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

Memorandum

MIAMI-DADE COUNTY

Date: March 6, 2012

Agenda Item No. 8(N)(2)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Resolution No. R-220-12

Subject: Airport Transtours, LLC application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30300

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30300 from Florida Transtours, Inc. to Airport Transtours, LLC.

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 Sustainability, Planning and Economic Enhancement (SPEE) Department to support regulatory activities. There is an annual regulatory fee of $625 per certificate and $625 per vehicle that will yield $1,250 in revenue annually if the company operates only one (1) vehicle. PMC certificate holders can operate an unlimited number of vehicles under the certificate. Vehicle inspections are $38 per vehicle.

TRACK RECORD/MONITOR

Applicant is a new service provider; however, the principal of the corporation, Mr. Ricardo I. Veas, has been a registered chauffeur since 2002. The applicant is in compliance with all Code requirements. The SPEE Department 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 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the public hearing. The Board may approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

Florida Transtours, Inc. has filed an application to transfer PMC Certificate of Transportation No. 30300 to Airport Transtours, LLC. Originally issued on March 18, 1999, via Resolution R-271-99 (Attachment A), PMC No. 30300 authorizes special operations service. This class of service is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is required to adhere to the terms of the resolution, which approved the certificate. Airport Transtours, LLC, located at 160 NE 172 Street, North Miami, Florida 33162, seeks to continue providing this class of service by transporting resident and tourist groups to and from various locations throughout Miami-Dade County 24-hours a day, seven days a week. 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 proposed rates are listed on the attached rate schedule (Attachment B).

The management plan submitted by Mr. Ricardo I. Veas, Manger of Airport Transtours, LLC, 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.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement (Attachment C) between Airport Transtours, LLC and Florida Transtours, Inc., establishes the acquisition by Airport Transtours, LLC of PMC Certificate of Transportation No. 30300 for a total price of $5,000.00.

Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: March 6, 2012

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

SUBJECT: Agenda Item No. 8(N)(2)

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(N)(2)
3-6-12

RESOLUTION NO. R-220-12

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30300 FROM FLORIDA TRANSTOURS, INC. TO AIRPORT TRANSTOURS, LLC TO PROVIDE SPECIAL OPERATIONS 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, the transfer of Certificate of Transportation No. 30300 to Airport Transtours, LLC to provide special operations service is approved. This class of transportation is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	**aye**		
Audrey M. Edmonson, Vice Chairwoman	**absent**		
Bruno A. Barreiro	**absent**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**aye**	Jose "Pepe" Diaz	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**absent**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**absent**
Xavier L. Suarez	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2012. 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: Christopher Agrippa
Deputy Clerk

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

Gerald K. Sanchez

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CLERK OF THE BOARD
OF COUNTY COMMISSIONE
DADE COUNTY, FLORID

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5 (M
3-18-99

ATTACHMENT A

RESOLUTION NO. R-271-99

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO FLORIDA TRANSTOURS, INC. TO PROVIDE SPECIAL OPERATIONS 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 special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County, as recommended by the County Manager, be issued to Florida Transtours, Inc.

The foregoing resolution was offered by Commissioner Katy Sorenson, who moved its adoption. The motion was seconded by Commissioner Gwen Margolis and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of March, 1999. 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

KAY SULLIVAN
By:_____
Deputy Clerk

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

MEMORANDUM Agenda Item No. 5(M)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: March 18, 1999

SUBJECT: Florida Transtours, Inc. application for a Passenger Motor Carrier Certificate (PMC Control No. 397)

FROM: M. R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board approve the application of Florida Transtours, Inc. for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service.

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 public hearing, 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 this certificate and is able to comply with this article and regulations 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.

ANALYSIS

Florida Transtours, Inc., located at 3145 W. Flagler Street, Miami, Florida 33135, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is a tour operator that seeks to transport tourist groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. Edgar Herrera, President of Florida Transtours, 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 accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

This application was filed prior to the adoption of R-1404-98 which provides that new applications will not be received by the department after December 15, 1998; however, applications on file will be processed for Board consideration.

ATTACHMENT B

AIRPORT TRANSTOURS LLC

"24 HOUR ON CALL SERVICE"
960 N.W. 40 Ave. Miami Fl. 33126
(305) 200-7677

MIAM AIRPORT TO PORT OF MIAMI
01 TO 14 PAX @ $10.00 P/PAX (One Way)
Minimum 06 pax
Gratuity for the driver not included

MIAMI AIRPORT TO DOWNTOWN MIAMI
01 TO 14 PAX @ $8.00 P/PAX (One Way)
Minimum 06 pax
Gratuity for the driver not included

MIAMI AIRPORT TO SOUTH BEACH
01 TO 14 PAX @ $12.00 @ $12.00 P/PAX (One Way)
Minimum 06 pax
Gratuity for the driver not included

MIAMI AIRPORT TO NORTH MIAMI BEACH
01 TO 14 PAX @ $15.00 P/PAX (One Way)
Minimum 06 pax
Gratuity for the driver not included

MIAMI AIRPORT TO FT. LAUDERDALE
01 TO 14 PAX @ $20.00 P/PAX (One Way)
Minimum 06 pax
Gratuity for the driver not included

MIAMI CITY TOURS
01 TO 08 PAX @ $49.00
Minimum 06 pax
Gratuity for the driver not included

ATTACHMENT C

CONTRACT FOR PURCHASE AND SALE

THIS CONTRACT FOR PURCHASE AND SALE (the "Contract"), dated as of March 1, 2009, by and between **Florida Transtours, Inc,** a Florida corporation (hereinafter the "Seller"), and **Airport Transtours, LLC.**, a Florida Limited Liability Company (hereinafter the "Purchaser").

WITNESSETH:

WHEREAS, Seller is the owner and title holder of Certificate No.: 30300 issued on March 03/18/1999 by the Miami-Dade County Board of County Commissioners for a Passenger Motor Carrier Certificate of Transportation (hereinafter the "Property") which entitles Seller to operate a business as a passenger shuttle service in Miami-Dade County, Florida, and

WHEREAS, Purchaser is desirous of acquiring and Seller is desirous of selling the Property, as defined hereinbelow, on the terms and conditions hereinafter set forth; and

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth, the parties agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and are incorporated into this Contract by reference.

2. **Purchase and Sale of Property**. Subject to the terms and conditions of this Contract, Seller hereby agrees to sell to the Purchaser and Purchaser agrees to purchase from the Seller the following property (collectively the "Property"):

   (a) Certificate No.: 30300 for the operation of as a Passenger Motor Carrier in Miami Dade County, Florida. ***See Exhibit "A"***

   (b) Seller shall undertake to transfer registration and ownership of Certificate No.: 30300 so that same shall hereinafter be titled in the name of Airport

Transtours, LLC with the Miami-Dade County Passenger Transportation Regulatory Division.

(c) While the transfer of title to Airport Transtours, LLC is pending, the Seller shall permit the members of Airport Transtours, LLC to operate their vehicles under the above referenced certificate.[1]

(d) Seller hereby warrants that Certificate No.: 30300 is in good standing, that there are no pending violations or any other matters that would cause the certificate to be cancelled or rescinded, and that the ownership of same can be transferred from the Purchaser to the Seller.

(e) That in the event that the Certificate cannot be transferred, then the Purchasers shall be refunded the purchase price paid herein.

3. **Purchase Price and Method of Payment**. The Purchase Price for the Property shall be the sum of $5,000.00 U.S. currency. The Seller hereby affirms that the purchase price has been previously tendered, and that same has been paid in full.

4. **Seller's Representations and Warranties**. In order to induce Purchaser to enter into this Contract and purchase the Property, Seller represents and warrants to the Purchaser as follows:

(a) Seller is a corporation validly existing and in good standing under the laws of the State of Florida and is duly qualified to conduct business in the State of Florida.

(b) Seller has the power and authority necessary to execute, deliver and perform its obligations under this Contract and sell the Property to Purchaser. The execution, delivery and performance of this Contract, and the sale of the Property to Purchaser, have been duly and validly authorized by all necessary company action. Neither the execution and delivery of this Contract, nor the sale of the Property to Purchaser (i) requires the consent or authorization of any person or party, whose consent has not been obtained, (ii) violates the provisions of the Articles of Incorporation or Shareholders Agreement of Seller, or any other agreement or instrument binding on Seller or the Property, or constitute (with or without the giving of notice or the passage of time) a default under any such agreement or instrument, or (iii) violates any law,

[1] The Seller, Florida Transtours, Inc., is solely owned by Mr. Edgar Herrera, who has also become a member of the Purchaser, Airport Transtours, LLC. The names of all the members of Airport Transtours, LLC who will be operating as PMC under this certificate are: Ricardo Veas, Esperanza Berrio, Edgar Herrera, Lucero Garcia, Hortencia Cabarcas, Ricardo Carvajal, Saul Hernandez, Adolfo Sarmiento, and Wilmer A. Silva.

ordinance, regulation, decree, judgment or order of any court, tribunal or governmental or quasi-governmental authority as it relates to Seller or the Property.

(c) Seller has not received any written complaints or written notices from any department of any governmental unit having jurisdiction over the Property relating to violations of any applicable law which remains uncured.

(d) Seller is operating the Property in substantial compliance with all applicable laws, rules and regulations of Miami-Dade County.

(e) There are no pending, or to the knowledge of Seller, threatened actions, suits, proceedings or governmental investigations against the Seller.

IN WITNESS WHEREOF, Purchaser and Seller have executed this Contract on the day and year first written above.

Signed, sealed and delivered in
Counterparts in the presence of:

Print Name: EDGAR HERRERA

Print Name: EDGAR Herrera

Print Name: Ricardo Veas

Print Name: ESPERANZA BERRIO

SELLER:

Florida Transtours, Inc., a
Florida corporation

By: _____
Printed Name: Edgar Herrera
Its: President.

PURCHASER:

Airport Transtours, LLC, a
Florida Limited Liability Company

By: _____
Printed Name: Ricardo Veas
Its: Manager Member
By: _____
Printed Name: Esperanza Berrio
Its: Manager Member

Hard drive:Users:richardlorenzo:Desktop:Contract Airport Trans LLC

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.