

MEMORANDUM

Amended
Special Item No. 1

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 29, 2014

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

SUBJECT: Ordinance relating to for-hire motor vehicles; amending Chapter 31 of the Code, establishing technology requirements for taxicabs including, but not limited to, credit card processing systems, global positioning dispatch systems, Sunpass devices, digital security camera systems, top lights and warning lights; amending vehicle age requirements and standards
Ordinance No. 14-08

This item was amended from the original version as stated in the County Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Vice Chair Lynda Bell, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Dennis C. Moss, Chairwoman Rebeca Sosa and Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: January 29, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Subject: Ordinance Relating to Taxicab Technology/Vehicle Standards and Chauffeur Requirements

This item was amended at the Transportation and Aviation Committee meeting on November 13, 2013 as follows: (1) delete the words 'police vehicle' from Section 31-89(f) in order to permit the use of police vehicles as taxicabs; (2) add language which mirrors the ordinance language in Legistar Number 131883, sponsored by Commissioner Zapata, which offered 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 501.0115, Florida Statutes; and (3) change the penalty provision for an operator or chauffeur that commits a third violation of Section 21-82(j)(12), 31-303(i)(4) or 31-304(10) or any combination thereof, such person's chauffeur's registration shall be automatically suspended for five years, rather than be permanently revoked and ineligible for a chauffeur's registration in the future.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance amending Chapter 31, Article II of the Code of Miami-Dade County (Code) relating to taxicab vehicle standards and chauffeur requirements.

Scope

The ordinance applies countywide to any taxicab picking up passengers in Miami-Dade County.

Fiscal Impact/Funding Source

Licensing, operating permit and inspection fees are collected by the Department of Regulatory and Economic Resources (RER) to support regulatory functions. Taxicabs will be inspected to ensure compliance with the new vehicle standards. Vehicle inspection fees are \$70 per vehicle for new inspections and \$38 per quarterly, semi-annual and annual vehicle inspections.

Track Record/Monitor

The Department of Regulatory and Economic Resources For-hire Division Chief Joe Mora will be responsible for monitoring ordinance compliance.

Background

Under separate cover, the Board has been presented with an Ambassador Cab program proposal mandating certain technology and vehicle standards and chauffeur requirements for cabs picking up passengers at Miami International Airport and PortMiami. The attached ordinance implements those standards on a countywide basis under a longer phase-in period.

The proposed ordinance requires all taxicabs servicing Miami Dade County to be equipped with credit card technology within twenty-four (24) months of ordinance adoption. The new technology must have credit card acceptance via a passenger terminal located in the rear seat compartment which affords passengers the ability to pay the fare with the convenience and privacy of the backseat of the taxicab. Chauffeurs will be prohibited from imposing passengers with a credit card handling fee, processing fee,

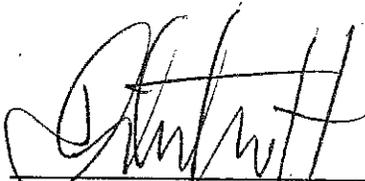
convenience fee, or other additional processing fees. SunPass transponders and top lights will also be required within twenty-four (24) months of ordinance adoption.

Thirty (30) months from the effective date of the ordinance, all 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, 365 days a year. Moreover, a digital security camera system and warning lights will be required.

With the purpose of improving the overall condition and appearance of the County's taxicab fleet, this amendment proposes an entry vehicle age of three (3) model years of age and a maximum of six (6) model years of age. Wheelchair accessible cabs will be allowed to operate until they turn eight (8) model years of age.

In light of the additional technology requirements and to assist in defraying these costs, the ordinance provides that the Board shall, as deemed appropriate, adopt a taxicab fare increase within twelve (12) months of the effective date of this ordinance. The Board adopted their last fare increase in October 2005.

The proposed ordinance also amends Code provisions governing taxicab chauffeur requirements. Chauffeurs will be required to utilize a Sun Pass transponder, open doors for passengers, and load and unload luggage. In addition to the above, chauffeurs will be prohibited from refusing to accept payment by a credit card and from discharging a passenger prior to reaching the passenger's requested destination. Furthermore, the ordinance imposes stricter penalties for refusal and discharging passengers prior to reaching the passengers' requested destination, including a 30-day suspension after first violation, 60-day suspension after a second violation and an automatic and permanent revocation of the chauffeur's registration after a third violation.



Jack Osterholt, Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 29, 2014

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

SUBJECT: Amended
Special Item No. 1

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 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 _____

Amended
Special Item No. 1
1-29-14

ORDINANCE NO. 14-08

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ESTABLISHING TECHNOLOGY REQUIREMENTS FOR TAXICABS INCLUDING, BUT NOT LIMITED TO, CREDIT CARD PROCESSING SYSTEMS, GLOBAL POSITIONING DISPATCH SYSTEMS, SUNPASS DEVICES, DIGITAL SECURITY CAMERA SYSTEMS, TOP LIGHTS AND WARNING LIGHTS; AMENDING VEHICLE AGE REQUIREMENTS AND STANDARDS; ESTABLISHING ADDITIONAL STANDARDS AND REQUIREMENTS FOR CHAUFFEURS OPERATING TAXICABS; ESTABLISHING REQUIREMENTS RELATING TO CREDIT CARD PROCESSING SYSTEMS AND PROVIDERS; EMPOWERING DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES TO APPROVE CREDIT CARD PROCESSING SYSTEMS; AMENDING PROVISIONS RELATING TO VIOLATIONS AND PENALTIES; AMENDING PROVISIONS RELATING TO TAXICAB FARES; AMENDING CHAPTER 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**

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.

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

* * *

Sec. 31-89. Vehicle Standards.

* * *

(c) [[Reserved.]]>>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. 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 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 days (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 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.

All taxicabs shall be inspected by the Department of Regulatory and Economic Resources and shall receive and be required to display a decal issued by Department of Regulatory and Economic Resources demonstrating compliance with technology requirements.

* * *

- (f) Taxicab vehicle age limits and inspection schedules.
>>Twenty-four (24) months after the effective date of this

ordinance, t<<[[F]]axicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the [[CSD]]>>Department of Regulatory and Economic Resources<< 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 [[five (5)]] >>three (3)<< model years of age. Any vehicle over [[eight (8)]]>>six (6) model<< years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

- (1) [[Twelve (12) through fifteen (15) model years of age as of the effective date of this ordinance, which is being used as a taxicab in Miami Dade County on the effective date of this ordinance, may continue to be operated until May 1, 1999;]] >>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) model years of age. Any vehicle over eight (8) model years of age shall not operate as a Wheelchair Accessible Cab;<<
- (2) [[Nine (9) through eleven (11) model years of age on the effective date of this ordinance, which is being used as a taxicab in Miami Dade County on the effective date of this ordinance, may continue to be operated until May 1, 2000; and]]>>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.<<
- ~~[[3) [[Six (6) through eight (8) model years of age on the effective date of this ordinance, which is being used as a taxicab in Miami Dade County on the effective~~

~~date of this ordinance, may continue to be operated until December 31, 2000.~~

~~The grace period provided for in the preceding sentence shall not apply to taxicabs operated pursuant to the random selection process implemented after the adoption of this ordinance.]] Taxicabs shall minimally meet the following inspection schedule:~~

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

* * *

>>(h) The County Commission shall, as deemed appropriate, adopt within (12) twelve 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. 31-92. 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 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 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 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 or chauffeur's registration may be suspended for a period of up to six (6) months or revoked. ~~[[Provided however, if a person commits three (3) violations of Section 31-82(j)(12) or 31-303(i)(4) or any combination thereof during any twelve-month period, such person's for-hire license, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked.]]~~ 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 may be suspended for a period of 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 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 registration 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 shall be automatically suspended for a period of five (5) years.<<

* * *

ARTICLE V. GENERAL REQUIREMENTS

* * *

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

Each chauffeur shall:

* * *

- >>(6) Notwithstanding any provision to the contrary, beginning six (6) months after the effective date of this ordinance, have and utilize a SunPass device where the toll is fixed as mandated by 31-89(c). 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;
- (7) Open doors for passengers;
- (8) Load and unload luggage, unless otherwise instructed by the passenger;
- (9) Be prohibited from refusing to accept payment by a credit card if a credit card processing system is required; and
- (10) Not discharge a passenger prior to reaching the passenger's requested destination.<<

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>31-89(c)</u>	<u>Violation of Section 31.89(c) Mandating Required Technology</u>	<u>\$250.00</u>
<u>31-304(6)-(9)</u>	<u>Taxicab Chauffeur Standards Violation</u>	<u>\$250.00<<</u>
<u>31-304(10)</u>	<u>Failure to Discharge at Requested Location</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: January 29, 2014

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

GKS

Gerald K. Sanchez