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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# Memorandum

MIAMI-DADE COUNTY

**Date:** July 8, 2010

**To:** Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

Agenda Item No. 8(C)(1)(B)

Resolution R-714-10

**Subject:** Seeusatours South, Inc. application for a Passenger Motor Carrier Certificate of Transportation

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## RECOMMENDATION

It is recommended that the Board approve the application of Seeusatours South, Inc. for a Passenger Motor Carrier (PMC) Certificate of Transportation to provide contract carrier service.

## SCOPE

This PMC Certificate of Transportation is countywide, allowing the certificate holder to operate in unincorporated and incorporated areas of Miami-Dade County.

## FISCAL IMPACT/FUNDING SOURCE

Licensing, operating permit and inspection fees are collected by the Consumer Services Department (CSD) to support regulatory activities.

## TRACK RECORD/MONITOR

Applicant is a new permit holder. There is no enforcement history. The Consumer Services Department (CSD) will be responsible for monitoring this company.

## BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 of the Code provides the procedures to be followed by Miami-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the June 8, 2010 Government Operations Committee (GOC) meeting (Attachment A), and among others, the following criteria:

1. That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate and is able to comply with this article and regulation of the Commission.
2. That the transportation to be provided under the requested certificate is consistent with the public interest.
3. That the proposed transportation service will improve the quality of transportation available to the public.

Seeusatours South, Inc., located at 5775 Blue Lagoon Dr., Suite 145, Miami, Florida 33126, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide prearranged contract carrier transportation exclusively to customers of the Spanish carrier Air Europa. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contracts with one or more persons.

On January 1, 2010, Seeusatours South, Inc. entered into a contract with Air Europa's tour operator, Travel Plan USA, to provide transportation services, including airport/seaport transfers and sightseeing tours exclusively to Air Europa's customers who have purchased vacation packages in their countries of origin. Transportation is required to be pre-arranged at least 24-hours prior to service, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver.

The owners of Seeusatours South, Inc. are also the major shareholders of Globalia Corporación Empresarial which is Spain's leading tourism group in terms of customers serviced and destinations offered. Air Europa and Travel Plan USA are also part of this corporate group.

The management plan submitted by Mr. Gerardo Ariño, President of Seeusatours South, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

In July 1998, following concerns regarding new PMC applications and the attempt by new operators to provide on-demand rather than prearranged service, the Board approved Resolution R-1404-98 (Attachment B) placing a moratorium on new PMC applications, with certain exceptions, until the Board received proposed amendments to the PMC Code. One of the exceptions is a finding of public interest. The County has been very supportive of Air Europa's operations in Miami-Dade County. On March 19, 2010, the air carrier began non-stop service from Madrid to Miami International Airport in addition to their weekly flight to and from Tenerife, Spain. A recent economic impact study shows that Air Europa's service will directly and indirectly contribute 1,354 jobs and more than $116 million in business revenue to Miami-Dade County's economy. Based on this information, we believe it is in the best interest of the County to approve this request to offer prearranged contract carrier service as described herein.

A proposed ordinance addressing the route service PMC's was considered at the May 12, 2009 Government Operations Committee; however, members stated a variety of concerns and opposed a recommendation to convert the issuance process to an administrative one. The item was laid on the table. A new proposal to revise the PMC Code provisions is being submitted for first reading in June 2010.

Assistant County Manager

# MEMORANDUM
(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** July 8, 2010

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

**SUBJECT:** Agenda Item No. 8(C)(1)(B)

**Please note any items checked.**

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager'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. 8(C)(1)(B)
7-8-10

RESOLUTION NO. R-714-10

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO SEEUSATOURS SOUTH, INC. TO PROVIDE CONTRACT CARRIER SERVICE AS A PASSENGER MOTOR CARRIER

**WHEREAS,** this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide contract carrier passenger motor carrier services to Seeusatours South, Inc. is approved. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under a written contract with one (1) or more persons.

The foregoing resolution was offered by Commissioner Barbara J. Jordan, who moved its adoption. The motion was seconded by Commissioner Audrey M. Edmonson and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman absent

| | | | |
|---|---|---|---|
| Bruno A. Barreiro | absent | Audrey M. Edmonson | aye |
| Carlos A. Gimenez | aye | Sally A. Heyman | aye |
| Barbara J. Jordan | aye | Joe A. Martinez | aye |
| Dorrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

**Attachment B**

Approved _____ Mayor

Agenda Item No. 6(C)(1)(B)
12-15-98

Veto _____

Override _____

RESOLUTION NO. R-1404-98

RESOLUTION DIRECTING REVIEW OF ARTICLE III, CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO PASSENGER MOTOR CARRIERS AND DECLARING THE POLICY OF THE BOARD REGARDING FUTURE APPLICATIONS FOR CERTIFICATES OF TRANSPORTATION

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs County staff to conduct a review of the requirements of Article III, Chapter 31 of the Code of Miami-Dade County and to submit amendments no later than October 31, 1999. It is the Commission's desire that no further applications for Certificates of Transportation shall be accepted until such time as the Commission has received the proposed amendments, provided however, that applications for 1) municipal circulator service, 2) emergencies, 3) circumstances wherein the County Manager states that issuance is in the best interest of the County or 4) issuance of temporary certificates are excepted from the aforementioned policy. Applications for Certificates of Transportation on file as of the date of adoption of this resolution shall continue to be processed for submission to the Board.

The foregoing resolution was offered by Commissioners Pedro Reboredo, who moved its adoption. The motion was seconded by Commissioner Jimmy L. Morales and upon being put to a vote, the vote was as follows:

| | | | |
|---|---|---|---|
| Dr. Miriam Alonso | aye | Bruno A. Barreiro | absent |
| Dr. Barbara M. Carey | aye | Miguel Diaz de la Portilla | aye |
| Betty T. Ferguson | aye | Gwen Margolis | aye |
| Natacha Seijas Millan | absent | Jimmy L. Morales | aye |
| Dennis C. Moss | aye | Pedro Reboredo | aye |
| Dorrin D. Rolle | aye | Katy Sorenson | aye |
| Javier D. Souto | absent | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 1998. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

COUNTY COMMISSIONERS DADE COUNTY FLORIDA

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency: GKS

PMCarticleIIIresolution

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MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 15, 1998

SUBJECT: Resolution relating to Passenger Motor Carrier section of the Code

FROM: Merrett R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board approve the attached resolution which provides that County staff will conduct a review of Article III of Chapter 31 of the Code and submit amendments no later than October 31, 1999; declares the Board's policy that with the exception of 1) municipal circulator service, 2) emergencies, 3) circumstances wherein the County Manager states that issuance is in the best interest of the County or 4) issuance of temporary certificates, no further applications for Certificates of Transportation shall be accepted; and provides that applications on file as of the adoption date for this resolution shall be processed for submission to the Board.

BACKGROUND

Article III of Chapter 31 of the Code of Miami-Dade County contains the regulations relating to vehicles with a passenger capacity of nine or more and 28 or less exclusive of the driver. The maximum passenger capacity does not apply to vehicles providing route service. Vehicle types are vans, jitneys and minibuses, as well as stretch limousines, which meet the minimum passenger capacity.

Changes to Article III, Chapter 31 were originally contemplated within a comprehensive for-hire transportation ordinance; however, the comprehensive approach was set aside due to the complexity of the industries and issues. In July, 1998 the Board adopted changes to Article II relating principally to taxicabs.

The prior review of Article III provisions occurred several years ago. Staff indicates that changes to Article III are still warranted. The number of applications for certificates has continued to increase. Staff deems it to be in the best interest to temporarily delay the filing of new applications while Code changes are being made in order to eliminate possible inconsistencies with the proposals. Moreover, as staff is considering the regulations relating to limousines, including executive sedans, the provisions of Article III, which also include the larger stretched limousines, should be concurrently reviewed.

Similar to the Board's declaration that non emergency stretcher applications should not be accepted during a review of the non emergency stretcher provisions of the Code, staff recommends the same policy declaration during the review of the Passenger Motor Carrier Code provisions. The recommended exceptions to the policy of not accepting applications are 1) municipal circulator service, 2) emergencies, 3) circumstances wherein the County Manager states that issuance is in the best interest of the County or 4) issuance of temporary certificates. Lastly, staff recommends that applications on file as of the approval date of this resolution, continue to be processed for the Board's consideration inasmuch as applicants have filed their documents and fees consistent with current laws.

The ordinance amendments will be submitted to the Board no later than October 31, 1999. This period will allow staff to conduct the review, prepare amendments, meet with industry representations and finalize an ordinance for submission to the Board. It should also be noted that during this period staff is concurrently implementing new taxi ordinance provisions and drafting limousine and non emergency Code amendments.

must be made available for inspection and copying within one (1) business day of such request by the CSD 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.

(l) *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 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.
(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

## ARTICLE III. PASSENGER MOTOR CARRIERS*

### Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

(1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.

(2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.

(3) Improvement of motor vehicle safety.

(4) Achievement of County, national and State energy conservation goals.

(5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.

(6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.

(7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.



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**ATTACHEMENT A**

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE GOVERNMENT OPERATIONS COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Tuesday, June 8, 2010, at approximately 9:30 a.m. in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving application for a Certificate of Transportation to Seeusatours South, Inc. to provide contract carrier service as a passenger motor carrier

*A person who decides to appeal any decision made by the Government Operations Committee of the Board of County Commissioners, with respect to any matter considered at this hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.*