

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading 10-5-21)
June 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to vehicles
for-hire; amending section
31-303 of the Code; revising
eligibility requirements for initial
and renewal service chauffeur
applicants; creating section
31-310; providing additional
eligibility requirements for
initial and renewal special
transportation service chauffeur
applicants

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime and Co-Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: October 5, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

Daniella Levine Cava

Subject: Fiscal Impact Statement for Ordinance Relating to Vehicles For-Hire (#211246)

The ordinance relating to vehicles for-hire will allow individuals applying for a chauffeur's registration for Special Transportation Service (STS) 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.

A handwritten signature in black ink, appearing to read "Jimmy Morales". The signature is written over a horizontal line.

Jimmy Morales
Chief Operations Officer

Memorandum



Date: October 5, 2021

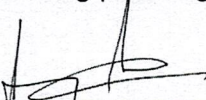
To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Social Equity Statement for Ordinance Relating to Vehicles For-Hire (#211246)

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

During the last several months, STS providers have indicated that there is a shortage of professional drivers in the labor market. Approval of this ordinance will expand the opportunity to become a licensed STS chauffer to those who are not English proficient and will increase the availability of licensed STS chauffeurs. However, approval of this amendment may lead to communication barriers with English-speaking passengers.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
10-5-21

ORDINANCE NO. _____

ORDINANCE RELATING TO VEHICLES FOR-HIRE; AMENDING SECTION 31-303 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING ELIGIBILITY REQUIREMENTS FOR INITIAL AND RENEWAL SERVICE CHAUFFEUR APPLICANTS; CREATING SECTION 31-310; PROVIDING ADDITIONAL ELIGIBILITY REQUIREMENTS FOR INITIAL AND RENEWAL SPECIAL TRANSPORTATION SERVICE CHAUFFEUR APPLICANTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 31-309 of the Code of Miami-Dade County, Florida, allows individuals applying for initial or renewal fixed route or jitney service chauffeur's registration who are not proficient in the English language to take the registration examination in Spanish or Creole; and

WHEREAS, individuals applying for initial or renewal special transportation service chauffeur's registration who are not proficient in the English language do not have the option to take the registration examination in Spanish or Creole; and

WHEREAS, the Board wishes to revise the Code to provide that individuals applying for initial and renewal special transportation service chauffeur registration who are not proficient in the English language may also take the registration examination in Spanish or Creole,

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

Section 1. Section 31-303 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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.

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

* * *

(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 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>>, fixed route or jitney service, or special transportation service<< chauffeur applicants except as provided in ~~[[Section]]~~>>Sections<< 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>>, or 31-310, respectively<<.

* * *

Section 2. Section 31-310 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**Sec. 31-310. Chauffeur's registration – Additional special transportation service requirements.**

- (a) The language and testing requirements contained in Section 31-303(d)(2) shall apply to initial and renewal special transportation service chauffeur applicants, except that said requirements shall not apply to special transportation service chauffeur applicants whose primary language is Spanish or Creole. An initial or renewal special transportation service chauffeur applicant whose primary language is Spanish or Creole 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 special transportation 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 special transportation service chauffeur applicants whose primary language is Spanish or Creole, said examination shall be offered in English, Spanish or Creole.<<

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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dale P. Clarke

Prime Sponsor: Commissioner Jean Monestime
Co-Sponsor: Commissioner Sally A. Heyman

Handwritten signatures in blue ink: "GBK" above "D.P.C."