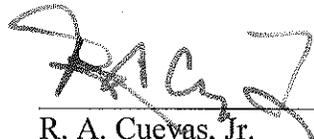


MEMORANDUM

| | | | |
|--------------|--|-----------------|---|
| TO: | Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners | DATE: | Special Item No. 6 (Second Reading 1-29-14) December 3, 2013 |
| FROM: | R. A. Cuevas, Jr. County Attorney | SUBJECT: | Ordinance relating to vehicles for hire; amending Chapter 31 of the Code relating to rate regulation Ordinance No.14-12 |

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: January 29, 2014

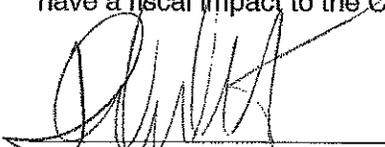
To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance Relating to Vehicles for Hire; Amending Chapter 31 of the Code, Relating to Rate Regulation

The proposed ordinance relates to vehicles for hire; amends Chapter 31 of the Code; requires an annual report, including proposed rate adjustments reflecting the Consumer Price Index (CPI), to be presented to the Board of County Commissioners; and provides for a public hearing where all interested parties may be heard regarding the annual report. Implementation of this ordinance will not have a fiscal impact to the County.



Jack Osterholt
Deputy Mayor

Fls3214



MEMORANDUM

(Revised)

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

DATE: January 29, 2014

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

SUBJECT: Special Item No. 6

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 6
1-29-14

ORDINANCE NO. 14-12

ORDINANCE RELATING TO VEHICLES FOR HIRE;
AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA, RELATING TO RATE REGULATION;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

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

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

CHAPTER 31

VEHICLES FOR HIRE

* * *

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

* * *

Sec. 31-87. Rate regulation.

- (A) The provisions of this section shall be the exclusive method for the establishment of for-hire motor vehicle rates throughout 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 rates charged by the industry. All municipal ordinances or resolutions to the contrary are hereby superseded.

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.

- (B) It shall be unlawful for an operator or chauffeur to charge, demand, request or accept any fare other than the rates established pursuant to this article. Rates established by this article shall be applicable through Miami-Dade County, both in the incorporated and unincorporated areas, without regard to any municipal boundaries.
- (C) Except as otherwise provided herein, the Board of County Commissioners of Miami-Dade County, Florida, shall establish all rates for taxicabs and for-hire vehicles operating in Miami-Dade County. From and after the effective date of this article, rates shall be established, altered, amended, revised, increased or decreased in accordance with the following procedures:
- (1) The CSD~~[[, upon request of the Commission or the County Manager,]]~~ shall >> annually<< investigate and prepare a report concerning the existing rates. In the case of taxicab rates, said investigation shall specify the relative changes in the consumer price index >> ("CPI")<< over the preceding ~~[[two]]~~ year ~~[[period]]~~ and shall quantify what rates would be if the currently approved uniform taxicab meter rates were adjusted for such change. Such investigation shall also consider any additional matters, or review of special service rates when requested by the Commission or Manager. For ratemaking purposes, the CSD will not consider any costs incurred in the acquisition of a license and political contributions. Costs which will be considered in rate studies will include vehicle operating, maintenance and repair expenses, salaries of drivers, dispatchers and supervisors, insurance costs, taxes and license fees, and administrative and general expenses as prescribed on CSD financial and operating report forms.
 - (2) The CSD's report >> including proposed rate adjustments reflecting the CPI, << shall be forwarded to ~~[[the County Manager who shall prepare a recommendation to]]~~ the Board of County Commissioners >> annually<<.
 - (3) A public hearing concerning >> the report regarding << rates shall be scheduled >> annually<<. At such hearing, all interested parties shall have an opportunity to be heard. The Board of County

Commissioners 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 >>which shall be no less than the previous rates adjusted by the CPI, unless the County Commission finds that no change in rates or a reduction in rates is in the public interest<< ~~[[as may be in the public interest]]~~. Appeals of the Board of County Commissioners' decision shall be in accordance with the Florida Rules of Appellate Procedure for review of administrative action.

- (4) As part of the rate-making procedure, the Board of County Commissioners may authorize special service rates such as shared rides, group rides, contract services, prearranged service, services to an identified segment of the population, flat rates for all licensed vehicles from one (1) point or area to another, or package delivery.
- (5) Operators who desire to provide service at a rate other than that established under the preceding provisions of this section may request approval of such special rates by filing an application with the CSD. Within forty-five (45) days after receipt of the request, the CSD shall conduct an administrative hearing on the proposed rate, after written notice to the public and all operators, investigate the proposed rate and forward its analysis and recommendations to the County Manager. The CSD shall, among other things, consider:
 - (a) The effect of the proposed rate on increased public use of for-hire motor vehicles.
 - (b) The ability of the operator to provide the proposed service.
 - (c) The operator's ability to manage the proposed rates.
 - (d) All information contained in the rate request application.
 - (e) Improved transportation in Miami-Dade County.

- (f) The economic impact on the industry and the general public.
- (6) The Director shall be authorized to approve a per trip taxicab rate surcharge in addition to the existing rates then in effect. Such surcharge, which is to be a fixed amount, may be imposed upon the occurrence of an unforeseen change in petroleum market conditions which causes the price of regular unleaded gasoline to increase by 50 cents from the base price. The base price shall be the average price of regular unleaded gasoline in effect as of the most recent taximeter rate adjustment. Upon reaching the first benchmark dollar value a one dollar (\$1.00) surcharge may be implemented. Following the initial surcharge, each additional increase of 50 cents of regular unleaded gasoline may trigger an increase in the dollar value of the surcharge by 50 cents. The average weekly price of regular unleaded gasoline must remain at or above a level, as described above, for three (3) consecutive weeks before a surcharge, or an increase in the surcharge, may be authorized by the Director. The fuel surcharge shall expire upon the effective date of any taximeter rate adjustments. The fuel surcharge may be decreased or removed, by the Director, should the average weekly price of regular unleaded gasoline remain at or below a level, as stated above, for three (3) consecutive weeks. The average price of regular unleaded gasoline shall be based on the retail prices listed for regular unleaded gasoline by the United States Department of Energy, Energy Information Administration. The surcharge may be added to the taximeter rate or flat fare rate and, if added, shall be reflected on the taximeter as an extra charge on vehicles so equipped. Notice of a surcharge approved pursuant to this section must be prominently displayed within the taxicab, as required by regulations promulgated by CSD.

The County Manager is authorized to approve proposed rates that result in lower fares being charged by operators. All other proposed rates must be reviewed and approved by the Commission.

Any approved special rates must be filed with the CSD and be posted in each for-hire motor vehicle of the operator for which said rate applies, and copies provided to anyone requesting same. All approved special rates may not be modified or altered without prior written approval of the County Manager, in the case of reductions, or the Commission, in the case of increases. An operator may eliminate special rate(s) by thirty (30) days' advance notice to the CSD and posting thirty (30) days' written notice of the changes in all vehicles.

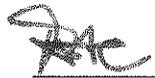
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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.

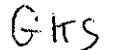
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: January 29, 2014

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Commissioner Jean Monestime