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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 6-2-09)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** April 7, 2009

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

**SUBJECT:** Ordinance relating to vehicles for-hire; amending Article V of the Code relating to eligibility requirements for initial and renewal fixed route or jitney service chauffeur applicants

**Ordinance No. 09-44**

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

# Memorandum

MIAMI-DADE COUNTY

**Date:** June 2, 2009

**To:** Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Ordinance relating to vehicles for-hire; amending Article V of the Code relating to eligibility requirements for initial and renewal fixed route or jitney service chauffeur applicants

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The ordinance relating to vehicles for-hire will allow individuals applying for a chauffeur's registration that are not proficient in the English language to take the registration examination in Spanish or Creole.

The County will incur approximately $2,000 in translation services, copies, and other fixed costs to offer examinations in Spanish and Creole which will be taken into account in future fee adjustments to the Consumer Services Department fee schedule.

Susanne M. Torriente
Assistant County Manager

fis03409

# MEMORANDUM
(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** June 2, 2009

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

**SUBJECT:** Agenda Item No. 7(C)

**Please note any items checked.**

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
6-2-09

ORDINANCE NO. **09-44**

ORDINANCE RELATING TO VEHICLES FOR-HIRE; AMENDING ARTICLE V OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO ELIGIBILITY REQUIREMENTS FOR INITIAL AND RENEWAL FIXED ROUTE OR JITNEY SERVICE CHAUFFEUR APPLICANTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE V. GENERAL REQUIREMENTS

* * *

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

* * *

[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.

(d) The CSD may issue a chauffeur's registration, for such periods as prescribed within the administrative order establishing the fees when it is shown that the initial or renewal applicant:

* * *

(2) Has taken a one (1) day course in one (1) location, as directed by CSD, which will ensure that the applicant is able to speak, read and write the English language sufficiently to perform the duties of a chauffeur; and passes the required CSD oral and written exam demonstrating his or her knowledge of the English language, Miami-Dade County geography, traffic regulations, defensive driving techniques and chauffeur responsibilities. Notwithstanding the foregoing, chauffeurs who have held a chauffeur's registration issued by Miami-Dade County for twenty or more years and have not violated a vehicle or chauffeur standard on two or more [[~~occausions~~]] >>occasions<< within the preceding five (5) years, shall be exempt from the requirements of this paragraph (2). Further, chauffeurs who, as of the effective date of this ordinance, have held a chauffeur's registration issued by Miami-Dade County for twenty or more years shall be exempt from the requirements of this paragraph (2). The provisions of this paragraph (2) shall not apply to initial or renewal private school bus chauffeur applicants except as provided in Section 31-306. >>In addition, the provisions of this paragraph (2) shall not apply to initial or renewal fixed route or jitney service chauffeur applicants except as provided in Section 31-309.<<

* * *

**>>Sec. 31-309. Chauffeur's registration – Additional passenger motor carrier requirements.**

(a) The language and testing requirements contained in Section 31-303(d)(2) shall apply to initial and renewal fixed route or jitney service chauffeur applicants, except that said requirements shall not apply to fixed route or jitney service chauffeur applicants whose primary language is other than English. An initial or renewal applicant whose

primary language is other than English shall be required to take and pass a separate examination which demonstrates the applicant's ability to communicate in English with emergency personnel and passengers in those situations described in this paragraph which pose immediate danger to the health and welfare of passengers. Such examination shall only test the applicant's ability (1) to notify emergency personnel and communicate with passengers in English in the event of an accident, illness, fire, physical injury or trauma, and (2) to minimally describe in English the nature of the emergency. The examination shall consist of a series of hypothetical emergency situations where the applicant is required to identify and/or articulate certain phrases necessary to notify emergency personnel, communicate with passengers and describe the nature of the emergency.

(b) Each initial and renewal fixed route or jitney service chauffeur applicant shall take the one-day course and pass the oral and written exam required in Section 31-303(d)(2) demonstrating the applicant's knowledge of Miami-Dade County traffic regulations, defensive driving techniques and chauffeur responsibilities. For chauffeur registration applicants whose primary language is other than English, said examination shall be administered in Spanish or Creole.<<

Section 2. 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 3. 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 4. This ordinance shall become effective one-hundred eighty (180) 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: **June 2, 2009**

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

Prepared by: GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Rebeca Sosa

**MIAMI-DADE COUNTY**
**BOARD OF COUNTY COMMISSIONERS**
**OFFICE OF THE COMMISSION AUDITOR**

Legislative Notes

**Agenda Item: 7(C)**

**File Number: 090800**

**Committee(s) of Reference:** Board of County Commissioners

**Date of Analysis:** May 18, 2009

**Type of Item:** Code Amendment

**Prime Sponsor: Commissioner Rebeca Sosa**

**Commission District: Countywide**

**Summary**

This ordinance amends Article V, Section 31 of the Code relating to the eligibility requirements for initial and renewal fixed route or jitney service chauffeur applicants by providing applicants whose primary language is not English to pass a separate examination which demonstrates the applicant's ability to communicate in English with emergency personnel and passengers.

**Background and Relevant Legislation**

The amendment is limited to jitney and fixed route chauffeurs. Currently, Section 31-306 of the Code provides that private school bus drivers whose language is other than English and who transport students who are fluent in the language of the driver be required to take and pass a separate examination that demonstrates the applicant's ability to communicate in English with emergency personnel in situations of an accident, illness, fire, physical injury or trauma.

According to the Consumer Services Department, 115 tests were administered to jitney applicants in calendar year 2008. Out of the 115 tests that were given, 74 passed on the first attempt (64%), 92 passed on the second attempt (80%), 101 passed on third or subsequent attempts (88%).

The first and second attempts are at no charge, the third and subsequent attempts are $15.

**Policy Change and Implication**

This amendment provides that initial and renewal fixed route or jitney service chauffeur applicants, whose primary language is not English, be required to take and pass a separate examination demonstrating their ability to communicate in English with emergency personnel and passengers in

situations such as accidents, illness, fire, physical injury or trauma. The amendment also provides that the one-day oral and written examination be administered in Spanish or Creole to applicants whose primary language is other than English.

**Budgetary Impact**
**N/A**

**Prepared by:**
Tiandra D. Sullivan