

# MEMORANDUM

Agenda Item No. 7(D)

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

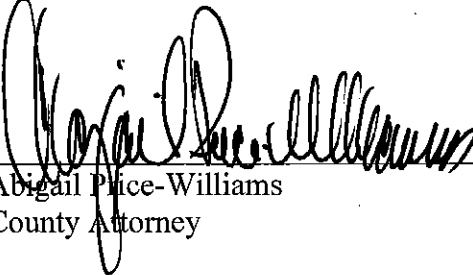
**DATE:** (Second Reading 11-1-16)  
September 7, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to transit;  
amending section 30B-3 of  
the Code; providing for civil  
citation under chapter 8CC  
of the Code as an additional  
means to enforce certain  
violations; amending section  
8CC-10; providing civil  
penalties

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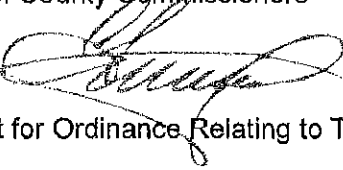
The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan.

  
Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum

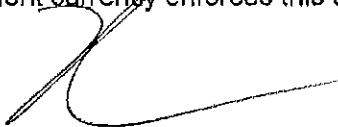


**Date:** November 1, 2016  
**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Fiscal Impact Statement for Ordinance Relating to Transit

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The proposed ordinance relating to transit, amends Section 30B-3 and 8CC-10 of the Code of Miami-Dade County to provide for civil citation and penalties under Chapter 8CC.

Implementation of this ordinance will not have a fiscal impact to the County as the Miami-Dade Police Department currently enforces this section of Code.



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Russell Benford  
Deputy Mayor

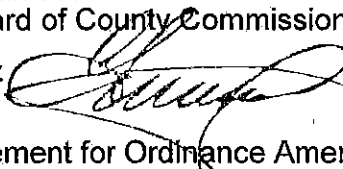
FIS09616 161813

# Memorandum



**Date:** November 1, 2016

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

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Social Equity Statement for Ordinance Amending Section 30B-3 of the Code

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The proposed ordinance amends Section 30B-3 of the Code of Miami-Dade County providing for civil citations under Chapter 8CC of the Code to enforce certain violations which may occur on Miami-Dade County Transit, Metrorail, Metromover, and Metrobus systems.

This amendment is intended to deter and impact violators, and to provide law enforcement with different options such as warnings, specified civil penalties, and community service hours to enforce the Code. This will act as a safeguard to ensure continued safe operations for all passengers. The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described in Ordinance No.15-83.

  
\_\_\_\_\_  
Russell Benford  
Deputy Mayor

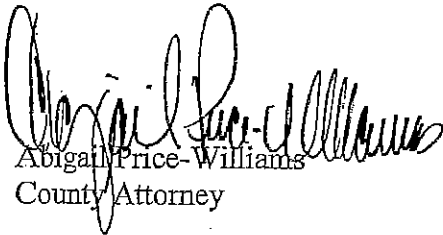


# MEMORANDUM

(Revised)

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

**DATE:** November 1, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(D)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- 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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(D)  
11-1-16

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

ORDINANCE RELATING TO TRANSIT; AMENDING SECTION 30B-3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CIVIL CITATION UNDER CHAPTER 8CC OF THE CODE AS AN ADDITIONAL MEANS TO ENFORCE CERTAIN VIOLATIONS; AMENDING SECTION 8CC-10; PROVIDING CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board is given broad authority to enact ordinances under Miami-Dade County's home rule powers and prescribe penalties for violation of such ordinances; and

**WHEREAS**, it was the intent of this Board by enacting chapter 30B of the Code of Miami-Dade County to accomplish the following purposes for Miami-Dade Transit, the Metrorail, Metromover, and Metrobus systems:

1. Enable the safe, secure and efficient operation of public mass transit;
2. Establish rules and regulations governing transit security and operations; and
3. Preserve the safety, security and rights of the general public using the transit system;

and

**WHEREAS**, section 30B-4 of the Code provides a list of activities that are prohibited on the transit system in order to enable the safe, secure and efficient operation of the transit system;

and

**WHEREAS**, currently, a law enforcement officer has discretion to issue a fine not to exceed \$500.00 or to effectuate an arrest, or both, for an enumerated violation of section 30B-4; and

**WHEREAS**, this ordinance provides an additional means under chapter 8CC of the Code to enforce violations of section 30B-4 of Code; and

**WHEREAS**, the Board has an interest in enacting monetary civil penalties for certain violations of section 30B-4, as such civil penalties will act as an additional deterrent to such violations and would provide law enforcement with additional options when encountering such violations,

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

**Section 1.** Section 30B-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 30B-3. - Applicability and penalties.**

- (1) Applicability. This chapter applies to all who utilize the transit system.
- (2) Penalties.

~~[[a) Any person violating subsections (2), [(5), (6), (7), (9), (10),]] (11) and (22) of Section 30B-4 of the Code of Metropolitan Dade County shall, upon being warned by a Police Officer of Metropolitan Dade County, cease the prohibited activity. If the person continues the prohibited activity after such warning, the police officer may direct the individual to leave the train or to leave the premises of the station. Any individual who does not leave as~~

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

~~directed, shall be charged with trespassing and subject to a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both. In lieu of any fine or penalty, the court may order any person convicted of violating any provision of this chapter to participate in transit public service for a minimum of ten (10) hours. Such service may include graffiti removal, cleaning of transit vehicles, and maintenance of transit right-of-way.]]~~

>>(a) Any person violating subsections (2), (5), (6), (7), (9), (10), (11), and (22) of section 30B-4 of the Code of Miami-Dade County shall, upon being warned by a Miami-Dade Police Officer, cease the prohibited activity. If the person continues the prohibited activity after such warning, the police officer may direct the individual to leave the train or to leave the premises of the station.

1. Any individual who does not leave as directed, may be charged with trespassing and subject to a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both. In lieu of any fine or penalty, the court may order any person convicted of violating any provision of this chapter to participate in transit public service for a minimum of ten (10) hours. Such service may include graffiti removal, cleaning of transit vehicles, and maintenance of transit right-of-way.

2. At the discretion of the Miami-Dade Police Officer, in lieu of the provisions of subsection 1 above, the individual who does not leave as directed, shall be subject to the enforcement provisions of chapter 8CC of the Code.<<

(b) For violations of subsections ~~[(1), (3),]~~ (4), (8), (12), ~~[(13),]~~ (14), ~~[(15), (16),]~~ (17), (18), (19), (20), >>and<< (21), ~~[[and—(23)]]~~ of ~~[[§]]>>s<<ection 30B-4 of the Code ~~[[of Metropolitan Dade County]]~~ and for any other~~

provision of this chapter for which another penalty is not specifically provided shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both. In lieu of any fine or penalty, the court may order any person convicted of violating any provision of this chapter to participate in transit public service for a minimum of ten (10) hours. Such service may include graffiti removal, cleaning of transit vehicles, and maintenance of transit right-of-way.

>>(c)

Any person violating subsections (1), (3), (13), (15), (16), and (23) of section 30B-4 of the Code shall be:

1. Punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both. In lieu of any fine or penalty, the court may order any person convicted of violating any provision of this chapter to participate in transit public service for a minimum of ten (10) hours. Such service may include graffiti removal, cleaning of transit vehicles, and maintenance of transit right-of-way; or
2. At the discretion of the Miami-Dade Police Officer, subject to the enforcement provisions of chapter 8CC of the Code.<<

[[~~(e)~~]] >>(d)<<

The County may institute a civil action in a court of competent jurisdiction to recover compensatory damages, including reasonable costs and expenses, for any damage caused to the transit system.

[[~~(d)~~]] >>(e)<<

For violations ~~[[other than those specified in subsection (a) above]]~~ >>of section 30B-4 of the Code other than of subsections (2), (5), (6), (7), (9), (10), (11) and (22)<<, the County may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation in an amount of not more than five hundred dollars (\$500.00) per offense.



[[~~(e)~~]] >>(f)<< The judicial remedies in this section shall be independent and cumulative for the violations to which they are applicable hereunder.

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

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

\* \* \*

Code Section	Description of Violation	Civil Penalty
* * *		
All other Chapter 30, Non-Article III, violations		50.00
>> <u>30B-4(1)</u> <<	>> <u>Impeding or hindering operators of mass transit vehicles</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(2)</u> <<	>> <u>Trespassing</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(3)</u> <<	>> <u>Preservation of property</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(5)</u> <<	>> <u>Smoking or spitting</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(6)</u> <<	>> <u>Drinking or eating</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(7)</u> <<	>> <u>Sanitation</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(9)</u> <<	>> <u>Radio playing</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(10)</u> <<	>> <u>Insulting or obscene language</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(11)</u> <<	>> <u>Animals</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(13)</u> <<	>> <u>Forgery and counterfeit</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(15)</u> <<	>> <u>Refusal to pay fare</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(16)</u> <<	>> <u>Transfers</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(22)</u> <<	>> <u>Bicycles</u> <<	>> <u>100.00</u> <<
>> <u>30B-4(23)</u> <<	>> <u>Mopeds or motorized vehicles</u> <<	>> <u>100.00</u> <<
31-68	Solicitation of passenger patronage on behalf of business establishment	500.00

\* \* \*

**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:

ADW  
[Signature]

Prepared by:

Annery Pulgar Alfonso  
Bruce Libhaber

Prime Sponsor: Commissioner Jose "Pepe" Diaz  
Co-Sponsors: Commissioner Sally A. Heyman  
Commissioner Barbara J. Jordan