



MEMORANDUM

Agenda Item No. 7(F)

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

DATE: July 3, 2012

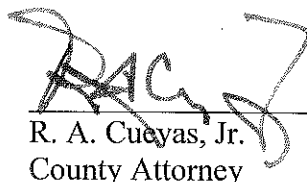
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending
Chapter 31 of the Code,
relating to for-hire vehicles;
amending requirements relating
to chauffeur agreements with
for-hire license holders and
passenger service companies;
amending chauffeur's
registration requirement and
rules governing distribution of
new for-hire licenses

Ordinance No.12-51

At the Regional Transportation Committee meeting of June 11, 2012, this item was amended to delete the proposed creation of subparagraph 6 to Section 31-304. The committee amendment deleted the proposed insertion of a provision that would have eliminated the need for taxicab chauffeurs to obtain an endorsement from a for-hire license holder or passenger service company as a prerequisite for registration as a chauffeur.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.


R. A. Cuevas, Jr.
County Attorney


RAC/cp

Memorandum



Date: July 3, 2012

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance amending requirements relating to chauffeur agreements

The proposed ordinance amends the requirements relating to chauffeur agreements with for-hire license holders and passenger service companies. If this ordinance is implemented, a for-hire license holder, when submitting a receipt to a chauffeur, must itemize the amount of compensation that is attributable to the lease, insurance, dispatch, deposits, and any other charges or costs on the receipt. In addition, it would be unlawful for a 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. The implementation of this ordinance will not have a fiscal impact to the County.



Jack Osterholt
Deputy Mayor

Fis6012



MEMORANDUM

(Revised)

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

DATE: July 3, 2012

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

SUBJECT: Agenda Item No. 7(F)

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. 7(F)
7-3-12

ORDINANCE NO. 12-51

ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING REQUIREMENTS RELATING TO CHAUFFEUR AGREEMENTS WITH FOR-HIRE LICENSE HOLDERS AND PASSENGER SERVICE COMPANIES; AMENDING CHAUFFEUR'S REGISTRATION REQUIREMENTS AND RULES GOVERNING DISTRIBUTION OF NEW FOR-HIRE LICENSES; AMENDING SECTION 8CC OF THE CODE TO PROVIDE FOR PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Chapter 31 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Chapter 31

VEHICLES FOR HIRE

* * *

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

* * *

Sec. 31-82. For-hire licenses.

* * *

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.

(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:

* * *

(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:

* * *

(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<<² deposits, ~~[[and any other charges or costs]]~~ 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<<[[, and any other charges or costs,]] >>if any, <<

* * *

>> (j) It shall be unlawful for any for-hire license holder to require that a chauffeur purchase a taxicab, lease a taxicab or

² Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

finance the purchase of a taxicab as a condition of entering into a chauffeur's agreement.<<

* * *

(p) Rules governing the distribution of new for-hire licenses.

* * *

(2) *Public Hearing.* The commission shall hold a public hearing to consider the ~~[[County Manager's]]~~ >>Mayor's<< report and the results of the study required by Section 31(82)(p)(1) to determine the need for additional for-hire taxicab licenses no later December ~~[[2006]]~~ >>2013<<. The commission by ordinance shall establish a formula for determining the number of for-hire taxicab licenses authorized after January 1, ~~[[2007]]~~ >>2014<<. In reaching its decision, the commission shall consider the results of the study required by Section 31(82)(p)(1), the recommendation of the ~~[[County Manager]]~~ >>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.<<

* * *

Sec. 31-100. Passenger Service Companies.

* * *

(j) *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 ~~[[CSD]]~~ >>the Department of Sustainability, Planning and Economic Enhancement or successor department (hereinafter "the Department")<<. The written chauffeur's agreement:

* * *

(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, ~~[[and any other charges or costs]]~~, 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.

* * *

(10) It 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.

* * *

ARTICLE V. GENERAL REQUIREMENTS

* * *

Sec. 31-303. Chauffeur's registration; all types.

* * *

(b) Initial application for a chauffeur's registration shall be on forms provided by ~~[[CSD]]~~ the Department and shall be accompanied by a non-refundable payment of an application and

processing fee. Application for renewal of chauffeur's registration shall be accompanied by a non-refundable payment of a renewal fee. Registration applications whether initial or for a renewal shall contain all information required by this chapter. ~~[[Such applications shall also contain an agreement that the Miami-Dade County operator or for hire company shall provide for a color scheme including trade name, customer lost and found services and a system for handling customer complaints.]]~~

* * *

Sec. 31-304. Chauffeur's registration—Additional taxicab requirements.

Each chauffeur shall:

- (1) Only transport passengers or goods with a properly sealed and operating taximeter with the flag down if so equipped and meter running.
- (2) When parked in a designated taxi stand remain adjacent and in attendance to his or her vehicle at all times. All doors on the vehicle are to be closed except when loading or unloading passengers.
- (3) Only transport passengers or goods with a lit tell-tale light.
- (4) Inquire of a disabled passenger whether he or she requires assistance from the chauffeur to or from the nearest accessible door both at the origin and destination of a trip.
- (5) Not accept any other fare while en route to a dispatched call for an accessible vehicle.

~~[[(6) Notify the Department within five (5) business days on a form provided by the Department after he or she has entered into a chauffeur's agreement with a for-hire license holder or a passenger service company. No endorsement from a Miami-Dade County for-hire license holder or passenger service company shall be a prerequisite for registration as a chauffeur.]]~~

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
>> <u>31-82(j)(13)</u>	<u>Failure to include required provisions in chauffeur's agreement</u>	<u>\$100.00</u> <<
>> <u>31-82(j)(13)</u>	<u>Failure to comply with required provisions in chauffeur's agreement</u>	<u>\$500.00</u> <<
>> <u>31-82(j)(13)(d)</u>	<u>Failure to provide itemized receipt</u>	<u>\$100.00</u> <<
>> <u>31-82(j)(13)(d)(j)</u>	<u>Requiring chauffeur to purchase, lease or finance purchase of taxicab</u>	<u>\$500.00</u> <<
>> <u>31-100(j)</u>	<u>Failure to include required provisions in chauffeur's agreement</u>	<u>\$100.00</u> <<
>> <u>31-100(j)</u>	<u>Failure to comply with required provisions in chauffeur's agreement</u>	<u>\$500.00</u> <<
>> <u>31-100(j)(4)</u>	<u>Failure to provide itemized receipt</u>	<u>\$100.00</u> <<
>> <u>31-100(j)(4)(10)</u>	<u>Requiring chauffeur to purchase, lease or finance purchase of taxicab</u>	<u>\$500.00</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: July 3, 2012

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



 Gerald K. Sanchez

Prime Sponsor: Commissioner Jean Monestime