

# MEMORANDUM

Amended  
Substitute to:  
Agenda Item No. 5(A)

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

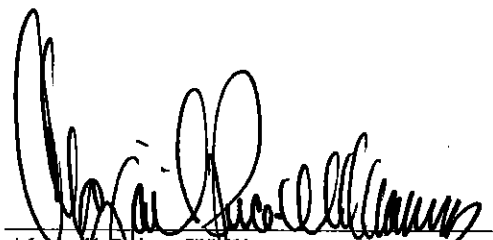
**DATE:** May 3, 2016

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

**SUBJECT:** Ordinance relating to vehicles  
for hire; amending Chapter 31,  
Article I, section 31-77 of the  
Code to prohibit the operation  
of vehicles transporting  
passengers for compensation  
without authorization; creating  
Chapter 31, Article VII  
of the Code regulating  
transportation network entities,  
drivers and vehicles

Ordinance No. 16-42

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr. and Co-Sponsor Commissioner Audrey M. Edmonson.



Abigail Price-Williams  
County Attorney


APW/cp

# Memorandum



**Date:** May 3, 2016

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Fiscal Impact for Ordinance Relating to Vehicles for Hire Regulating Transportation Network Entities (TNE) and TNE Drivers and Vehicles


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The proposed ordinance relating to vehicles for hire amends Chapter 31, Article I, Section 31-77 of the Code of Miami-Dade County (Code) prohibiting the operation of vehicles transporting passengers for compensation without authorization and creates Chapter 31, Article VII of the Code regulating Transportation Network Entities (TNE) and TNE drivers and vehicles. The ordinance provides no limitation on the number of TNE licenses issued, requires TNE to comply with specific rules of operation for drivers and vehicles, provide no limitation to the number of vehicles operating under a TNE license, and provides that TNE's will certify their own chauffeurs, and inspect the vehicles operated by its chauffeurs.

The ordinance provides for a fee for a transportation network license to be determined by an implementing order approved by a resolution by the Board of County Commissioners. At this time, the Department of Transportation and Public Works (DTPW) does not have enough information to determine the licensing fee required to recover the cost to enforce the rules and regulations established by this ordinance. If this ordinance is approved, DTPW will evaluate the resources required based on the number licenses submitted and the number of vehicles operated by each licensee. In the short term, DTPW plans on collecting the outstanding fines levied on various transportation network entities for violations of the current ordinance and use those funds to ensure that its enforcement activities are properly resourced. In the long term, as part of the annual budget process, it will reevaluate the fees it charges to this industry.

DTPW will enforce this section of the code, and enforcement activities established in this ordinance will be funded entirely by fees charged to companies in this industry. It is anticipated that implementation of this ordinance will have a neutral fiscal impact to the County.

Finally, the proposed ordinance creates various new fines in the civil penalties section of the code, which may have a positive impact.

  
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Alina T. Hudak  
Deputy Mayor


Fis02916 160010

# Memorandum



**Date:** May 3, 2016

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Substitute 160959 - Fiscal Impact for Ordinance Relating to Vehicles for Hire  
Regulating Transportation Network Entities (TNE) and TNE Drivers and Vehicles


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The proposed ordinance relating to vehicles for hire amends Chapter 31, Article I, Section 31-77 of the Code of Miami-Dade County (Code) prohibiting the operation of vehicles transporting passengers for compensation without authorization and creates Chapter 31, Article VII of the Code regulating Transportation Network Entities (TNE) and TNE drivers and vehicles. The ordinance provides no limitation on the number of TNE licenses issued, requires TNE to comply with specific rules of operation for drivers and vehicles, provide no limitation to the number of vehicles operating under a TNE license, and provides that TNE's will certify their own chauffeurs, and inspect the vehicles operated by its chauffeurs.

As part of the proposed substitute to the ordinance, a fee for a preliminary license for Transportation Network Entities will be established. The Department anticipates two companies to apply for the license for a one-time positive fiscal impact of \$312,000. Except for this one-time revenue, the Department of Transportation and Public Works (DTPW) does not have enough information to determine the reoccurring licensing fee required to recover the cost to enforce the rules and regulations established by this ordinance. If this ordinance is approved, DTPW will evaluate the resources required based on the number licenses submitted and the number of vehicles operated by each licensee. In the short term, DTPW plans on collecting the outstanding fines levied on various transportation network entities for violations of the current ordinance and use those funds to ensure that its enforcement activities are properly resourced. In the long term, as part of the annual budget process, it will reevaluate the fees it charges to this industry.

DTPW will enforce this section of the code, and enforcement activities established in this ordinance will be funded entirely by fees charged to companies in this industry. It is anticipated that implementation of this ordinance will have a neutral fiscal impact to the County.

Finally, the proposed ordinance creates various new fines in the civil penalties section of the code, which may have a positive impact.

  
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Alina T. Hudak  
Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** May 3, 2016

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

**SUBJECT:** Substitute  
Agenda Item No. 5(A)

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

Amended  
Substitute  
Agenda Item No. 5(A)  
5-3-16

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

ORDINANCE NO. 16-42

ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING CHAPTER 31, ARTICLE I, SECTION 31-77 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROHIBIT THE OPERATION OF VEHICLES TRANSPORTING PASSENGERS FOR COMPENSATION WITHOUT AUTHORIZATION; CREATING CHAPTER 31, ARTICLE VII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING TRANSPORTATION NETWORK ENTITIES, TRANSPORTATION NETWORK ENTITY DRIVERS AND TRANSPORTATION NETWORK ENTITY VEHICLES OPERATING IN THE INCORPORATED AND UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; PROVIDING FOR DEFINITIONS; PROHIBITING TRANSFER OF TRANSPORTATION NETWORK ENTITY LICENSES; PROVIDING THAT THERE SHALL BE NO LIMITATION ON THE NUMBER OF TRANSPORTATION NETWORK ENTITY LICENSES THAT MAY BE ISSUED; REQUIRING THAT TRANSPORTATION NETWORK ENTITIES OBTAIN A TRANSPORTATION NETWORK ENTITY LICENSE; REQUIRING THAT TRANSPORTATION NETWORK ENTITIES COMPLY WITH SPECIFIED RULES OF OPERATION; PROVIDING THAT THERE SHALL BE NO LIMIT TO THE NUMBER OF TRANSPORTATION NETWORK ENTITY VEHICLES AUTHORIZED TO OPERATE UNDER A TRANSPORTATION NETWORK ENTITY LICENSE; PROVIDING THAT TRANSPORTATION NETWORK ENTITIES MAY AUTHORIZE A PERSON TO OPERATE A TRANSPORTATION NETWORK ENTITY VEHICLE UNDER CERTAIN CIRCUMSTANCES; REGULATING TRANSPORTATION NETWORK ENTITY DRIVERS; MANDATING THAT TRANSPORTATION NETWORK ENTITY DRIVERS COMPLY WITH SPECIFIED REQUIREMENTS; ESTABLISHING DUTIES OF THE MIAMI-DADE COUNTY REGULATORY AND ECONOMIC RESOURCES DEPARTMENT OR SUCCESSOR DEPARTMENT; PROVIDING FOR ADDITIONAL RULES OF OPERATION; AUTHORIZING TRANSPORTATION NETWORK ENTITIES TO ESTABLISH FARES AND RATES WITH CERTAIN EXCEPTIONS; AMENDING PROVISIONS RELATING TO VEHICLE STANDARDS; ESTABLISHING

INSURANCE REQUIREMENTS; AUTHORIZING THE COUNTY COMMISSION TO ESTABLISH FEES; PROVIDING THAT TRANSPORTATION NETWORK ENTITIES MAY AUTHORIZE A VEHICLE TO BE OPERATED AS A TRANSPORTATION NETWORK ENTITY VEHICLE UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR REGULATION OF TRANSPORTATION NETWORK ENTITY VEHICLES; REQUIRING THAT ADVERTISEMENTS FOR SERVICES CONTAIN CERTAIN INFORMATION; PROVIDING FOR ENFORCEMENT, PENALTIES, SUSPENSION, AND REVOCATION; AMENDING SECTION 8CC-10 OF THE CODE TO PROVIDE FOR CIVIL PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, new technologies, including transportation network entity reservation and dispatch applications for wireless devices have been developed to permit, among other things, more efficient reservation, dispatch, payment and utilization of for-hire vehicles; and

**WHEREAS**, these new technologies make it possible to, among other things, connect persons who seek for-hire transportation within the County with drivers who are not necessarily involved in such activity on a full-time basis; and

**WHEREAS**, these new technologies enable persons seeking transportation to, among other things, use wireless or internet applications to determine, among other things, the location of a potential driver, obtain information about the driver and the vehicle, arrange for transportation with that specific driver and pay for the transportation services automatically; and

**WHEREAS**, these new technologies utilized by transportation network entities and transportation network entity drivers require amendments to Chapter 31 of the Code of Miami-Dade County, Florida, in order to recognize these emerging non-traditional for-hire transportation services and to, among other things, protect the safety of drivers, riders, and the general public; and

**WHEREAS**, the Board of County Commissioners believes it to be in the best interest of the County to provide the regulatory framework to allow entities that provide new forms of transportation, such as transportation network entities, to provide transportation services in Miami-Dade County; and

**WHEREAS**, transportation network entities and the transportation services that they provide have, according to news reports, become extremely popular across the United States; and

**WHEREAS**, the United States Supreme Court has given the legislative branch of government great deference to experiment when adopting economic and social legislation such as this ordinance; and

**WHEREAS**, Miami-Dade County's regulation of transportation network entities, transportation network entity drivers and transportation network entity vehicles is intended to, among other things, promote the free market, enhance the availability, efficiency and safety of transportation systems as well as encourage innovation and enhance residents' and consumers' transportation options; and

**WHEREAS**, this Ordinance and its companion ordinances regarding the taxicab and limousine industries are also intended to, among other things, level the playing field notwithstanding the unique aspects of each form of transportation, and encourage competition under a responsible and fair regulatory regime; and

**WHEREAS**, Miami-Dade County desires to facilitate the implementation of these new technologies for the benefit of the residents of and visitors to Miami-Dade County,

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

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2.** Chapter 31, Article I, Section 31-77 of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

**CHAPTER 31. VEHICLES FOR HIRE**

**ARTICLE I. IN GENERAL**

\* \* \*

**Sec. 31-77. [[Reserved.]] >>Prohibition on Operation of Vehicles Transporting Passengers For Compensation Without Authorization.**

- (1) No person or entity may use, cause or permit any other person to use, drive or operate a vehicle to transport passengers for compensation, including a for-hire vehicle or a transportation network entity vehicle, on the public streets and roadways of Miami-Dade County without first having a license issued pursuant to Chapter 31 of the Code of Miami-Dade County. As used in this Section, for-hire means any vehicle driven by a person which engages in the transportation of persons and their accompanying property for compensation over the public streets.
- (2) No driver may operate a vehicle to transport passengers for compensation, including a for-hire vehicle or a transportation network vehicle, on the public streets and roadways of Miami-Dade County without first having a valid chauffeur's registration or other applicable registration or credential as provided for in Chapter 31 of the Code of Miami-Dade County.<<

**Section 3.** Chapter 31, Article VII of the Code of Miami-Dade County, Florida, is hereby created as follows:

<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.



CHAPTER 31. VEHICLES FOR HIRE

\* \* \*

>>Article VII. REGULATION OF TRANSPORTATION NETWORK ENTITIES, DRIVERS AND VEHICLES

Sec. 31-701. Definitions.

For purposes of this article, the following definitions shall apply:

- (a) Applicant means an individual, partnership or corporation which applies for a transportation network entity license pursuant to the provisions of this article. "Applicant" shall also mean an individual, partnership, corporation, or limited liability company which makes application, where applicable, to renew a transportation network entity license pursuant to the provisions of this article. In the case of partnerships and corporations, "applicant" shall also mean each individual with a partnership interest, each shareholder of a privately held corporation as well as the corporate officers and directors.
- (b) Commission means the Board of County Commissioners of Miami-Dade County, Florida.
- (c) County means Miami-Dade County, Florida.
- (d) County Mayor means the head of County government as provided in Article 2 of the Home Rule Charter of Miami-Dade County, Florida.
- (e) Department means the Miami-Dade County Regulatory and Economic Resources Department or successor department responsible for regulating chapter 31 of the Code.
- (f) Digital platform means any internet-enabled technology utilized by a transportation network entity that connects a passenger to a duly certified transportation network entity driver and transportation network entity vehicle via prearranged reservation through a computer, mobile phone, application, web-based reservation or other similar online-enabled technologies that may be developed in the future.

- (g) Director means the Director of the Department or the Director's designee.
- (h) Passenger means a person utilizing a transportation network entity vehicle for transportation network entity services but does not include the transportation network entity driver.
- (i) Person means any natural person(s), firm, partnership, association, corporation, or other business entity.
- (j) Personal vehicle means a vehicle that satisfies the definition of a transportation network entity vehicle, is operated by a transportation network entity driver and is owned or leased by a transportation network entity driver or other natural person who has authorized the transportation network entity driver to use the vehicle.
- (k) Personnel authorized by the Department means uniformed enforcement personnel and any other individual authorized by the Director.
- (l) Prearranged or prearrange means an electronic reservation made in advance by the person requesting service through a transportation network entity for the provision of transportation network entity services.
- (m) Solicit means an appeal by bell, horn, whistle, words or gestures by a driver or his or her agent directed at individuals or groups.
- (n) Street means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place accessible to the public, located in Miami-Dade County and used by motor vehicles.
- (o) Street hail means an immediate arrangement made on a street with a driver by a person seeking immediate transportation.

- (p) Taxicab stand means the County-approved location on a public right-of-way for awaiting employment which is specifically marked with a taxicab stand sign. Taxicab stand also means a designated location for awaiting employment authorized and provided by the owner of private property.
- (q) Transportation network entity shall mean a natural person(s), firm, partnership, association, corporation, or other business entity that uses a digital platform to, at a minimum, connect a passenger to a transportation network entity driver on a prearranged basis so that such driver may provide transportation network entity services.
- (r) Transportation network entity for-hire license or transportation network entity license means a license issued by the Department to a transportation network entity authorizing the transportation network entity to, at a minimum, allow transportation network entity drivers to provide transportation network entity services on a prearranged basis using a transportation network entity vehicle within the incorporated and unincorporated areas of Miami-Dade County, Florida.
- (s) Transportation network entity for-hire driver or transportation network entity driver shall mean an individual who uses a personal vehicle to provide prearranged transportation network entity services through a transportation network entity using a transportation network entity vehicle.
- (t) Transportation network entity services shall mean the provision of prearranged transportation services for compensation by a transportation network entity driver through a transportation network entity digital platform. Transportation network entity services do not include ridesharing, as defined in section 341.031 of the Florida Statutes, or carpool arrangements, as defined in section 450.28 of the Florida Statutes, or any other type of shared expense arrangement where the driver receives reimbursement that does not exceed the driver's cost of providing the ride.

- (u) Transportation network entity for-hire vehicle or transportation network entity vehicle shall mean a vehicle which transports eight passengers or less, which is not a taxicab, stretch limousine, super-stretch limousine, luxury limousine sedan, passenger motor carrier vehicle or special transportation services vehicle regulated by this chapter, that is used by a transportation network entity driver to provide transportation network entity services. Notwithstanding any provision to the contrary in article VI, a transportation network entity driver may operate a luxury vehicle which transports eight passengers or less including, but not limited to, a luxury sedan as defined by RER pursuant to Section 31-601 (v) of article VI of this chapter.
- (v) Trade name or doing business as ("d/b/a") name means the County-approved name under which the transportation network entity license holder may provide transportation network entity services, and which name shall not duplicate the name of any other transportation network entity license holder or transportation network entity.

**Sec. 31-702. Transportation Network Entity License.**

- (a) Prohibition against unauthorized operations. It shall be unlawful for any transportation network entity to begin operations, or allow transportation network entity drivers to provide transportation network entity services, as defined in Section 31-701, upon the streets of Miami-Dade County, Florida, without first obtaining a preliminary transportation network entity license or a transportation network entity for-hire license and maintaining its current and valid pursuant to the provisions of this article. There shall be no limitation on the number of preliminary licenses or transportation network entity licenses that may be issued.
- (b) Out-of-County origin exception. Nothing in this article shall be construed to prohibit:
- (1) Discharge within Miami-Dade County of any passenger lawfully picked up in another county and lawfully transported into Miami-Dade County; and
  - (2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a county adjacent to Miami-Dade County provided

that such county has determined that the passenger is eligible for paratransit services and such passenger is picked up within the American with Disabilities Act defined areas of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County transportation network entity license for such purpose.

- (c) Application procedures. Every initial application for a transportation network entity license shall be in writing, signed and sworn to by the applicant, and shall be filed with the Department together with a processing fee which shall be nonrefundable. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. If the applicant is a limited liability company, the form shall be signed and sworn to by a managing member. The application shall be on a form provided by the Department and shall contain all information required thereon, including:
- (1) Sufficient information to identify the applicant including, but not limited to, full legal name and trade name, date of birth, telephone number, business address and residence address of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident agent and director. If the applicant is a partnership, the foregoing information shall be provided for each partner. A post office box address will not be accepted hereunder;
  - (2) All applicants shall have a place of business in Miami-Dade, Broward or Palm Beach County, Florida. All corporate, partnership, or limited liability company applicants shall be organized or qualified to do business under the laws of Florida. Post office box addresses will not be accepted;
  - (3) The class or classes of transportation service which the applicant desires to furnish;

- (4) The trade name under which the applicant intends to operate;
  - (5) A description of all present and prior transportation business activities of the applicant during the past five (5) years;
  - (6) A record of all crimes to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or been convicted, whether or not adjudication has been withheld within the ten (10) years preceding the date of the application. In the case of a corporate or partnership or limited liability company applicant, this information shall be obtained from all corporate officers and directors or partners or managing members, as the case may be;
  - (7) A sworn statement signed by the applicant that all information provided by the applicant is true and correct; and
  - (8) A certification by the transportation network entity that all transportation network entity drivers operating under its license have undergone a background check pursuant to Section 31-702(q) and meet the requirements of Section 31-703(b), and that all transportation network entity vehicles have a current inspection certification which meets the requirements of Section 31-708.
- (d) Review of transportation network entity for-hire license applicants. The Director shall review the required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The Director shall approve the application if the applicant meets all of the requirements of this article. The Director's decision to reject or to deny may be appealed in accordance with this article. An applicant shall not be eligible for a transportation network entity license if he/she/it:
- (1) Has misrepresented or concealed a material fact on his, her or its application;

- (2) Has pled nolo contendere, pled guilty, been found guilty or been convicted of a felony within the last five (5) years, regardless of whether adjudication has been withheld, unless his or her civil or residency rights have been restored;
- (3) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a transportation network entity vehicle was employed whether or not adjudication has been withheld;
- (4) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;
- (5) Was enjoined by a court of competent jurisdiction in Miami-Dade County from engaging in the for-hire business or was enjoined by a court of competent jurisdiction in Miami-Dade County with respect to any of the requirements of this chapter;
- (6) Does not have a place of business located in Miami-Dade, Broward or Palm Beach County, Florida;
- (7) Has any unsatisfied civil penalty or judgment in Miami-Dade County, unless either is being challenged by the transportation network entity in a legal proceeding pertaining to that transportation network entity's operations;
- (8) Has had a transportation network entity license issued by Miami-Dade County revoked within the last five (5) years; provided that, the Director, for good cause shown, may shorten this period;
- (9) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of whether adjudication is withheld) involving moral turpitude relating to sex; or

- (10) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.
- (e) Conditions for obtaining a transportation network entity license. No transportation network entity license shall be issued unless the applicant:
- (1) Has paid an annual license fee;
  - (2) Has submitted proof of insurance required by this article;
  - (3) Has ensured that transportation network entity vehicles operated under the authority of the transportation network entity have passed all required vehicle inspections; and
  - (4) Has ensured that all transportation network entity drivers under the authority of the transportation network entity have passed the required background check.
- (f) Failure of the applicant to meet all of the foregoing requirements within forty-five (45) days after notification of conditional approval shall cause the license not to be issued. If the applicant believes he, she or it cannot meet the foregoing requirements within the 45-day period, the applicant may, prior to expiration of such 45-day period, request in writing a reasonable extension from the Director. If the request states good cause for an extension, the Director shall grant such a reasonable extension as the Director finds is in the public interest.
- (g) Vehicles authorized to operate under a transportation network entity license or preliminary transportation network entity license. There shall be no limit to the number of transportation network entity vehicles authorized to operate under a transportation network entity license or preliminary transportation network entity license.



- (h) Issuance of transportation network entity license. Each transportation network entity license shall be on a form developed by the Department and shall be signed by the Director. Each transportation network entity license shall, at a minimum, contain the name and the business address of the license holder, date of issuance and its expiration date.
- (i) Expiration of and renewal process for transportation network entity licenses. Transportation network entity licenses may be issued for such periods as specified in the implementing order establishing the fees but in no case for a period less than one (1) year. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the existing transportation network entity license together with payment of a license fee. As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by the Department. The Director shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the Director that the applicant has failed to satisfy the requirements of subsections 31-702 (c), (d) or (e). Appeal of the denial of a renewal application shall be in accordance with this article.
- (j) Grace period. License holders shall have a grace period of up to thirty (30) days after expiration of their license in which to renew same provided, however, that all operations shall cease on the date of license expiration and the license holder shall also pay a late fee over and above the annual license fee. All transportation network entity licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.
- (k) If a transportation network entity operates at Miami International Airport or Port of Miami, such transportation network entity shall within 40 days after the effective date of the implementing order referred to in this subsection, utilize a geo-fence system to identify all transportation network entity vehicles picking up and dropping off passengers at Miami International Airport and Port of Miami, as applicable, and keep records of such trips for the preceding three (3) years, certify annually that all fees have been paid and allow audits of relevant documents two (2)

times a year. For purposes of this article, the Miami Intermodal Center shall be considered part of Miami International Airport. If the Director of Miami International Airport or the Director of the Port of Miami determines that a transportation network entity has failed to account accurately for the fees to be paid pursuant to the implementing order establishing fees, the transportation network entity shall implement a technological solution or implement other procedures that the Director of Miami International Airport or the Director of the Port of Miami determines is sufficient to verify the number of pickups and drop-offs at Miami International Airport or the Port of Miami. Notwithstanding this subsection, the Mayor or Mayor's designee is authorized to enter into an operating agreement with a transportation network entity operating at Miami International Airport or Port of Miami, as applicable, in order to set forth terms and conditions of a transportation network entity's access, operations and responsibilities as it pertains to those facilities.

- (1) Rules of operation. Transportation network entity license holders shall abide by all ordinances, resolutions, rules and regulations applicable to transportation network entity license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A transportation network entity license holder and her, his or its agents shall comply with the following regulations:
- (1) Comply with applicable federal law, Florida law, this chapter, and ordinances, rules and regulations of the County applicable to the operation of transportation network entity vehicles;
  - (2) Immediately report any change of address;
  - (3) Maintain all records demonstrating compliance with the provisions of this article and pertaining to the transportation network entity services of a transportation network entity vehicle electronically for three (3) years;

- (4) A transportation network entity shall not allow or permit any person to operate a transportation network entity vehicle who does not meet the requirements of Section 31-703;
- (5) A transportation network entity shall ensure that all transportation network entity vehicles to be placed into service have passed an inspection indicating that they meet the vehicle and inspection requirements set forth in Section 31-708(e)-(f);
- (6) A transportation network entity shall not knowingly permit a transportation network entity driver to drive any transportation network entity vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors, and all lighting devices are in good working order and the vehicle meets all other applicable vehicle standards as set forth in this article;
- (7) A transportation network entity shall not knowingly permit a transportation network entity driver to operate a transportation network entity vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the transportation network entity driver to begin or continue to drive the vehicle;
- (8) Reserved;
- (9) A deaf or hard of hearing person, totally or partially blind person, or disabled person riding in a transportation network entity vehicle shall be permitted to be accompanied by a service animal specially trained for the purpose without being required to pay an extra charge for the service animal;

- (10) A transportation network entity shall adopt and require all transportation network entity drivers to display a consistent trade marking (i.e., distinctive signage or display on the vehicle) that is sufficiently large and color contrasted as to be readable during daylight hours at a distance of at least fifty (50) feet when providing transportation network entity services;
- (11) A transportation network entity shall not knowingly permit any transportation network entity driver to utilize any areas designated solely for use by taxicabs;
- (12) A transportation network entity shall not knowingly permit any transportation network entity driver to solicit or pick up passengers other than by prearrangement through the transportation network entity;
- (13) A transportation network entity shall not knowingly permit any transportation network entity driver to accept street hails;
- (14) A transportation network entity shall not knowingly allow or permit any transportation network entity vehicle to display the word(s) "taxicab", "taxi" or "cab" on the exterior or interior of the vehicle;
- (15) A transportation network entity shall ensure that the digital platform used by a transportation network entity to connect transportation network entity drivers and passengers displays the first name of the transportation network entity driver, a picture of the transportation network entity driver, the license plate number of the transportation network entity vehicle, a picture of the transportation network entity vehicle or description of the transportation network entity vehicle that, in the Director's sole discretion, is sufficient to enable a passenger to easily identify the vehicle, as well as a system for driver feedback which shall, at a minimum, include a driver rating system;

- (16) A transportation network entity shall implement a zero tolerance policy on the use of drugs or alcohol while a transportation network entity driver provides transportation network entity services. Each transportation network entity license holder shall provide notice of the zero tolerance policy on its website, as well as a complaint telephone number, e-mail address, or hyperlink, and procedures to report a complaint about a transportation network entity driver who is suspected of being under the influence of drugs or alcohol while providing transportation network entity services;
- (17) Upon completion of a trip, a transportation network entity shall transmit an electronic receipt to the passenger's e-mail address or mobile application documenting the date of the trip, the origination of the trip, the first name of the transportation network entity driver, and a description of the total amount paid, if any;
- (18) A transportation network entity shall maintain a physical office in Miami-Dade, Broward or Palm Beach County that is open to the public, at a minimum, from 9:00 a.m. to 5:00 p.m. on weekdays;
- (19) A transportation network entity shall maintain a website that provides a customer service telephone number, e-mail address, or hyperlink at which a representative from the transportation network entity may be reached twenty-four (24) hours per day, seven (7) days per week;

- (20) A transportation network entity shall maintain an emergency telephone number at which a representative of the transportation network entity may be reached twenty-four (24) hours per day, seven (7) days per week, to respond to law enforcement emergency requests;
- (21) A transportation network entity shall ensure that transportation network entity drivers operating on its digital platform are aware of the requirements of this chapter and shall not knowingly permit a transportation network entity driver who is violating these requirements to operate on its digital platform;
- (22) Antidiscrimination
- (a) No transportation network entity shall knowingly allow or permit a driver to refuse or neglect to provide transportation network entity services to any orderly person requesting such services and able and willing to pay for such services, regardless of the requested destination, or on account of that person's race, sex, religion, national origin, age, marital status, sexual orientation, gender identity or expression, pregnancy, disability, color, or political affiliation.
- (b) Transportation network entities shall adopt a policy of nondiscrimination on the basis of a person's race, sex, religion, national origin, age, marital status, sexual orientation, gender identity or expression, pregnancy, disability, color, or political affiliation, and shall notify transportation network entity drivers of such policy.
- (c) Transportation network entities and transportation network entity drivers shall not charge a higher fare or additional fee to a person who is disabled based on the person's disability or use of a support animal, wheelchair, or other mobility assistance device.

- (d) Transportation network entities and transportation network entity drivers shall comply with all applicable requirements of the Americans with Disabilities Act of 1990, as amended.
- (23) A transportation network entity shall ensure that every transportation network entity driver operating a wheelchair accessible vehicle has been provided instructions detailing the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair;
- (24) A transportation network entity shall not allow or permit any person to operate any vehicle as a transportation network entity vehicle that is a stretch or super-stretch limousine or a luxury limousine sedan regulated by article VI of this chapter, a special transportation services motor carrier regulated by article IV of this chapter, a passenger motor carrier regulated by article III of this chapter or a taxicab regulated by article II of this chapter. Notwithstanding any provision to the contrary in article VI, a transportation network entity driver may operate a luxury vehicle which transports eight passengers or less including, but not limited to, a luxury sedan as defined by RER pursuant to section 31-601(v) of article VI of this chapter;
- (25) The Mayor or the Mayor's designee shall be authorized to enter into a data sharing agreement with each transportation network entity;
- (26) Consistent with this article, transportation network entity license holders shall upon request provide documentation identified by the Department to investigate and resolve a compliance inquiry;
- (27) A transportation network entity shall be required to maintain on its website a description of its policies for deactivating transportation network entity drivers and appeals process, if any; and

- (28) At the end of the first calendar year after the adoption of this ordinance, each transportation network entity shall submit to the Department the following information regarding transportation activities in Miami-Dade County: average driver rating; overall number of trips in Miami-Dade County; average age of transportation network entity vehicles operated during the preceding year in Miami-Dade County; the number of incidents (e.g., accidents, moving violations and criminal charges) during the preceding year; and the number of insurance claims filed. The Department shall provide this information to the Board in the form of a report pursuant to Ordinance No. 14-65.
- (m) Transportation network entities shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. Transportation network entities are expressly prohibited from directing riders who require wheelchair-accessible vehicles to alternate transportation providers. In addition to preparing an implementing order to address transportation network entity fees, the Mayor shall within 60 days prepare a report to the Board that addresses the availability of transportation network entity service for power wheelchair users.
- (n) Responsibility for violations of chapter arising from the operation of a transportation network entity vehicle by a transportation network entity driver. The holder of a transportation network entity license shall be subject to the penalties provided in this chapter for any violation of this chapter arising from the operation of any transportation network entity vehicle by a transportation network entity for-hire driver authorized under the holder's transportation network entity license where the transportation network entity knowingly permitted or allowed the violation. In addition, a transportation network entity license shall be subject to suspension or revocation for any such violation as provided in Section 31-710. Charges against or penalties imposed on a transportation network entity driver for the same or related violations shall not relieve the transportation network entity license holder of responsibility under this article.



- (o) The fee for a transportation network entity license shall be determined by an implementing order approved by a resolution adopted by the Commission.
- (p) No transportation network entity license may be sold, leased, assigned, mortgaged or otherwise transferred by a holder of a transportation network entity license.
- (q) Transportation network entity license holders may authorize a person to operate a transportation network entity vehicle over the streets of Miami-Dade County only upon either: (1) certification by the transportation network entity license holder that the driver has completed and passed a Level II background check process; or (2) certification by the transportation network entity license holder that the individual has met the requirements of Section 31-703(b) after the transportation network entity has conducted a local, state, and national criminal background check through a Department approved company or agency accredited by the National Association of Professional Background Screeners or a comparable accreditation entity approved by the Department that includes, among other things, a social security trace or similar identification check that is designed to identify relevant information about the individual, including known addresses, aliases, and alternative spellings of the individual's name; a review of all criminal records in all Florida counties in which the background check conducted in accordance with this Section reveals that the individual has ever committed a crime as well as any county where the individual has resided in the last seven (7) years, federal court records through the Public Access to Court Electronic Records system, NATCRIM or similar multistate and multijurisdictional criminal databases, state and national sex offender databases, and driving history research reports:
  - (1) In order to be authorized to drive for a transportation network entity, an individual shall submit an application to the transportation network entity that includes, at a minimum, information regarding his or her address, age, driver license, driving history, motor vehicle registration, and automobile liability insurance;

- (2) Prior to authorizing any individual to operate pursuant to this article, a transportation network entity shall issue to that individual a credential, which may be in digital form, that provides the name of the transportation network entity, the name of the authorized driver, the date the credential was issued and the license plate of the vehicle authorized to operate under the transportation network license. If the transportation network entity makes a digital version of its credential available to a driver, such digital version need not include the date of credential issuance provided that digital or electronic access to such digital version is restricted to a driver with a current and valid credential. In no event shall the transportation network entity allow access to a digital platform, or make available an undated credential, to a driver with an expired credential;
- (3) A credential issued by a transportation network entity pursuant to this Section shall be valid for no more than one (1) year;
- (4) Any individual authorized to drive pursuant to this article shall have a copy of this credential available for inspection by the Department, any code enforcement officer or any other person authorized to enforce this article pursuant to Section 31-709 at all times while operating a transportation network entity vehicle;
- (5) A transportation network entity may not authorize any individual pursuant to this article who was denied a chauffeur's registration by the Department within one (1) year of the date of denial. The Department shall make available to each transportation network entity a list of such individuals;
- (6) Reserved;

- (7) Upon receipt of information that an individual no longer meets the requirements of Section 31-703, the transportation network entity shall immediately revoke the credential it issued to the driver, notify the individual that he or she is no longer authorized to operate a motor vehicle for hire and, prohibit the driver from operating on its platform;
- (8) A transportation network entity that certifies its drivers pursuant to this Section shall notify the Department promptly if it begins using a multistate or multijurisdictional database that is different than the database it utilized when it obtained a license. If the Department determines that the new database does not comply with this article the transportation network entity shall, upon notice, immediately cease using that database to authorize drivers and may only resume authorizing drivers if it utilizes the database that it used when it obtained a license or obtains the Department's approval to use a new database; and
- (9) It shall be unlawful for a transportation network entity to authorize a person to drive on the streets of Miami-Dade County or issue a credential to any individual who does not meet the requirements of this article.
- (r) *Preliminary transportation network entity license.* Notwithstanding any provision to the contrary in chapter 31 of the Code, the Director is, within five (5) business days after the effective date of this ordinance, authorized to issue a preliminary transportation network entity license which shall be valid for 30 days, unless extended by the Director for good cause shown. The preliminary license shall authorize the transportation network entity to provide transportation network entity services on a countywide basis and shall include the Miami International Airport and the Port of Miami as provided in this article. No transportation network entity shall be issued a preliminary license unless the applicant:
- (1) Has completed the application form prepared by the Department to the satisfaction of the Director;

- (2) Has paid the application and preliminary license fees;
- (3) Has certified that all transportation network entity drivers and transportation network entity vehicles are covered by insurance required by this article;
- (4) Has certified that transportation network entity for-hire vehicles operated under the authority of the transportation network entity have passed all required vehicle inspections; and
- (5) Has certified that all transportation network entity drivers operating under the authority of the transportation network entity preliminary license have passed, at a minimum, a Level I background check, and hold a current driver license issued by the State of Florida or are otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes.

The preliminary license application fee shall be \$350.00 and the license fee shall be \$26.00 for each transportation network entity vehicle operated. Any preliminary license fee paid by a transportation network entity shall be deducted from the annual fee for the initial transportation network entity license issued to the transportation network entity. Each transportation network entity shall disclose in the preliminary license application the number of transportation network entity vehicles it intends to operate pursuant to the preliminary license and the subsequently issued transportation network entity license. Each transportation network entity operating under the authority of a preliminary license shall, at a minimum, comply with the provisions of Sections 31-702(d), (k), (l), (m), (n) and (p), 31-705, 31-706, 31-707, 31-708 and 31-712. Each transportation network entity driver operating under the authority of a preliminary license shall, at a minimum, comply with the provisions of Sections 31-703 (a), (b), (c), (d) and (e), 31-705, 31-706, 31-707 and 31-712. Each transportation network entity vehicle shall comply with Section 31-708. Each preliminary license shall expire within thirty (30) days from the date of issuance unless extended by the Director for good cause shown. Upon the expiration of a preliminary license, all transportation network entities services shall cease and desist until the

transportation network entity has been issued a transportation network entity license.

- (s) If the Mayor successfully negotiates a global settlement of all non-adjudicated citations with each transportation network entity on behalf of drivers or vehicles that operated on the transportation network entity's digital platform prior to the adoption of this ordinance, the settlement shall also include an additional \$65.00 charge to be paid by each transportation network entity for each settled citation which shall be paid to the Clerk of the Court, Traffic Division, for the purposes of providing each transportation network entity driver at the address provided on the citation: a written statement regarding the status of code violations; driver's history; outstanding citations and any other resolved and unresolved civil or criminal matters.

**Sec. 31-703. Transportation Network Entity Drivers.**

Transportation network entity drivers shall comply with the following requirements:

- (a) It shall be unlawful for any person to drive a transportation network entity vehicle over any street in Miami-Dade County without first having obtained authorization from a transportation network entity pursuant to this article.
- (b) Each transportation network entity driver shall:
- (1) Hold a current driver license issued by the State of Florida or be otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes;
  - (2) Be able to communicate in the English language;
  - (3) Possess the mental and emotional stability, as well as the physical ability, to safely carry out the duties inherent in operating a transportation network entity vehicle;

- (4) Not have been, within the last seven (7) years, convicted (convicted shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere) of a felony, or have been released from incarceration from a prison within the last six (6) months as a result of a felony conviction as shown on any publicly-accessible website made available by any state or federal Department of Corrections or similar government agency, unless his or her civil or residency rights have been restored;
- (5) Not have been convicted (convicted shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere) of any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, violent offense against a law enforcement officer under Section 775.0823, Florida Statutes, sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct under Section 393.135, Florida Statutes, sexual misconduct with certain mental health patients and reporting of such sexual misconduct under Section 394.4593, Florida Statutes, manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child under Section 782.07, Florida Statutes, vehicular homicide under Section 782.021, Florida Statutes, killing of an unborn child by injury to the mother under Section 782.09, Florida Statutes, kidnapping under Section 787.01, Florida Statutes, false imprisonment under Section 787.02, Florida Statutes, sexual battery under Section 794.05, Florida Statutes, lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult under Section 825.1025, Florida Statutes, sexual performance by a child under Section 827.071, Florida Statutes, sexual misconduct with certain forensic clients and reporting of such sexual misconduct under Section 916.1075, Florida Statutes, inflicting cruel or inhumane treatment on an inmate resulting in great bodily harm under Section 944.35(3), Florida Statutes, or has been adjudicated a habitual violent felony offender under Section 775.084, Florida Statutes;
- (6) Reserved;

- (7) Not have been, within the last seven (7) years, convicted (convicted shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere) of:
- a. Driving under the influence of drugs or intoxicating liquors;
  - b. Fleeing the scene of any accident; or
  - c. Vehicular manslaughter or any death resulting from driving; or
- (8) Not have been, within the last three (3) years, convicted (conviction shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere) of more than three (3) moving violations or driving on a suspended, revoked, or invalid license.
- (c) No person shall operate a transportation network entity vehicle who:
- (1) Is an individual who is not duly authorized to work under the immigration laws or the Attorney General of the United States;
  - (2) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
  - (3) Has been, within the last seven (7) years, convicted (convicted shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere) of a felony, or have been released from incarceration from a prison within the last six (6) months as a result of a felony conviction as shown on any publicly-accessible website made available by any state or federal department of corrections or similar government agency, unless his or her civil or residency rights have been restored;

- (4) Has been convicted (convicted shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere) of any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, violent offense against a law enforcement officer under Section 775.0823, Florida Statutes, sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct under Section 393.135, Florida Statutes, sexual misconduct with certain mental health patients and reporting of such sexual misconduct under Section 394.4593, Florida Statutes, manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child under Section 782.07, Florida Statutes, vehicular homicide under Section 782.021, Florida Statutes, killing of an unborn child by injury to the mother under Section 782.09, Florida Statutes, kidnapping under Section 787.01, Florida Statutes, false imprisonment under Section 787.02, Florida Statutes, sexual battery under Section 794.05, Florida Statutes, lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult under Section 825.1025, Florida Statutes, sexual performance by a child under Section 827.071, Florida Statutes, sexual misconduct with certain forensic clients and reporting of such sexual misconduct under Section 916.1075, Florida Statutes, inflicting cruel or inhumane treatment on an inmate resulting in great bodily harm under Section 944.35(3), Florida Statutes, or had been adjudicated a habitual violent felony offender under Section 775.084, Florida Statutes;
- (5) Reserved;
- (6) Has been, within the last seven (7) years, convicted (convicted shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere) of:
- a. Driving under the influence of drugs or intoxicating liquors;



- b. Fleeing the scene of any accident; or
- c. Vehicular manslaughter or any death resulting from driving; or
- (7) Has been, within the last three (3) years, convicted (conviction shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere) of more than three (3) moving violations or driving on a suspended, revoked, or invalid license.
- (d) Transportation network entity drivers must abide by all requirements contained in this article. A transportation network entity driver shall comply with the following regulations:
  - (1) No transportation network entity driver shall solicit passengers;
  - (2) No transportation network entity driver shall smoke while transporting passengers;
  - (3) No transportation network entity driver shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate;
  - (4) Transportation network entity drivers shall at all times maintain a neat appearance;
  - (5) No transportation network entity driver shall collect fares or compensation for transportation services other than the rates or charges provided for under Section 31-706 for the type of service being provided, nor may any driver collect any additional payment for transporting any baggage which accompanies the passenger; provided that, a transportation network entity driver may accept gratuities;

- (6) The passenger shall be provided an electronic or paper receipt for the fare collected;
- (7) A transportation network entity driver shall not use abusive language or be discourteous to passengers or enforcement personnel or solicit gratuities;
- (8) No transportation network entity driver shall operate a transportation network entity vehicle while his or her ability or alertness is so impaired or so likely to become impaired, through fatigue, illness or any other cause, as to make it unsafe for him or her to begin or continue to operate the motor vehicle;
- (9) All transportation network entity drivers shall notify the transportation network entity of each change of address within ten (10) days of relocation;
- (10) Transportation network entity drivers shall select routes to trip destinations that are most economical to the passenger unless otherwise directed by or agreed to by the passenger;
- (11) No transportation network entity driver shall attempt to solicit or attempt to divert the patronage of any passenger, prospective passenger, or other person on behalf of any hotel, motel, apartment, restaurant, nightclub, bar or any other business establishment, or accept or receive from any business establishment any payment for such solicitation or diversion of passengers from or to any place of business provided that nothing in this paragraph shall be construed to preclude a transportation network entity driver from placing promotional materials in his or her vehicle as long as the driver does not receive compensation for placing such materials in the vehicle;
- (12) It shall be unlawful for any transportation network entity driver to refuse to stop his or her vehicle for inspection by Department authorized personnel or any police officer, or to refuse to permit personnel authorized by the Department to conduct an inspection of the vehicle, when such personnel,

except as authorized elsewhere in this article witness a violation of the Code pertaining to such vehicle or when any authorized person witnesses a violation of the requirements of law or the Code pertaining to such vehicle;

- (13) Each transportation network entity driver shall use the air conditioner when the ambient air temperature exceeds seventy-five degrees Fahrenheit unless otherwise requested by the passenger. Notwithstanding the ambient air temperature, a driver shall use the air conditioner upon request of the passenger;
- (14) No transportation network entity driver shall refuse or neglect to transport to any place in the county any orderly person, with a service animal, who is willing and able to pay the prescribed fare and no driver shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate. As used in Chapter 31, the term "service animal" shall mean any guide dog, signal dog, or other animal, as defined in 28 C.F.R. § 36.104, individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items;
- (15) A transportation network entity driver shall not drive any transportation network entity vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors, and all lighting devices are in good working order and the vehicle meets all other applicable vehicle standards as set forth in this article;

- (16) A transportation network entity driver shall not utilize any areas designated solely for use by taxicabs;
- (17) A transportation network driver shall not display on any transportation network entity vehicle the word(s) "taxicab", "taxi" or "cab" on the exterior or interior of the vehicle;
- (18) Transportation network entity drivers shall comply with all applicable requirements of the Americans with Disabilities Act of 1990, as amended;
- (19) No transportation network entity driver shall refuse or neglect to provide transportation network entity services to any orderly person requesting such services and able and willing to pay for such services, regardless of the requested destination, or on account of that person's race, sex, religion, national origin, age, marital status, sexual orientation, gender identity or expression, pregnancy, disability, color, or political affiliation; or
- (20) Transportation network entity drivers shall not charge a higher fare or additional fee to a person who is disabled based on the person's disability or use of a support animal, wheelchair, or other mobility assistance device.
- (e) Conviction of a crime. A transportation network entity driver shall be required to notify the transportation network entity in writing of a conviction of a crime that would preclude a driver from operating as a transportation network entity for-hire driver under this Section within ten (10) business days of said occurrence. Such a driver shall immediately be removed from the transportation network entity's digital platform.

**Sec. 31-704. Duties of Miami-Dade County Regulatory and Economic Resources Department or successor department.**

In addition to the duties and responsibilities specified in this chapter, the Department shall be charged with the following duties and responsibilities:

- (a) Process, investigate and prepare all reports required by this article;
- (b) Investigate and prepare reports on alleged violations of this article;
- (c) Enforce the provisions of this article;
- (d) Attempt to resolve complaints received from any source concerning the industry;
- (e) In addition to the enforcement of this article, issue, deny, suspend and revoke all transportation network entity licenses pursuant to the provisions of this article, and maintain appropriate files regarding said actions;
- (f) Provide technical assistance to the industry;
- (g) Develop a standardized reporting technique for transportation network entities after consultation with the transportation network entities;
- (h) Provide a system to handle complaints of municipal officials relating to transportation network entity service within such municipalities and expedite the resolution of same;
- (i) Perform any other functions assigned by the County Mayor;
- (j) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected;

- (k) Prepare and implement, in coordination and after consultation with the industry, changes, amendments or modifications to implementing orders establishing fees pursuant to this article and provide the transportation network entities with at least ten (10) days' notice prior to consideration of such changes, amendments or modifications by the Commission, other than when approved by the Commission as part of the annual budget approval process;
- (l) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article;
- (m) The Director may propose and the County Mayor may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Commission, shall have the force and effect of the law; and
- (n) Except for the fees recommended by the County Mayor and approved by the Commission for transportation network entity vehicles providing transportation of persons and their baggage to or from Miami International Airport and to or from the Port of Miami, whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by implementing order approved by the Commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided therefor.

**Sec. 31-705. Rules for operation.**

- (a) Each transportation network entity shall adopt and require all transportation network entity drivers to display consistent trade markings (i.e., distinctive signage or display on the vehicle) when providing transportation network entity services that are sufficiently large and color contrasted as to be readable during daylight hours at a distance of at least 50 feet.
- (b) No transportation network entity for-hire vehicle or driver shall utilize a designated taxicab stand.

- (c) A transportation network entity driver shall not solicit or pick up passengers other than by prearrangement through the transportation network entity.
- (d) A transportation network entity driver shall not accept or solicit street hails.
- (e) Transportation network entity vehicles shall not display the word(s) "taxicab", "taxi" or "cab" on the exterior or interior of the transportation network entity vehicle.
- (f) Every transportation network entity and transportation network entity driver shall fully comply with all ordinances, rules and regulations of the County applicable to the operation of transportation network entity vehicles.
- (g) All transportation network entities shall implement a zero tolerance policy on the use of drugs or alcohol while a transportation network entity driver provides transportation network entity services and transportation network entity drivers shall comply with this policy.
- (h) Each transportation network entity shall make available to the Director or Director's designee for review at the transportation network entity's local office in Miami-Dade County, Broward County, or Palm Beach County financial documentation relating to fees charged and/or collected at Miami International Airport and the Port of Miami, which shall include, among other things, the number of pickups at Miami International Airport and Port of Miami; provided that, if a transportation network entity and the County enter into an operating agreement under Section 31-702(k), the transportation network entity's recordkeeping and reporting obligations shall be governed by that operating agreement.
- (i) Audits:
  - (1) Transportation network entities shall maintain all financial records as provided in Section 31-705 as well as records of all vehicle inspections, background checks, and insurance required pursuant to this article for at least three (3) years;

- (2) Transportation network entities shall cooperate with the Department to permit audits of records described in Section 31-705 to verify compliance with requirements of this article. The Department or its designee may conduct these audits no more than biannually;
  
- (3) Upon request by the Department, any code enforcement officer or any other person authorized to enforce this article pursuant to Section 31-709, a transportation network entity driver shall permit inspection of a transportation network entity vehicle for purposes of verifying compliance with this article and reviewing documentation demonstrating that the driver is registered with a County-licensed transportation network entity, that the driver's vehicle has been inspected pursuant to Section 31-708, and that a trip was prearranged through a digital platform. The transportation network entity shall include in its driver policies a requirement that a transportation network entity driver immediately permit inspection of a vehicle in accordance with this paragraph and provide access to this documentation to the Department, code enforcement officer or any other person authorized to enforce this article pursuant to Section 31-709 upon request. If a transportation network entity for-hire driver refuses to allow an inspection or to make such documentation available, upon notice to the transportation network entity, the transportation network entity shall not allow the transportation network entity driver to use its digital platform until the driver permits the inspection or provides the documentation;
  
- (4) In connection with a compliance inquiry including, but not limited to, a compliance inquiry under paragraph three (3) of this subsection, the Department, any code enforcement officer or any other person authorized to enforce this article pursuant to Section 31-709 may request, and a transportation network entity shall provide or make available for inspection, documentation necessary to investigate and resolve the inquiry, including documentation verifying a driver's certification with



the transportation network entity, that the transportation network entity driver has undergone a background check as required by this article and meets the requirements of Section 31-703, that the transportation network entity vehicle has been inspected pursuant to Section 31-708, and that the transportation network entity driver prearranged a trip through the transportation network entity's digital platform;

- (5) All documentation required to be provided or inspected under this Section may be provided or inspected in electronic or paper form;
- (6) A transportation network entity shall not block or otherwise interfere with the Department's ability to access the transportation network entity's digital platform as a user in order to request a ride from a transportation network entity driver to monitor compliance with the provisions of this article; and
- (7) Failure by a transportation network entity or a transportation network entity driver to comply with the provisions of this Section may result in revocation or suspension of the transportation network entity license.

**Sec. 31-706. Fares and rates.**

Transportation network entities may establish and charge fares for transportation services based on distance traveled and/or time elapsed during service, a flat prearranged rate or a suggested donation. It shall be unlawful for any transportation network entity or transportation network entity driver to charge, demand, request, or accept any fare different from the rates established pursuant to this Section.

**Sec. 31-707. Insurance requirements.**

- (a) All transportation network entities and drivers shall comply with all of the applicable insurance provisions of State law. In addition, all transportation network entities shall provide supplemental insurance for each transportation network entity driver and transportation network entity vehicle as follows: the insurance limits that apply after a ride is prearranged until the last requesting rider exits the vehicle

shall be at least \$125,000 per person for death or bodily injury; \$250,000 per incident for death or bodily injury; and \$50,000 per incident for property damage; or a combined single limit of \$300,000 per incident for death, bodily injury, and property damage. All supplemental insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida or by companies that meet the requirements of Section 626.913-626.937 of the Florida Statutes, with the following qualifications. The company must be rated no less than "A-" as to management, and no less than "Class VII" as to financial strength, by the A.M. Best Company, Oldwick, New Jersey, or its equivalent subject to the approval of the County Risk Management Division.

- (b) No transportation network entity vehicle shall be permitted to operate without the transportation network entity or driver providing transportation network entity services having first obtained and filed with the Department a certificate of insurance demonstrating compliance with Florida insurance laws. Proof of insurance as required by this Section may be provided through a certificate that lists each vehicle insured thereunder or through a blanket certification stating that all transportation network entity vehicles comply with the insurance requirements required by subsection (a) Failure to provide current certificates of insurance or to maintain appropriate insurance coverage shall be grounds for suspension or revocation of a transportation network entity license.
- (c) The Department reserves the right to require submission of a certified copy of or to examine the original policies of insurance including, but not limited to, endorsements, amendments, exclusions, riders, any additional contracts between the insured and the insurer, and applications to confirm the existence of the required insured coverage. A transportation network entity shall not be required to disclose premium or rating information or other pricing data.

**Sec. 31-708. Vehicle Standards.**

Transportation network entity vehicles operating in the County must meet the applicable Federal Motor Vehicle Safety requirements in 49 C.F.R., Part 571, Florida Statutes, and the standards set forth in this Section. Upon request, each transportation network entity and transportation network entity

driver shall cooperate with the Department to provide proof of inspection and compliance with the requirements of this Section. Transportation network entity vehicles and drivers shall comply with the following requirements:

- (a) Motor vehicles shall be kept clean and orderly during all times of active service;
- (b) All accidents shall be reported immediately to the police;
- (c) Motor vehicles shall not be operated if the top or interior lights or the headlights or taillights are not functioning properly. Likewise, a motor vehicle shall not be driven unless the brakes, steering mechanism, tires, horn, windshield wipers, and side and rearview mirrors are in good working order;
- (d) Advertising on any transportation network entity vehicle regulated by this article shall not obstruct the driver's view and shall not obstruct the vehicle's lights. No vehicle shall have within it, or on its exterior, any sign which encourages, advertises for, or otherwise solicits tips;
- (e) All vehicles operating as transportation network vehicles under this article shall have an inspection of the following components, which shall be demonstrated to be functional and meet the safety standards designated by the manufacturer:
  - (1) Foot brakes;
  - (2) Emergency parking brake;
  - (3) Suspension/steering mechanism;
  - (4) Windshield;
  - (5) Rear window and other glass;
  - (6) Windshield wipers;
  - (7) Headlights;
  - (8) Taillights;

- (9) Turn indicator lights;
  - (10) Brake lights;
  - (11) Front seat adjustment mechanism;
  - (12) Doors (open/close/lock);
  - (13) Horn;
  - (14) Speedometer;
  - (15) Bumpers;
  - (16) Muffler and exhaust system;
  - (17) Condition of tires, including tread depth;
  - (18) Interior and exterior rear view mirrors; and
  - (19) Safety belts for drivers and passengers.
- (f) All transportation network entity vehicles shall be inspected to ensure compliance with the requirements of this article by an American Advanced Technicians Institute ("AATI") or National Institute for Automotive Service Excellence ("ASE") certified master mechanic, or certified automobile technician at a licensed or state-registered auto repair shop.

The results of each inspection shall be recorded by the mechanic or automobile technician on an inspection form prescribed by the Department, which completed form shall be provided to the Department or the transportation network entity within ten (10) business days after the inspection. If a driver registers with multiple transportation network entities, the driver may use the same inspection form that the driver provided to the first transportation network entity with whom he or she registered; provided that, the driver provides the form to the second transportation network entity within ten (10) business days after registration. The inspection form shall indicate whether the vehicle has met all of the safety and maintenance requirements of Section 31-708(e). At the discretion of the Department, vehicle inspection forms from

Broward, Palm Beach, or other Florida counties may be submitted as proof of inspection in lieu of the form prescribed by the Department. The technician completing the form and inspection must provide his or her ASE or AATI certification number, the expiration date of his or her certification, the name and license or registration number of the auto repair facility where the inspection was performed, and his or her signature as verification that all information provided is true and correct. This information must be recorded on the inspection form for each vehicle inspected. A transportation network entity shall not authorize or shall suspend authorization of any driver whose vehicle fails an inspection or who fails to timely report the results of an inspection of the transportation network entity vehicle until the driver demonstrates that his or her vehicle has passed an inspection pursuant to this article. It shall be a violation of this article to fail to use a certified technician to inspect vehicles, as required under this section, or to submit false inspection forms to the Department or transportation network entity. The Department may verify information and inspection forms submitted to the Department by the driver or transportation network entity as provided in Section 31-705(i). Each transportation network entity driver shall present and submit on demand a copy of the completed inspection form which shall be in his or her vehicle. Any mechanic or technician who provides false information on an inspection form required pursuant to this section shall not be allowed to certify additional transportation network entity vehicles to be operated in Miami-Dade County. A transportation network entity that fails or does not follow the requirements of this Section is subject to revocation or suspension pursuant to Section 31-710 of its license. The Department shall periodically distribute its list of prohibited mechanics to all licensed transportation network entities. Any inspection conducted by a prohibited mechanic shall be deemed invalid.

- (g) Every holder of a transportation network entity license and each driver authorized to operate by a transportation network entity shall fully comply with all ordinances, rules, and regulations of Miami-Dade County and all statutes of the State of Florida applicable to the operation of motor vehicles and vehicle standards.

Transportation network entity vehicle age limits are as follows. No transportation network entity vehicle shall have a “rebuilt” or “salvage” title and shall be no greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a transportation network entity vehicle. Transportation network entity vehicles shall be inspected annually.

Notwithstanding the foregoing, the Department and any other person authorized to enforce this article pursuant to Section 31-709 may inspect a transportation network entity vehicle at any time to confirm compliance with this Section. Upon notification by the Department, the transportation network entity shall suspend the authorization of any driver whose vehicle fails an inspection until the driver demonstrates that his or her vehicle has passed an inspection pursuant to this article.

**Sec. 31-709. Enforcement of article.**

- (a) This article shall be enforced by authorized personnel of the Department, the police forces of the various municipalities in Miami-Dade County and by the Miami-Dade Police Department, and other law enforcement officers as permitted by State law or this Code. When specifically authorized by the Director, this article may be enforced by personnel of the Seaport and Aviation Department against violations occurring within their respective boundaries. The Department shall prepare and distribute to all authorized enforcement personnel an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.
- (b) The Department may employ a deficiency or warning system through which transportation network entities are given written notice of minor violations and a specified period of time to correct same. Unless otherwise provided in this article, all other violations shall be processed under chapter 8CC of the Code.
- (c) Deficiency reports and citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it.

- (d) Notwithstanding the provisions of this Section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

**Sec. 31-710. Suspension and revocation proceedings.**

- (a) Grounds for suspension or revocation. In addition to the grounds for automatic suspension or revocation provided elsewhere in this article, transportation network entity licenses shall be subject to suspension or revocation by the Director as follows:

- (1) Upon the Director's determination that:

- (a) The transportation network entity license holder has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of a transportation network entity license as provided in this article;
- (b) The transportation network entity license was obtained by an application in which any material fact was omitted or falsely stated;
- (c) The transportation network entity license holder has failed to comply with or has violated any of the provisions of this article;
- (d) The transportation network entity license renewal application does not comply with the requirements of this article; or
- (e) The transportation network entity has knowingly allowed or permitted any transportation network entity vehicle to be operated, or transportation network entity driver to operate in violation of this article.

- (b) Notice of suspension or revocation action. Except where this article provides for automatic suspension or revocation, the Department shall provide notice of suspension or revocation to the violator by certified mail ten (10) days before the violator must comply with the Director's decision.
- (c) Appeals from decisions of Director and administrative hearings.
- (1) Right to appeal. Any transportation network entity license holder shall have the right to appeal application denials, suspensions and revocations by the Director. The named party shall elect to either:
- (a) Comply with the Director's decision in the manner indicated on the notice of Director's decision; or
- (b) Request an administrative hearing before a hearing officer to appeal the decision of the Director.
- (2) Filing the appeal. Appeal by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.
- (3) Failure to appeal. Failure to appeal the decision of the Director within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the Director's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Director's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.
- (4) Hearing officers. Hearing officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.



- (5) Scheduling and conduct of hearing.
- (a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.
- (b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include but not be limited to the following: place, date and time of the hearing; right of the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of the Director's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.
- (c) The hearing officers shall call hearings on a monthly basis or upon the request of the Department. No hearing shall be set sooner than fifteen (15) calendar days from the date of notice of the Director's decision, unless otherwise prescribed by this chapter.
- (d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the Department.

- (e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.
- (f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.
- (g) The Clerk of the Commission shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.
- (h) Each case before a hearing officer shall be presented by the Director or his or her designee.
- (i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.
- (j) Each party shall have the right: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.

- (k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the Director's decision the hearing officer must find that a preponderance of the evidence supports the Director's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.
- (l) If the Director's decision is affirmed the named party may be held liable for the reasonable costs of the administrative hearing.
- (m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the Director's decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of the Director. If the hearing officer affirms the decision of the Director, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the Director. If the hearing officer reverses the decision of the Director and finds (1) the named party is not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the Director, the named party shall not be required to comply with the decision of the Director, absent reversal of the hearing officer's findings pursuant to this article. If the decision of the hearing officer is to affirm, then all of the following shall be included in the decision:
- (a) Decision of the Director;
- (b) Administrative costs of the hearing;  
and

- (c) Date for compliance, if applicable.
- (n) The hearing officer shall have the power to:
  - (a) Adopt procedures for the conduct of hearings;
  - (b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade Police Department or by the hearing officer's staff;
  - (c) Subpoena evidence; and
  - (d) Take testimony under oath.
- (6) Appeals.
  - (a) The named party or the County may appeal a final order of the hearing officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.
  - (b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to this article, all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the Director's decision.
- (7) Nothing contained in this chapter shall prohibit Miami-Dade County from enforcing the Code by any other means authorized by law. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of

any section of the Code. The words “action” and “decision” as used herein shall not include the filing of any action by the Director in any court. The Director may reconsider at any time any action or decision taken by the Director and therefore may modify such an action or decision.

**Sec. 31-711. Violations; penalties.**

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 transportation network entity license holder or transportation network entity driver shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in Section 8CC-10 of the 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 transportation network entity license or authorization to drive as a transportation network entity driver. If a transportation network entity driver commits five (5) violations of the same section of this article during any twelve-month period and the transportation network entity does not take adequate steps to address the violations after receiving notice of such violations from the Department, the Department may, in its sole discretion, suspend or revoke the transportation network entity license.

**Sec. 31-712. Special provisions.**

- (a) The provisions of this chapter shall be the exclusive regulations applicable to the provision of and operation of transportation network entity services in Miami-Dade County. Regulations established by this article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries.
- (b) Any transportation network entity driver driving on a transportation network entity digital platform licensed pursuant to this article shall be authorized to provide transportation of persons and their baggage to and from the Port of Miami upon compliance with terms, conditions and fees, as established by implementing order approved by the Commission; these terms and conditions may include, but

are not limited to, restrictions on areas where passengers may be picked up or dropped off, where a vehicle may wait to pick up a passenger who has prearranged transportation services prior to the transportation network entity vehicle entering the Port of Miami, or requirements that vehicles picking up passengers at such locations be equipped with equipment sufficient to record all transactions occurring at the Port of Miami. Any fee imposed by such implementing order shall be supplemental to any fee imposed elsewhere in this article. Any transportation network entity driver driving on a transportation network entity digital platform licensed pursuant to this article shall be authorized to provide transportation of persons and their baggage to or from Miami International Airport or any County General Aviation Airport in compliance with any fees established by implementing order approved by the Commission, and with any terms and conditions specified in any operational directive established by the Miami-Dade Aviation Department pursuant to Chapter 25 of the Code of Miami-Dade County, which Operational Directives may include, but are not limited to, restrictions on areas where passengers may be picked up or dropped off, where a vehicle may wait to pick up a passenger who has prearranged transportation services prior to the transportation network entity vehicle entering Miami International Airport or any County General Aviation Airport, or requirements that vehicles picking up passengers at such locations be equipped with equipment sufficient to record all transactions occurring at Miami International Airport. The transportation of persons and baggage to and from Miami International Airport or to and from the Port of Miami shall constitute an agreement by the transportation network entity that it will conform to such terms, conditions, and fees. Unless specifically exempted herein, transportation network entity drivers and transportation network entities shall comply with all applicable requirements of Chapter 25 of the Code of Miami-Dade County with respect to activities at Miami International Airport. Notwithstanding any provision to the contrary in this article, each transportation network entity driver, who is operating pursuant to a preliminary transportation network entity license, and who picks up or drops off a passenger at Miami International Airport, any General Aviation Airport or the Port of Miami shall comply with the applicable requirements including, but not limited

to, operational directives and the Port of Miami Tariff, and pay the fee established for taxicabs until the County Commission adopts a superseding implementing order establishing fees to be paid by transportation network entities.

**Sec. 31-713. Advertisement of services.**

- (a) No transportation network entity shall advertise a rate or fare other than a rate or fare permissible under Section 31-706.
- (b) No transportation network entity shall advertise transportation network entity services in a manner that is false, deceptive or misleading including, but not limited to, representing the transportation network entity service as taxicab service or any service other than prearranged.<<

**Section 4.** 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
>>31-77(1)	<u>Causing or permitting others to use, drive or operate a vehicle to transport passengers for compensation without license or certification</u>	<u>1,000.00</u>
31-77(2)	<u>Operate a vehicle to transport passengers for compensation without registration or credential</u>	<u>1,000.00&lt;&lt;</u>
*	*	*
>>31-702(a)	<u>Unauthorized provision of transportation network entity services</u>	<u>1000.00</u>

<u>31-702(l)(1)</u>	<u>Violation of applicable law</u>	<u>250.00</u>
<u>31-702(l)(2)</u>	<u>Failure to report change of address</u>	<u>100.00</u>
<u>31-702(l)(3)</u>	<u>Failure to maintain records</u>	<u>100.00</u>
<u>31-702(l)(4)</u>	<u>Allowing person to operate a transportation network entity vehicle without meeting driver requirements</u>	<u>500.00</u>
<u>31-702(l)(5)</u>	<u>Failure to ensure that a transportation network entity vehicle has passed inspection</u>	<u>500.00</u>
<u>31-702(l)(6)</u>	<u>Knowingly permitting any driver to operate a transportation network entity vehicle without that vehicle complying with applicable vehicle standards</u>	<u>100.00</u>
<u>31-702(l)(7)</u>	<u>Knowingly permitting a driver to operate a vehicle when ability or alertness is impaired</u>	<u>250.00</u>
<u>31-702(l)(9)</u>	<u>Failure to comply with requirements regarding service animal, for first violation</u>	<u>500.00</u>
<u>31-702(l)(9)</u>	<u>Failure to comply with requirements regarding service animal, for subsequent violations</u>	<u>1000.00</u>
<u>31-702(l)(10)</u>	<u>Failure to adopt and display consistent trade markings on the vehicle</u>	<u>250.00</u>
<u>31-702(l)(11)</u>	<u>Knowingly permitting any driver to utilize areas designated for taxicabs</u>	<u>250.00</u>

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<u>31-702(l)12</u>	<u>Knowingly permitting any driver to solicit or pick up passengers other than by prearrangement through the transportation network entity</u>	<u>500.00</u>
<u>31-702(l)(13)</u>	<u>Knowingly permitting any driver to accept street hails</u>	<u>500.00</u>
<u>31-702(l)(14)</u>	<u>Knowingly permitting any vehicle to display the word(s) taxicab, taxi, or cab</u>	<u>250.00</u>
<u>31-702(l)(15)</u>	<u>Failure to display required information to passenger</u>	<u>500.00</u>
<u>31-702(l)(16)</u>	<u>Failure to implement and/or provide notice of zero tolerance policy</u>	<u>500.00</u>
<u>31-702(l)(17)</u>	<u>Failure to submit electronic receipt</u>	<u>100.00</u>
<u>31-702(l)(18)</u>	<u>Failure to maintain physical office</u>	<u>250.00</u>
<u>31-702(l)(19)</u>	<u>Failure to maintain required website</u>	<u>250.00</u>
<u>31-702(l)(20)</u>	<u>Failure to maintain emergency telephone number</u>	<u>250.00</u>
<u>31-702(l)(21)</u>	<u>Failure to make drivers aware of requirements</u>	<u>250.00</u>
<u>31-702(l)(22)</u>	<u>Failure to comply with antidiscrimination provisions</u>	<u>500.00</u>
<u>31-702(l)(22)</u>	<u>Failure to comply with antidiscrimination provisions, subsequent violations</u>	<u>1000.00</u>
<u>31-702(l)(23)</u>	<u>Failure to ensure training in the transportation of passengers in wheelchair accessible vehicles</u>	<u>250.00</u>

<u>31-702(l)(24)</u>	<u>Allowing or permitting any driver to operate unauthorized vehicles</u>	<u>500.00</u>
<u>31-702(1)(26)</u>	<u>Failure to provide requested information</u>	<u>250.00</u>
<u>31-702(m)</u>	<u>Failure to provide passengers opportunity to request wheelchair accessible vehicle and/or direct passenger to alternative service provider</u>	<u>500.00</u>
<u>31-702(m)</u>	<u>Failure to provide passengers opportunity to request wheelchair accessible vehicle and/or direct passenger to alternative service provider, subsequent violations</u>	<u>1000.00</u>
<u>31-702(q)</u>	<u>Failure to comply with driver credential and certification requirements</u>	<u>500.00</u>
<u>31-703(a)</u>	<u>Failure to obtain authorization to drive from a transportation network entity. Fine shall be reduced to \$50.00 if the person issued the citation had authorization within the past six (6) months</u>	<u>1000.00</u>
<u>31-703(d)(1)</u>	<u>Violation of solicitation prohibition</u>	<u>75.00</u>
<u>31-703(d)(2)</u>	<u>Violation of smoking while transporting passengers prohibition</u>	<u>75.00</u>
<u>31-703(d)(3)</u>	<u>Acceptance of additional passengers without consent</u>	<u>250.00</u>

<u>31-703(d)(3)</u>	<u>Acceptance of additional passengers without consent, subsequent violations</u>	<u>500.00</u>
<u>31-703(d)(4)</u>	<u>Failure to maintain neat appearance</u>	<u>25.00</u>
<u>31-703(d)(5)</u>	<u>Overcharging passenger</u>	<u>250.00</u>
<u>31-703(d)(6)</u>	<u>Failure to provide receipt</u>	<u>250.00</u>
<u>31-703(d)(7)</u>	<u>Violation of abusive language prohibition; or being discourteous to passengers or enforcement personnel or soliciting gratuities</u>	<u>100.00</u>
<u>31-703(d)(8)</u>	<u>Operating a vehicle while ability or alertness is impaired</u>	<u>250.00</u>
<u>31-703(d)(9)</u>	<u>Failure to notify transportation network entity of address change within ten (10) days of relocation</u>	<u>25.00</u>
<u>31-703(d)(10)</u>	<u>Failure to select the most economical route to destination</u>	<u>100.00</u>
<u>31-703(d)(11)</u>	<u>Violation of passenger diversion prohibition; or accepting payment for passenger diversion</u>	<u>250.00</u>
<u>31-703(d)(12)</u>	<u>Failure to stop vehicle for inspection; or failure to allow authorized personnel to conduct an inspection</u>	<u>50.00</u>
<u>31-703(d)(13)</u>	<u>Failure to use air conditioner when required</u>	<u>250.00</u>
<u>31-703(d)(14)</u>	<u>Refusal to transport passenger and service animal</u>	<u>500.00</u>

<u>31-703(d)(14)</u>	<u>Refusal to transport passenger and service animal, subsequent violations</u>	<u>1000.00</u>
<u>31-703(d)(15)</u>	<u>Operating a transportation network entity vehicle without that vehicle complying with applicable vehicle standards</u>	<u>100.00</u>
<u>31-703(d)(16)</u>	<u>Failure to comply with requirements regarding taxicab stands</u>	<u>250.00</u>
<u>31-703(d)(17)</u>	<u>Displaying the word(s) "taxicab", "taxi", or "cab" on or in the vehicle</u>	<u>250.00</u>
<u>31-703(d)(18)</u>	<u>Failure to comply with applicable requirements of Americans with Disabilities Act of 1990, as amended</u>	<u>100.00</u>
<u>31-703(d)(19)</u>	<u>Refusal to transport passengers on account of that person's race, sex, religion, national origin, age, marital status, sexual orientation, gender identity or expression, pregnancy, disability, color, or political affiliation</u>	<u>250.00</u>
<u>31-703(d)(19)</u>	<u>Refusal to transport passengers on account of that person's race, sex, religion, national origin, age, marital status, sexual orientation, gender identity or expression, pregnancy, disability, color, or political affiliation, subsequent violations</u>	<u>500.00</u>

<u>31-703(d)(20)</u>	<u>Charge a higher fare or additional fee to a person who is disabled based on the person's disability or use of a support animal, wheelchair, or other mobility assistance device</u>	<u>250.00</u>
<u>31-703(e)</u>	<u>Failure to notify the transportation network entity in writing of a conviction of a crime within ten (10) business days of said occurrence</u>	<u>250.00</u>
<u>31-705(a)</u>	<u>Failure to display consistent trade markings on the vehicle</u>	<u>250.00</u>
<u>31-705(b)</u>	<u>Failure to comply with requirements regarding taxicab stands</u>	<u>250.00</u>
<u>31-705(c)</u>	<u>Picking up passengers other than by prearrangement through the transportation network entity</u>	<u>500.00</u>
<u>31-705(d)</u>	<u>Accepting or soliciting street hails</u>	<u>500.00</u>
<u>31-705(e)</u>	<u>Displaying the word(s) "taxicab", "taxi", or "cab" on or in the vehicle</u>	<u>250.00</u>
<u>31-705(f)</u>	<u>Failure to comply with all ordinances, rules and regulations</u>	<u>250.00</u>
<u>31-705(g)</u>	<u>Failure to implement zero tolerance policy or to comply with zero tolerance policy</u>	<u>250.00</u>
<u>31-705(h)</u>	<u>Failure to make available required financial information</u>	<u>500.00</u>
<u>31-705(i)</u>	<u>Failure to comply with audit requirements</u>	<u>500.00</u>

<u>31-706</u>	<u>Failure to comply with required rates</u>	<u>500.00</u>
<u>37-707(a)</u>	<u>Failure to have required insurance</u>	<u>500.00</u>
<u>37-707(b)</u>	<u>Failure to provide certificate of insurance</u>	<u>500.00</u>
<u>31-707(c)</u>	<u>Failure to allow for access of insurance policy</u>	<u>500.00</u>
<u>31-708</u>	<u>Failure by transportation network entity and transportation network entity driver to cooperate with the Department to provide proof of inspection and compliance with the requirements of this Section</u>	<u>500.00</u>
<u>31-708</u>	<u>Failure by transportation network entity driver to cooperate with the Department to provide proof of inspection and compliance with the requirements of this Section</u>	<u>500.00</u>
<u>31-708(a)</u>	<u>Failure to keep vehicle clean and orderly</u>	<u>25.00</u>
<u>31-708(b)</u>	<u>Failure to immediately report accident to police</u>	<u>25.00</u>
<u>31-708(c)</u>	<u>Operating a transportation network entity vehicle without that vehicle complying with applicable vehicle standards</u>	<u>100.00</u>
<u>31-708(d)</u>	<u>Violation of advertising requirements</u>	<u>25.00</u>
<u>31-708(e)</u>	<u>Operating a transportation network entity vehicle without having passed inspection</u>	<u>250.00</u>

<u>31-708(f)</u>	<u>Failure to comply with vehicle inspection requirements</u>	<u>1000.00</u>
<u>31-708(g)</u>	<u>Failure to comply with applicable laws, ordinances, rules and regulations</u>	<u>250.00</u>
<u>31-712(b)</u>	<u>Failure to comply with requirements for operating at Miami International Airport or the Port of Miami</u>	<u>100.00</u>
<u>31-713(a)</u>	<u>Advertising other than approved rate or fare</u>	<u>500.00</u>
<u>31-713(b)</u>	<u>False, misleading and deceptive advertising</u>	<u>1000.00</u>
	<u>All other violations of Article VII</u>	<u>250.00&lt;&lt;</u>

**Section 5.** 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 6.** 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.

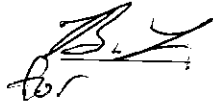
**Section 7.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: May 3, 2016

Approved by County Attorney as  
to form and legal sufficiency:

APW

Prepared by:



Gerald K. Sanchez

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.  
Co-Sponsor: Commissioner Audrey M. Edmonson