty (30) days after each lottery.

- (6) In fiscal year 2010—2011, six (6) for-hire taxicab licenses shall be auctioned to the highest bidder pursuant to an open auction advertised and supervised by the Consumer Services Department utilizing the criteria and procedure provided in Section 31-82. The Clerk of the Circuit Court of Miami-Dade County shall sell each license to the highest and best bidder, who shall pay the amount bid by a cashier's check within thirty (30) days from the time of sale. Two (2) of the six (6) for-hire taxicab licenses shall be operated using accessible vehicles. A for-hire license issued pursuant to the preceding sentence as an accessible vehicle shall remain so classified despite any change in ownership of the for-hire license after its issuance. Participation in the auctions shall be limited to natural persons or corporations organized or qualified to do business under the laws of Florida where all of the shares of each corporation are held by a single natural person ("wholly-owned corporation"), and which satisfy the requirements and criteria provided in Section 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). The minimum price for taxicab for-hire licenses which must operate accessible vehicles shall be one hundred thousand dollars (\$100,000.00). The minimum price for the remaining taxicab for-hire licenses auctioned shall be one hundred forty thousand dollars (\$140,000.00). Prior to participating in an auction, a prospective bidder shall provide the Clerk of the Circuit Court of Miami-Dade County with a letter from a registered bank or lending institution stating that the bidder has sufficient funds to pay the minimum price for a for-hire license required by this subsection (6). Each successful bidder shall provide the Consumer Services Department with a cashier's check in an amount equal to ten (10) percent of the total amount bid within two (2) business days of the sale which shall be nonrefundable. Any successful bidder shall provide the Consumer Services Department with a cashier's

check for the remainder of the amount bid within thirty (30) days from the time of sale. In the event that the highest and best bidder does not provide the Consumer Services Department with a cashier's check in an amount equal to ten (10) percent of the total amount bid and/or does not provide the Consumer Services Department with a cashier's check for the remainder of the amount bid within thirty (30) days from the time of sale, or the highest and best bid for a for-hire license does not satisfy the minimum price required by this subsection (6), the Clerk of the Circuit Court of Miami-Dade County shall schedule another auction for the unsold for-hire license within sixty (60) days. Any successful bidder who does not satisfy the for-hire license requirements of Section 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r) shall have ninety (90) days from the date of sale in which to apply for the transfer of such license to a natural person or corporation organized or qualified to do business under the laws of Florida where all of the shares of the corporation are held by a single natural person, and which satisfies the requirements and criteria provided in Section 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). ~~[[A for hire license issued pursuant to the auctions provided for in this subsection may only be transferred, voluntarily or involuntarily, to a natural person or corporation organized or qualified to do business under the laws of Florida where all of the shares of the corporation are held by a single natural person, and which satisfies the requirements and criteria provided in Section 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). As a condition of transferring a for hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for hire license which accrued prior to the transfer of the for hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party~~

~~who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as provided herein.]]~~

- (7) Each taxicab operated pursuant to a for-hire license issued pursuant to the lotteries and auctions provided for in subsections (o)(5) and (o)(6) after September 1, 2010:
 - (i) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. Notwithstanding the foregoing, mobile two-way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the issuance of the for-hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, 365 days a year;

- (ii) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the ~~[[CSD]]~~>>RER<<. In addition, all taximeters shall be programmed with the approved special service rates ~~[[-]]~~ >>;<<

- (iii) Shall within twelve (12) months from the issuance of the for-hire license be equipped with an operable digital security camera system ("DSCS");
 - (a) In addition to the following minimum requirements as provided by this subsection, the ~~[[CSD]]~~>>RER<< shall establish and issue regulations to govern the specifications, installation and maintenance of the security cameras and may, from time to time, revise such regulations.
 - (1) The camera must record sharp, undistorted original still images that are reliable for identification of all individuals seated in any position inside the taxicab and under all lighting conditions including darkness with a strong rear light source.

- (2) The DSCS shall record images and shall display at the top of each image the time/date, taxicab number, trigger source, and recording unit serial number.
- (3) Storage capacity shall be, at a minimum, 4,000 images.
- (4) When memory storage capacity is reached, the DSCS shall overwrite the oldest images as new images are recorded in sequence.
- (5) Images shall be recorded and stored in a recording unit, within the vehicle, separate from the mounted camera. No image shall be transmitted from the recording unit to any other electronic device via the internet or any other means.
- (6) The manufacturing process for the camera and the camera itself shall be certified by the International Organization for Standardization.
- (7) The camera head housing and brackets shall be tamper-proof and securely mounted to the right of the rear-view mirror. The installation shall provide unobstructed vision for the driver.
- (8) The camera housing mounting brackets shall prevent any adjustment of camera aim except by certified installers.

- (9) The recording unit housing and installation brackets must use tamperproof fasteners. The recording unit, and all cables, must be installed under the dash board and concealed from view.
 - (10) The DSCS shall contain a visual indication of system status readily visible to the chauffeur and enforcement personnel inspecting the vehicle from outside of the driver door.
 - (11) The DSCS and components shall be sufficiently shock-resistant to withstand typical vehicle movement and collisions.
 - (12) Image capture shall be linked to the following events: vehicle door openings and closings, meter engagement and activation of an emergency switch that is linked to the DSCS.
 - (13) Image access shall be provided only to law enforcement agencies.
- (b) Notice of a digital security camera system and a privacy notice shall be prominently displayed within the taxicab, as required by regulations promulgated by ~~[[CSD]]~~ >> RER <<;
- (iv) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear

compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:

- (a) Provide for a printed receipt that shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the [[CSD]]>>RER<<;
- (b) Be linked to the taximeter and include a global positioning system;
- (c) Display itemized fare information, provide for an ability to choose the payment form, and provide for the option of adding a gratuity;
- (d) Provide for a passenger information module with touch screen capability;
- (e) There shall be no additional charge added to the fare for the use of a credit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to Section 31-87, which regulates rates, to allow for an additional charge for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon the vehicle the type of credit cards accepted for payment. The specifications of said

posting shall be prescribed by the
[[~~CSD~~]]>>RER<<. The credit card
payment process shall comply with
the Payment Card Industry Data
Security Standard or its equivalent;
and

- (f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;
- (v) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with operable warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle.
 - (a) The warning light system shall consist of two devices.
 - (b) Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate.
 - (c) The device shall display flashing red lights which shine on the roadway under the vehicle.
 - (d) The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated.

Any vehicle which fails to comply with any of the requirements imposed by this subsection (o)(7)(i)—
(v) shall be removed from service until such time as the vehicle is in compliance with said requirements.

- (p) Rules governing the distribution of new for-hire licenses.
- (1) The County [~~Manager~~]>>Mayor<< shall cause a study to be performed and completed to analyze the relative use of taxicab service by visitors and residents, the utilization of wheelchair accessible taxicabs, the geographic distribution of taxicabs in the County, the impact of additional for-hire taxicab licenses on existing taxicab chauffeurs, recommendations on the formula to be used to establish the number of for-hire taxicabs, and other matters related to taxicab use and need. The scope of service will be developed with industry input.
 - (2) Public Hearing. The commission shall hold a public hearing to consider the Mayor's report and the results of the study required by Section 31(82)(p)(l) to determine the need for additional for-hire taxicab licenses no later December 2013. The commission by ordinance shall establish a formula for determining the number of for-hire taxicab licenses authorized after January 1, 2014. In reaching its decision, the commission shall consider the results of the study required by Section 31(82)(p)(l), the recommendation of the Mayor and all evidence produced at the public hearing. The Mayor shall submit to the commission quarterly reports regarding the development of this formula, pursuant to the criteria provided for in Section 31-82(p)(1) beginning three (3) months after the enactment of this ordinance.
- (q) All additional for-hire licenses issued pursuant to a lottery to operate a taxicab which are authorized pursuant to this section shall be issued by the [~~CSD~~] >>RER<< in accordance with the following procedures:
- (1) Determination of eligibility to participate in distribution of new taxicab for-hire licenses. Participation in the lottery or random selection process shall be limited to those chauffeurs: who for the five-year period immediately prior to application for participation in such lottery have held a valid Miami-Dade County taxicab chauffeur's registration; who are not holders of a Miami-Dade County for-hire taxicab license; who

have not previously held a for-hire taxicab license; who do not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; and who meet the requirements of this section and Section 31-82(c). Each chauffeur qualified to participate shall be allowed only one (1) entry in the random selection or lottery process. Provided, however, in no event shall such selection or process result in any chauffeur, corporation, partnership or any other entity in which such chauffeur has any interest being authorized to operate more than one (1) for-hire license.

- (2) Random selection or lottery. Where required by this chapter, a random selection lottery process shall be conducted as determined by the ~~[[director]]~~ >>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]]~~ >>RER<< no later than fifty (50) calendar days after the announcement of a lottery.
- (3) Separate lottery conducted by ~~[[CSD]]~~ >>RER<<. If, due to revocation, cancellation or lapse, the total number of valid for-hire taxicab licenses is less than the total number authorized, the ~~[[CSD]]~~ >>RER<< shall have authority to issue sufficient new licenses to bring the total issued up to the total authorized 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]]~~ >>Director<<.
- (4) Conditions for participating in random selection or lottery process. In addition to the requirements stated above, all applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Every application to participate in the random selection or lottery process shall be filed in accordance with Section 31-82(c) of this chapter, including payment of the investigative and processing fee provided therein;

list the chauffeur's registration number and include a sworn statement that (1) the applicant is the holder of a valid Miami-Dade County taxicab chauffeur's registration and (2) that during the five (5) years prior to application, the applicant has not had his or her Miami-Dade County taxicab chauffeur's registration suspended or revoked or has not been found guilty of more than five (5) violations of this chapter. ~~[[The CSD]]~~ >>RER<< shall disqualify applicants who do not meet the requirements of this section from participation in the lottery. The ~~[[director's]]~~ >>Director's<< decision shall be final.

- (5) Condition of all new taxicab licenses. It shall be a condition of all for-hire taxicab licenses distributed through the random selection process which are issued after the effective date of this ordinance that the taxicab operated under authority of such license shall be driven by the license holder one (1) out of two (2) shifts per day an average of five (5) days per week. Licenses issued pursuant to this section shall be issued in the chauffeur's individual name only. No new for-hire taxicab license shall be assigned, sold or transferred during the five-year period following the issuance of said license. Notwithstanding the foregoing, a new taxicab for-hire license may be transferred during the five-year period following issuance where the license is: transferred to a corporation as provided in subsection (r)(3); transferred involuntarily pursuant to Section 31-82(r); or transferred due to the death or incompetency of the for-hire license holder, including an irreversible medical condition rendering the chauffeur unable to perform the duties of a chauffeur, such as loss of sight, paralysis, or a terminal illness. Notwithstanding the foregoing, a new taxicab for-hire license issued pursuant to the lottery to a driver who applied for and qualified for the lottery reserved for twenty-year drivers may be transferred, as provided in Chapter 31, between three (3) and (5) five years after the date of issuance if the driver is at least sixty-two (62) years of age at the time of transfer, and a new taxicab for-hire license issued pursuant to the lottery to a driver who applied for and qualified for the lottery reserved for twenty-five year drivers may be transferred, as

provided in Chapter 31, between two (2) and (5) years after the date of issuance if the driver is at least sixty-two (62) years of age at the time of transfer. Where a new for-hire license is revoked during the aforementioned time periods immediately after the issuance of the license, the proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to Miami-Dade County.

- (r) Transfer of a taxicab license. Transfer of a taxicab license may be accomplished by purchase, gift, bequest or operation of law, and is subject to the written approval of the ~~[[CSD]]~~ >>RER<<.
- (1) County approval required. No for-hire taxicab license shall be assigned, sold (either outright or under a conditional sales contract) or transferred without prior approval of the ~~[[director]]~~ >>Director<<. No approval hereunder shall be granted unless it has been demonstrated that the assignee, purchaser (conditional or outright), or transferee meets all of the requirements of Section 31-82, including but not limited to payment of the required investigative and processing fee, and has submitted a written contract between the license holder and assignee, purchaser or transferee disclosing the terms and conditions of the proposed assignment, sale or transfer, including the amount of compensation which has been paid or is payable to the assignor, seller or transferor and any other consideration given or to be given to the assignor, seller or transferor in connection with the assignment, sale or transfer of the for-hire license. 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 purposes of this section. Failure to comply with this subsection will result in revocation of the for-hire license. Appeals of the ~~[[director's]]~~ >>Director's<< decision shall be in accordance with the provisions of this chapter.

(2) Unsatisfied judgments and outstanding tort liabilities. An assignment, sale or transfer shall not be permitted if an unsatisfied judgment is on file with Miami-Dade County against the licensed assignor, seller or transferor and the ~~[[CSD]]>>RER<<~~ has been notified of said judgment. If an appeal is pending from an unsatisfied judgment, the ~~[[CSD]]>>RER<<~~, in its discretion, may permit such assignment, sale or transfer provided the assignor, seller or transferor files a bond in sufficient amount to satisfy the judgment. An assignment, sale or transfer also may be permitted without filing such bond provided that all judgment creditors of unsatisfied judgments file written permission with the ~~[[CSD]]>>RER<<~~. An assignment, sale or transfer shall not be permitted unless the assignee, purchaser or transferee files a bond with the Clerk of the Circuit and County Court to cover all outstanding tort liabilities of the assignor, seller or transferor in excess of the amount covered by the required commercial auto liability insurance policy.

~~[[3) Assignment, sale (conditional or outright) and transfer to chauffeurs. Unless otherwise provided, from the effective date of this ordinance for hire taxicab licenses may only be assigned, sold (conditional or outright) or transferred to a Miami-Dade County registered taxicab chauffeur who: (i) does not hold a Miami-Dade County for hire taxicab license; (ii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for hire taxicab license; and (iii) meets the requirements provided in this subsection and Section 31-82 ("driver owner"). Provided, however, in no event shall an assignment, sale (conditional or outright) or transfer be approved if a chauffeur has any interest (legal, equitable or beneficial) in any other for hire license. It shall be a condition of any license that the assignee, purchaser or transferee shall actually drive the taxicab authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week and that the transferee shall not enter into any agreement to operate a taxicab under authority of such license with any other person who has any~~

~~interest or ownership in another for hire license. Notwithstanding any provision to the contrary, any driver owner who has been issued a for hire license may elect to transfer the for hire license to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are held by the driver owner who purchased the for hire license ("wholly owned corporation"), and which satisfies the requirements and criteria provided in Section 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). All for hire licenses issued to a driver owner and transferred to a wholly owned corporation as provided for in subsections (f)(3) and (r)(4) shall, regardless of the date of issuance, be transferred to the same wholly owned corporation. As a condition of transferring a for hire license to a wholly owned corporation as provided in this subsection, the wholly owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for hire license which accrued prior to the transfer of the for hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for hire license transferred as provided herein. Each vehicle operated pursuant to a for hire license issued to a driver owner and transferred to a corporation as provided in subsections (r)(3) and (r)(4):~~

- ~~(i) Shall within one hundred twenty (120) days from the issuance of the for hire license be equipped with an operable mobile two way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed base call center operated twenty four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle~~

~~operation to provide for hire transportation to a passenger. Notwithstanding the foregoing, mobile two way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the issuance of the for hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, 365 days a year;~~

- ~~(ii) Shall within one hundred twenty (120) days from the issuance of the for hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD. In addition, all taximeters shall be programmed with the approved special service rates;~~
- ~~(iii) Shall within one hundred twenty (120) days from the issuance of the for hire license be equipped with an operable credit card processing system. For hire license holders shall be required to install in all taxicabs a credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:
 - ~~(a) Provide for a printed receipt that shall contain the fare charged, the~~~~

~~name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD;~~

- ~~(b) Be linked to the taximeter and include a Global Positioning System;~~
- ~~(c) Display itemized fare information; provide for an ability to choose the payment form, and provide for the option of adding a gratuity;~~
- ~~(d) Provide for a passenger information module with touch screen capability;~~
- ~~(e) There shall be no additional charge added to the fare for the use of a credit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to Section 31-87, which regulates rates, to allow for an additional charge for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon the vehicle the type of credit cards accepted for payment. The specifications of said posting shall be prescribed by the CSD. The credit card payment process shall comply with the Payment Card Industry Data Security Standard or its equivalent; and~~
- ~~(f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;~~

- (iv) ~~Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with operable warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle.~~
 - (a) ~~The warning light system shall consist of two devices.~~
 - (b) ~~Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate.~~
 - (c) ~~The device shall display flashing red lights which shine on the roadway under the vehicle.~~
 - (d) ~~The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated.~~

~~Any vehicle which fails to comply with any of the requirements imposed by this subsection (r)(3)(i) (iv) shall be removed from service until such time as the vehicle is in compliance with said requirements.~~

- (4) ~~Purchase by driver owner of second for-hire taxicab license. Notwithstanding any provision to the contrary, a for-hire license holder who (i) is a registered chauffeur, (ii) holds only one (1) for-hire license in his or her name, (iii) does not hold any interest in a corporation, partnership or other entity which holds a Miami Dade County for-hire license except as provided in subsection (r)(3), and (iv) actually drives the taxicab authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week ("driver owner") may purchase a second for-hire license provided that~~

~~said for hire license holder continues to drive one (1) of the two (2) taxicabs authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week. Failure to comply with the requirements of this subsection shall subject said for hire taxicab license to suspension or revocation. Notwithstanding any provision to the contrary, any driver owner who purchases a second for hire license may elect to transfer the for hire license to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are held by the driver owner who purchased the for hire license ("wholly owned corporation"), and which satisfies the requirements and criteria provided in Section 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). All for hire licenses issued to a driver owner and transferred to a wholly owned corporation as provided for in subsections (r)(3) and (r)(4) shall, regardless of the date of issuance, be transferred to the same wholly owned corporation. As a condition of transferring a for hire license to a wholly owned corporation as provided in this subsection, the wholly owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for hire license which accrued prior to the transfer of the for hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for hire license transferred as provided herein.~~

- (5) ~~Gift of for hire taxicab license. Notwithstanding any provision to the contrary, a qualified taxicab for hire license holder may transfer a for hire license as a gift (i.e., without consideration) to any natural person. Any natural person who has been issued a for hire license as a gift may elect to transfer the for hire license(s) to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are~~

~~held by the same natural person who is the recipient of the gift ("wholly owned corporation"), and which satisfies the requirements and criteria provided in Section 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). All for hire licenses gifted from any qualified taxicab for hire license holder to the same natural person and transferred to a wholly owned corporation as provided in the preceding sentence shall, regardless of when the gift is made, be transferred to the same wholly owned corporation. As a condition of transferring a for hire license to a wholly owned corporation as provided in this subsection, the wholly owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for hire license which accrued prior to the transfer of the for hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for hire license transferred as a gift. As used herein, a "qualified taxicab for hire license holder" shall mean: (i) a natural person who holds a taxicab for hire license in his or her name; (ii) a natural person who, as of the effective date of this ordinance, owns more than fifty (50) percent of the shares of a corporation which holds a taxicab for hire license in its name; or (iii) a natural person who, as of the effective date of this ordinance, holds more than a fifty (50) percent interest in a partnership which holds a taxicab for hire license in its name. Any recipient of a for hire license as a gift who does not satisfy the for hire license requirements of Section 31-82(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r) shall have ninety (90) days from the date of transfer in which to apply for the transfer of such license as provided in Section 31-82(r)(3). Each vehicle operated pursuant to a for hire license which has been transferred as a gift and subsequently transferred to a corporation as provided in subsection (r)(5):~~

- (i) ~~Shall within one hundred twenty (120) days from the issuance of the for hire license be equipped with an operable mobile two way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed base call center operated twenty four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for hire transportation to a passenger. Notwithstanding the foregoing, mobile two way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the issuance of the for hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty four (24) hours a day, 365 days a year;~~
- (ii) ~~Shall within one hundred twenty (120) days from the issuance of the for hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD. In addition, all taximeters shall be programmed with the approved special service rates;~~
- (iii) ~~Shall within one hundred twenty (120) days from the issuance of the for hire license be equipped with an operable credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear compartment of the taxicab without handing~~

~~the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:~~

- ~~(a) Provide for a printed receipt that shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD.~~
- ~~(b) Be linked to the taximeter and include a Global Positioning System.~~
- ~~(c) Display itemized fare information, provide for an ability to choose the payment form, and provide for the option of adding a gratuity;~~
- ~~(d) Provide for a passenger information module with touch screen capability;~~
- ~~(e) There shall be no additional charge added to the fare for the use of a credit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to Section 31-87, which regulates rates, to allow for an additional charge for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon the vehicle the type of credit cards accepted for payment. The specifications of said posting shall be prescribed by the~~

~~CSD. The credit card payment process shall comply with the Payment Card Industry Data Security Standard or its equivalent; and~~

- ~~(f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;~~
- ~~(iv) Shall within one hundred twenty (120) days from the issuance of the for hire license be equipped with operating warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle:
 - ~~(a) The warning light system shall consist of two devices;~~
 - ~~(b) Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate;~~
 - ~~(c) The device shall display flashing red lights which shine on the roadway under the vehicle; and~~
 - ~~(d) The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated.~~~~

~~Any vehicle which fails to comply with any of the requirements imposed by this subsection (r)(5)(i) -- (iv) shall be removed from service until such time as the vehicle is in compliance with said requirements.]]~~

~~[[6]]~~>>(3)<<Leasing the for-hire taxi license to other for-hire taxi chauffeurs. Leasing of the for-hire license to a Miami-Dade County registered chauffeur shall be permitted if the for-hire license holder complies with the provisions of this chapter.

~~[[7]]~~>>(4)<<Conditions of voluntary transfers.

- (i) Any for-hire taxicab for-hire license may only be transferred, sold or assigned in accordance with this section.
- (ii) For purposes of the sale of a for-hire license, the following requirements must be satisfied: (i) all outstanding fines and penalties against the for-hire taxicab license and chauffeur's registration must be paid or satisfied and all pending administrative matters must be resolved; and (ii) when seller owns two (2) or more for-hire taxicab licenses, all outstanding items/proceedings as stated in (i) above shall be paid, satisfied or resolved.

~~[[8]]~~>>(5)<<Conditions of involuntary transfers.

- (i) An owner's interest in a for-hire taxicab license may be revoked pursuant to section 31-91. Upon a final order of revocation where all appellate proceedings, if any, have been concluded, the Clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) business days from the time of sale. The proceeds from the sale of such licenses, after deducting the expenses of the sale and all costs incurred by Miami-Dade County including, but not limited to, attorney's fees, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to the person whose interest in the for-hire license has been revoked, or to the County when the person cannot be located.

- (ii) An owner's interest in a for-hire taxicab license may be transferred involuntarily by a court of law and disposed of by public or private sale in the same manner as personal property. However, upon such involuntary transfer, the license holder's license shall immediately be canceled and a new license issued to the purchaser or his, her or its vendee, provided that such purchaser or vendee satisfies the bond requirements of this section; except that if the involuntary transfer is by reason of a tort judgment against an involuntary transferor no bond need be provided with respect to the same judgment.
- (iii) Any person holding a bona fide lien or security interest in a for-hire taxicab license in Miami-Dade County shall have the right to enforcement of a lien against that license within thirty (30) days after any final order of revocation where all appellate proceedings, if any, have been concluded and upon actual notice to any lienholder whose name is on file with ~~[[CSD]]~~>>RER<<.
- (iv) In order to perfect a lien or security interest in a for-hire taxicab license, the party which holds the pledge, lien or security interest, within thirty (30) days of the date of creation of the pledge, lien or security interest, shall record the same with the ~~[[CSD]]~~>>RER<<, the Department of State UCC Bureau and the Clerk of the Circuit Court of Miami-Dade County and must (i) describe the collateral as a "Miami-Dade County for-hire taxicab license" and (ii) include the for-hire taxicab license number.
- (v) Any foreclosure of a perfected lien in a for-hire taxicab license shall be in the Circuit Court of Miami-Dade County and the ~~[[CSD]]~~>>RER<< shall be joined as an indispensable party. All holders of liens or security interests senior to the pledge, lien or

- security interest being foreclosed shall be joined and deemed necessary parties to the foreclosure.
- (vi) Upon a judgment of foreclosure, the clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction, pursuant to chapter 45, Florida Statutes, to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) days from the time of sale. The proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance shall be paid as directed in the judgment of foreclosure.
 - (vii) The institution of foreclosure procedures or the judicial transfer of a license shall not prevent the ~~[[CSD]]~~>>RER<< from suspending or imposing a civil penalty or taking other administrative action against the licensee of record at the time of the alleged violation. However, should the ~~[[CSD]]~~>>RER<< obtain a revocation of the license against the previous licensee of record, the revocation shall be effective only to impair the qualifications of the individual licensee, partners, officers, directors, or stockholders of that licensee.
 - (viii) Any transferee license holder who does not satisfy the for-hire taxicab license requirements of section 31-82 for a transfer shall have ninety (90) days from the date of judgment or sale in which to apply for transfer of such license to a ~~[[Miami-Dade County registered taxicab chauffeur]]~~>>person<< who satisfies the requirements of this section ~~[[, except as provided in subsection (e)(6)]]~~. The transferee may continue the operation of the taxicab during the pendency of the application only with prior approval of the ~~[[CSD]]~~>>RER<<.

~~[(9)]~~>>(6)<<Distribution from estate to a beneficiary.

- (i) When a for-hire taxicab license or stock in a corporation owning a for-hire taxicab license is distributed from an estate to a beneficiary by a court of law, the transferee shall submit to the ~~[[CSD]]~~>>RER<< the court order directing the County to transfer the for-hire license to the beneficiary. The court order shall condition the transfer upon the transferee complying with this article.
- (ii) An executor or administrator may continue the operation of a taxicab only with prior approval of the ~~[[CSD]]~~>>RER<<. The executor or administrator shall apply for such approval within sixty (60) days of his or her appointment, subject, however, to any further extension of time in the event of any possible will contest or other delay not caused by the executor or the administrator which will be granted in the discretion of the ~~[[CSD]]~~>>RER<<for good cause shown.
- (iii) Any beneficiary who does not satisfy the for-hire taxicab license requirements of section 31-82 for a voluntary transfer shall have ninety (90) days in which to apply for ~~[[CSD]]~~>>RER<< approval of the transfer of such license to a ~~[[Miami-Dade County registered taxicab chauffeur]]~~ >>person<< who satisfies the requirements of Section 31-82~~[[, except as provided in subsection (6)(6)]]~~. An extension may be granted by the ~~[[CSD]]~~>>RER Director provided good cause be shown.

[(40)]>>(7)<<Conditional sales agreements.

- (i) Where an interest in a for-hire taxicab license is acquired through a conditional sales agreement the following shall apply: [(+)] the parties shall provide the [[CSD]]>>RER<< with a disclosure statement indicating the terms of the agreement within thirty (30) days of the execution of the agreement;
 - (ii) The seller shall be liable for any fines or penalties imposed against the taxicab license for violations occurring during the term of the agreement, unless they are paid by the purchaser; and
 - (iii) The seller shall notify the [[CSD]]>>RER<< in writing of any repossession by the seller of the taxicab within seventy-two (72) hours exclusive of weekends and holidays.
- (s) As part of the annual renewal of a for-hire license, each operator shall certify on a form provided by the CSD the number of months during the preceding year that he or she operated and provided the service authorized by the for-hire license. Failure to certify within the thirty-day grace period for renewal or failure to operate for at least five (5) months during the year period shall result in automatic revocation of the for-hire license. The foregoing notwithstanding, for for-hire licenses expiring January 31, 1991, or later, failure to operate for at least nine (9) months during the preceding year shall result in automatic revocation of such license. Operations within the thirty-day grace period provided in subsection (i) shall not be counted for purposes of determining compliance with the requirements of the two (2) preceding sentences.
- (t) Reserved.
- (u) It shall be unlawful to operate any vehicle as a for-hire motor vehicle without first having obtained a for-hire license specifically relating to said vehicle. The for-hire license shall, at all times, be displayed within the vehicle and shall be available for inspection by any police officer or authorized agent of the [[CSD]]>>RER<<.

Sec. 31-83. Chauffeur's registration.

>>Except as provided elsewhere in this article, it<< ~~[[H]]~~ shall be unlawful for any person to drive a taxicab ~~[[or limousine]]~~ over any street in Miami-Dade County without first having obtained a chauffeur's registration from the ~~[[CSD]]~~>>RER<< pursuant to Chapter 31, Article V of this Code. ~~[[Effective January 1, 2000, every initial taxicab chauffeur shall be required to complete an apprentice program as prescribed by the CSD.]]~~ >>A chauffeur registered pursuant to this article shall not be required to take specified courses, and oral, written and physical examinations required by Article V.<<

Sec. 31-84. Duties of ~~[[Consumer Services]]~~ >>the<< Department >>of Regulatory and Economic Resources.<<

- (a) In addition to the duties and responsibilities specified in this article, the ~~[[CSD]]~~>>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 for-hire licenses, passenger service company registrations and chauffeurs' registrations pursuant to the provisions of this chapter, and maintain appropriate files regarding same.
 - (6) >>Reserved.<< ~~[[Prepare and conduct or cause to be conducted a training, orientation and apprentice program for chauffeurs and a training and orientation for for hire license holders and passenger service companies.]]~~

- (7) >>Reserved.<< ~~[[Develop and implement, in cooperation with the industry, service expansion and improvements.]]~~
- (8) Provide technical assistance to the industry.
- (9) Create and render technical assistance to a for-hire vehicle advisory group comprised of representatives from consumers, the industry, transportation-related interests, municipalities and public interest organizations.
- (10) Develop a standardized reporting technique for operators after consultation with a for-hire vehicle advisory group.
- (11) Assign an exclusive number to be displayed on each for-hire vehicle operating in Miami-Dade County.
- (12) Provide a system to handle complaints of municipal officials relating to for-hire service within such municipalities and expedite the solution of same.
- (13) Perform any other functions assigned by the County ~~[[Manager]]~~ Mayor.
- (14) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.
- (15) Prepare and implement, in coordination and after consultation with the industry, changes, amendments or modifications to administrative 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.
- (16) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article.

(17) Develop and implement a Taxicab Driver Incentive Program. The Driver Incentive Program shall be subject to approval of the Board of County Commissioners by resolution. The incentive program shall be developed to reward, among other things:

- (a) Driver courtesy and professionalism;
- (b) Customer service;
- (c) Knowledge of the community and historic landmarks;
- (d) Cleanliness of the vehicle; and
- (e) Professional attire.

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

(c) Except for the fees established by the County ~~[[Manager]]~~ >>Mayor<< and approved by the Commission for for-hire vehicles providing transportation of persons and their baggage from Miami International Airport and from the Port of Miami, whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by ~~[[administrative]]~~ >>implementing<< order of the ~~[[county manager]]~~ >>Mayor<< 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. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided therefor.

Sec. 31-85. Rules for operation.

(a) Each operator shall adopt and use, after approval by the ~~[[CSD]]~~ >>RER<< a uniform and decorative color scheme for all taxicabs licensed pursuant to this article which shall be yellow >>, excluding bumpers and door moldings<<. The ~~[[CSD]]~~ >>RER<< shall refuse to approve any proposed color scheme which is not school bus yellow. License

holders shall comply with the uniform color scheme at the time a new vehicle is placed into service. Failure to comply with this section shall be grounds for suspension of all for-hire licenses issued to the operator.

- (b) Taxicabs using any designated public stand shall be faced in accordance with applicable traffic regulations. The chauffeur of the taxicab at the head of such file shall accept as a passenger any orderly person who agrees to pay the proper fare; provided, however, that any person shall have the right to select any taxicab regardless of its position in the file. Upon the departure of any taxicab from said file, all vehicles entitled to use the stand shall move forward. No number of taxicabs greater than the maximum allowed shall attempt to use any public vehicle stand. Each waiting taxicab must take a position to the rear of taxicabs already at the stand. All taxicabs parked at any designated public vehicle stand shall be considered to be waiting employment.
- (c) Reserved.
- (d) Every operator shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of for-hire motor vehicles.
- (e) Unless otherwise provided in this article, every operator shall collect and file on a daily basis all manifests and trip sheets for each for-hire motor vehicle. The operator shall furnish the forms for each manifest to the chauffeur, which forms shall be approved by the County. Operators shall not destroy, mutilate, alter or otherwise deface any daily manifests without ~~[[CSD]]~~>>RER<< approval. All manifests shall be available for inspection and copying by the ~~[[CSD]]~~>>RER<< or any police agency during regular business hours and shall be retained for one (1) year. >>Notwithstanding the above provision, electronic trip sheets from a digital platform may satisfy this requirement.<<
- (f) Reserved.

- (g) Each operator shall maintain accurate records of all revenues, all associated expenses, capital expenditures, and other financial and operating information as may be required by the ~~[[CSD]]~~>>RER.<<~~[[The CSD]]~~>>RER<< shall be granted access to these records for the purpose of inspection and copying same upon five (5) days' prior notice. All such records and information shall be confidential except that they will become public records for the purpose of rate hearings, revocation or suspension hearings, or, if required by the Board of County Commissioners, for the purpose of approving or disapproving applications for new for-hire licenses or transfers of for-hire licenses. Each operator shall annually furnish financial and operating information to the ~~[[CSD]]~~>>RER<< on forms and in the manner prescribed by the ~~[[CSD]]~~>>RER<<.

- (h) ~~[[Reserved.]]~~ >>Each operator shall make available to customers and chauffeurs a software program or application that allows the customer to E-Request a taxicab as defined in Section 31-81 of this Chapter. Only software programs or applications approved by RER may be utilized in taxicabs. The software program used shall display the name of the driver, a picture of the taxicab driver, a picture of the taxicab vehicle, including the license plate number to identify the vehicle, as well as a driver rating system. Notwithstanding any provision to the contrary, the requirements of this subsection shall not take effect until October 1, 2016.<<

- (i) Any for-hire motor vehicle not waiting employment or actually transporting paying passengers shall prominently display an out-of-service or off-duty sign.

- (j) (1) No passenger service company, for-hire license holder, chauffeur or any other person shall directly or indirectly provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide taxicab service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment, or public facility. The license or registration of any passenger service company, for-hire license holder or chauffeur violating this provision shall be subject to suspension for up to twelve (12) months for the

first violation and shall be subject to revocation for repeat violations in accordance with the provisions of Section 31-91 or other appropriate enforcement action as provided in this article.

- (2) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, for-hire license holder, chauffeur or any other person for the right to pick up passengers or provide taxicab service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment or public facility.

- (k) Reserved.

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

- (a) Each taxicab shall be equipped with a taximeter meeting the requirements described in this article. All customer receipts, whether handwritten or generated by a taximeter or a credit card processing system, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number and the telephone number for filing complaints with the ~~[[CSD]]~~>>RER<<. It shall be a violation of this article for any operator or chauffeur to operate any taxicab unless and until its taximeter and credit card processing system, if installed, has been inspected and certified as operable and accurate by ~~[[CSD]]~~>>RER<< and has affixed thereto a current valid taximeter and credit card processing system certification label, sticker or decal. It shall also be a violation of this article for any operator or chauffeur to operate any taxicab where the taximeter or the credit card processing system, if installed, does not accurately display approved rates and fares. In the event that a taximeter or credit card processing system, if installed, fails inspection, said taxicab shall not be utilized until the deficiency has been corrected.
- (b) Each taxicab shall have its taximeter inspected before being placed in service and at least once every twelve (12) months thereafter. The ~~[[CSD]]~~>>RER<< may require additional testing and inspection at any time. All taximeters passing inspection shall be sealed and a sticker placed

thereon. The result of each taximeter test or inspection shall be recorded on forms provided by the ~~[[CSD]]~~ >>RER<<. A copy of the report will be provided to the operator. Taximeters with expired stickers or missing or broken seals shall be considered as failing inspection. The for-hire license of any taxicab whose taximeter fails inspection shall be automatically suspended without hearing until the taximeter has been repaired or replaced, and passed inspection.

- (c) The face of every taximeter shall at all times be visible from the taxicab's passenger compartment and shall be illuminated so passengers may ascertain the amount of fare registered by said taximeter.
- (d) No taxicab shall be operated unless the case of the taximeter installed therein has been sealed.
- (e) The signal affixed to any taximeter shall under no circumstances indicate that the taxicab is vacant when in fact such taxicab is engaged by a passenger.
- (f) The amount of fare collected from any passenger shall be that amount shown by the taximeter, unless the passenger is being transported at one (1) of the approved ~~[[special service rates]]~~ >>flat fares. All rates must be programmed into the meter and the meter must be engaged prior to departing.<<
- (g) It shall be a violation of this article for any person to tamper with, mutilate or break any taximeter or the seal thereon. Taximeters may be transferred from one (1) taxicab to another; provided, however, that a taxicab with a transferred taximeter shall not be used to transport passengers unless and until said taximeter has been inspected, tested and sealed by the ~~[[CSD]]~~ >>RER<<.

Sec. 31-87. Rate regulation.

- (A) The provisions of this section shall be the exclusive method for the establishment of ~~[[for-hire-motor-vehicle]]~~ >>taxicab<< rates throughout Miami-Dade County. Notwithstanding the provisions of any municipal ordinance, resolution or agreement to the contrary, from and after the effective date of this article, no municipality shall authorize, establish, change, alter, amend, or otherwise regulate rates charged by the industry. All municipal ordinances or resolutions to the contrary are hereby superseded.
- (B) It shall be unlawful for an operator or chauffeur to collect, require, charge, demand, request or accept any fare ~~[[other]]~~ >>higher<< than the rates established pursuant to this article. Rates established by this article shall be applicable through Miami-Dade County, both in the incorporated and unincorporated areas, without regard to any municipal boundaries. It shall be unlawful to add a surcharge, fee, convenience fee, fare or any other form of compensation to the fare or rate for the use of a credit card or debit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to this subsection, to allow for an additional surcharge, fee, convenience fee, fare or any other form of compensation for the use of a credit or debit-card.
- (C) Except as otherwise provided herein, the Board of County Commissioners of Miami-Dade County, Florida, shall establish all >>maximum<< rates for taxicabs ~~[[and-for-hire-vehicles]]~~ operating in Miami-Dade County. From and after the effective date of this article, >>maximum<< rates shall be established, altered, amended, revised, increased or decreased in accordance with the following procedures:
- (1) The ~~[[CSD]]~~ >>RER<< shall annually investigate and prepare a report concerning the existing >>maximum<< rates. In the case of >>maximum<< taxicab rates, said investigation shall specify the relative changes in the consumer price index ("CPI") over the preceding year and shall quantify what rates would be if the currently approved uniform >>maximum<< taxicab meter rates were adjusted for such change. Such investigation shall also consider any additional matters, or review of

special service rates when requested by the Commission or ~~[[Manager]]~~ >>the Mayor<<. For ratemaking purposes, the ~~[[CSD]]~~ >>RER<<will not consider any costs incurred in the acquisition of a license and political contributions. Costs which will be considered in rate studies will include vehicle operating, maintenance and repair expenses, salaries of drivers, dispatchers and supervisors, insurance costs, taxes and license fees, and administrative and general expenses as prescribed on ~~[[CSD]]~~>>RER<< financial and operating report forms.

- (2) The ~~[[CSD's]]~~>>RER's<< report, including proposed rate adjustments reflecting the CPI, shall be forwarded to the Board of County Commissioners annually.
- (3) A public hearing concerning the report regarding >>maximum<< rates shall be scheduled annually. At such hearing, all interested parties shall have an opportunity to be heard. The Board of County Commissioners shall consider the ~~[[CSD's]]~~>>RER's<< report and all evidence produced at the hearing and, by resolution, shall determine and set the appropriate rates which shall be no less than the previous >>maximum<< rates adjusted by the CPI, unless the County Commission finds that no change in rates or a reduction in rates is in the public interest. Appeals of the Board of County Commissioners' decision shall be in accordance with the Florida Rules of Appellate Procedure for review of administrative action.
- (4) As part of the rate-making procedure, the Board of County Commissioners may authorize special service rates such as shared rides, group rides, contract services, prearranged service, services to an identified segment of the population, flat rates for all licensed vehicles from one (1) point or area to another, or package delivery.
- (5) ~~[[Operators who desire to provide service at a rate other than that established under the preceding provisions of this section may request approval of such special rates by filing an application with~~

~~CSD]] >>Other than for trips originating from Miami International Airport or the Port of Miami, operators may provide service at a rate below the maximum rate. The approved maximum rates, including flat fares, are the only rates that can be charged by operators transporting persons and their baggage from Miami International Airport or from the Port of Miami<<. [[Within forty five (45) days after receipt of the request, the CSD shall conduct an administrative hearing on the proposed rate, after written notice to the public and all operators, investigate the proposed rate and forward its analysis and recommendations to the County Manager. The CSD shall, among other things, consider:~~

- ~~(a) The effect of the proposed rate on increased public use of for-hire motor vehicles.~~
 - ~~(b) The ability of the operator to provide the proposed service.~~
 - ~~(c) The operator's ability to manage the proposed rates.~~
 - ~~(d) All information contained in the rate request application.~~
 - ~~(e) Improved transportation in Miami-Dade County.~~
 - ~~(f) The economic impact on the industry and the general public.~~
- (6) The director shall be authorized to approve a per trip taxicab rate surcharge in addition to the existing rates then in effect. Such surcharge, which is to be a fixed amount, may be imposed upon the occurrence of an unforeseen change in petroleum market conditions which causes the price of regular unleaded gasoline to increase by 50 cents from the base price. The base price shall be the average price of regular unleaded gasoline in effect as of the most recent taximeter rate adjustment. Upon reaching the first benchmark dollar value a one dollar (\$1.00) surcharge may be implemented.

~~Following the initial surcharge, each additional increase of 50 cents of regular unleaded gasoline may trigger an increase in the dollar value of the surcharge by 50 cents. The average weekly price of regular unleaded gasoline must remain at or above a level, as described above, for three (3) consecutive weeks before a surcharge, or an increase in the surcharge, may be authorized by the director. The fuel surcharge shall expire upon the effective date of any taximeter rate adjustments. The fuel surcharge may be decreased or removed, by the director, should the average weekly price of regular unleaded gasoline remain at or below a level, as stated above, for three (3) consecutive weeks. The average price of regular unleaded gasoline shall be based on the retail prices listed for regular unleaded gasoline by the United States Department of Energy, Energy Information Administration. The surcharge may be added to the taximeter rate or flat fare rate and, if added, shall be reflected on the taximeter as an extra charge on vehicles so equipped. Notice of a surcharge approved pursuant to this section must be prominently displayed within the taxicab, as required by regulations promulgated by CSD.~~

~~The County Manager is authorized to approve proposed rates that result in lower fares being charged by operators. All other proposed rates must be reviewed and approved by the Commission.~~

~~Any approved special rates must be filed with the CSD and be posted in each for hire motor vehicle of the operator for which said rate applies, and copies provided to anyone requesting same. All approved special rates may not be modified or altered without prior written approval of the County Manager, in the case of reductions, or the Commission, in the case of increases. An operator may eliminate special rate(s) by thirty (30) days' advance notice to the CSD and posting thirty (30) days' written notice of the changes in all vehicles.]]~~

>>(6) The County Commission shall adopt a resolution within ninety (90) days from the effective date of this ordinance establishing the maximum meter rates and flat fares, where applicable.<<

Sec. 31-88. Insurance requirements.

- (a) No for-hire motor vehicle shall be permitted to operate without the >>vehicle owner or lessee<< ~~[[license holder or entity providing passenger services]]~~ having first obtained and filed with the ~~[[CSD]]~~>>RER<< a certificate of insurance ~~[[on forms provided by the CSD]]~~ for each for-hire motor vehicle showing the federal vehicle identification number, a vehicle description and the for-hire license number, and shall list the for-hire license holder, each chauffeur the entity providing passenger services allows to operate the vehicle, the passenger service company, where applicable, and the owner of the vehicle as insureds under an automobile liability insurance policy with limits of liability no less than >>those required pursuant to applicable State law<< ~~[[fifty thousand dollars (\$50,000) per person, and one hundred thousand dollars (\$100,000) per occurrence for bodily injury, and twenty thousand dollars (\$20,000) per occurrence for property damage]]~~. Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all drivers ~~[[who have a Miami Dade County chauffeur's registration]]~~, regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage. Failure to provide current certificates of insurance or to maintain appropriate insurance coverage for each for-hire vehicle shall be grounds for revocation of that vehicle's for-hire license.
- (b) Scope of insurance. The insurance required in this section shall be issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in 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 ~~[[CSD]]~~>>RER<< of any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.

- (d) Unless an operator furnishes the ~~[[CSD]]~~>>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 for-hire license shall be suspended forthwith by the ~~[[director]]~~>>Director<< and surrendered to the ~~[[CSD]]~~>>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) From and after one hundred twenty (120) days after the effective date of this section [June 2, 1989], all operators shall comply with the amended requirements of this section.
- (f) Examination of Insurance Policy. The ~~[[CSD]]~~>>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. 31-89. Vehicle standards.

- (a) 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 for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:
 - (1) Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed; there shall be no audible air leaks in air brake system.
 - (2) License, permit 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, rate card, passenger advisory and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the [[CSD]]>>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.
- (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 ~~[[CSD]]~~>>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 or 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.
- (b) Taxicabs shall meet the following additional standards:
- (1) The taxicab number, >>maximum<< fares or rates, trade name or business name and passenger service company's telephone number shall be permanently affixed to the exterior of the vehicle in accordance with instruction issued by the ~~[[CSD]]~~>>RER<<.
 - (2) Vehicle exterior color scheme must be approved by the ~~[[CSD]]~~>>RER<<.
 - (3) The top and tell-tale lights must be operable. Only taxis shall be equipped with a taximeter or top tell-tale light.
 - (4) 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 ~~[[CSD]]~~>>RER<< and any display is installed pursuant to instructions of the ~~[[CSD]]~~>>RER<<. In no event shall the top and tell-tale lights of a taxicab be obscured.
 - (5) Taxicabs operated under for-hire licenses issued through the lottery process provided in Section 31-82 shall have a ~~[[mobile two-way radio, excluding CB radios, or a cellular telephone,]]~~ >>two-way dispatch system<< installed and operating properly in compliance with applicable standards and requirements ~~[[of the Federal Communications Commission (FCC)]]~~.
- (c) Required Technology. Beginning twenty-four (24) months after the effective date of this ordinance, any taxicab that picks up passengers in Miami Dade County shall be required to have the following required technology:
- (1) Credit Card Processing System. Each taxicab shall be equipped with an operable back of seat credit card processing system.

- (i) The credit card processing system shall allow the passenger to utilize his or her credit card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fares, tolls and fees separately. The credit card payment display terminal shall be interfaced with the vehicle's taxi meter and shall be programmed to display all authorized meter and flat fare rates. The meter shall be used for all fares, including flat fare trips. In the event the credit card processing system is not operational, the chauffeur shall: (1) immediately notify the RER department of the situation; (2) repair the system and have it re-inspected within forty eight (48) hours ~~[[at the Department of Regulatory and Economic Resources Vehicle Inspection Facility]]~~; and (3) notify any passenger that the system is not working, and make available to the passenger a mobile credit card processing system. If available, the chauffeur shall (a) utilize a mobile credit card processing system which has the capability to provide a receipt to the passenger and (b) provide each passenger with a receipt. If the credit card processing system is not repaired within forty-eight (48) hours after malfunctioning, the chauffeur shall remove the vehicle from service and not pick up passengers until the system is re-inspected and found to be functional.
- (ii) No credit card processing fee, convenience fee, equipment rental fee or any other additional fees or charges are to be paid by the passenger when using a credit card to pay the fare. A receipt shall be provided for all trips. All customer receipts shall be generated by a taximeter or other electronic device and shall contain the date and time that the trip starts, the time the trip ends, and total distance traveled. The receipt shall also include the fare charged, the name and telephone number of the passenger service

company, the operating permit number, the chauffeur registration number, and the telephone number and e-mail address for filing complaints with the ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<<. Chauffeurs shall be prohibited from refusing to accept payment by a credit card;

- (iii) Any and all credit card service providers shall utilize a paycard or direct deposit system and establish an account directly with each chauffeur that provides for electronic payments. Payments for taxicab fares shall be credited to a chauffeur's paycard or bank account within two (2) business days. Only credit card processing systems approved by the ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<< may be utilized in taxicabs. The processing of credit card payments shall comply with the Payment Card Industry Data Security Standard;
- (iv) The County Commission shall adopt a resolution within one hundred and fifty (150) days after the effective date of this ordinance which offers a discount in taxicab fares or rates where payment is made by cash, check or other means not involving the use of a credit card as permitted by section 501.0117, Florida Statutes. Within ninety (90) days from the effective date of this ordinance, the Mayor shall prepare a fare resolution pursuant to the provisions of Section 31-87 which shall offer a discount in taxicab fares or rates where payment is made by cash, check or other means not involving the use of a credit card. The discount shall be offered to all prospective passengers. The ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<< shall consult with the industry and any existing taxicab advisory group prior to completing the fare resolution required by this subsection.

- (2) Global Positioning Dispatch System. Taxicabs must be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, three hundred and sixty-five (365) days a year. All taxicabs shall have a ~~[[mobile]]~~ two-way ~~[[radio or electronic]]~~ dispatch system, installed and operating properly. ~~[[that is connected to and subscribed to by a passenger service company that has a fixed base call center operated twenty-four (24) hours a day, three hundred and sixty-five (365) days a year.]]~~ Notwithstanding any provision to the contrary, the requirements of this subsection shall not take effect until thirty (30) months after the effective date of this ordinance;
- (3) SunPass Device. Notwithstanding any provision to the contrary, beginning six (6) months after the effective date of this ordinance, any taxicab that picks up passengers in Miami Dade County shall have and utilize a SunPass device where the toll is fixed. Where the "SunPass Only" or "SunPass Express" toll is not fixed, the chauffeur shall determine whether the passenger desires to use the "SunPass Only" or "SunPass Express" lane and comply with the wishes of the passenger;
- (4) Digital Security Camera System. Taxicabs shall have an operable digital security camera system in accordance with the requirements stated in Chapter 31, Section 31-82(o)(7)(iii) of the Code of Miami-Dade County. Notwithstanding any provision to the contrary, the requirements of this subsection shall not take effect until thirty (30) months after the effective date of this ordinance;
- (5) Warning Lights. Taxicabs shall be equipped with operable warning lights, in accordance with the requirements stated in Chapter 31-82(o)(7)(v) of the Code of Miami-Dade County for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle. Notwithstanding any provision to the contrary, the requirements of this subsection shall not take effect until thirty (30) months after the effective date of this ordinance;

- (6) Top Lights. Taxicabs shall be equipped with a "vacant" light attached to the top of the roof or to the top of the dome light. Such light unit shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate the "vacant" light when the taximeter is not in operation, indicating the cab is vacant and for hire, and to extinguish such light when the taximeter is in operation. No person shall drive or operate any taxicab with such a light illuminated when such taxicab is transporting a passenger. Such top light must utilize equipment with the requisite wattage to ensure that the top light is visible to passengers and the public from a reasonable distance.

>>Except as provided elsewhere in this article, all<< [[AH]] taxicabs shall be inspected by the ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<< and shall receive and be required to display a decal issued by ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<< demonstrating compliance with technology requirements.

- (d) >>Except as provided elsewhere in this article, the<< ~~[[The]]~~ ~~[[CSD]]~~ >>RER<< shall conduct an annual taximeter inspection for each taxicab and shall inspect each vehicle for compliance with the foregoing standards, and any other requirement or prohibition contained in this article other than standards, requirements or prohibitions relating to taximeters, as provided below. The ~~[[CSD]]~~ >>RER<< shall charge a fee for such inspections. In addition to regular inspections, the ~~[[CSD]]~~ >>RER<<, any police officer or any other authorized personnel may inspect any for-hire motor vehicle at any time, and may require the driver of said vehicle to stop the vehicle at any time, and to permit the inspection of the interior or exterior of the vehicle, and to produce any license, permit, or document required by this article. The results of each inspection and the date for the next inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards shall not be operated as a for-hire vehicle until such time as the vehicle satisfactorily passes a reinspection. The ~~[[CSD]]~~ >>RER<<

shall charge a fee for such reinspection. ~~[[Notwithstanding the foregoing, the quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old to determine compliance with the vehicle condition standards required by Section 31-89(a)(3), (5), (6), (7), (8),~~

~~(9), (10), (11), (12), (13) and (14), Section 31-89(b)(1), (2), (3), (4) and (5) and Section 31-89(e)(1), (2) and (3) shall commence on May 1, 1995 and the quarterly inspection of each such vehicle to determine compliance with the vehicle safety and mechanical standards required by Section 31-89(a)(1), (2) and (4) shall be reduced to semi-annual inspection until July 1, 1998.]]~~

(e) Notwithstanding any other provision of this article, from and after ninety (90) days after the conduct of the lottery process, all taxicabs operated under for-hire licenses issued through the lottery process provided in Section 31-82 shall comply with the requirements of subsection (5) of subsection (b) of this section.

(f) Taxicab vehicle age limits and inspection schedules. ~~[[Twenty-four (24) months after the effective date of this ordinance, taxicab]]~~ >>Taxicab<< vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<< may inspect a for-hire vehicle at any time. Any vehicle initially placed into service, shall not have been previously used as a taxicab, or have a "rebuilt" or "salvage" title and shall be no greater than ~~[[three (3)]]~~ >>ten (10)<< model years of age. Any vehicle over ~~[[six (6)]]~~ >>ten (10)<< model years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab or have a "rebuilt" or "salvage" title and shall be no greater than ~~[[three (3)]]~~ >>ten (10)<< model years of age. Any vehicle over ~~[[eight (8)]]~~ >>ten (10)<< model years of age shall not operate as a Wheelchair Accessible Cab;

~~[(2) That is initially placed in service within twenty-four (24) months of the effective date of this ordinance, may continue to operate until the taxicab has reached eight (8) model years of age. At the expiration of eight (8) model years, each taxicab shall be required to adhere to the vehicle age requirements mandated by this subsection.]]~~
 Taxicabs shall >>be inspected annually.<<
 [[minimally meet the following inspection schedule:

- (1) ~~Taxicabs 1 through 2 model years of age shall be inspected annually;~~
- (2) ~~Taxicabs 3 through 4 model years of age shall be inspected semi-annually;~~
- (3) ~~Taxicabs 5 model years of age or more shall be inspected quarterly.]]~~

(g) >>Reserved.<< ~~[[Telecommunication devices for taxis. Beginning January 1, 1999, all taxicabs shall have a mobile two way radio, excluding CB radios, or a cellular telephone, installed and operating properly in compliance with applicable standards and requirements of the Federal Communications Commission and this chapter.]]~~

(h) The County Commission shall, as deemed appropriate, adopt within twelve (12) months of the effective date of this ordinance a fare increase pursuant to the provisions of section 31-87 in light of the additional technology requirements mandated by subsection 31-89(c).

Sec. 31-90. Enforcement of article.

(a) This article shall be enforced by authorized personnel of the ~~[[CSD]]~~>>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]]~~ >>Director<<, this article may be enforced by personnel of the Seaport and Aviation Department against violations occurring within their respective boundaries. The ~~[[CSD]]~~>>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 ~~[[€SD]]~~>>RER<< may employ a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. 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. Notice given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.
- (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]]~~ >>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. 31-91. 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, for-hire licenses, passenger service company registrations, operating permits, and chauffeur registrations shall be subject to suspension or revocation by the ~~[[director]]~~ >>Director<< as follows:

- (1) Upon the ~~[[director's]]~~ >>Director's<< determination that:
- (i) The license, registration or permit holder has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of the license, registration or permit as provided in this chapter;
 - (ii) The license, registration or permit was obtained by an application in which any material fact was omitted or falsely stated;
 - (iii) The license, registration or permit holder has failed to comply with or has violated any of the provisions of this chapter; 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 chauffeur has failed any drug test required by the Code or state or federal law; or
 - (vi) A taxicab renewal application does not comply with the requirement>>s<< of this chapter;
 - (vii) Any for-hire motor vehicle has been operated in violation of any of the provisions of this chapter.
- (b) Notice of suspension or revocation action. Except where this chapter provides for automatic suspension or revocation, the ~~[[GSD]]~~ >>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]]~~ >>Director's<< decision.
- (c) Appeals from decisions of ~~[[director]]~~ >>Director<< and administrative hearings.

- (1) Right to appeal. Any for-hire license holder, passenger service company registration holder, and for-hire chauffeur shall have the right to appeal application denials, suspensions and revocations by the ~~[[director]]~~ >>Director<<. The named party shall elect to either:
 - (a) Comply with the ~~[[director's]]~~ >>Director's<< decision in the manner indicated on the Notice of ~~[[director's]]~~ >>Director's<< Decision; or
 - (b) Request an administrative hearing before a hearing officer to appeal the decision of the ~~[[director]]~~ >>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 ~~[[CSD]]~~>>RER<<. No hearing shall be set sooner than fifteen (15) calendar days from the date of notice of the ~~[[director's]]~~>>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 ~~[[CSD]]~~>>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]]~~ >>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]]~~ >>Director's<< decision the hearing officer must find that a preponderance of the evidence supports the ~~[[director's]]~~ >>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]]~~ >>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]]~~ >>Director's<< decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of the ~~[[director]]~~ >>Director<<. If the hearing officer affirms the decision of the ~~[[director]]~~ >>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]]~~ >>Director<<. If the hearing officer reverses the decision of the ~~[[director]]~~ >>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]]~~ >>Director<<, the named party shall not be required to comply with the decision of the

[[~~director~~]] >>Director<<, absent reversal of the hearing officer's findings pursuant to Section 31-91(c)(6). If the decision of the hearing officer is to affirm, then the following shall be included in the decision:

- (a) Decision of the Director.
 - (b) Administrative costs of the hearing.
 - (c) Date for compliance, if applicable.
- (n) The hearing officer shall have the power to:
- (a) Adopt procedures for the conduct of hearings;
 - (b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade County 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 section 31-91(c)(6), all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the [[~~director's~~]] >>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]]~~ >>Director<< in any court. The ~~[[director]]~~ >>Director<< may reconsider at any time any action or decision taken by the ~~[[director]]~~ >>Director<< and therefore may modify such an action or decision.

Sec. 31-92. Violations; penalties.

- (a) In addition to any other penalties provided by law, including but not limited to those provided in this article, a violation of any applicable provision of this article by a for-hire license holder, registered passenger service company >>, driver certified by a for-hire license holder or passenger service company<< or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in Section 8CC-10 of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's for-hire license, passenger service company registration, operating permit >>, driver certification, vehicle certification, as described elsewhere in this article<< and chauffeur registration and all for-hire operations shall cease until such fine is paid in full. If a person commits five (5) violations of the same section of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit >>, driver certification, vehicle certification<< or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit >>, driver certification, vehicle certification<< or chauffeur's registration ~~[[may]]~~ >>shall<< be suspended for a period of >>no less than<< ~~[[up to]]~~ six (6) months or

revoked. >>Notwithstanding any provision to the contrary:
(i) if a person commits one (1) violation of Section 31-82(j)(12), 31-303(i)(4) or 31-304(10), such person's chauffeur's registration or driver certification shall automatically be suspended for a period of thirty (30) days;
(ii) if a person commits a second violation of Section 31-82(j)(12), 31-303(i)(4) or 31-304(10) or any combination thereof, such person's chauffeur's registration or driver certification shall automatically be suspended for a period of sixty (60) days; and (iii) if a person commits a third violation of Section 31-82(j)(12), 31-303(i)(4) or 31-304(10) or any combination thereof, such person's chauffeur's registration or driver certification shall automatically be suspended for a period of five (5) years.
Notwithstanding any provision to the contrary, if a person commits two (2) violations of Section 31-303(i)(23), such person's chauffeur's registration or driver certification shall be suspended for a period of no less than six (6) months or revoked.<< Notwithstanding any provision to the contrary:
(i) if a person commits one (1) violation of Section 31-303(i)(7), such person's chauffeur's registration >>or driver certification<< shall automatically be suspended for a period of thirty (30) days; (ii) if a person commits a second violation of Section 31-303(i)(7), such person's chauffeur registration >>or driver certification<< shall automatically be suspended for a period of sixty (60) days; and (iii) if a person commits a third violation of Section 31-303(i)(7), such person's chauffeur's registration >>or driver certification<< shall be automatically suspended for a period of five (5) years.

- (b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. Citations shall be issued under Chapter 8CC of the Code.
- (c) Any person who is found guilty on at least two (2) prior occasions within a three-year period of advertising or providing for-hire transportation, passenger services, or driving or operating a for-hire vehicle without having a valid, current for-hire license, passenger service company

registration, operating permit >>, driver certification, vehicle certification<< or chauffeur's registration as required by this chapter shall be punishable by fines of greater than five thousand dollars (\$5,000.00) but less than ten thousand dollars (\$10,000.00) and/or imprisonment not to exceed forty-five (45) days.

- (d) Except for civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through the normal procedure.
- (e) Anyone who engages a for-hire vehicle with intent to defraud the chauffeur >>, certified driver<< or operator shall be in violation of this article and subject to a fine of five hundred dollars (\$500.00) and/or imprisonment not to exceed ten (10) days.
- (f) Any person who is found guilty of signing an application for issuance, renewal, modification, assignment, sale or transfer of a for-hire license, passenger service company registration, chauffeur registration. >>driver certification, vehicle certification<< or operating permit which falsely states any material fact shall be punished by a fine of one thousand dollars (\$1,000.00) and imprisonment in the County Jail for thirty (30) days.
- >>(g) A passenger service company or for-hire license holder who suspends or revokes a driver certification pursuant to this section shall notify the Department utilizing a form provided by the Department. The Department shall notify each passenger service company and for-hire license holder upon receipt of the above referenced form.<<

Sec. 31-93. Special provisions.

- (a) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of for-hire motor vehicle transportation 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 for-hire 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) Ambassador Cabs. Any taxicab licensed pursuant to Section 31-82 of this article and meeting all standards set forth in Section 31-89 of this article shall seek and receive authorization to provide transportation of persons and their baggage from Miami International Airport and from the Port of Miami. The transportation of persons and baggage from Miami International Airport or from the Port of Miami shall constitute an agreement by the operator that he/she/it will conform and cause the chauffeur driving such taxicab to conform to such terms, conditions, and fees. Notwithstanding any provision to the contrary, any taxicab for-hire license holder who seeks authorization to pick-up passengers at Miami International Airport and the Port of Miami utilizing his/her/its taxicab shall be required to register with the ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<< and comply with and abide by the standards set forth below. Taxicabs authorized to provide taxicab service at Miami International Airport and the Port of Miami shall be designated as Ambassador Cabs. For purposes of this Article, the Miami Intermodal Center (MIC) shall be considered part of Miami International Airport, and all taxicabs which provide taxicab service from the MIC shall be subject to all provisions governing taxicab service at Miami International Airport. Twelve (12) months after the effective date of this ordinance all taxicabs transporting persons and their baggage from Miami International Airport or from the Port of Miami shall be registered as Ambassador Cabs. Ambassador Cabs shall comply with the following requirements:

- (1) Credit Card Processing System. Each Ambassador Cab shall be equipped with an operable back of seat credit card processing system.
- (i) The credit card processing system shall allow the passenger to utilize his or her credit card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fares, tolls and fees separately. The credit

card payment display terminal shall be interfaced with the vehicle's taximeter and shall be programmed to display all authorized meter and flat fare rates. The meter shall be used for all fares, including flat fare trips. In the event the credit card processing system is not operational, the chauffeur shall: (1) immediately notify the RER department of the situation; (2) repair the system and have it re-inspected within forty-eight (48) hours ~~[[at the Department of Regulatory and Economic Resources Vehicle Inspection Facility]]~~; and (3) notify any passenger that the system is not working, and make available to the passenger a mobile credit card processing system. If available, the chauffeur shall (a) utilize a mobile credit card processing system which has the capability to provide a receipt to the passenger and (b) provide each passenger with a receipt. If the credit card processing system is not repaired within forty-eight (48) hours after malfunctioning, the chauffeur shall remove the vehicle from service and not pick up passengers at Miami International Airport or the Port of Miami until the system is re-inspected and found to be functional.

- (ii) No credit card processing fee, convenience fee, equipment rental fee or any other additional fees or charges are to be paid by the passenger when using a credit card to pay the fare. A receipt shall be provided for all trips. All customer receipts shall be generated by a taximeter or other electronic device and shall contain the date and time that the trip starts, the time the trip ends, and total distance traveled. The receipt shall also include the fare charged, the name and telephone number of the passenger service

company, the operating permit number, the chauffeur registration number, and the telephone number and e-mail address for filing complaints with the ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<<. Chauffeurs shall be prohibited from refusing to accept payment by a credit card.

- (iii) Any and all credit card service providers shall utilize a paycard or direct deposit system and establish an account directly with each chauffeur that provides for electronic payments. Payments for taxicab fares shall be credited to a chauffeur's paycard or bank account within two (2) business days. Only credit card processing systems approved by the ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<< may be utilized in taxicabs. The processing of credit card payments shall comply with the Payment Card Industry Data Security Standard;
- (iv) The County Commission shall adopt a resolution within one hundred and fifty (150) days after the effective date of this ordinance which offers a discount in taxicab fares or rates where payment is made by cash, check or other means not involving the use of a credit card as permitted by section 501.0117, Florida Statutes. Within ninety (90) days from the effective date of this ordinance, the Mayor shall prepare a fare resolution pursuant to the provisions of Section 31-87 which shall offer a discount in taxicab fares or rates where payment is made by cash, check or other means not involving the use of a credit card. The discount shall be offered to all prospective passengers. The ~~[[Department of Regulatory and Economic Resources]]~~ >>RER<< shall consult with the industry and any existing taxicab advisory group prior to completing the fare resolution required by this subsection.

- (2) Global Positioning Dispatch System. Ambassador Cabs must be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, three hundred and sixty-five (365) days a year. All Ambassador Cabs shall have a ~~[[mobile]]~~ two-way ~~[[radio or electronic]]~~ dispatch system, installed and operating properly ~~[[that is connected to and subscribed to by a passenger service company that has a fixed base call center operated twenty four (24) hours a day, three hundred and sixty five (365) days a year]]~~. Notwithstanding any provision to the contrary, the requirements of this subsection shall not take effect until twenty-four (24) months after the effective date of this ordinance;
- (3) SunPass Device. Notwithstanding any provision to the contrary, beginning six (6) months after the effective date of this ordinance, any Ambassador Cab that picks up passengers in Miami-Dade County shall have and utilize a SunPass device where the toll is fixed. Where the "SunPass Only" or "SunPass Express" toll is not fixed, the chauffeur shall determine whether the passenger desires to use the "SunPass Only" or "SunPass Express" lane and comply with the wishes of the passenger;
- (4) Digital Security Camera System. Ambassador Cabs shall have an operable digital security camera system in accordance with the requirements stated in Chapter 31, Section 31-82(o)(7)(iii) of the Code of Miami-Dade County. Notwithstanding any provision to the contrary, the requirements of this subsection shall not take effect until twenty-four (24) months after the effective date of this ordinance;
- (5) Warning Lights. Ambassador Cabs shall be equipped with operable warning lights, in accordance with the requirements stated in Chapter 31-82(o)(7)(v) ~~[[ESD]]~~>>RER<< of the Code of Miami-Dade County for the purpose of advising

others and law enforcement agents that an emergency situation exists within the vehicle. Notwithstanding any provision to the contrary, the requirements of this subsection shall not take effect until twenty-four (24) months after the effective date of this ordinance;

- (6) Top Lights. Ambassador Cabs shall be equipped with a "vacant" light attached to the top of the roof or to the top of the dome light. Such light unit shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate the "vacant" light when the taximeter is not in operation, indicating the cab is vacant and for hire, and to extinguish such light when the taximeter is in operation. No person shall drive or operate any taxicab with such a light illuminated when such taxicab is transporting a passenger. Such top tail light must utilize equipment with the requisite wattage to ensure that the top tail light is visible to passengers and the public from a reasonable distance;
- (7) Vehicle Decal. Ambassador Cab shall have a special "Ambassador Cab" decal designated by the Department displayed on the vehicle. Such decal shall be placed in the manner and place as directed by the Department. Ambassador Cabs shall not be permitted to pick up passengers at either Miami International Airport or the Port of Miami without the required decal;
- (8) Vehicle Age Requirements and Standards. Any Ambassador Cab initially placed into service shall not have been previously used as a taxicab, or have a "rebuilt" or "salvage" title, and shall be no greater than ~~[[three (3)]]~~ >>ten (10)<< model years of age. Any vehicle over ~~[[six (6)]]~~ >>ten (10)<< model years of age shall not operate as a taxicab at either Miami International Airport or the Port of Miami.

Notwithstanding any provision to the contrary, any taxicab that is initially placed in service within twelve (12) months of the effective date of this ordinance, may continue to operate until the taxicab has reached ~~[[eight (8)]]~~ >>ten (10)<< model years

of age. At the expiration of ~~[[eight (8)]]~~ >> ten (10)<< model years, each taxicab shall be required to adhere to the vehicle age requirements mandated by this subsection;

- (9) Vehicle Age Requirements and Standards for Wheelchair Accessible Cabs. Any Wheelchair Accessible Ambassador Cab initially placed into service shall not have been previously used as a Wheelchair Accessible Cab, or have a "rebuilt" or "salvage" title and shall be no greater than ~~[[three (3)]]~~ >> ten (10)<< model years of age. Any vehicle over ~~[[eight (8)]]~~ >> ten (10)<< model years of age shall not operate as a Wheelchair Accessible Cab at either Miami International Airport or the Port of Miami;
- (10) Compliance with Other Provisions. Ambassador Cabs shall at all times be in compliance with Chapter 31 of the Code of Miami Dade County.

Any Ambassador Cab that is also an alternative fuel vehicle, as defined in section 403.42(2)(b), Florida Statutes, shall have priority access to the Miami International Airport terminal and the Port of Miami terminal to pick up passengers.

Any Ambassador Cab that has met all the requirements of the Ambassador Cab program and is designated as an Ambassador Cab within 180 days after the effective date of this ordinance shall have priority access to the Miami International Airport terminal and the Port of Miami terminal to pick up passengers until all provisions of this ordinance are mandated.

The County Commission shall, as deemed appropriate, adopt within twelve (12) months of the effective date of this ordinance a fare increase pursuant to the provisions of section 31-87 in light of the additional technology requirements mandated by subsection 31-93(b).

(c) Underserved taxicab service area.

(1) An underserved taxicab service area is hereby established. For purposes of this subsection, an "underserved taxicab service area" means the economically disadvantaged area in Miami-Dade County that is bounded as follows:

1. on the north by a line commencing at N.W. 47th Avenue and N.W. 215th Street running east to N.E. 2nd Avenue;
2. on the east by a line commencing at N.W. 215th Street and running north to south along N.E. 2nd Avenue to N.W. 7th Street;
3. on the south by a line commencing at N.E. 2nd Avenue and running west along 7th Street to N.W. 42nd Avenue; and
4. on the west by a line commencing at N.W. 7th Street and N.W. 42nd Avenue north to N.W. 119th Street, west along N.W. 119th Street to N.W. 47th Avenue, north along 47th Avenue to N.W. 135th Street, west along 135th Street to N.W. 57th Avenue, north along 57th Avenue to N.W. 167th Street, east along N.W. 167th Street to N.W. 47th Avenue, north along 47th Avenue to N.W. 215th Street.

For purposes of this subsection, an "underserved area taxicab" means a taxicab where: (a) the for-hire license holder has entered into a passenger service company agreement with a passenger service company that has its principal place of business within the underserved taxicab service area; (b) an average minimum of seventy-five (75) percent of all pickups by the taxicab during each twenty-four hour period originate in the underserved taxicab service area; and (c) the for-hire license holder has applied for and been designated by the ~~[[director]]~~ Director of ~~[[CSD]]~~ RER as an underserved area taxicab. Any for-hire license holder who seeks to be designated as an underserved area taxicab shall complete and submit

a form provided by ~~[[CSD]]~~ >>RER<< documenting compliance with the provisions of this subsection for the three-month period preceding submission of the application. Each for-hire license holder authorized to operate as an underserved area taxicab shall on a semiannual basis submit on a form provided by ~~[[CSD]]~~ >>RER<< documentation demonstrating continuing compliance with the requirements of this subsection. Failure of the underserved area taxicab for-hire license holder to comply with any of the provisions of this subsection shall result in the suspension or revocation of authorization to operate as an underserved area taxicab. All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

- (2) Underserved area for-hire taxicab licenses shall be issued through a separate lottery pursuant to Section 31-82(o)(3) to qualified chauffeurs who satisfy the criteria of Section 31-82(q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only; and (ii) the chauffeur shall enter into a passenger service company agreement with a passenger service company which has its principal place of business in an underserved taxicab service area. ~~[[Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in Section 31-82(q) of the Code. Any transfer of an underserved taxicab license shall only be made to a qualified chauffeur who meets the requirements of this subsection.]]~~ The price for an underserved taxicab area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000.00).

~~[(3) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (e)(1) or (e)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than eight (8) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.~~

~~(4) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (e)(1) or (e)(2) may utilize a color scheme approved by the [[director]] >>Director<< of [[CSD]] >>RER<<which does not satisfy the requirements of Section 31-85(a) pertaining to uniform color scheme.]]~~

>>(3) Notwithstanding any provision to the contrary, all underserved area taxicab for-hire licenses issued by the County shall be allowed to operate countywide after the effective date of this ordinance and shall be subject to all of the requirements of this article. <<

(d) South Miami-Dade taxicab service area. A South Miami-Dade taxicab service area is hereby established. For purposes of this subsection, the South Miami-Dade taxicab service area means the area located south of S.W. 88 Street. South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued through a separate lottery, pursuant to Section 31-82(o)(2), to qualified chauffeurs who satisfy the criteria of Section 31-82(q) and enter into a binding agreement with the County that the chauffeur is restricted to picking up passengers in the South Miami-Dade taxicab service area only. ~~[[Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in section 31-82(q) of this Code. Any transfer of a South Miami-Dade taxicab service area license shall only be made to a qualified chauffeur who meets the requirements of this subsection.]]~~ The price for a South Miami-Dade taxicab service area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000.00). All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be

operated twenty-four (24) hours a day. >>Notwithstanding any provision to the contrary, all South Miami-Dade area taxicab for-hire licenses issued by the County shall be allowed to operate countywide after the effective date of this ordinance and shall be subject to all of the requirements of this article.<<

- (e) Notwithstanding the vehicle age limits required by Sections 31-82(l)(4), 31-89(f) and 31-93(c)(3) of the Code, any properly permitted and inspected taxicab scheduled for retirement on December 31, 2012 shall be allowed to be operated for an additional one-year period. Notwithstanding the vehicle age limits required by Sections 31-82(l)(4), 31-89(f) and 31-93(c)(3) of the Code, any properly permitted and inspected model year 2005 taxicab scheduled for retirement on December 31, 2013 shall be allowed to be operated until June 30, 2014. No further extensions shall be granted.

- ~~[(f) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire taxicab license prior to September 3, 2012, which is required to be operated using a taxicab in the underserved taxicab service area pursuant to Section 31-93(e) or the South Miami taxicab service area pursuant to Section 31-93(d) may convert that for-hire license into a license which may be operated in both the designated underserved area and countywide (hereinafter "hybrid underserved taxicab license" or "hybrid underserved taxicab") as provided herein. An underserved taxicab license may be converted into a hybrid underserved taxicab license upon payment of five thousand dollars (\$5,000.00). A hybrid underserved taxicab license may be operated countywide on alternating days as follows. All hybrid underserved taxicabs whose license number ends in an odd number (i.e., 1, 3, 5, 7, 9) are required to pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area, whichever is applicable, on odd-numbered days of the month. All hybrid underserved taxicabs whose license number ends in an even number (i.e., 0, 2, 4, 6, 8) are required to pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area, whichever is applicable, on even-numbered days of the month. To "pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area"~~

~~means that such taxicabs may discharge passengers at any location, but may only accept passengers in the designated underserved taxicab service area. No hybrid underserved taxicab operating pursuant to this section may provide transportation of persons and their baggage from Miami International Airport.]]~~

>>(f) In lieu of obtaining a chauffeur's registration pursuant to Article V of this Chapter, a for-hire taxicab license holder or passenger service company shall have the option to authorize a person to operate a taxicab as a certified driver upon the streets of Miami-Dade County only upon certification by the for-hire taxicab license holder or passenger service company that the individual has met the requirements of Section 31-303, with the exception of specified courses, and oral, written and physical examinations required by Article V, after the for-hire taxicab license holder or passenger service company has conducted a local, state, and national criminal background check through a Department approved agency. The background check shall include a social security trace and a review of all criminal records in all Florida counties in which the background check conducted in accordance with Section 31-303 of Article V, Chapter 31 of the Miami-Dade County Code reveals that the individual has ever committed a crime, as well as a review of all criminal records in any county where the individual has resided in the last seven (7) years. The background check shall include federal court records through the Public Access to Court Electronic Records ("PACER") system, NATCRIM or similar multistate and multijurisdictional criminal databases, state and national sex offender databases, and driving history research report.

1. In order to be authorized by a for-hire taxicab license holder or passenger service company, an individual shall submit an application to the for-hire taxicab license holder or passenger service company that includes, at minimum, information regarding his or her address, age, driver license and driving history.
2. In addition to screening a prospective driver in accordance with the criteria set forth in this article, a for-hire taxicab license holder or passenger service company may not authorize an individual to

operate if the background check required under this section reveals that the individual has been convicted, within the last three (3) years, of more than three (3) moving violations or driving on a suspended, revoked, or invalid license.

3. Prior to authorizing any individual to operate pursuant to this provision, a for-hire taxicab license holder or passenger service company shall issue to that individual a credential, which provides the name of the authorized driver, the date the credential was issued, the date that the credential will expire and a photograph of the authorized driver.
4. An authorization or credential issued pursuant to this section shall be valid for no more than one (1) year.
5. At all times when operating a taxicab, an authorized driver shall display in such vehicle the credential issued by the for-hire taxicab license holder or passenger service company and make this credential available for inspection by RER or any code enforcement officer at all times while operating a taxicab.
6. Upon receipt of information that an individual no longer meets the requirements of Section 31-303 of Article V, Chapter 31 of the Code of Miami-Dade County, the for-hire taxicab license holder or passenger service company shall immediately revoke the credential issued to the driver and notify the individual that he or she is no longer authorized to operate a taxicab.
7. It shall be unlawful for a for-hire taxicab license holder or passenger service company to authorize a person to drive on the streets of Miami-Dade County or issue a credential to any individual who does not meet the requirements of this section.

8. A for-hire taxicab license holder or passenger service company may not authorize any individual pursuant to this article who has been denied a chauffeur's registration by the Department within one (1) year of the date of denial.
 9. A certified driver shall comply with all requirements applicable to chauffeurs and shall be subject to all of the penalties provided for in this article and in Section 8CC-10.
 10. A for-hire taxicab license holder or passenger service company that certifies its drivers pursuant to this section shall notify RER promptly if it begins using a multistate or multijurisdictional database that is different than the database it utilized when it began certifying drivers. If RER determines that the new database does not comply with this article, the for-hire taxicab license holder or passenger service company shall, upon notice, immediately cease using that database to authorize drivers and may only resume authorizing drivers if it utilizes the database that it used when it obtained a license or obtains the RER's approval to use a new database.
- (g) In lieu of obtaining an operating permit and vehicle inspection decal issued by RER, a for-hire taxicab license holder or passenger service company shall have the option to certify that such vehicle complies with the requirements of Section 31-89 of this Chapter. Before any vehicle may be operated under the authority of such for-hire taxicab license, the for-hire taxicab license holder or passenger service company shall ensure that each such vehicle has a safety inspection conducted by an American Advanced Technicians Institute ("AATI") or National Institute for Automotive Service Excellence ("ASE") certified master mechanic or automobile technician at a licensed or state-registered auto repair shop and that proof of inspection for each such vehicle, in the form required by RER, has been submitted to the for-hire taxicab license holder or passenger service company and is available for inspection.

1. The for-hire taxicab license holder or passenger service company shall maintain records of all vehicle inspections for at least three years and provide proof of such inspections upon request by RER or any code enforcement officer.
 2. Upon request by RER or any individual authorized by the Director, a chauffeur shall provide documentation demonstrating that the taxicab has been inspected pursuant to Section 31-89.
 3. It shall be unlawful for a for-hire taxicab license holder or passenger service company to permit or to allow a vehicle to operate on the streets of Miami-Dade County which has not been certified in accordance with the provisions of this article.
 4. Any mechanic or technician who provides false information on an inspection form required pursuant to this section shall not be allowed to certify additional taxicab vehicles to be operated in Miami-Dade County. A passenger service company or for-hire license holder, where applicable, that fails or does not follow the requirements of this section is subject to revocation or suspension of its license pursuant to Section 31-91. RER shall periodically distribute its list of prohibited mechanics to all passenger service companies and for-hire license holders. Any inspection conducted by a prohibited mechanic shall be deemed invalid.
- (h) If a passenger service company or for-hire license holder elects to self-certify vehicles and/or drivers, the passenger service company or for-hire license holder shall notify RER in writing prior to certifying vehicles and/or drivers.<<

Sec. 31-94. Seizure, impoundment and forfeiture.

- (A) Seizure. Police officers or such other employees as may be designated by the County ~~[[Manager]]~~ >>Mayor<< are authorized to seize and impound any for-hire motor vehicle which such officer or employee has probable cause to believe is being operated in ~~[[violated]]~~ >>violation<< of Section 31-82(a) of Article II of Chapter 31 of the Miami-Dade County Code. A vehicle seized in accordance with this subsection shall be removed to a designated secured facility.
- (B) Notice of seizure.
- (1) Within twenty-four (24) hours of a seizure, as described in Section 31-94(A), a police officer or other designated County employee shall make a diligent search and inquiry as to the owner's name and address and make a good faith effort to give a notice of seizure in writing to said vehicle owner of the fact of such seizure, the grounds for seizure, identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken. A copy of said notice of seizure shall also be given to the proprietor of such secured facility.
- (2) Whenever an officer or designated employee seizes a vehicle under this section, and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, then and in that event the officer or designated employee shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Commissioner of the Miami-Dade Police Department.
- (C) Vehicle impoundment hearing. Whenever the owner of record of a vehicle seized pursuant to this section makes a request of the ~~[[CSD]]~~ >>RER<< in person and in writing for a vehicle impoundment hearing within ten (10) days of seizure exclusive of Saturdays, Sundays and legal holidays, a magistrate, as provided in F.S. § 318.32, a County Court Judge or a Hearing Examiner, who shall not have responsibility for the enforcement of this article and who

shall be designated by the ~~[[CSD]]~~>>RER<< Director, shall conduct the hearing within twenty-four (24) hours or as soon as practicable, excluding Saturdays, Sundays and legal holidays. All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the Magistrate, County Court Judge or Hearing Examiner determines that there is no probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the Magistrate, County Court Judge or Hearing Examiner shall order the immediate return of the vehicle. If, after the hearing, the Magistrate, County Court Judge or Hearing Examiner determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the Magistrate, County Court Judge or Hearing Examiner shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle (1) posts with the court or ~~[[CSD]]~~>>RER<< a cash bond in the amount of the maximum fine(s), plus any applicable towing and storage fees, or (2) pleads guilty or nolo contendere and pays in full any towing and storage fees plus the fine(s). Notwithstanding the foregoing, if, after the hearing, it is determined that there is probable cause to believe that the vehicle is subject to forfeiture proceedings pursuant to Section 31-94(G), said vehicle shall not be released.

- (D) Hearing regarding Code violation charged in field enforcement report and/or complaint/arrest affidavit. Within ten (10) days after a vehicle is seized and impounded pursuant to this section or as soon as practicable, the ~~[[CSD]]~~>>RER<< and/or the Clerk's Office shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted regarding the Code violations charged in the field enforcement report the complaint/arrest affidavit or other charging instrument. The hearing shall be

conducted within thirty (30) days after the vehicle was seized or as soon as practicable. The hearing shall be conducted by a magistrate, county court judge or hearing examiner. All interested persons shall be given a reasonable opportunity to be heard at the hearing.

(E) Decisions at hearing.

- (1) If the Magistrate, County Court Judge or Hearing Examiner dismisses the Code violation(s) charged in the field enforcement report, complaint/arrest affidavit or other charging document and/or finds the person charged not guilty, the Magistrate, County Court Judge or hearing examiner shall issue an order for release of the seized vehicle without removal and storage fees.
- (2) If the Magistrate, County Court Judge or Hearing Examiner finds a violation of the Code, the Magistrate, County Court Judge or Hearing Examiner shall assess a fine and/or jail sentence as provided in Section 31-92 of the Code, and removal and storage fees. The fine(s), if any, and removal and storage fees must be paid in order to obtain an order for release of the seized vehicle. A Magistrate, County Court Judge or Hearing Examiner shall not issue an order releasing the vehicle where said vehicle is subject to forfeiture proceedings pursuant to Section 31-94(G).
- (3) If the owner does not obtain the vehicle by the date specified in the order of release, the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.
- (4) A vehicle shall not be released from storage prior to the scheduled hearing specified in this subsection if the vehicle is subject to forfeiture pursuant to Section 31-94(G) of the Code.
- (5) Default hearing. If the owner of the seized vehicle fails to appear for the hearing specified in Section 31-94(D), a default hearing will be held. A Magistrate, County Court Judge, or Hearing Examiner shall make a determination pursuant to

paragraph (1) or (2) of this subdivision (E). The ~~[[CSD]]~~>>RER<< will inform the respondent of the default determination by certified mail, return receipt requested. The information mailed to the owner shall include the provisions of Section 31-94 herein concerning abandoned vehicles. The respondent may comply with the default determination within seven (7) calendar days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a hearing de novo on the original complaint/arrest affidavit, field enforcement report or other charging document. Such hearing shall be schedule within ten (10) working days of the order vacating the default determination or as soon as practicable.

(F) Appeals. If a violation of Section 31-82(a) of the Code is found, the assessed fine(s) together with removal and storage fees must be paid in order to appeal. However, if the vehicle is the subject of a forfeiture proceeding pursuant to Section 31-94(G) of the Code, only the fine, if any, must be paid in order to appeal. If upon appeal the decision is reversed in whole or part, the appellant shall receive a refund of the relevant fine(s) and fees.

(G) Forfeiture.

(1) Forfeiture. In addition to the penalties set forth in Sections 31-91 and 31-92 of the Code, any for-hire motor vehicle used to commit three (3) or more violations of Section 31-82(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this ordinance shall be subject to forfeiture upon notice and judicial determination.

(2) Determination by the ~~[[CSD]]~~>>RER<< Director. The Director of the ~~[[CSD]]~~>>RER<< shall determine whether to pursue the remedy of forfeiture. Miami-Dade County shall not use the seized vehicle for any purpose until the rights to, interest in, and title to the seized property are perfected in accordance with this section. This

section does not prohibit use or operation necessary for reasonable maintenance of seized vehicles. Reasonable efforts shall be made to maintain seized vehicles in such a manner as to minimize loss of value.

- (3) Vehicles subject to forfeiture may be seized provided that the owner is notified at the time of the seizure or by certified mail, return receipt requested, that there is a right to an adversarial preliminary hearing after the seizure to determine whether probable cause exists to believe that such vehicle has been used to commit three (3) or more violations of Section 31-82(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this ordinance. The ~~[[CSD]]~~ >>RER<< or other authorized law enforcement agencies shall make a diligent effort to notify the owner of the seizure. Notice provided by certified mail must be mailed within five (5) working days of the seizure and shall state that the owner may request an adversarial preliminary hearing within fifteen (15) days of receiving such notice. When a post-seizure adversarial preliminary hearing as provided herein is requested, it shall be held within ten (10) days after the request or as soon as practicable. If the court determines that the required probable cause exists, the court shall order the property restrained by the least restrictive means to protect against disposal, waste, or continued illegal use pending disposition of the forfeiture proceeding. If the court orders the release of the vehicle, all fines, if any, and towing and storage fees shall be paid prior to release.
- (4) Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this section; however, such action may be maintained if forfeiture proceedings are not initiated within forty-five (45) days after the date of seizure. However, if good cause is shown, the court may extend the aforementioned prohibition to sixty (60) days.

- (5) The court shall order the forfeiture of any other property of a claimant of a vehicle, excluding lienholders, up to the value of the vehicle subject to forfeiture under this section if the vehicle:
 - (a) Cannot be located;
 - (b) Has been transferred to, sold to, or deposited with, a third party;
 - (c) Has been placed beyond the jurisdiction of the court;
 - (d) Has been substantially diminished in value by any act or omission of the person in possession of the property; or
 - (e) Has been commingled with any property which cannot be divided without difficulty.

- (6) Exceptions.
 - (a) No vehicle shall be forfeited under the provisions of this section if the owner of such vehicle establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such vehicle was being used or was likely to be used in violation of Section 31-82(a) of the Code.
 - (b) No bona fide lienholder's interest shall be forfeited under the provisions of this section if such lienholder establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in violation of Section 31-82(a) of the Code, that such use was without his or her expressed or implied consent, and that the lien had been perfected in the manner prescribed by law prior to such seizure.

(c) No vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles shall be forfeited under the provisions of this section if the company establishes by a preponderance of the evidence that it neither knew, nor should have known, that the vehicle was being used or was likely to be used in violation of Section 31-82(a) of the Code. When a vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles is seized under this section, upon learning the address or phone number of said company, the ~~[[CSD]]~~>>RER<< shall, as soon as practicable, inform said company that the vehicle has been seized.

(d) Any interest in, title to, or right to a vehicle titled or registered jointly by the use of the conjunctives "and," "and/or," or "or" held by a co-owner shall not be forfeited if the co-owner establishes by a preponderance of the evidence that such co-owner neither knew, nor had reason to know, after reasonable inquiry, that such property was used or was likely to be used in violation of Section 31-82(a) of the Code. When the interests of each culpable co-owner are forfeited, any remaining co-owners shall be afforded the opportunity to purchase the forfeited interest in, title to, or right to the property from Miami-Dade County. If any remaining co-owner does not purchase such interest, Miami-Dade County may hold the property in co-ownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(7) Forfeiture proceedings.

(a) It is the policy of Miami-Dade County that the provisions of this section are adopted to deter and prevent the continued use of for-hire motor vehicles to violate Section

31-82(a) of the Code while protecting proprietary interests of innocent owners and lienholders and to authorize the use of the proceeds collected under this section as supplemental funding for enforcement purposes.

- (b) The Florida Rules of Civil Procedure shall govern forfeiture proceedings under this section unless otherwise specified herein.
- (c) Any trial on the ultimate issue of forfeiture shall be decided by a jury, unless such right is waived by the claimant of the vehicle through a written waiver or on the record before the court conducting the forfeiture proceeding.
- (d) Miami-Dade County shall promptly proceed against the vehicle by filing a complaint in the circuit court.
- (e)
 - (i) The complaint shall be styled "in RE: FORFEITURE OF _____" (followed by the name or description of the vehicle). The complaint shall contain a brief jurisdictional statement, a description of the subject matter of the proceeding, and a statement of the facts sufficient to state a cause of action that would support a final judgment of forfeiture. The complaint must be accompanied by a verified supporting affidavit.
 - (ii) If no person entitled to notice requests an adversarial preliminary hearing, as provided in Section 31-94(G)(3), the court, upon receipt of

the complaint, shall review the complaint and the verified supporting affidavit to determine whether there was probable cause for the seizure. Upon a finding of probable cause the court shall enter an order showing the probable cause finding.

(iii) The court shall require any claimant of a vehicle who desires to contest the forfeiture to file and serve upon the attorney representing Miami-Dade County any responsive pleadings and affirmative defenses within twenty (20) days after receipt of the complaint and probable cause finding.

(f) (i) Miami-Dade County shall serve notice of the forfeiture complaint by certified mail, return receipt requested, to each person having a security interest in the vehicle. Miami-Dade County shall also publish notice of the forfeiture complaint twice each week for two (2) consecutive weeks in a newspaper of general circulation in Miami-Dade County.

(ii) The notice shall, in addition to stating that which is required by Section 31-94(G)(3) describe the property; state the county, place, and date of seizure; state the governmental entity holding the seized property; and state the name of the court in which the complaint will be filed.

(iii) Miami-Dade County shall be obligated to make a diligent search and inquiry as to the owner of the vehicle, and if, after such diligent search and inquiry, Miami-Dade

County is unable to ascertain any person entitled to notice, the actual notice requirements by mail shall not be applicable.

- (g) When the claimant of the vehicle and Miami-Dade County agree to settle the forfeiture action prior to the conclusion of the forfeiture proceeding, the settlement agreement shall be reviewed, unless such review is waived by the claimant of the vehicle in writing, by the court or a mediator or arbitrator agreed upon by the claimant and Miami-Dade County.
- (h) Upon clear and convincing evidence that the seized vehicle was used to commit a third ~~[[ef]]~~ subsequent violation of Section 31-82(a) of the Code on at least three (3) separate occasions within a thirty-six-month period, where all of such violations were committed on or after the effective date of this section, the court shall order the seized property forfeited to Miami-Dade County. As used in this subsection, a "violation" occurs when a person or entity pleads guilty or nolo contendere or is convicted or found guilty of violating Section 31-82(a) of the Code using the vehicle subject to forfeiture. The final order of forfeiture by the court shall perfect in Miami-Dade County right, title and interest in and to such property, subject only to the rights and interests of bona fide lienholders, and shall relate back to the date of seizure.
- (i) (i) The seized property shall be released immediately to the person entitled to possession of the property as determined by the court when the claimant prevails at the conclusion of the forfeiture proceeding, and Miami-Dade County decides not to appeal.

- (ii) When the claimant of the vehicle prevails at the conclusion of the forfeiture proceeding, any decision to appeal must be made by the ~~[[CSD]]~~>>RER<< Director. If the claimant prevails on appeal, Miami-Dade County shall immediately release the seized property to the person entitled to possession of the property as determined by the court.

- (j) Disposition of forfeited property where no lien. When Miami-Dade County obtains a final judgment granting forfeiture of a vehicle, it may elect to:
 - (i) Retain the property for the County's use;
 - (ii) Sell the property at public auction or by sealed bid to the highest bidder; or
 - (iii) Salvage, trade, or transfer the vehicle to any public or nonprofit organization.

- (k) Disposition of forfeited property where lien. If the forfeited vehicle is subject to a lien preserved by the court as provided in Section 31-94(G)(6)(b), Miami-Dade County shall:
 - (i) Sell the property with the proceeds being used towards satisfaction of any liens; or
 - (ii) Have the lien satisfied prior to taking any action authorized by Section 31-94(G)(7)(j).

- (l) Priority of disbursement. The proceeds from the sale of a forfeited vehicle shall be disbursed in the following priority:
 - (i) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.
 - (ii) Payment of the cost incurred by Miami-Dade County in connection with the storage, maintenance, security, and forfeiture of such property.
 - (iii) Payment of court costs incurred in the forfeiture proceeding.
 - (iv) The remaining proceeds shall be deposited in an Enforcement Trust Fund hereby established by the Board of County Commissioners. Such proceeds and interest earned therefrom shall be used for enforcement of the provisions of Chapter 31 of the Code.

(H) Abandoned vehicles.

- (1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this subsection (H), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by a circuit court judge after a duly noticed hearing, without further hearing.
- (2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:
 - (a) Has not removed the vehicle from storage within ten (10) days of obtaining an order of release pursuant to Section 31-94(C), (e) or (G)(7)(i) herein; or

- (b) Has not paid the fines, if any, and towing and storage fees within ten (10) days of a hearing determination of violation pursuant to Section 31-94(E)(2) herein, or within ten (10) days after notice of a default determination of violation was mailed to the owner pursuant to Section 31-94(E)(5) herein; or
 - (c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial of a motion to vacate a default determination pursuant to Section 31-94(E)(5); or
 - (d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the ~~[[CSD]]~~>>RER<< to the owner that the County will not pursue the remedy of forfeiture pursuant to Section 31-94 herein.
- (3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (H), the ~~[[CSD]]~~>>RER<< shall mail to the owner a notice that the vehicle has been recovered by ~~[[CSD]]~~>>RER<< as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Miami-Dade County and it will be sold at public auction or by bid after ten (10) days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.
- (4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (H) was mailed, by paying the towing and storage fees due and any fine(s).

- (5) In the event that an abandoned vehicle is not claimed within ten (10) days after the notice described in paragraph (3) of this subsection (H) was mailed, ownership of the abandoned vehicle shall vest in ~~[[CSD]]~~ RER after a duly noticed hearing and declaration of abandonment by a circuit court judge. The ~~[[CSD]]~~ RER may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

Secs. 31-95—31-98. Reserved.

Sec. 31-99. 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 license number or passenger service company number.
- (b) For the purposes of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading where the heading describes or encompasses any for-hire transportation regulated under this article.
- (c) No person shall advertise a rate or fare ~~[[other]]~~ that is higher than the rate or fare approved pursuant to Section 31-87.

Sec. 31-100. Passenger service companies.

- (a) Prohibition against unauthorized operations. No person or entity shall provide taxicab passenger services on behalf of a for-hire license holder without such person or entity first obtaining a Miami-Dade County passenger service company registration and maintaining such registration current and valid in accordance with this article. A taxicab for-hire license holder may provide passenger services

without obtaining a registration if he, she or it only provides said services for a taxicab(s) operated pursuant to a for-hire license(s) issued to said for-hire license holder and complies with all other requirements of this section.

- (b) Taxicab passenger services. Taxicab passenger services provided by a passenger service company or for-hire license holder shall minimally include, but not be limited to, the following: providing for-hire vehicle color schemes and markings; providing ~~[[two-way radio or cellular telephone]]~~ dispatch services, maintenance and advertising of a telephone number for receiving all calls related to for-hire taxi services; handling passenger complaints and passenger lost and found; a properly listed telephone for receiving all calls relating to for-hire vehicle service.
- (c) Application procedures. Every application for a passenger service company registration shall be in writing, signed and sworn to by the applicant, and shall be filed with the ~~[[CSD]]~~>>RER<< together with a non-refundable investigative and processing fee. The application shall be on a form provided by the ~~[[CSD]]~~>>RER<< and shall contain all information required thereon, including:
- (1) Full legal name, mailing address and business telephone number, federal identification number of all partners of a partnership and of all directors, officers, resident agents and stockholders who hold five (5) percent or more of the issued and outstanding shares of the corporation. The applicant shall disclose the foregoing information for any person who has an interest (legal, equitable, beneficial or otherwise) in the registration. Post office addresses shall not be acceptable.
 - (2) The address of the place of business from which for-hire operations are conducted. Such place of business shall be in ~~Miami-Dade~~>>Broward or Palm Beach<< County; shall be in compliance with applicable zoning requirements for its operations; and shall have a properly listed telephone number for receiving all calls relating to for-hire vehicle service.

(3) A record of all crimes of which any partner, director, officer or stockholder has pled nolo contendere, pled guilty, been found guilty or been convicted. ~~[[The applicant shall have his or her fingerprints and photographs taken by the Metro-Miami-Dade Police Department.]]~~ This information shall be obtained for all corporate officers and directors or partners, as the case may be. Stockholders who hold less than five (5) percent of the issued and outstanding shares of the corporation shall not be required to comply with the requirements of this subsection.

(4) A current, valid occupational license and a current fictitious name registration.

~~[[~~(5)~~ Three (3) Miami-Dade County written credit references, including at least one (1) bank where the applicant has a current account and a certified financial statement.]]~~

~~[[~~(6)~~]]>>(5)<<A written passenger service plan which shall include:~~

- (i) A description of the services to be provided to passengers;
- (ii) A description of the vehicle maintenance facilities and vehicle maintenance program, if applicable;
- (iii) A description of the system for handling complaints, accidents and property left by a passenger in the for-hire vehicle;
- (iv) A description of the quality assurance program which will be utilized to assure delivery of service to passengers.
- (v) A description of the system for handling insurance requirements under this chapter;
- (vi) A description of the ~~[[radio or cellular telephone]]~~ dispatch system, as required including procedure for receiving passenger calls, dispatching calls, and maintaining required records;

- (vii) >>A description of the vehicle and driver certification program, if applicable;<< ~~[[A copy of the passenger service agreement forms which it proposes to execute with for-hire license holders and chauffeurs;]]~~
 - (viii) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.
- (d) Investigation and eligibility of passenger service applicant. The ~~[[CSD]]~~>>RER<< shall investigate each application. The ~~[[director]]~~ >>Director<< may issue or refuse to issue such registration on such terms and conditions as the public interest may require. The ~~[[director's]]~~ >>Director's<< decision to deny an application may be appealed in accordance with this chapter. An applicant shall not be eligible for a passenger service company registration if he/she/it:
- (1) Has misrepresented or concealed a material fact on his/her/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 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;
 - (5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;

- (6) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony 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) Violated any condition, limitation, or restriction of a passenger service company registration imposed by the ~~[[director]]~~ >>Director<<, or commission;
- (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) If the person is a corporation or partnership, a stockholder, officer, director, or partner thereof and has committed an act or omission which would be cause for denying a passenger service company registration to the officer, director, stockholder, or partner as an individual;
- (10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the ~~[[director]]~~ >>Director<<.
- (11) Has any unsatisfied civil penalty or judgment relating to for-hire operations;
- (12) Is not located in Miami-Dade >>, Broward or Palm Beach<< County and/or its place of business is not in a properly zoned location;
- (13) Has within the last five (5) years plead 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

(14) 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 passenger service company registration. No passenger service company registration shall be issued or renewed unless the applicant:

(1) Has paid a registration fee;

(2) Has complied with the insurance requirements of this article for each vehicle it operates, if applicable;

~~[(3) Has entered into a passenger service agreement with the for hire license holder for each for hire vehicle it operates;~~

~~(4) Has entered into a chauffeur's agreement with each chauffeur who operates or drives a for hire vehicle for which the passenger service company provides passenger services;]~~

~~[(5)]~~>>(3)<<Maintains a quality assurance program including regular training for all affiliated chauffeurs;

~~[(6)]~~>>(4)<<Provides a ~~[[radio or cellular telephone]]~~>>two-way<< dispatch system.

(f) Issuance and replacement of passenger service company registration.

(1) Issuance. Each passenger service company registration shall be on a form provided by the ~~[[CSD]]~~>>RER<<and shall be signed by the ~~[[director]]~~>>Director<<. Each registration shall, at minimum, contain the legal name of the applicant, any fictitious name to be utilized, the address and telephone number of the place of business, the registration expiration date, the class of passenger services authorized, and such additional terms, conditions, provisions and limitations as are imposed during the approval process.

- (2) Replacement. The ~~[[director]]~~ >>Director<< shall issue a replacement registration to any registration holder upon application, payment of a non-refundable replacement fee and presentation of proof of or a sworn affidavit that the license has been lost or stolen.
- (g) Expiration of and renewal process for passenger service company registration. Passenger service company registrations may be issued for such periods as specified in the administrative order establishing the fees. The ~~[[CSD]]~~ >>RER<< may establish staggered registration terms to ease the administration of the renewal process. Renewal shall be accomplished in the same manner as the initial application no less than thirty (30) days prior to expiration of the registration together with payment of a registration fee. ~~[[No registration shall be renewed for an applicant who does not have at least one (1) current, valid passenger service agreement in effect.]]~~ Registration holders shall have a grace period of up to thirty (30) days after expiration of their registration in which to renew same; provided, however, the registration holder within such thirty-day period shall also pay a non-refundable late fee over and above the annual registration fee. All registrations which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.
- (h) Rules pertaining to change in control of the passenger service company registration. Passenger service company registrations shall not be sold, transferred, assigned or leased. Any change in control or ownership of a passenger service company registration shall immediately terminate the registration and a new passenger service company application shall be filed. The passenger service company may continue to operate provided that such application has been filed with the ~~[[CSD]]~~ >>RER<< within ten (10) days of the change in control or ownership. The application shall be filed in accordance with Section 31-100(c) and be accompanied by an investigatory and processing fee.

- [[~~(i)~~] ~~Requirement of a passenger service agreement with for hire license holder. Each passenger service company shall enter into a separate written passenger service agreement with the for hire license holder for each vehicle operated in accordance with this chapter. The written passenger service agreement:~~
- ~~(1) Shall provide for an express duration for the agreement;~~
 - ~~(2) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein;~~
 - ~~(3) Shall state the full legal name and address (post office boxes shall not be acceptable), license and registration numbers;~~
 - ~~(4) Shall state and itemize the compensation to be paid by the passenger service company for the right to operate a for hire vehicle authorized by a for hire license. It shall be unlawful for the license holder to receive any compensation from the passenger service company which is not specified in the existing passenger service agreement;~~
 - ~~(5) Shall provide who shall be responsible for obtaining the required insurance for the for hire vehicle;~~
 - ~~(6) Shall provide that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees;~~
 - ~~(7) Shall be signed by both the for hire license holder and the passenger service company; and~~
 - ~~(8) Shall include a sworn statement attesting to the truth if all representations made in the passenger service agreement.~~
- ~~(i) Requirement for chauffeur's agreement. Each passenger service company shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for hire vehicle for which the passenger service company provides passenger services. Each passenger service company shall post a sign summarizing the chauffeur agreement requirements stated herein. This sign shall be~~

~~posted in a conspicuous place at the point of payment by the chauffeur and shall be written in a legible manner and preapproved by the Department of Sustainability, Planning and Economic Enhancement or successor department (hereinafter "the Department"). The written chauffeur's agreement:~~

- ~~(1) Shall provide for an express duration for the agreement;~~
- ~~(2) Shall only be terminated with at least ninety (90) days prior notice unless good cause be shown and only for the reasons stated therein;~~
- ~~(3) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective passenger service company's and chauffeur's registration numbers;~~
- ~~(4) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for hire vehicle authorized by a for hire license. Such itemization shall separately list the amount of compensation that is attributable to the lease, insurance, dispatch, and deposits, if any. It shall be unlawful for the passenger service company to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement. The Agreement shall specifically provide that the compensation to be paid by a chauffeur may be paid utilizing any of at least two of the following: (1) cash, (2) money order, (3) certified check, (4) cashier's check, (5) valid traveler's check, (6) valid bank credit card, or (7) valid personal check showing on its face the name and address of the chauffeur. The chauffeur shall be allowed to make payment as provided in the preceding sentence, and shall be provided with a~~

~~written receipt which contains the name of the license holder or passenger service company, whichever is applicable, and the driver, the for hire license number, payment amount and form of payment utilized, date of payment and the period covered by the payment. Such receipt shall be itemized so as to separately list the amount of compensation that is attributable to the lease, insurance, dispatch, and deposits, if any;~~

- ~~(5) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for hire vehicle;~~
- ~~(6) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees;~~
- ~~(7) Shall be signed by both the chauffeur and the passenger service company; and~~
- ~~(8) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.~~
- ~~(9) Whenever money is deposited by a chauffeur as security for performance or advance payment of a lease, the passenger service company shall either:
 - ~~(a) Hold the total amount of such money in a separate non-interest bearing account in a Florida banking institution for the benefit of each chauffeur. The passenger service company shall not commingle such money with any other funds of the passenger service company or pledge, or in any other way make use of such money until such money is actually due the passenger service company; or~~
 - ~~(b) Hold the total amount of such money in a separate interest bearing account in a Florida banking institution for the benefit of each chauffeur, in which case the chauffeur shall receive and collect interest in an~~~~

~~amount of at least 75 percent of the annualized average interest rate payable on such account or interest at the rate of 5 percent per year, simple interest, whichever the passenger service company elects. The passenger service company shall not commingle such money with any other funds of the passenger service company, pledge, or in any other way make use of such money until such money is actually due the passenger service company.~~

- (10) ~~The passenger service company shall, within thirty (30) days of receipt of a security deposit, notify the chauffeur in writing of the manner in which the passenger service company is holding the deposit and the rate of interest, if any, which the chauffeur is to receive and the time of interest payments to the chauffeur. Such written notice shall:~~
- ~~(a) Be given in person or by mail to the chauffeur.~~
 - ~~(b) State the name and address of the depository where the deposit is being held, and whether the deposit is being held in an interest-bearing or non-interest bearing account.~~
 - ~~(c) Include a copy of the provisions of subsection (11).~~
- (11) (a) ~~Upon the termination of the lease, if the passenger service company does not intend to impose a claim on the deposit, the passenger service company shall have fifteen (15) days to return the deposit together with interest if otherwise required, or the passenger service company shall have thirty (30) days to give the chauffeur written notice by certified mail to the chauffeur's last known mailing address of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The notice shall contain a statement in substantially the following form:~~

~~This is a notice of my intention to impose a claim in the amount of _____ upon your deposit, due to _____. It is sent to you as required by sec. 31-100(j)(11) of the Code of Miami-Dade County, Florida. You are hereby notified that you must object in writing to this deduction from your deposit within fifteen (15) days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to _____.~~

~~If the passenger service company fails to give the required notice within the 30-day period, he or she forfeits the right to impose a claim upon the security deposit.~~

- ~~(b) Unless the chauffeur objects in writing to the imposition of the passenger service company's claim or the amount thereof within fifteen (15) days after receipt of the passenger service company's notice of intention to impose a claim, the passenger service company may then deduct the amount of his or her claim and shall remit the balance of the deposit to the chauffeur within thirty (30) days after the date of the notice of intention to impose a claim for damages.~~
- ~~(e) If either party to the chauffeur agreement institutes an action in a court of competent jurisdiction to adjudicate the party's right to the security deposit and interest, if any, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney.~~
- ~~(d) In those cases where interest is required to be paid to the chauffeur, the passenger service company shall pay directly to the chauffeur, or credit the current lease payment, the interest due to the chauffeur at least annually.~~

(12) ~~shall be unlawful for any passenger service company to require that a chauffeur purchase a taxicab, lease a taxicab or finance the purchase of a taxicab as a condition of entering into a chauffeur's agreement.]]~~

[[~~(k)~~]]>>(j)<< Rules of operation. Passenger service companies must abide by all rules and regulations applicable to passenger service companies and shall be subject to the enforcement provisions in this chapter and chapter 8CC of the Miami-Dade County Code. For the purposes of this subsection, the phrase "for-hire license holder" shall be substituted for the phrase "passenger service company" where this chapter authorizes a for-hire license holder to provide passenger services and said for-hire license holder does in fact provide passenger services. A passenger service company:

- (1) Shall comply with all applicable federal, State of Florida and Miami-Dade County ordinances, laws, rules and regulations;
- (2) >>Reserved.<<~~Shall maintain for a one year period and make available for inspection by police and enforcement personnel a copy of the passenger service agreement with any for-hire license holder and any chauffeur and a copy of the agreement between the for-hire license holder and chauffeur;~~
- (3) >>Reserved<< ~~Shall comply with all terms of both the passenger service agreement and the chauffeur agreement;]]~~
- (4) Shall maintain a record of all requests for service for each passenger transport request received by telephone, >>computer, mobile phone application, text, e-mail, E-Request web-based reservation or other similar software-based technologies that may be developed in the future<< [[or made in writing]] which shall minimally include the following information: name of passenger requesting service, assigned vehicle number, date and time of service request and service provision, origin and destination of each trip, and whether the passenger requested an

accessible vehicle. All records must be made available for inspection and copying within one (1) business day of such request by the ~~[[CSD]]~~>>RER<< or any police agency during regular business hours and shall be retained for one (1) year;

- (5) Shall maintain a log of all customer complaints;
- (6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;
- (7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;
- (8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and
- (9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

~~[[4]]~~>>(k)<< Responsibility for violations of chapter. The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur >>or certified driver<< for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.

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.

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
31-82(a)	Advertising or permitting operations without a valid, current for-hire license	\$1,000.00
31-82(j)(2)	Failure to report change of address	\$100.00
31-82(j)(3)	Failure to maintain records at principal place of business of entity responsible for passenger services	\$100.00
[[31-82(j)(4)	Failure to enter into passenger service agreement or comply with 31-100(k)	\$500.00]]
31-82(j)(6)	>>Knowingly<< [[P]]>>p<<ermitting or authorizing any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit displayed	\$500.00
31-82(j)(7)	Allowing person to operate without a chauffeur registration [[and without a chauffeur's agreement]]	\$500.00
31-82(j)(8)	Allowing or permitting any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage	\$500.00

31-82(j)(9)	Failure to register and inspect all vehicles placed and taken out of service	\$200.00
31-82(j)(10)	>>Knowingly<< [[P]]>>p<<ermitting or authorizing operation of a vehicle which does not meet applicable vehicle standards	\$100.00
31-82(j)(11)	>>Knowingly<< [[A]]>>a<<llowing any person to operate a for-hire vehicle whose alertness is impaired	\$250.00
31-82(j)(12)	>>Knowing<< [[R]]>>r<<efusal or neglect to transport, for first violation	\$250.00
31-82(j)(12)	Subsequent violations- >>Knowing<< [[R]]>>r<<efusal or neglect to transport	\$500.00
[[31-82(j)(13)	Failure to enter into chauffeur agreement	\$100.00]]
[[31-82(j)(13)	Failure to include required provisions in chauffeur's agreement	\$100.00]]
[[31-82(j)(13)	Failure to comply with required provisions in chauffeur's agreement	\$500.00]]
[[31-82(j)(13)(d)	Failure to provide itemized receipt	\$100.00]]
[[31-82(j)(13)(f)	Requiring chauffeur to purchase, lease or finance purchase of taxicab	\$500.00]]
[[31-82(j)(14)	Failure to advertise wheelchair accessible service	\$250.00]]

>>31-82(j)(13)	<u>Failure to ensure that requests from wheelchair accessible passengers receive priority over all other service requests</u>	<u>\$500.00</u> <<
31-82(j)[[(15)]] >>(16)<<	Allowing chauffeur to operate accessible vehicle without certification.	\$250.00
31-82(j)[[(16)]] >>(17)<<	Operating accessible vehicle without certification.	\$250.00
31-82(1)(2)	Failure to operate accessible vehicle as directed by administrative decision of the [[CSD]] >>RER<< [[director]] >>Director<<.	\$500.00
31-85(b)	More than number specified at the stand and/or Jumping the line.	\$100.00
>>31-85(h)	<u>Failure to make available to customers and chauffeurs a software program or application that allows the customer to e-request a taxicab</u>	<u>\$1000.00</u> <<
*	*	*
31-88(c)	Failure to provide [[CSD]] >>RER<< with required notices of insurance cancellation	\$200.00
31-88(f)	Failure to provide documents when requested by the [[CSD]] >>RER<<	\$200.00
*	*	*
31-89(b)(4)	Failure to obtain [[CSD]] >>RER<< approval or to install display in accordance with [[CSD]] >>RER<< instructions	\$100.00

31-89(c)	Violation of Section 31-89 (c) Mandating Required Technology	\$250.00
31-89(d)	Failure to produce any license/ permit required by this article / failure to stop	\$50.00
[[31-89(g)	Failure to have an operating mobile two-way radio	\$250.00]]
	* * *	
[[31-93(e)	Operating outside the designated area (Underserved)	\$250.00]]
[[31-93(d)	Operating outside the designated area (South Dade)	\$250.00]]
>> <u>31-93(f)</u>	<u>Knowingly allowing or permitting any person who does not meet the requirements of Section 31-303 to operate a taxicab</u>	<u>\$250.00</u>
<u>31-93(f)(2)</u>	<u>Allowing or permitting any person to operate a taxicab if the driver has three or more moving violations within the last three years</u>	<u>\$250.00</u>
<u>31-93(f)(3)</u>	<u>Failure to provide an authorized driver with a credential</u>	<u>\$250.00</u>
<u>31-93(f)(4)</u>	<u>Allowing or permitting any person to operate a taxicab with an expired authorization or credential</u>	<u>\$250.00</u>
<u>31-93(f)(5)</u>	<u>Failure to display credential in taxicab and/or make it available for inspection</u>	<u>\$25.00</u>

<u>31-93(f)(6)</u>	<u>Failure to revoke credential of driver no longer meeting requirements of the Code</u>	<u>\$250.00</u>
<u>31-93(f)(7)</u>	<u>Providing credential to individual who does not meet requirements of the Code</u>	<u>\$250.00</u>
<u>31-93(f)(8)</u>	<u>Operating or allowing an individual to operate a taxicab if individual was denied a chauffeur's registration within the past year</u>	<u>\$250.00</u>
<u>31-93(f)(9)</u>	<u>Failure to comply with all requirements applicable to chauffeurs</u>	<u>\$250.00</u>
<u>31-93(f)(10)</u>	<u>Failure to notify RER of use of new database</u>	<u>\$250.00</u>
<u>31-93(g)</u>	<u>Knowingly allowing or permitting the operation of vehicle that does not meet the requirements of Section 31-89</u>	<u>\$250.00</u>
<u>31-93(g)(1)</u>	<u>Failure to maintain records of all vehicle inspections for at least three years. Failure to provide proof of such inspections upon request by RER</u>	<u>\$250.00</u>
<u>31-93 (g)(2)</u>	<u>Failure by a driver to provide documentation demonstrating the taxicab has been inspected pursuant to Section 31-89</u>	<u>\$250.00</u>
<u>31-93(h)</u>	<u>Failure to notify RER in writing of intention to self-certify</u>	<u>\$250.00<<</u>

31-99(a)	Publishing an advertisement of ground transportation services without the for-hire license company or passenger service company registration number	\$500.00
31-99(c)	Advertising >>rate or fare higher<< [[other]] than approved rate or fare	\$500.00
31-100(a)	Prohibition against providing taxi passenger services on behalf of a for-hire license holder without a current, valid passenger service company registration	\$1,000.00
[[31-100(i)]	Failure to enter into agreement with for-hire taxi license holder	\$500.00
31-100(j)	Failure to enter into agreement with for-hire taxi license holder	\$500.00
31-100(j)	Failure to enter into agreement with for-hire taxi chauffeur	\$500.00
31-100(j)	Failure to include required provisions in chauffeur's agreement	\$100.00
31-100(j)	Failure to comply with required provisions in chauffeur's agreement	\$500.00
31-100(j)(4)	Failure to provide itemized receipt	\$100.00
31-100(j)(4)(10)	Requiring chauffeur to purchase, lease or finance purchase of taxicab	\$500.00
31-100(j)	Failure to post notice	\$200.00
31-100(k)(2)	Failure to maintain and make available copies of passenger service agreements	\$200.00

31-100 (k) (3)	Failure to comply with all terms of passenger service agreements with for hire license holders and chauffeurs	\$500.00]]
31-100[[(k)]] >>(j)<<(4)	Failure to ensure maintenance and availability of records pertaining to for-hire operations	\$200.00
31-100[[(k)]] >>(j)<<(7)	Refusal to dispatch or neglect to dispatch a request to transport	\$100.00
31-100[[(k)]] >>(j)<<(8)	Failure to comply with lost and found rules	\$100.00
	>> <u>Any and all other violations of Article II</u>	<u>\$250.00</u> <<

Section 3. 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 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Bruce Libhaber

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.