OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 5(C)

(Public Hearing 5-3-16)

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

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending Chapter 31, Article VI of the Code relating to regulation of limousines; amending requirements relating to licensing and regulation of limousines

Ordinance No. 16-44

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

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 the Regulation of Limousines by Amending Requirements Relating to Licensing and Regulations

---

The proposed ordinance amends Chapter 31, Article VI of the Code of Miami-Dade County relating to the regulation of limousines by amending requirements relating to licensing and regulations of limousines. Amendments to the Code include, among other things, changes to the chauffeur licensing and training requirements, vehicle age requirements, frequency of vehicle inspections, the elimination of the prearrangement requirement and changes to the rate regulations.

The Department of Transportation and Public Works (DTPW) will experience a revenue loss of $40,750. This loss is associated with the elimination of the chauffer training program ($8,750), and the reduction of the number of for-hire vehicle inspections from the current system of up to four inspections a year based on the age of the vehicle to annual inspections only ($32,000). Additionally, if all the limousine companies in this industry opt to certify their own drivers and vehicles, then it is estimated that DTPW will lose $71,500 in Driver Certification fees, and $27,000 in Vehicle Inspection fees. In the short term, DTPW will reallocate staff to enforcement efforts, and 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 amended by 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.

Alina T. Hudak
Deputy Mayor

Fls03116 160016

Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for Ordinance Amending Chapter 31, Article VI of the Code relating to Regulation of Limousines; Amending Requirements relating to Licensing and Regulations of Limousines

---

The proposed Ordinance amends Chapter 31, Article VI of the Code of Miami-Dade County, Florida relating to the regulation of limousines by amending requirements relating to licensing and regulations of limousines. Amendments to the Code include changes to the vehicle age requirements, frequency of vehicle inspections, the elimination of the prearrangement requirement, and changes to the rate regulations.

Changes to the vehicle age requirements, in conjunction with a decrease in the frequency of vehicle inspections, will reduce expenses paid by limousine operators. Allowing operators to charge a lower rate will allow them to be more competitive in the new transportation environment created by the introduction of technology based transportation alternatives.

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: Amended
Agenda Item No. 5(C)

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

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 5(C)
5-3-16

ORDINANCE NO. 16-44

ORDINANCE AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO REGULATION OF LIMOUSINES; AMENDING REQUIREMENTS RELATING TO LICENSING AND REGULATION OF LIMOUSINES; AMENDING DEFINITIONS; AMENDING REQUIREMENTS RELATED TO INSURANCE; AMENDING PREARRANGEMENT REQUIREMENTS; DELETING REQUIREMENT FOR A LIMOUSINE SERVICE PLAN; AMENDING PROVISIONS RELATING TO LIMOUSINE RATES; ALLOWING LIMOUSINE LICENSE HOLDERS TO CERTIFY THAT DRIVERS AND VEHICLES SATISFY THE REQUIREMENTS OF THE CODE; AMENDING PROVISIONS RELATING TO VEHICLE STANDARDS INCLUDING VEHICLE AGE AND VEHICLE INSPECTIONS; AMENDING RESPONSIBILITIES OF LIMOUSINE LICENSE HOLDERS; AMENDING DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES; AMENDING CHAPTER 8CC OF THE CODE PROVIDING CIVIL PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

ARTICLE VI. LICENSING AND REGULATION OF FOR-HIRE LIMOUSINES.

Sec. 31-601. Definitions.

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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

(a) *The Americans with Disabilities Act of 1990* or *the ADA* means the civil rights acts signed into law on July 26, 1990 as Public Law 101-336,104 Stat. 327, as the same may be amended from time to time.

(b) *Applicant* means an individual, partnership or corporation which applies for a for-hire license, permit, or chauffeur's registration, pursuant to the provisions of this article. "Applicant" shall also mean an individual, partnership>>,<< [[~~or~~]] corporation>>, or limited liability company<< which makes application, where applicable, to renew or transfer a for-hire license, permit or chauffeur's registration 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 [[~~the~~]] >>a privately-held<< corporation as well as the corporate officers and directors.

(c) *Ancient limousine* means a luxury motor vehicle as defined in section 320.086(1), Florida Statutes.

(d) *Antique limousine* means an antique luxury motor vehicle as defined in section 320.086(2), Florida Statutes.

(e) *Chauffeur* means a duly licensed driver registered with and authorized by the [[~~Consumer Services Department~~]] >>RER<< to operate a for-hire passenger motor vehicle.

(f) *Chauffeur registration* means a registration card issued by the [[~~CSD~~]] >>RER<<.

(g) *Collectible limousine* means a luxury motor vehicle of the age of twenty (20) or more years from the date of manufacture, equipped with an engine and parts of the age of twenty (20) years or more from the date of manufacture.

(h) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.

(i) *County* means Miami-Dade County, Florida.

(j) *County [[~~Manager~~]]* >>*Mayor*<< means the chief executive officer and head of the administrative branch of county government as provided in Article [[~~3~~]] >>2<< of the Home Rule Charter of Miami-Dade County.

(k) [[*~~CSD~~]]* >>*Department or RER*<< means the Miami-Dade County Regulatory and Economic Resources Department or successor department >>responsible for regulating Chapter 31 of the Code<<.

(l) *Director* means the [[~~CSD~~]] >>RER<< [[~~d~~]]>>D<<irector or the [[~~director's~~]] >>Director's<< designee.

(m) *Fares* or *Rates* means the charges established pursuant to this article to be paid by passengers for the transportation services provided by a for-hire passenger motor vehicle.

(n) *For compensation* or *compensation* means for money, property, service, or anything of value, including tips and commissions.

(o) *For-hire* means driving, operating, or managing a for-hire passenger motor vehicle, and includes all non-revenue producing operations of the passenger motor vehicle.

(p) *For-hire license or limousine license* means an annual, renewable license issued pursuant to this Article which authorizes the provision of for-hire transportation services and which may expire, be suspended or revoked.

(q) *For-hire passenger motor vehicle* or *limousine* means any chauffeur-driven limousine as defined herein which engages in pre-arranged transportation of persons and their accompanying property for compensation over the public streets, but excluding ambulances and nonemergency medical transportation vehicles; vehicles used exclusively for the transportation of decedents and persons participating in funeral services; vehicles used solely to provide free transportation services for customers of the business establishment owning said vehicles; vehicles used solely to provide special transportation services for the Miami-Dade Transit Agency pursuant to a contract with Miami-Dade County; and rental or leased vehicles which rental or lease does not include a chauffeur; provided, however, that no vehicles excluded under this definition shall be used on a for-hire basis except as authorized by

this article. Vehicles used to provide Miami-Dade Transit Agency special transportation services pursuant to a contract with Miami-Dade County are subject to the regulations contained in Article IV of this chapter.

(r) *Good cause* shall mean delay caused by circumstances beyond the control of the applicant.

(s) *In service* means a for-hire vehicle which is displaying a valid, current operating permit or decal, as applicable, issued by the [[~~CSD~~]] >>RER<<.

(t) *Lease* of a limousine vehicle means a written agreement for the transfer from a lessor to a lessee of the right to possess and use a motor vehicle, meeting the requirements of Chapter 521, Florida Statutes, for a scheduled term exceeding four (4) months.

(u) *Limousine* means a "luxury limousine sedan," a "stretch limousine," a "super-stretch limousine," an "ancient limousine," an "antique limousine," or a "collectible limousine" and which provides service on a pre-arranged basis only, which is dispatched by its central business location.

(v) *Luxury limousine sedan or luxury sedan* means a luxury, non-metered vehicle of a wheelbase size smaller than a stretch limousine, as defined by[[~~CSD~~]] >>RER<<.

(w) *Operate* means to provide transportation services for compensation regulated by this article utilizing a for-hire passenger motor vehicle.

(x) *Operating permit* means the valid and current vehicle decal issued to the license holder which authorizes a specific, registered vehicle to operate for-hire and which may expire, be suspended or revoked.

(y) *Operator* means any person who has been issued a for-hire license.

(z) *Out of service* means the removal of a for-hire vehicle from operation by removal of a valid, current operating permit and filing with the [[~~CSD~~]] >>RER<<a [[~~CSD~~]] >>RER<<form removing the vehicle from service.

(aa) *Own* means a person who holds the legal title of a motor vehicle; or, in the event a motor vehicle is the subject of a security agreement or lease with an option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner.

(bb) *Pre-arranged* or *pre-arrange* means a written, electronic or telephone reservation made [[~~at least fifteen minutes~~]] in advance by the person requesting service [[~~through the place of business of the for-hire license holder~~]] for the provision of limousine service[[~~for a specified period of time~~]].

(cc) *Passenger* means a person utilizing a for-hire limousine for the purpose of being transported to a destination, or a person who is awaiting the arrival of a prearranged for-hire limousine, and does not include the chauffeur.

(dd) *Person* means any natural person(s), firm, partnership, association, corporation, or other business entity.

(ee) *Personnel authorized by the [[~~CSD~~]]* >>*RER*<< means uniformed enforcement personnel and any other individual authorized by the [[~~director~~]] >>Director<<.

(ff) *Place of business* means the specific Miami-Dade County, Broward County or Palm Beach County address where management of for-hire operations is provided and which is zoned for the appropriate business usage and matches the address on a current valid occupational license.

(gg) *Solicit* means an appeal by bell, horn, whistle, words or gestures by a chauffeur or his or her agent directed at individuals or groups.

(hh) *Stage* means to stop, park, or otherwise place a limousine vehicle in the loading or curbside area of a hotel, restaurant, shopping center, public sports facility, museum, theater, performing arts center or transportation facility when the limousine vehicle is not engaged in a prearranged, round trip or one way fare. A curbside or loading area shall not include a parking lot.

(ii) *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.

(jj) *Stretch limousine* means a sedan cut and stretched a minimum of forty-two (42) inches beyond its standard basis, manufactured to carry between six to eight (6—8) persons, excluding the driver.

(kk) *Super-stretch limousine* means a luxury vehicle, as defined by[[~~CSD~~]] >>RER<<, stretched a minimum of one hundred twenty (120) inches beyond its standard basis and manufactured to carry nine (9) or more passengers, including the driver.

(ll) *Trade name* or *doing business as* or *(d/b/a) name* means the county-approved name under which the for-hire license holder may provide for-hire passenger motor vehicle transportation services, and which name shall not duplicate the name of any other license holder.

Sec. 31-602. For-hire limousine licenses.

(a) *Prohibition against unauthorized operations.* It shall be unlawful for any person to use, drive, or operate or to advertise in any newspaper, airwaves transmission, telephone directory, or other medium accessible to the public that it offers for-hire limousine services or to cause or permit any other person to use, drive, or operate any for-hire limousine vehicle upon the streets of Miami-Dade County without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid pursuant to the provisions of this article.

(b) *Out-of-County origin exception.* Nothing in this article shall be construed to prohibit discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County. Notwithstanding any provision to the contrary[[~~,~~]]>>:<< (1) Any passenger lawfully picked up in another county, transported to, and discharged at any location within Miami-Dade County, may be picked up at the discharge location and returned to the county of origin as long as the transportation is part of a pre-arranged, round-trip fare

pursuant to a written contract, the limousine has complied with all of the regulatory requirements of the other county and the county where the passenger is picked up has adopted a similar provision; and (2) A limousine from another county may pick up a passenger at either the Miami International Airport (MIA) or the Miami-Dade Seaport (Seaport) and transport said passenger directly to the limousine's county of origin as long as the transportation is part of a pre-arranged one-way continuous fare pursuant to a written contract, the passenger arrived at either the MIA or the Seaport, the limousine has complied with all of the regulatory requirements of the other county and the county where the passenger is picked up has adopted a similar provision. >>For purposes of this section, references to MIA shall include the Miami Intermodal Center.<< Pre-arranged means a written, electronic or telephone reservation made [[~~at least fifteen minutes~~]] in advance by the person requesting service through the place of business of the for-hire license holder for the provision of limousine service for a specified period of time. Any limousine that picks up or discharges passengers at either the MIA or the Seaport shall meet the MIA and the Seaport limousine requirements. A copy of the contract shall be in the possession of the chauffeur at all times and shall be made available to enforcement personnel upon request.

(c) *Application procedures.* Every initial application for a for-hire license, renewal application, transfer, or amendment to a for-hire license shall be in writing, signed and sworn to by the applicant, and shall be filed with the [[~~CSD~~]] >>RER<< together with an investigative and 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. The application shall be on a form provided by the [[~~CSD~~]] >>RER<< 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[[~~, and stockholder~~]]. If the applicant is a partnership, the foregoing information shall be provided for each partner. [[~~As part of such application, the applicant shall also disclose the foregoing information for any person who has any interest (legal, equitable, beneficial or otherwise) in the license.~~]] Post office box addresses will not be accepted hereunder. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in either Miami-Dade County, Broward County or Palm Beach County, Florida.

(2) The class or classes of transportation service which the applicant desires to furnish.

(i) Limousine service:

(a) Luxury limousine sedan;

(b) Stretch limousine;

(c) Super-stretch limousine;

(d) Ancient limousine;

(e) Antique limousine;

(f) Collectible limousine.

(3) A brief description of the kind(s) and type(s) of vehicles, seating capacity, seating arrangements, gross weight, mileage, and number of vehicles proposed to be used.

(4) [[~~The names and addresses of at least three (3) residents of the County as references.~~]] >>Reserved.<<

(5) The trade name under which the applicant intends to operate and a description, where applicable, of a distinctive uniform and decorative color scheme including placement of numbers and other markings.

(6) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.

(7) 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 [[~~five (5)~~]] >>ten (10)<< years preceding the date of the application. [[~~The applicant shall have his or her fingerprints and photograph taken by the Miami-Dade Police Department.~~]] In the case of a corporate or partnership applicant, this information shall be obtained from all corporate officers and directors or partners, as the case may be. [[~~In the case of corporations, the above information shall be obtained from stockholders who own, hold or control five (5) percent or more of the corporation's issued and outstanding stock.~~]]

(8) >>Reserved.<< [[~~Two (2) credit references including at least one bank where the applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.~~]]

(9) Where applicable, the contract disclosing the terms and conditions of the proposed transfer, including amount of compensation which has been paid or is payable to the transferor and any other consideration given or to be given to the transferor in connection with the transfer of the for-hire license.

(10) >>Reserved.<< [[~~A limousine management service plan which shall include:~~

~~(a) Maintenance facilities and maintenance program for the upkeep of vehicles operating under the for-hire license.~~

~~(b) A system for handling complaints, accidents and property left by a passenger in the for-hire motor vehicle.~~

~~(c) A central place of business, with a properly listed telephone for receiving all calls relating to for-hire vehicle service and where the operator will maintain the business records and daily manifests as set forth in this article.~~

~~(d) A driver training program which the applicant will utilize to ensure quality service.~~

~~(e) A proposal for submission of appropriate insurance coverage as required by section 31-608 of this article.~~]]

(11) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.

[[~~(12) Any additional information as the Director shall require to enforce the provisions of this article.~~]]

(d) *Investigation of for-hire license applicants.* The [[~~director~~]] >>Director<< shall investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The [[~~director~~]] >>Director<< may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The [[~~director's~~]] >>Director's<< decision to reject or to deny may be appealed in accordance with this chapter.

An applicant shall not be eligible for a for-hire license if he/she/it:

(1) Has misrepresented or concealed a material fact on his, her, or its application;

[[~~(2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;~~

~~(3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;~~]]

[[~~(4)~~]]>>(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;

[[~~(5)~~]]>>(3)<<Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;

[[~~(6)~~]]>>(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 § 775.0823, Florida Statutes, or is a habitual violent felony offender under § 775.084, Florida Statutes;

[[~~(7) Has violated any condition, limitation, or restriction of a for-hire license imposed by the director or commission where the director deems the violation to be grounds for denial;~~]]

[[~~(8)~~]]>>(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 with respect to any of the requirements of this chapter;

[[~~(9) Has as a stockholder, officer, director, or partner of a corporation or partnership committed an act or omission which would be cause for denying a for-hire license to the officer, director, stockholder, or partner as an individual;~~]]

[[~~(10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;~~]]

[[~~(11)~~]]>>(6)<<Does not have a place of business located in either Miami-Dade County, Broward County or Palm Beach County, Florida;

[[~~(12)~~]]>>(7)<<Has any unsatisfied civil penalty or judgment >>in Miami-Dade County<< pertaining to for-hire operation>> unless either is being challenged by the applicant in a legal proceeding pertaining to that applicant's operations<<;

[[~~(13)~~]]>>(8)<<Has had a for-hire 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<<;

[[~~(14)~~]]>>(9)<<Has within the last five (5) years plead nolo contendere, pled guilty, been found guilty, or been convicted of any misdemeanor, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex; or

[[~~(15)~~]]>>(10)<<Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been 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 for-hire license.* No for-hire license shall be issued unless the applicant:

(1) Has paid an initial or annual license fee;

(2) [[~~Has provided an adequate management plan.~~]] >>Reserved.<<

(3) Has submitted proof of insurance required by this article;>> and<<

(4) Has ensured that the for-hire limousine to be operated under the applicant's for-hire license has passed all required vehicle inspections. 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 forty-five-day period, the applicant may, prior to expiration of such forty-five-day period, request in writing a reasonable extension from the [[~~director~~]] >>Director<<. If the request states good cause for an extension, the [[~~director may~~]] >>Director shall<< grant such a reasonable extension as the [[~~director~~]] >>Director<< finds is in the public interest.

(f) *Vehicles authorized to operate under a for-hire license.*

(1) Except for luxury limousine sedans, limousines shall be solely owned or leased by the for-hire license holder. Under no circumstances shall a limousine license holder require a chauffeur to purchase or lease a limousine motor vehicle. This requirement shall become effective one (1) year after the adoption of this article when a new vehicle is placed into service as provided by Section 31-609(b).

(2) The number of vehicles authorized to operate under for-hire license are as follows:

(a) Luxury limousine sedan for-hire license holders shall operate only one vehicle per for-hire license.

(b) Stretch, super-stretch, ancient, antique, or collectible limousine license holders may operate more than one vehicle per license, after each such vehicle has obtained a valid and current operating permit.

(g) *Issuance and replacement of for-hire license.*

(1) *Issuance.* Each for-hire license shall be on a form developed by the [[~~CSD~~]] >>RER<< and shall be signed by the [[~~director~~]] >>Director<<. Each for-hire license shall, at a minimum, contain the name and the business address of the license holder, date of issuance, its expiration date and such additional terms, conditions, provisions, and limitations as were imposed during the approval process.

(2) *Replacement.* The [[~~director~~]] >>Director<< may issue a replacement license to any license holder upon application, payment of a nonrefundable replacement fee and presentation of proof or a sworn affidavit that the license has been lost or stolen.

(h) *Expiration of and renewal process for for-hire license.* For-hire licenses may be issued for such periods as specified in the [[~~Administrative~~]] >>Implementing<< Order establishing the fees>> but in no case for a period of less than one (1) year<<. The [[~~CSD~~]] >>RER<< may establish staggered license terms to ease administration of the renewal process. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual for-hire 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 [[~~CSD~~]] >>RER<<. The [[~~director~~]] >>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~~]] >>Director<< that the applicant has failed to satisfy the requirements of subsection 31-602(c), (d) or (e). Renewal applications shall additionally include disclosure of all interests in the for-hire license (legal, beneficial, equitable or otherwise) and a sworn statement as to the number of months which each permitted for-hire vehicle operated during the preceding license year. Appeal of the denial of a renewal application shall be in accordance with this chapter.

(i) *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 for-hire licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(j) *Rules pertaining to change in control of the for-hire license.* Except as provided in Section 31-602(n), no for-hire license shall be assigned, transferred, or sold (either outright or under a conditional sales contract). Except as provided in Section 31-602(n), any change in the ownership structure of a corporation or partnership where at least five (5) percent of the shares of said corporation or at least five (5) percent of the partnership interest is assigned, sold or transferred to another shall be deemed a sale and shall immediately terminate the license and a new for-hire license application shall be filed. The for-hire transportation service may continue to operate provided that such application has been filed with the [[~~CSD~~]]>>RER<< within thirty (30) days of the change in accordance with Section 31-602 and be accompanied by an investigatory and processing fee.

(k) *Rules of operation.* For-hire license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A for-hire license holder shall comply with the following regulations:

(1) Every operator shall collect and file on a daily basis all manifests and trip sheets for each for-hire limousine. The operator shall furnish the forms for each manifest to the chauffeur, which forms shall be approved by the County. >>These forms may be electronic forms provided the operator has furnished the chauffeur with the necessary software or technology to access and complete such forms.<< Operators shall not destroy, mutilate, alter, or otherwise deface any daily manifests without [[~~CSD~~]] >>RER<< approval. All manifests shall be available for inspection and copying by the [[~~CSD~~]] >>RER<< or any police agency during regular business hours and shall be retained for one (1) year;

(2) Shall maintain a record of all requests for service for each passenger transport request received >>electronically,<< by telephone or made in writing or pursuant to a corporate charge account which shall minimally include the following information: name of passenger or corporation requesting service, assigned vehicle number, date and time of service request, service provision, including charge accounts, and origin and destination of each trip. All records must be made available for inspection and copying within one business day of such request by the [[~~CSD~~]] >>RER<< or any police agency during regular business hours and shall be retained for one (1) year;

(3) No for-hire license holder, chauffeur, or any other person shall directly or indirectly provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation, for the right to pick up passengers, or provide limousine service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment, or public facility. The license or registration of any for-hire license holder, or chauffeur violating this provision shall be subject to suspension for up to six (6) months and/or revocation in accordance with the provisions of Section 31-612 or other appropriate enforcement action as provided in this chapter;

(4) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, for-hire license holder, chauffeur, or any other person for the right to pick up passengers or provide limousine service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment or public facility;

(5) Each operator shall maintain accurate records of all revenues, all associated expenses, capital expenditures, and other financial and operating information as may be required by the [[~~CSD~~]] >>RER<<. The revenue records shall include charge account contracts that reflect rates charged to all passengers. The [[~~CSD~~]] >>RER<< shall be granted access to these records for the purpose of inspection and copying same upon five (5) days prior notice. All such records and information shall be confidential except that they will become public records for the purpose of rate hearings, revocation or suspension hearings. Each operator shall annually furnish financial and operating information to the [[~~CSD~~]] >>RER<< on forms and in the manner prescribed by the [[~~CSD~~]] >>RER<<;

(6) Shall maintain a log of all customer complaints;

(7) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;

(8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year;

(9) Comply with applicable federal law, Florida law, and ordinances, rules and regulations of the County applicable to the operation of for-hire vehicles;

(10) Immediately report any change of address;

(11) Maintain all records pertaining to the for-hire operations of a vehicle at the place of business for one year and make same available for inspection during the regular business hours of the license holder. When requested by the [[~~CSD~~]] >>RER<<, the license holder shall provide copies of the records;

(12) Obtain the operating permit for each for-hire vehicle operated pursuant to authority of the for-hire license and pay all application and vehicle inspection fees;

(13) Not >>knowingly<< permit or authorize any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed therein;

(14) Not >>knowingly<< allow any person to operate a for-hire vehicle who is not a Miami-Dade County registered chauffeur;

(15) Not >>knowingly<< allow or permit any person to operate a for-hire vehicle without current, valid, and sufficient insurance coverage as required in this chapter;

(16) Register >>all vehicles to be placed into service and all vehicles taken out of service<< and have inspected by [[~~CSD~~]] >>RER or provide on a RER-approved form proof of inspection pursuant to Section 31-613(f)<< [[~~all vehicles to be placed into service and all vehicles taken out of service~~]];

(17) Not >>knowingly<< permit or authorize anyone to drive any for-hire 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 chapter;

(18) Not >>knowingly<< allow or permit any person to operate a for-hire 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 chauffeur to begin or continue to drive the for-hire vehicle;

(19) [[~~Not refuse or neglect to transport or to dispatch to or from any place in the county any orderly person requesting service.~~]] Every deaf or hard of hearing person, totally or partially blind person, or physically disabled person shall have the right to be accompanied by a service animal specially trained for the purpose, without being required to pay an extra charge for the service animal;

(20) A limousine for-hire license holder shall be prohibited from leasing a for-hire license to another person or entity, or requiring that a chauffeur pay any amount of compensation for the right to operate the vehicle authorized by the for-hire license;

(21) A limousine for-hire license holder shall, except as provided herein, be prohibited from entering into a written agreement with an existing for-hire limousine license holder or passenger service company as defined in Article II. Notwithstanding the foregoing, a luxury sedan limousine license holder who has been issued three (3) or less luxury sedan limousine licenses may enter into a written agreement with an existing for-hire limousine license holder or passenger service company for the

provision of the following services as stated in Section 31-602(c)(10). Under no circumstances shall an existing for-hire limousine license holder or passenger service company require a sedan limousine license holder to purchase any services or goods others than those stated in Section 31-602(c)(10);

(22) Not allow a driver to solicit or pick up passengers other than by prearrangement;

(23) Disclose to the customer if a vehicle substitution is necessary and provide the customer with an opportunity to cancel a contract based thereon;

(24) Not allow a driver to stage;

(25) [[~~A holder of a luxury limousine sedan license, or stretch limousine license, or super stretch limousine license shall provide limousine services with not more than ten (10) percent of the limousine service provided being paid for in cash~~]] >>At the end of the first calendar year after the adoption of this ordinance, each limousine license holder shall submit to the Department the following information regarding transportation activities in Miami-Dade County: average age of limousines 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<<;

(26) [[~~A holder of an ancient, antique or collectible limousine license shall provide limousine service with not more than fifty (50) percent of the limousine service provided being paid for in cash~~]] >>Reserved<<.

(l) *Responsibility for violations of chapter.* The holder of a for-hire license shall be held responsible for any applicable violation of this article arising from the operation of the for-hire vehicle authorized under the holder's for-hire

license and shall be subject to the penalties provided in this chapter for any such violation>> where the license holder knowingly permitted or allowed the violation<<. In addition, his, her, or its license shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related violations shall not relieve the for-hire license holder of responsibility under this article.

(m) As part of the annual renewal of a for-hire license, each operator shall certify on a form provided by the [[~~CSD~~]] >>RER<< the number of months during the preceding year that he, she, it operated and provided the service authorized by the for-hire license. Failure to operate for at least nine (9) months during the preceding year shall result in automatic revocation of such license. Operations within the thirty-day grace period provided in subsection (i) shall not be counted for purposes of determining compliance with the requirements of the two (2) preceding sentences.

(n) No for-hire limousine luxury sedan license shall be assigned, sold, (either outright or under a conditional sales contract) or transferred without prior County approval. Any change in the ownership structure of a corporation or partnership where at least five (5) percent of the shares of said corporation or at least five (5) percent of the partnership interest is assigned, sold or transferred to another shall be deemed a sale for the purposes of this section. The Director is authorized to approve assignments, sales, or transfers when requested by submission of an application (which discloses the information specified in and is signed and sworn to in accordance with the requirements of subsections (c) and (d) of this section) and payment of a transfer investigative and processing fee and after an investigation and determination, based on the criteria set forth in this section. An assignee, buyer, or transferee shall not begin operating the limousine luxury sedan license during the pendency of the application approval process. If the County approves an application to assign, sell, or transfer a limousine luxury sedan license, the assignor's, seller's, or transferor's limousine luxury sedan license shall be suspended until the County reissues the limousine luxury sedan licenses to the assignee, buyer, or transferee. Provided, however, that the County shall

reissue the limousine luxury sedan licenses to the assignee, buyer, or transferee at a cost not to exceed the annual, limousine luxury sedan license renewal fee. Any limousine luxury sedan license issued pursuant to Section 31-603(c)(ii)—(v) shall not be assigned, sold or transferred for a period of five (5) years from the date of issuance, except upon: (1) the sale of the luxury sedan license holder's business within the five-year period; (2) the sale of shares or the corporation or partnership as provided in this subsection; or (3) the transfer of all for-hire luxury sedan licenses by an individual to a person as defined in Section 31-601. No transfer shall be approved that results in a license holder holding or controlling more than thirty (30) percent of the total number of luxury limousine sedan licenses issued by the County. Appeals of the Director's decision shall be made pursuant to the requirements of this Chapter.

(o) It shall be unlawful to operate any vehicle as a for-hire motor vehicle without first having obtained a for-hire license and an operating permit specifically relating to said vehicle. The for-hire operating permit shall, at all times, be displayed within the vehicle and shall be available for inspection by any police officer or authorized agent of the [[~~CSD~~]] >>RER<<.

(p) *Conversion of super-stretch limousine certificates of transportation to a limousine for-hire license.* Within ninety (90) days after the date of enactment of this article, super-stretch limousine certificate of transportation license holders shall obtain a stretch or super-stretch limousine for-hire license and corresponding operating permit for each vehicle operated thereunder. Such permits shall be obtained pursuant to the provisions of this Chapter.

(q) *Rules for existing for-hire limousine licenses.* Notwithstanding any provision to the contrary, any person who converts an existing for-hire limousine license after the date of adoption of this article pursuant to Section 31-603(c)(i) and is providing luxury limousine service may lease the luxury limousine sedan license to a person who meets the requirements of Section 31-602(c) and (d), including payment of the application and investigatory fee, until such license is assigned, sold or transferred as provided in Section 31-602(n).

Sec. 31-603. Luxury limousine sedan for-hire limousine licenses.

(a) *Rules governing the distribution of luxury limousine sedan for-hire licenses.*

(i) Upon the effective date of this article, the [[~~director~~]] >>Director<< shall be authorized to issue the number of luxury limousine sedan for-hire licenses pursuant to subsections (c)(i), (ii), (iii) and (iv). In 2006, 2007 and 2008, the [[~~director~~]] >>Director<< shall be authorized to issue forty-two (42) luxury limousine sedan licenses each calendar year. The [[~~CSD director~~]] >>Director<< shall administratively issue such licenses pursuant to the provisions of this section.

(b) *Method for distribution of new luxury limousine sedan for-hire licenses.* Issuance of luxury limousine sedan for-hire licenses shall be issued by the [[~~CSD director~~]] >>Director<< in accordance with the following procedures:

(i) Random selection or lottery for new issues. A random selection or lottery process shall be conducted as determined by the [[~~director~~]] >>Director<<. The random selection or lottery process shall be conducted by an individual who shall not have responsibility for the enforcement of this chapter. All fees and applications must be received by the [[~~CSD~~]] >>RER<< no later than fifty (50) calendar days after the announcement of the lottery.

(ii) Separate lottery conducted by [[~~CSD~~]] >>RER<<. If, due to revocation, cancellation, or lapse, there are ten (10) or more luxury sedan licenses which may be issued, the [[~~CSD~~]] >>RER<< shall have authority to issue such licenses utilizing the procedures of this section. In such event, the applicable deadlines for submission of applications and for conduct of the lottery may be administratively determined by the [[~~director~~]] >>Director<<.

(iii) Conditions for participating in random selection or lottery process. All applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Each application to participate in the random selection or lottery process shall be filed in accordance with Section 31-602 of this Chapter, including payment of the investigative and processing fee provided therein. In addition to the eligibility requirements found elsewhere in this Chapter, an applicant shall not be eligible to participate in the random selection or lottery process if he/she/it has, during the three (3) years prior to application, pled nolo contendere, pled guilty or been found guilty of a total of four (4) or more violations of any one or combination of the following sections of this Chapter: Section 31-602 (a); Section 31-603 (b); and/or Section 31-607(a). The [[~~CSD~~]] >>RER<< shall disqualify applicants who do not meet the requirements of this Chapter from participation in the lottery. The [[~~director's~~]] >>Director's<< decision shall be final.

(iv) No luxury limousine sedan for-hire license shall be issued until the applicant has met the provisions of Section 31-602 within forty-five (45) days after the applicant has been notified of his or her selection. If the applicant believes he or she cannot meet the 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 [[~~CSD~~]] [[~~director~~]] >>Director<<. The [[~~CSD~~]] [[~~director~~]] >>Director<< may grant such a reasonable extension that the [[~~director~~]] >>Director<< finds is in the public interest.

(c) *Conditions for initial issuance of luxury limousine sedan licenses:*

(i) Each holder of a current and valid for-hire license to operate a limousine shall, upon application, receive one luxury limousine sedan license for each such license held. Such application shall be filed no later than forty-five (45) days after the effective date of this article. Failure to file such application within

the prescribed period shall result in forfeiture of such option.

(ii) Each lessee of a current and valid for-hire limousine license as of January 1, 1999, shall, upon application and the submission of documentation requested by [[~~CSD~~]] >>RER<<, receive one (1) luxury limousine sedan license for each for-hire limousine license leased prior to January 1, 1999. Such application shall be filed no later than forty-five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.

(iii) Each person in whose name continuous intra Miami-Dade County luxury limousine service was offered prior to January 1, 1999 shall be issued one (1) luxury limousine sedan license for each for-hire luxury limousine sedan operated if the applicant: (1) submits an application which is approved by the [[~~CSD~~]] >>RER<<; (2) pays the applicable application investigative and processing fees: (3) provides proof of continuous, intra Miami-Dade County luxury limousine sedan service, as required herein; and (4) enters into a settlement agreement with the County, which shall, among other things, include a promise that the applicant's future limousine operations will comply with the requirements of the Code and requires the payment of a five hundred dollar ($500.00) per vehicle penalty for each year that a vehicle has been operated illegally. The settlement agreement may provide for payment of such penalty over a period of years. In order to demonstrate continuous, intra Miami-Dade County luxury limousine sedan service before January 1, 1999, the applicant shall submit, in addition to any other information required by the County, the following documents: (1) annual federal tax records relating to luxury limousine services showing the payment of taxes consistent with the provision of luxury limousine services as stated in the application; (2) a list and description of all vehicles operated, vehicle identification numbers and the years of operation; (3) annual revenues per vehicle; (4) evidence of automobile liability

insurance as required by Florida Statutes for each vehicle operated; (5) the number of hours operated per year, per vehicle; (6) proof that each vehicle provided at least 240 intra Miami-Dade County trips for the 12-month calendar period prior to January 1, 1999; (7) occupational licenses for each year the applicant provided for-hire limousine service from a municipality in Miami-Dade County, Miami-Dade County, or in the absence of an occupational license from the preceding governmental entities, an occupational license from a municipality in Broward or Palm Beach Counties, or from Broward or Palm Beach Counties; (8) manifests for each trip provided by each vehicle; (9) Articles of Incorporation, if required by law; (10) fictitious name registrations, if required by law; (11) annual renewals of Articles of Incorporation and fictitious name registrations, if required by law; (12) the name, address and telephone number for all chauffeurs who drove each luxury limousine and the dates of employment; and (13) a notarized affidavit, signed under oath, that the submitted application and documents are true and genuine. The [[~~CSD~~]] >>RER<< shall disqualify applicants who do not meet the requirements of this chapter.

(iv) After totaling the number of for-hire luxury limousine sedan licenses issued pursuant to (c)(i), (ii) and (iii), twenty (20) percent of the total number of issued luxury limousine sedan licenses to be issued or 100 luxury limousine sedan licenses, whichever number is greater, shall be distributed through a random selection or lottery process to taxicab chauffeurs who as of January 1, 1999, were providing taxicab service in compliance with the requirements of Chapter 31 of the Code. The applicant shall be required to furnish such documentation as shall be required by the >>CSD<< [[~~RER~~]].

(v) If, in the future, additional luxury limousine sedan for-hire licenses are to be issued, all applicants must meet the requirements of Section 31-602 and Section 603 and, shall be distributed as follows:

(1) Two-thirds (2/3) to holders of a current and valid limousine for-hire license; and

(2) One-third (1/3) to applicants who are not holders of current and valid limousine for-hire license.

(vi) No lottery applicant may apply for more than ten (10) luxury limousine sedan licenses.

(d) *Renewals.* Additional rule for renewal of luxury limousine sedan for-hire licenses. Failure to use a for-hire license during any nine (9) month period shall be deemed abandonment and shall result in automatic revocation of the for-hire license.

(e) *Leasing the for-hire license.* A luxury limousine sedan license shall not be leased to another party.

Sec. 31-604. >>Fares and Rates.<< [[~~Establishing limousine rates.~~

~~Except as otherwise provided herein, the Commission shall establish minimum rates for luxury limousine sedan, stretch limousine, super-stretch limousines, antique limousines, ancient limousines and collectible limousines operating in Miami-Dade County. Such rates shall be established, altered, amended, revised, increased, or decreased in accordance with the following procedures:~~

~~(1) The CSD, at two-year intervals or upon request of the Commission or the County Manager, shall investigate and prepare a report concerning the existing rates for luxury sedans, ancient limousines, antique limousines, collectible limousines, stretch, and super stretch limousines. Said investigation shall specify the relative changes in the consumer price index over the preceding two-year period and shall quantify what the rates would be if the currently approved minimum limousine rates were adjusted for such change. Such investigation may also consider the financial records of the industry to determine revenues or expenses when requested by the Commission or County Manager.~~

~~(2) The CSD's report shall be forwarded to the County Manager who shall prepare a recommendation to the Board of County Commissioners.~~

~~(3) A public hearing concerning rates shall be scheduled at which time all interested parties shall have an opportunity to be heard. The Commission shall consider the CSD's report, the County Manager's recommendation, and all evidence produced at the hearing and, by resolution, shall determine and set the appropriate rates as may be in the public interest; provided, however, limousine minimum rates shall be no less than three and one-third (31/3) times the hourly rate of taxicabs.~~]]

>>Limousine license holders 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, except that the Board of County Commissioners may by resolution establish rates for trips originating from Miami International Airport, defined to include the Miami Intermodal Center, or the Port of Miami. It shall be unlawful for any limousine license holder or chauffeur to charge, demand, request or accept any fare different from the rates established pursuant to this article.<<

Sec. 31-605. Chauffeur's registration.

>>Except as provided elsewhere in this article,<< [[~~It~~]]>>it<< shall be unlawful for any person to drive a limousine over any street in Miami-Dade County without first having obtained a chauffeur's registration from the >>RER<< [[~~CSD~~]] pursuant to Chapter 31 of this Code. [[~~No later than January 1, 2002, initial limousine chauffeurs shall be required to complete an apprentice program as prescribed by the CSD.~~]] >>Such applicants shall not be required to take specified courses, and oral, written, and physical examinations otherwise required.<<

Sec. 31-606. Duties of [[~~Consumer Services~~]] Department.

(a) In addition to the duties and responsibilities specified in this article, the [[~~CSD~~]] >>RER<< shall be charged with the following duties and responsibilities:

(1) Process, investigate, and prepare all reports required by this article.

(2) Investigate and prepare reports on alleged violations of this article.

(3) Enforce the provisions of this article.

(4) Attempt to resolve complaints received from any source concerning the industry.

(5) Issue, deny, suspend, and revoke all for-hire licenses and chauffeurs' registrations pursuant to the provisions of this chapter, and maintain appropriate files regarding same.

(6) Prepare and conduct or cause to be conducted a training and orientation program for chauffeurs and a training and orientation for for-hire license holders.

(7) Develop and implement, in cooperation with the industry, service expansion and improvements.

(8) Provide technical assistance to the industry.

(9) Create and render technical assistance to a for-hire vehicle advisory group comprised of representatives from consumers, the industry, transportation-related interests, municipalities, and public interest organizations.

(10) Develop a standardized reporting technique for operators after consultation with a for-hire vehicle advisory group.

(11) Assign an exclusive number to be displayed on each for-hire vehicle operating in Miami-Dade County.

(12) Provide a system to handle complaints of municipal officials relating to for-hire service within such municipalities and expedite the solution of same.

(13) Perform any other functions assigned by the County [[~~Manager~~]] >>Mayor<<.

(14) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.

(15) Prepare and implement, in coordination and after consultation with the industry, changes, amendments, or modifications to [[~~administrative~~]] >>implementing<< orders establishing fees pursuant to this article and provide the industry with at least ten (10) days notice prior to consideration of such changes, amendments or modifications by the Board of County Commissioners.

(16) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article.

(b) The Director may propose and the County [[~~Manager~~]] >>Mayor<< may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of the law.

(c) Except for the fees established by the County [[~~Manager~~]] >>Mayor<< and approved by the Commission for for-hire vehicles providing transportation of persons and their baggage from Miami International Airport and 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 administrative order of the County Manager and approved by the Commission. >>For purposes of this section, the Miami Intermodal Center shall be considered as part of Miami International Airport.<< 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. 31-607. Operating permits.

(a) >>Except as provided elsewhere in this article,<< [[~~It~~]]>>it<< shall be unlawful for any for-hire vehicle to be operated in Miami-Dade County without first obtaining a Miami-Dade County operating permit and maintaining such permit current and valid in accordance with this chapter.

(b) >>Except as provided elsewhere in this article,<< [[~~B~~]]>>b<<efore any for-hire vehicle shall be operated, the license holder shall make separate application to [[~~CSD~~]] >>RER<< for a permit for each motor vehicle to be operated under such for-hire license. Each application shall be accompanied by a permit fee, which shall be non-refundable. Each permit application shall be in writing on a form provided by the [[~~CSD~~]] >>RER<<. The application shall state the name and license number of the for-hire license holder and shall state the make, model year of manufacture, VIN number, and state license plate number of the vehicle to be operated. Such application shall be accompanied by proof that the for-hire license holder owns the vehicle. No permit shall be issued until the applicant has presented proof of the insurance coverage required by this article and the for-hire vehicle has passed all required vehicle inspections.

(c) Permits shall be separately numbered and shall identify the vehicle to which they apply. It shall be unlawful to operate a for-hire vehicle without a current, valid operating permit displayed within such vehicle.

(d) Each operating permit may be issued for up to a one (1) year period. The term of the permit shall be concurrent with the term of the for-hire license and may be renewed upon compliance with this section.

(e) Operating permits shall not be transferred, assigned, or leased.

(f) In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body or seating facilities become so damaged, deteriorated, or unclean as to render said vehicle unfit for public use, [[~~CSD~~]] >>RER<< may suspend the permit until such time as the condition is remedied; provided, that no such suspension shall be effective until the permit holder or vehicle driver has received notice of the particular conditions to be remedied.

Sec. 31-608. Insurance requirements.

(a) No for-hire motor vehicle shall be permitted to operate without the license holder having first obtained and filed with the [[~~CSD~~]] >>RER<< a certificate of insurance on forms provided by the [[~~CSD~~]] >>RER<< for each for-hire motor vehicle showing the federal vehicle identification number, a vehicle description, and the for-hire license number, and shall list the for-hire license holder, each chauffeur the license holder allows to operate the vehicle, and the owner of the vehicle as insureds under an automobile liability insurance policy with limits of liability no less than >>those required by applicable State law.<< [[~~one hundred thousand dollars ($100,000.00) per person, and three hundred thousand dollars ($300,000.00) per occurrence for bodily injury, and fifty thousand dollars ($50,000.00) per occurrence for property damage.~~]] Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all drivers [[~~who have a Miami-Dade County chauffeur's registration,~~]] regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage. >>In addition to the requirements contained elsewhere in this section, all limousine license holders shall provide supplemental insurance for each chauffeur or certified driver as follows: the insurance limits that apply to a limousine 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.<< Failure to provide current certificates of insurance >>showing compliance with all insurance requirements in this section<< or to maintain appropriate insurance coverage for each for-hire vehicle shall be grounds for revocation of the for-hire license.

(b) Scope of Insurance. The insurance required in this section shall be issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in this insurance policy or declaration shall permit binders, deductibles, self insurance, or any provision requiring the insured to reimburse the insurance company for claims.

(c) Each automobile liability insurance policy shall be endorsed to provide for thirty (30) days' notice by registered mail to the [[~~CSD~~]] >>RER<< or any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.

(d) Unless an operator furnishes the [[~~CSD~~]] >>RER<< with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in subsection (c) of this section, or upon a third notice of cancellation within twelve (12) months, the for-hire license shall be suspended forthwith by the Director and surrendered to the [[~~CSD~~]] >>RER<< pending a hearing to determine whether said for-hire license should be revoked. This automatic suspension requirement will not pertain to a for-hire motor vehicle when its insurer withdraws from Florida and cancels its policies, or when the policy is canceled through no fault of the operator.

(e) Examination of Insurance Policy. The [[~~CSD~~]] >>RER<< 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.

Sec. 31-609. Vehicle standards.

(a) In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, part 571, and Florida Statutes, the following vehicle standards shall apply to all for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:

(1) Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed; there shall be no audible air leaks in air brake system.

(2) License, permit or inspection decals, as applicable, shall be correctly displayed and be clearly visible from the outside of the vehicle;

(a) Chauffeur registration, operating permit number, rate card, passenger advisory, and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the [[~~CSD~~]] >>RER<<.

(b) Exterior vehicle signage and markings shall be as required by the [[~~CSD~~]] >>RER<<.

(3) Inside rear-view mirror and a mirror on each side of vehicle.

(4) A functioning speedometer and odometer indicating speed in miles per hour and a functioning odometer indicating distance in miles.

(5) Functioning windows, door handles, and latches. The primary and secondary hood/trunk/rear access door latches shall be fully operable.

(6) A functioning interior light within the passenger compartment. If the light becomes defective, the operator must correct the defect on the very next day or remove the vehicle from service at that time.

(7) An operating air-conditioning system that provides cooled and heated air. If the air-conditioning system becomes inoperable, the vehicle must be removed from service until such system is repaired. Maximum output temperature will be based on a sliding scale chart which takes outside air temperature and relative humidity into account. Output temperature will be taken at center duct with controls set for maximum cooling.

(8) The vehicle exterior must be free of grime, oil, or other substances and free from cracks, breaks, dents and damaged paint that detracts from the overall appearance of the vehicle and that could harm, injure, soil, or impair the passenger or his or her personal belongings.

(9) Equipped with hubcaps or wheel covers, on all four (4) wheels. If not on the vehicle, the operator must put them on the vehicle the next day.

(10) Bumpers/mouldings/guards shall be installed/ replaced as originally manufactured except for moldings on side panel doors.

(11) The interior of the trunk, or rear portion of for-hire vehicles, shall be free from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein.

(12) The passenger compartment must be clean, free from torn upholstery or floor coverings, damaged or broken seats, and protruding sharp edges. All equipment in the interior of the vehicle shall be safely and adequately secured. There shall be no holes opening to the passenger compartment from the underbody.

(13) A horn which shall be audible.

(14) The driver's vision must be unobstructed on all four (4) sides.

(15) Safe tires no recaps shall be used. Maximum allowable treadwear shall be where tread is level with wear bar, or 2/32 inches when measured at three random places in tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges or exposed belts.

(16) Front-end and rear-end alignment shall be within allowable parameters as provided by test equipment readings for alignment.

(17) Wiper blades must be able to clean glass when wet and the rubber element shall not be torn, ripped, or loose.

(18) All lights shall be operable including four-way flasher, turn and signal, clearance, warning, marker, brakes, taillight, license plate, backup, and parking light. All lights must be of correct color and properly positioned as required by Florida Statutes and regulations. All dome lights must be operable with lens in place.

(19) Reflectors and lenses shall not be cracked or missing and must be of correct color and properly positioned.

(20) Both low and high beam headlights shall be operable, and within test equipment allowable readings.

(21) Glass shall not be broken or cracked and chips must be capable of being ground out, leaving a smooth, clear finish.

(22) Doors shall be operable with all weather stripping and rubber seals.

(23) Vehicle steering and suspension shall be functional.

(24) Seat belts for all persons transported shall be in place and functional, unless otherwise exempted by regulation.

(25) Limousines shall not display the word(s) "taxicab," "taxi," or "cab" on the vehicle exterior or interior and shall not be equipped with a taximeter.

(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as follows; provided however, that the [[~~CSD~~]] >>RER<< may inspect a for-hire vehicle at any time:

(1) [[~~Luxury limousine sedans.~~]]No luxury limousine sedan>>, stretch limousine, or super-stretch limousine in service shall be older than ten (10)<< [[~~initially placed into service shall be older than two (2)~~]] model years of age. [[~~No luxury limousine sedan that exceeds five (5) model years of age shall be inspected or operated.~~]]

[[~~(2) Stretch limousines. No stretch limousine initially placed into service shall be older than two (2) model years of age. No stretch limousine that exceeds five (5) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes Benz that has been stretched a minimum of forty-two (42) inches may be operated beyond five (5) model years as long as the vehicle meets the inspection requirements of the Code.~~

~~(3) Super-stretch limousines. No super-stretch limousine initially placed into service shall be older than two (2) model years of age. No super-stretch limousine that exceeds seven (7) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of one hundred twenty (120) inches may be operated beyond seven (7) model years as long as the vehicle meets the inspection requirements of the Code.~~

~~(4) The limousine vehicle age requirements will be effective one year after adoption of this article. Notwithstanding the vehicle age limits required by Section 31-609(b)(1), (2) and (3) of the Code, no luxury limousine sedan, stretch limousine or super-stretch limousine initially placed into service during 2011 or 2012 shall be older than three (3) model years of age.~~]]

([[~~5~~]]>>2<<) Ancient, antique, or collectible limousines are exempt from the vehicle age requirements of this article.

([[~~6~~]]>>3<<) Limousines shall >>be inspected annually.<< [[~~minimally meet the following inspection schedule:~~

~~(i) Limousines one (1) through two (2) model years of age shall be inspected annually;~~

~~(ii) Limousines three (3) through four (4) model years of age shall be inspected semi-annually;~~

~~(iii) Limousines five (5) model years of age or more shall be inspected quarterly; provided, however, that ancient or antique limousines shall be inspected semi-annually.~~]]

(c) Inspection fees. The [[~~CSD~~]] >>RER<< shall charge non-refundable fees for inspection and re-inspection of any for-hire vehicle for compliance with the vehicle standards and requirements of this subsection. Inspection results shall be recorded and a copy provided. Any vehicle failing to meet any required vehicle safety standard shall not be operated until it passes a re-inspection.

(d) Display of information identifying vehicle number and company. The operating permit number, fares, or rates, for-hire license holder's name, and business telephone number shall be permanently displayed in the interior of the vehicle in accordance with instructions issued by the [[~~CSD~~]] >>RER<<.

(e) Telecommunication devices. Limousines shall be equipped with a two-way radio or cellular telephone.

[[~~(f) Vehicles operated pursuant to a luxury limousine sedan license shall be either entirely silver, black, navy or white.~~]]

Sec. 31-610. Enforcement of article.

(a) This article shall be enforced by authorized personnel of the [[~~CSD~~]] >>RER<<, the police forces of the various municipalities in Miami-Dade County, and by the Miami-Dade Police Department. When specifically authorized by the Director, this article may be enforced by personnel of the Seaport and Aviation Department when violations occur within their respective boundaries. The [[~~CSD~~]] >>RER<< 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 [[~~CSD~~]] >>RER<< may employ a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. Unless otherwise provided, 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 said report or citation. Notice given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whenever a corporation, partnership, or association violates any of the provisions of this article, such violation shall be deemed also to be that of the individual officers, directors, partners, or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for an individual.

(e) 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. 31-611. Suspension and revocation proceedings.

(a) *Grounds for suspension or revocation.* In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, for-hire licenses, operating permits, and chauffeur registrations shall be subject to suspension or revocation by the Director as follows:

(1) Upon the Director's determination that:

(i) The license, registration, or permit 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 the license, registration, or permit as provided in this chapter;

(ii) The license, registration, or permit was obtained by an application in which any material fact was omitted or falsely stated;

(iii) The license, registration, or permit holder has failed to comply with or has violated any of the provisions of this chapter;

(iv) The public interest will best be served by revocation, or suspension of the license, registration, or permit; provided, however, that good cause be shown;

(v) The chauffeur has failed any drug test required by the Code or state or federal law; or

(vi) Any for-hire limousine has been operated in violation of any of the provisions of this chapter.

(b) *Notice of suspension or revocation action.* Except where this chapter provides for automatic suspension or revocation, the [[~~CSD~~]] >>RER<< 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~~]] >>Director's<< decision.

(c) *Appeals from decisions of Director and administrative hearings.*

(1) Right to appeal. Any for-hire license holder and for-hire chauffeur 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 a [[~~director's~~]] >>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 [[~~CSD~~]] >>RER<<. 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 [[~~CSD~~]] >>RER<<.

(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 Board of County Commissioners 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~~]] >>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 following rights: 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 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 Section 31-611(c)(6). If the decision of the hearing officer is to affirm, then the following shall be included in the decision:

(a) Decision of the Director.

(b) Administrative costs of the hearing.

(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 County 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 Section 31-611(c)(6), all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the [[~~director's~~]] >>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 this Code. The words "action" and "decision" as used herein shall not include the filing of any action by the [[~~director~~]] >>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. 31-612. Violations; penalties.

(a) In addition to any other penalties provided by law, including, but not limited, to those provided in this article, a violation of any applicable provision of this article by a for-hire license holder >>driver certified by a for-hire license holder as provided elsewhere in this article<< or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in Section 8CC-10 of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic

suspension of such person's for-hire license, operating permit, >>driver certification as provided elsewhere in this article, vehicle certification as provided elsewhere in this article,<< and chauffeur registration, and all for-hire operations shall cease until such fine is paid in full. If a person commits five (5) violations of the same section of this chapter during any twelve (12) month period, such person's for-hire license, operating permit, >>driver certification, vehicle certification<< or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve (12) month period, such person's for-hire license, operating permit, >>driver certification, vehicle certification<< or chauffeur's registration [[~~may~~]] >>shall<< be suspended for a period of [[~~up to~~]] >>no less than<< six (6) months or revoked. >>Notwithstanding any provision to the contrary: (i) if a person commits one (1) violation of Section 31-602(k)(19), 31-303(i)(4) or 31-304(10), such person's chauffeur's registration or driver certification shall automatically be suspended for a period of thirty (30) days; (ii) if a person commits a second violation of Section 31-602(k)(19), 31-303(i)(4) or 31-304(10) or any combination thereof, such person's chauffeur's registration or driver certification shall automatically be suspended for a period of sixty (60) days; and (iii) if a person commits a third violation of Section 31-602(k)(19), 31-303(i)(4) or 31-304(10) or any combination thereof, such person's chauffeur's registration or driver certification shall automatically be suspended for a period of five (5) years. Notwithstanding any provision to the contrary, if a person commits two (2) violations of Section 31-303(i)(23), such person's chauffeur's registration or driver certification shall be suspended for a period of no less than six (6) months or revoked.<<

(b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. Citations shall be issued under Chapter 8CC of the Code.

(c) Any person who is found guilty on at least two (2) prior occasions within a three (3) year period of advertising or providing for-hire transportation, driving, or operating a for-hire vehicle without having a valid, current for-hire license, operating permit, >>vehicle certification, driver

certification<< or chauffeur's registration as required by this chapter, shall be punishable by fines of greater than five thousand dollars ($5,000.00) but less than ten thousand dollars ($10,000) and/or imprisonment not to exceed forty-five (45) days.

(d) Except for civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court, and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through the normal procedure.

(e) Anyone who engages a for-hire vehicle with intent to defraud the chauffeur >>, certified driver<< or operator shall be in violation of this article and subject to a fine of five hundred dollars ($500[[,]] >>.<<00) and/or imprisonment not to exceed ten (10) days.

(f) Any person who is found guilty of signing an application for issuance, renewal, modification, assignment, sale, or transfer of a for-hire license, chauffeur registration, >>vehicle certification, driver certification<< or operating permit which falsely states any material fact shall be punished by a fine of one thousand dollars ($1,000.00) and/or imprisonment in the County Jail for thirty (30) days.

>>(g) A for-hire license holder who suspends or revokes a driver certification pursuant to this section shall notify the Department utilizing a form provided by the Department. The Department shall notify each for-hire license holder upon receipt of the above-referenced form.<<

Sec. 31-613. Special provisions.

(a) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of for-hire motor vehicle transportation services in Miami-Dade County. Notwithstanding the provisions of any municipal ordinance, resolution, or agreement to the contrary, from and after the effective date of this article, no municipality shall authorize, establish, change, alter, amend, or otherwise regulate for-hire transportation 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. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.

(b) Notwithstanding anything to the contrary in this article, a stretch limousine license holder that has, as of October 1, 2003, been issued a current and valid permit to operate a vehicle that has been categorized by the automobile industry as a sports utility vehicle may continue to operate a sports utility vehicle pursuant to the for-hire license until October 1, 2006 provided that: 1) the stretch limousine license is maintained current and valid; 2) all permits issued pursuant to the for-hire license to operate a sports utility vehicle are continuously operated and maintained current and valid; 3) all sports utility vehicles operated pursuant to the for-hire license meet and comply with all other requirements for a luxury sedan, including, but not limited to, the vehicle standards, vehicle age requirements, inspection frequency and minimum rates for a luxury sedan; and 4) the permit is operated in compliance with the preceding provisions and all requirements of Chapter 31 of the Code. Any change in ownership of the license holder or failure to comply with applicable requirements shall result in automatic revocation of the permit and removal of the sports utility vehicle from service under the stretch for-hire limousine license. A for-hire license holder operating a sports utility vehicle pursuant to this subsection (b) shall not at any time operate any more sports utility vehicles than the number authorized as of October 1, 2003.

(c) *Temporary limousine licenses.* Notwithstanding any other provision of this chapter, the County >>Mayor<< [[~~Manager~~]] may prescribe rules and regulations for the approval and issuance of temporary limousine licenses for Super Bowls, summits, political conventions and other major special events of national or international significance, such as nationally televised awards shows, where the event's organizers can demonstrate that the existing supply of limousines is not adequate to meet the needs of the event.

(d) Notwithstanding the vehicle age limits required by Section 31-609(b) of the Code, any properly permitted and inspected luxury limousine sedan, stretch limousine, or super-stretch limousine scheduled for retirement on December 31, 2012, shall be allowed to be operated for an additional one-year period.

>>(e) Driver Certification. In lieu of obtaining a chauffeur's registration pursuant to Article VI of this Chapter, a limousine license holder shall have the option to authorize a person to operate a limousine upon the streets of Miami-Dade County only upon certification by the limousine license holder that the individual has met the requirements of this Chapter, with the exception of specified courses, and oral, written, and physical examinations otherwise required and after the limousine license holder has conducted or caused to be conducted a local, state, and national criminal background check through a Department-approved agency. The background check shall include a social security trace, a review of all criminal records in all Florida counties in which the background check conducted in accordance with this Chapter reveals that the individual has ever committed a crime, as well as a review of all criminal records in any county where the individual has resided in the last seven (7) years. Any search conducted pursuant to this section shall include a review of federal court records through the Public Access to Court Electronic Records ("PACER") system, NATCRIM or similar multistate and multijurisdictional criminal databases, state and national sex offender databases, and driving history research report.

(1) In order to be authorized as a certified driver, an individual shall submit an application to the limousine license holder that includes, at minimum, information regarding his or her address, age, driver's license and driving history.

(2) In addition to screening a prospective driver in accordance with the criteria set forth in Article V, a limousine license holder may not authorize an individual to operate if the background check required under this section reveals that the individual has been convicted, within the last three (3) years, of more than three (3) moving violations or driving on a suspended, revoked, or invalid license.

(3) Prior to authorizing any individual to operate pursuant to this provision, a limousine license holder shall issue to that individual a credential, which provides the name of the certified driver, the date the credential was issued, the date that the credential will expire and a photograph of the certified driver.

(4) A driver certification credential issued pursuant to this section shall be valid for no more than one (1) year.

(5) At all times when operating a limousine, a certified driver shall display in such vehicle the driver certification credential issued by the limousine license holder and make this credential available for inspection by RER or any code enforcement officer at all times while operating a limousine.

(6) Upon receipt of information that an individual no longer meets the requirements of this Chapter, the limousine license holder shall immediately revoke the credential issued to the driver and notify the individual that he or she is no longer authorized to operate a limousine.

(7) It shall be unlawful for a limousine license holder 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 section.

(8) A limousine license holder 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.

(9) A certified driver shall comply with all requirements applicable to chauffeurs and shall be subject to all of the penalties provided for in this article and in Section 8CC-10.

(10) A limousine license holder that certifies its drivers pursuant to this section shall notify RER promptly if it begins using a multistate or multijurisdictional database that is different than the database it utilized when it obtained a license. If RER determines that the new database does not comply with this article the for-hire limousine license holder 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 RER's approval to use a new database.

(f) Vehicle Certification. In lieu of obtaining a vehicle inspection decal issued by RER after passing the required vehicle inspection at RER's inspection facility, a limousine license holder shall have the option to certify that such vehicles comply with the requirements of this article. Before any vehicle may be operated under the authority of such limousine license and issued a vehicle operating permit by RER, the limousine license holder shall ensure that each such vehicle has a safety inspection conducted by an American Advanced Technicians Institute ("AATI") or National Institute for Automotive Service Excellence ("ASE") certified master mechanic or automobile technician at a licensed or state-registered auto repair shop and that proof of inspection for each such vehicle, in the form required by RER, has been submitted to the limousine license holder and is available for inspection with the limousine license holder and in the vehicle.

(1) The limousine license holder or passenger service company shall maintain records of all vehicle inspections for at least three years and provide proof of such inspections upon request by RER or any code enforcement officer.

(2) Upon request by RER or any other person authorized by the Director, a chauffeur or certified driver shall provide documentation demonstrating that the limousine has been inspected pursuant to Section 31-609.

(3) It shall be unlawful for a limousine license holder to permit or to allow a vehicle to operate on the streets of Miami-Dade County which has not been certified in accordance with the provisions of this article.

(4) Any mechanic or technician who provides false information on an inspection form required pursuant to this section shall not be allowed to certify additional limousines, taxicabs, or other for-hire vehicles to be operated in Miami-Dade County. A limousine license holder, where applicable, that fails or does not follow the requirements of this section is subject to revocation or suspension of its license pursuant to Section 31-611. RER shall periodically distribute its list of prohibited mechanics to all passenger service companies and limousine license holders. Any inspection conducted by a prohibited mechanic shall be deemed invalid.

(g) If a limousine license holder elects to self-certify vehicles or drivers, the limousine license holder shall notify RER in writing prior to certifying vehicles or drivers.

(h) Notwithstanding anything to the contrary in Article V, Section 31-307, a chauffeur shall not be required to pick up passengers through a person located at the limousine license holder's place of business.<<

Sec. 31-614. Seizure, impoundment and forfeiture.

(a) *Seizure.* Police officers or such other employees as may be designated by the County [[~~Manager~~]] >>Mayor or Director<< are authorized to seize and impound any for-hire motor vehicle which such officer or employee has probable cause to believe is being operated in violation of Section 31-602(a) or 31-607(a) of Article VI of Chapter 31 of the Miami-Dade County Code. A vehicle seized in

accordance with this subsection shall be removed to a designated secured facility.

(b) *Notice of Seizure.*

(1) Within twenty-four (24) hours of a seizure, as described in Section 31-614(a), a police officer or other designated county employee shall make a diligent search and inquiry as to the owner's name and address and make a good faith effort to give a notice of seizure in writing to said vehicle owner of the fact of such seizure, the grounds for seizure, identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken. A copy of said notice of seizure shall also be given to the proprietor of such secured facility.

(2) Whenever an officer or designated employee seizes a vehicle under this section, and does not know, and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, then and in that event the officer or designated employee shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Commissioner of the Miami-Dade Police Department.

(c) *Vehicle impoundment hearing.* Whenever the owner of record of a vehicle seized pursuant to this section makes a request of the [[~~CSD~~]] >>RER<< in person and in writing for a vehicle impoundment hearing within ten (10) days of seizure exclusive of Saturdays, Sundays and legal holidays, a magistrate, as provided in Section 318.32, Florida Statutes, a county court judge or a hearing examiner, who shall not have responsibility for the enforcement of this article and who shall be designated by the [[~~CSD~~]] >>RER<< Director, shall conduct the hearing within twenty-four (24) hours or as soon as practicable, excluding Saturdays, Sundays and legal holidays.

All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence shall not apply. If, after the hearing, the magistrate, county court judge or hearing examiner determines that there is no probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (a), the magistrate, county court judge or hearing examiner shall order the immediate return of the vehicle. If, after the hearing, the magistrate, county court judge or hearing examiner determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (a), the magistrate, county court judge or hearing examiner shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle (1) posts with the court or [[~~CSD~~]] >>RER<< a cash bond in the amount of the maximum fine(s), plus any applicable towing and storage fees, or (2) pleads guilty or nolo contendere and pays in full any towing and storage fees plus the fine(s). Notwithstanding the foregoing, if, after the hearing, it is determined that there is probable cause to believe that the vehicle is subject to forfeiture proceedings pursuant to Section 31-614(g), said vehicle shall not be released.

(d) *Hearing regarding Code violation charged in field enforcement report and/or complaint/arrest affidavit.* Within ten (10) days after a vehicle is seized and impounded pursuant to this section or as soon as practicable, the [[~~CSD~~]] >>RER<< and/or the Clerk's Office shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted regarding the Code violations charged in the field enforcement report, the complaint/arrest affidavit or other charging instrument. The hearing shall be conducted within thirty (30) days after the vehicle was seized or as soon as practicable. The hearing shall be conducted by a magistrate, county court judge or hearing examiner. All interested persons shall be given a reasonable opportunity to be heard at the hearing.

(e) *Decisions at hearing.*

(1) If the magistrate, county court judge or hearing examiner dismisses the Code violation(s) charged in the field enforcement report, complaint/arrest affidavit or other charging document and/or finds the person charged not guilty, the magistrate, county court judge or hearing examiner shall issue an order for release of the seized vehicle without removal and storage fees.

(2) If the magistrate, county court judge or hearing examiner finds a violation of the Code, the magistrate, county court judge or hearing examiner shall assess a fine and/or jail sentence as provided in Section 31-612 of the Code, and removal and storage fees. The fine(s), if any, and removal and storage fees must be paid in order to obtain an order for release of the seized vehicle. A magistrate, county court judge or hearing examiner shall not issue an order releasing the vehicle where said vehicle is subject to forfeiture proceedings pursuant to Section 31-614(g).

(3) If the owner does not obtain the vehicle by the date specified in the order of release, the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.

(4) A vehicle shall not be released from storage prior to the scheduled hearing specified in this subsection if the vehicle is subject to forfeiture pursuant to Section 31-614(g) of the Code.

(5) Default hearing. If the owner of the seized vehicle fails to appear for the hearing specified in Section 31-614(d), a default hearing will be held. A magistrate, county court judge or hearing examiner shall make a determination pursuant to paragraph (1) or (2) of this subsection (e). The [[~~CSD~~]] >>RER<< will inform the respondent of the default determination by certified mail, return receipt requested. The information mailed to the owner shall include the provision of Section 31-614 herein

concerning abandoned vehicles. The respondent may comply with the default determination within seven calendar days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a hearing de novo on the original complaint/arrest affidavit, field enforcement report or other charging document. Such hearing shall be scheduled within ten (10) working days of the order vacating the default determination or as soon as practicable.

(f) *Appeals.* If a violation of Section 31-602(a) or 31-607(a) of the Code is found, the assessed fine(s) together with removal and storage must be paid in order to appeal. However, if the vehicle is the subject of a forfeiture proceeding pursuant to Section 31-614(g) of the Code, only the fine, if any, must be paid in order to appeal. If upon appeal the decision is reversed in whole or part, the appellant shall receive a refund of the relevant fine(s) and fees.

(g) *Forfeiture.*

(1) Forfeiture. In addition to the penalties set forth in Sections 31-611 and 31-612 of the Code, any for-hire motor vehicle used to commit three (3) or more violations of Section 31-602(a) or 31-607(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this article shall be subject to forfeiture upon notice and judicial determination.

(2) Determination by the [[~~CSD~~]] Director. The Director [[~~of the CSD~~]] shall determine whether to pursue the remedy of forfeiture. Miami-Dade County shall not use the seized vehicle for any purpose until the rights to, interest in, and title to the seized property are perfected in accordance with this section. This section does not prohibit use or operation necessary for reasonable maintenance of seized vehicles. Reasonable efforts shall be made to maintain seized vehicles in such a manner as to minimize loss of value.

(3) Vehicles subject to forfeiture may be seized provided that the owner is notified at the time of the seizure or by certified mail, return receipt requested, that there is a right to an adversarial preliminary hearing after the seizure to determine whether probable cause exists to believe that such vehicle has been used to commit three (3) or more violations of Section 31-602(a) or 31-607(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this article. The [[~~CSD~~]] >>RER<< or other authorized law enforcement agencies shall make a diligent effort to notify the owner of the seizure. Notice provided by certified mail must be mailed within five (5) working days of the seizure and shall state that the owner may request an adversarial preliminary hearing within fifteen (15) days of receiving such notice. When a post-seizure adversarial preliminary hearing as provided herein is requested, it shall be held within ten (10) days after the request or as soon as practicable. If the court determines that the required probable cause exists, the court shall order the property restrained by the least restrictive means to protect against disposal waste, or continued illegal use pending disposition of the forfeiture proceeding. If the court orders the release of the vehicle, all fines, if any, and towing and storage fees shall be paid prior to release.

(4) Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this section; however, such action may be maintained if forfeiture proceedings are not initiated within forty-five (45) days after the date of seizure. However, if good cause is shown, the court may extend the aforementioned period to sixty (60) days.

(5) The court shall order the forfeiture of any other property of a claimant of a vehicle, excluding lienholders, up to the value of the vehicle subject to forfeiture under this section if the vehicle:

(a) Cannot be located;

(b) Has been transferred to, sold to, or deposited with a third party;

(c) Has been placed beyond the jurisdiction of the court;

(d) Has been substantially diminished in value by any act or omission of the person in possession of the property; or

(e) Has been commingled with any property which cannot be divided without difficulty.

(6) Exceptions.

(a) No vehicle shall be forfeited under the provisions of this section if the owner of such vehicle establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such vehicle was being used or was likely to be used in violation of Section 31-602(a) or 31-607(a) of the Code.

(b) No bona fide lienholder's interest shall be forfeited under the provisions of this section if such lienholder establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in violation of Section 31-602(a) or 31-607(a) of the Code, that such use was without his or her expressed or implied consent, and that the lien had been perfected in the manner prescribed by law prior to such seizure.

(c) No vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles shall be forfeited under the provision of this section if the company establishes by a preponderance of the

evidence that it neither knew, nor should have known, that the vehicle was being used or was likely to be used in violation of Section 31-602(a) or 31-607(a) of the Code. When a vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles is seized under this section, upon learning the address or phone number of said company, the [[~~CSD~~]] >>RER<< shall, as soon as practicable, inform said company that the vehicle has been seized.

(d) Any interest in, title to, or right to a vehicle titled or registered jointly by the use of the conjunctives "and," "and/or," or "or" held by a co-owner shall not be forfeited if the co-owner establishes by a preponderance of the evidence that such co-owner neither knew, nor had reason to know, after reasonable inquiry, that such property was used or was likely to be used in violation of Section 31-602(a) or 31-607(a) of the Code. When the interests of each culpable co-owner are forfeited, any remaining co-owners shall be afforded the opportunity to purchase the forfeited interest in, title to, or right to the property from Miami-Dade County. If any remaining co-owner does not purchase such interest, Miami-Dade County may hold the property in co-ownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(7) Forfeiture proceedings.

(a) It is the policy of Miami-Dade County that the provisions of this section are adopted to deter and prevent the continued use of for-hire motor vehicles to violate Section 31-602(a) or 31-607(a) of the Code while protecting proprietary interests of innocent owners and lienholders and to authorize the

use of the proceeds collected under this section as supplemental funding for enforcement purposes.

(b) The Florida Rules of Civil Procedure shall govern forfeiture proceedings under this section unless otherwise specified herein.

(c) Any trial on the ultimate issue of forfeiture shall be decided by a jury, unless such right is waived by the claimant of the vehicle through a written waiver or on the record before the court conducting the forfeiture proceeding.

(d) Miami-Dade County shall promptly proceed against the vehicle by filing a complaint in the circuit court.

(e) (i) The complaint shall be styled, "in RE FORFEITURE OF." (followed by the name or description of the vehicle). The complaint shall contain a brief jurisdictional statement, a description of the subject matter of the proceeding, and a statement of the facts sufficient to state a cause of action that would support a final judgment of forfeiture. The complaint must be accompanied by a verified supporting affidavit.

(ii) If no person entitled to notice requests an adversarial preliminary hearing, as provided in Section 31-614(g)(3), the court, upon receipt of the complaint, shall review the complaint and the verified supporting affidavit to determine whether there was probable cause for the seizure. Upon a finding of probable cause, the court shall enter a probable cause order.

(iii) The court shall require any claimant of a vehicle who desires to contest the forfeiture to file and serve upon the attorney representing Miami-Dade County any responsive pleadings and affirmative defenses within twenty (20) days after receipt of the complaint and probable cause finding.

(f) (i) Miami-Dade County shall serve notice of the forfeiture complaint by certified mail, return receipt requested, to each person having a security interest in the vehicle. Miami-Dade County shall also publish notice of the forfeiture complaint twice each week for two (2) consecutive weeks in a newspaper of general circulation in Miami-Dade County.

(ii) The notice shall, in addition to stating that which is required by Section 31-614(g)(3) describe the property, state the county, place, and date of seizure; state the governmental entity holding the seized property, and state the name of the court in which the complaint will be filed.

(iii) Miami-Dade County shall be obligated to make a diligent search and inquiry as to the owner of the vehicle, and if, after such diligent search and inquiry, Miami-Dade County is unable to ascertain any person entitled to notice, the actual notice requirements by mail shall not be applicable.

(g) When the claimant of the vehicle and Miami-Dade County agree to settle the forfeiture action prior to the conclusion of the forfeiture proceeding, the settlement agreement shall be reviewed, unless such review is waived by the claimant of the vehicle in writing, by the court or a mediator or arbitrator agreed upon by the claimant and Miami-Dade County.

(h) Upon clear and convincing evidence that the seized vehicle was used to commit a third or subsequent violation of Section 31-602(a) or 31-607(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this article, the court shall order the seized property forfeited to Miami-Dade County. As used in this subsection, a "violation" occurs when a person or entity pleads guilty or nolo contendere or is convicted or found guilty (regardless of whether adjudication is withheld) of violating Section 31-602(a) or 31-607(a) of the Code using the vehicle subject to forfeiture. The final order of forfeiture by the court shall perfect in Miami-Dade County right, title, and interest in and to such property, subject only to the rights and interests of bona fide lienholders, and shall relate back to the date of seizure.

(i) (i) The seized property shall be released immediately to the person entitled to possession of the property as determined by the court when the claimant prevails at the conclusion of the forfeiture proceeding, and Miami-Dade County decides not to appeal.

(ii) When the claimant of the vehicle prevails at the conclusion of the forfeiture proceeding, any decision to appeal must be made by the >>RER<< [[~~CSD~~]] Director. If the claimant prevails on appeal, Miami-Dade County shall immediately release the seized property to the person entitled to possession of the property as determined by the court.

(j) Disposition of forfeited property where no lien. When Miami-Dade County obtains a final judgment granting forfeiture of a vehicle, it may elect to:

(i) Retain the property for the County's use;

(ii) Sell the property at public auction or by sealed bid to the highest bidder; or

(iii) Salvage, trade, or transfer the vehicle to any public or nonprofit organization.

(k) Disposition of forfeited property where lien. If the forfeited vehicle is subject to a lien preserved by the court as provided in Section 31-614(g)(6)(b) Miami-Dade County shall:

(i) Sell the property with the proceeds being used towards satisfaction of any liens; or

(ii) Have the lien satisfied prior to taking any action authorized by Section 31-614(g)(7)(j).

(l) Priority of disbursement. The proceeds from the sale of a forfeited vehicle shall be disbursed in the following priority:

(i) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.

(ii) Payment of the costs incurred by Miami-Dade County in connection with the storage, maintenance, security, and forfeiture of such property.

(iii) Payment of court costs incurred in the forfeiture proceeding.

(iv) The remaining proceeds shall be deposited in an Enforcement Trust Fund hereby established by the Board of County Commissioners. Such proceeds and interest earned therefrom shall be used for enforcement of the provisions of Chapter 31 of the Code.

(h) *Abandoned vehicles.*

(1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this subsection (h), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by a circuit court judge after a duly noticed hearing without further hearing.

(2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:

(a) Has not removed the vehicle from storage within ten (10) days of obtaining an order of release pursuant to Section 31-614(c), (e) or (g)(7)(j) herein;

(b) Has not paid the fines, if any, and towing and storage fees within ten (10) days of a hearing determination of violation pursuant to Section 31-614(e)(2) herein, or within ten (10) days after notice of a default determination of violation was mailed to the owner pursuant to Section 31-614(e)(5) herein;

(c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial or a motion to vacate a default determination pursuant to Section 31-614(e)(5);

(d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the [[~~CSD~~]] >>RER<< to the owner that the County will not pursue the remedy of forfeiture pursuant to Section 31-614 herein.

(3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (h), the [[~~CSD~~]] >>RER<< shall mail to the owner a notice that the vehicle has been recovered by [[~~CSD~~]] >>RER<< as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Miami-Dade County and it will be

sold at public auction or by bid after ten days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.

(4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (h) was mailed, by paying the towing and storage fees due and any fine(s).

(5) In the event that an abandoned vehicle is not claimed within ten (10) working days after the notice described in paragraph (3) of this subsection (h) was mailed, ownership of the abandoned vehicle shall vest in [[~~CSD~~]] >>RER<< after a duly noticed hearing and declaration of abandonment by a circuit court judge. The [[~~CSD~~]] >>RER<< may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

Sec. 31-615. Advertisement of for-hire services.

(a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated, displayed, distributed, or marketed within Miami-Dade County, Florida, which advertisement identifies for-hire transportation regulated by this article, unless the advertisement includes the for-hire license number of the limousine company.

(b) For the purposes of this section, an advertisement shall be defined to include any announcement, listing, display, entry, or other statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading where the heading describes or encompasses any for-hire transportation regulated under this article.

(c) No person shall advertise a rate or fare [[~~other than~~]] >>inconsistent with<< the rate or fare approved pursuant to Section 31-604.

(d) No person shall advertise limousine service in a manner that is false, deceptive or misleading including, but not limited to, representing the limousine service as taxicab service or as demand response service.

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

* * *

Code Section	Description of Violation	Civil Penalty
31-602(a)	Advertising or permitting operations without a valid, current for-hire license	$1,000.00
31-602(b)	Failure to comply with out-of-county origin exceptions, >>First offense	$1,000.00<<
	[[~~First offense~~	~~$1,000.00~~]]
>>31-602(b)	Failure to comply with out-of-county origin exceptions, subsequent offenses	$2,000.00<<
31-602(j)	Failure to comply with notice requirement	$500.00
31-602(k)(3)	Providing compensation for the right to pick up passengers from or provide for-hire service to any business establishment or public facility	$500.00

31-602(k)(4)	Prohibition against accepting compensation for right to pick up passengers	$500.00
31-602(k)(5)	Failure to maintain records at license holder's place of business	$100.00
31-602(k)(10)	Failure to report change of address	$100.00
31-602(k)(13)	Permitting or authorizing any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit displayed	$500.00
31-602(k)(14)	>>Operating, or<< [[A]]>>a<<llowing any person to operate>>,<< without a chauffeur registration>> or credential<<	$1,000.00
31-602(k)(15)	Allowing or permitting any person to operate a for-hire vehicle without current, valid and sufficient coverage	$500.00
31-602(k)(16)	Failure to register and inspect>>, or cause to be inspected,<< all vehicles placed in and taken out of service	$200.00
31-602(k)(17)	Permitting or authorizing operation of a vehicle which does not meet applicable vehicle standards	$100.00

31-602(k)(18)	>>Knowingly<< [[A]]>>a<<llowing any person to operate a for-hire vehicle whose alertness is impaired	$250.00
31-602(k)(19)	Refusal or neglect to transport >>service animal , first violation<<	[[~~$100.00~~]] >>$500.00<<
>>31-602 (k)(19)	Refusal or neglect to transport service animal, subsequent violation	$1,000.00<<
31-604	Failure to comply with minimum rates	$500.00
31-607(a)	Operating a for-hire vehicle without a current, valid operating permit or inspection decal as applicable displayed	$500.00
31-608(a)	Permitting or operating without insurance	$500.00
31-608(a)	Failure to comply with insurance coverage requirements	$500.00
31-608(b)	Failure to provide necessary insurance coverage or insurance-related services	$500.00
31-608(c)	Failure to provide >>CSD<< [[~~RER~~]] with required notice of insurance cancellation	$200.00
31-608(e)	Failure to provide documents when requested by the >>CSD<< [[~~RER~~]]	$200.00

31-609(a)	Operating a vehicle in violation of any vehicle standards	$75.00
31-609(a)(7)	Failure to have an operating air-conditioning system	$250.00
>> 31-613(e)	Allowing or permitting any person who does not meet the requirements of Section 31-303 to operate a limousine	$250.00
31-613(e)(2)	Allowing or permitting any person to operate a limousine if the driver has three or more moving violations within the last three years	$250.00
31-613(e)(3)	Failure to provide a certified driver with a credential	$250.00
31-613(e)(4)	Allowing or permitting any person to operate a limousine with an expired authorization or credential	$250.00
31-613(e)(5)	Failure to display credential in limousine	$25.00
31-613(e)(5)	Failure to make credential available for inspection	$25.00
31-613(e)(6)	Failure to revoke credential of driver no longer meeting requirements of the Code	$250.00
31-613(e)(7)	Providing credential to individual who does not meet the requirements of the Code	$250.00

31-613(e)(8)	Operating or allowing an individual to operate a limousine if individual was denied a chauffeur's registration within the past year	$250.00
31-613(e)(11)	Failure to notify RER upon use of different database, failure to cease use immediately of such database if notified by RER or use of such database without RER approval	$250.00
31-613(f)	Allowing or permitting the operation of a vehicle that does not meet the requirements of Section 31-609	$250.00
31-613(f)(1)	Failure to maintain records of all vehicle inspections for at least three years	$250.00
31-613(f)(1)	Failure to provide proof of vehicle inspections upon request of RER	$250.00
31-613(f)(2)	Failure by a driver to provide documentation demonstrating the limousine has been inspected pursuant to Section 31-609	$250.00
31-613(g)	Failure to notify RER in writing of intent to self-certify	$250.00<<
31-615(a)	Publishing an advertisement for ground transportation service without the for-hire license number	$500.00

31-615(c)	Advertising [[~~other than~~]] >>inconsistent with<< approved rate or fare	$500.00
31-615(d)	False, misleading and deceptive advertising	$1,000.00

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: May 3, 2016

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

Prepared by: ASB

Alexander S. Bokor

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.