

MEMORANDUM

Agenda Item No. 7(E)

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

DATE: (Second Reading: 5-3-22)
March 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance amending chapter 31
of the Code relating to regulation
of taxicabs; establishing
chauffeur training program;
authorizing the establishment
of separate rates and fares for
certain types of taxicab vehicles;
amending definitions

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



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



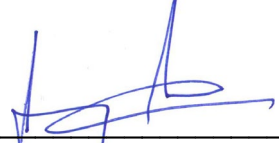
Date: May 3, 2022

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Establishing a Taxicab Chauffeur Training Program – File No. 220500

The ordinance provides for the reinstatement of the taxicab chauffeur training program which was canceled in 2016. The County will incur approximately \$3,000 in translation services, training materials, and other fixed costs relating to program reinstatement.



Jimmy Morales
Chief Operations Officer

Memorandum



Date: May 3, 2022


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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Social Equity Statement for Ordinance Relating to Establishing a Taxicab Chauffeur Training Program – File No. 220500

The proposed ordinance provides for the reinstatement of the taxicab chauffeur training program which was canceled via ordinance in 2016 by the Board of County Commissioners (Board). Members of the taxicab industry have expressed interest in the reinstatement of the training program stating that new taxi drivers lack knowledge of the rules and regulations governing the industry. The program also has a customer service component aimed at heightening the level of service delivered to patrons. Reestablishing the training program will promote better service to the public and greater opportunity for new drivers to successfully operate within the industry.

Additionally, the ordinance authorizes the establishment of separate rates and higher fares for vans and sport utility vehicles (SUVs) providing taxicab service, leveling the playing field between taxicab and transportation network company (TNC) drivers as TNCs currently utilize such a fare system.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

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

DATE: May 3, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

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(E)

5-3-22

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO REGULATION OF TAXICABS; ESTABLISHING CHAUFFEUR TRAINING PROGRAM; AUTHORIZING THE ESTABLISHMENT OF SEPARATE RATES AND FARES FOR CERTAIN TYPES OF TAXICAB VEHICLES; AMENDING DEFINITIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the taxicab industry provides an important service to the County’s residents and visitors; and

WHEREAS, taxicab chauffeurs are often among the first to interact with visitors at the County’s various ports of entry, and are for that reason sometimes referred to as “the first ambassadors of tourism”; and

WHEREAS, this Board previously adopted Ordinance No. 16-43, which, among other things, removed a provision in the County’s Code requiring initial taxicab chauffeurs to undergo a training program prescribed by the County, in part to level the playing field with transportation network company (TNC) drivers who are regulated by state statute and not required to undergo similar training; and

WHEREAS, the Board believes it is in the best interest of the County to, where feasible, adopt policies that can enhance the ability of taxicab chauffeurs to provide a high and consistent level of service; and

WHEREAS, the County currently provides training to private school bus drivers, passenger motor carrier drivers (including jitney drivers), nonemergency drivers, and special transportation service drivers; and

WHEREAS, reinstatement of a training program to include, among other things, training on customer service and the provisions of Chapters 31 and 8CC of the Code of Miami-Dade County as well as utilization of any E-Request software programs or applications approved by the County pursuant to section 31-85(h) of the Code, would be beneficial to both new and existing taxicab chauffeurs that have not previously participated in the training; and

WHEREAS, the Board wishes to amend the Code to provide the taxicab industry with additional opportunities to enhance its delivery of a high and consistent level of service and to improve its overall ability to remain competitive,

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

Section 1. Section 31-81 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 31-81. - Definitions.

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

- (a) *The ADA-defined area of Miami-Dade County* means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths ($\frac{3}{4}$) of a mile on each side of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths ($\frac{3}{4}$) of a mile around each Metrorail station.
- (b) *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.

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.

- (c) *Applicant* means an individual, partnership or corporation which applies for a for-hire license, permit, chauffeur's registration, or a passenger service company registration pursuant to the provisions of this article. "Applicant" shall also mean an individual, partnership, corporation or limited liability company which makes application, where applicable, to renew or transfer a for-hire license, permit, chauffeur's registration or a passenger service company 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 a privately held corporation as well as the corporate officers and directors.
- (d) *Chauffeur* means a duly licensed driver registered with and authorized by the ~~[[RER]]~~>>Department<< to operate a for-hire passenger motor vehicle.
- (e) Reserved.
- (f) *Chauffeur registration* means a registration card issued by the ~~[[RER]]~~>>Department<<.
- (g) *Color scheme and markings* mean a County-approved decorative vehicle exterior design to be utilized on each vehicle.
- (h) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.
- (i) *County* means Miami-Dade County, Florida.
- (j) *Mayor* means the head of the administrative branch of county government as provided in Article 2 of the Home Rule Charter of Miami-Dade County.
- (k) *Department*>>, DTPW,<< or *RER* means the Miami-Dade County >>Department of Transportation and Public Works<<~~[[Department of Regulatory and Economic Resources]]~~, its predecessor department or successor department responsible for regulating Chapter 31 of the Code.
- (l) *Director* means the ~~[[RER]]~~ director >>of the Department<< or the director's designee.
- (m) *Dispatch* means connecting a passenger to a duly licensed taxicab, including a chauffeur with a Miami-Dade County chauffeur's registration, via advanced reservation through a two-way radio, cellular telephone, computer, mobile phone

application, text, e-mail, web-based reservation or other similar software-based technologies that may be developed in the future.

- (n) *E-Request* means a pre-arranged request for service through a software program or application approved by ~~[[RER]]~~ >>the Department<< residing on a smartphone or other electronic device which performs one or more of the following functions: allows a passenger to identify the location(s) of available taxicabs in a given area and allows a taxicab to identify the location of a passenger who is currently ready to travel; allows a passenger to request a taxicab via the electronic device; allows a taxicab to receive a request from a passenger if the application provides for connecting a passenger to a taxicab; and allows a passenger to pay for taxicab fares through the application.
- (o) *Fares or rates* means the charges, rates, surcharges, fees, convenience fees, fares or any other compensation established pursuant to this article to be paid by passengers for or related to the transportation services provided by a for-hire passenger motor vehicle. Fares or rates include any charge, rate, surcharge, convenience fee, fare or other compensation for the use of a credit or debit card approved by the County Commission when permissible by State law.
- (p) *For compensation or compensation* means for money, property, service or anything of value, including but not limited to tips, donations and commissions paid for transportation services and received from any person or entity including, but not limited, to the passenger.
- (q) *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.
- (r) *For-hire 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.
- (s) *Passenger service company* means a Florida corporation or partnership created for the purpose of providing passenger services for for-hire taxi operations and providing various services to for-hire license holder(s) and chauffeurs.

- (t) *Passenger service company registration* means an annual, renewable registration issued pursuant to this article which grants authority to provide passenger services for for-hire operations and which may expire, be suspended or revoked.
- (u) *For-hire passenger motor vehicle or for-hire motor vehicle* means any motor vehicle which is driven by another person and engages in the transportation of persons and their accompanying property for compensation over the public streets, but excluding ambulances and nonemergency medical 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 Miami-Dade Transit 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 special transportation services pursuant to a contract with Miami-Dade County are subject to the regulations contained in Article IV of this chapter.
- (v) *Good cause* shall mean delay caused by circumstances beyond the control of the applicant.
- (w) *In service* means a for-hire vehicle which is displaying a valid, current operating permit or decal, as applicable, issued by the ~~[[RER]]~~>>Department<<.
- (x) Reserved.
- (y) *MDT* means the Miami-Dade Transit Department or successor department.
- (z) *Medallion* means a plate or decal issued by the County as the physical evidence of a taxicab license which is affixed to the outside or inside of such taxicab.
- (aa) *Medallion system* means the system which deems a taxicab for-hire license to be intangible property.
- (bb) *Off Duty* means the periodic, temporary cessation of daily for-hire service indicated by a sign placed and visible on the vehicle's front windshield and which shall not be construed to alter the "in service" status of the for-hire vehicle. No for-hire vehicle in operation or awaiting passengers shall display an off-duty sign.

- (cc) *Operate* means to provide transportation services for compensation regulated by this article utilizing a for-hire passenger motor vehicle.
- (dd) *Operating permit* means the valid and current vehicle decal issued to the license holder or passenger service company, when applicable, which authorizes a specific, registered vehicle to operate for-hire and which may expire, be suspended or revoked.
- (ee) *Operator* means any person who has been issued a for-hire license and her, his or its agent, where applicable, which shall be a passenger service company.
- (ff) *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 ~~[[RER]]~~>>Department<< a ~~[[RER]]~~>>Department<< form removing the vehicle from service.
- (gg) *Paratransit services* means any transportation service provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by the individual user at a certain time that is agreed upon by the user and the service provider.
- (hh) *Passenger* means a person utilizing a for-hire vehicle for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched for-hire vehicle, and does not include the chauffeur.
- (ii) *Person* means any natural person(s), firm, partnership, association, corporation, or other business entity.
- (jj) *Personnel authorized by the RER* means uniformed enforcement personnel and any other individual authorized by the Director.
- (kk) *Place of business* means the specific Miami-Dade, Broward 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.
- (ll) *Rate card* means a card, issued by the ~~[[RER]]~~>>Department<< which displays approved for-hire rates and fares and such other data as the ~~[[RER]]~~>>Department<< may prescribe.
- (mm) *Solicit* means an appeal by bell, horn, whistle, words or gestures by a chauffeur or his or her agent directed at individuals or groups.

- (nn) *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.
- (oo) *Street hail* means an immediate arrangement made on a street with a taxi chauffeur by a person seeking immediate transportation by taxi.
- (pp) Reserved.
- (qq) *Taxicab* means an eight (8) passenger or less, exclusive of chauffeur, for-hire passenger motor vehicle, which is not a limousine, nonemergency vehicle, contracted special transportation service vehicle, ambulance or any other vehicle regulated by Chapter 4 or Chapter 31 with at least three (3) doors, which provides either street hail, E-Request or any other on-demand or prearranged for-hire service for compensation. >>Taxicab includes sedans, SUVs, and vans as defined herein.<<
- (rr) *Taxicab stand* means the county-approved location on a public right-of-way for awaiting employment which is specifically marked with a taxicab stand sign. "Taxicab stand" also means a location for awaiting employment authorized and provided by the owner of private property.
- (ss) *Taximeter* means any approved mechanical or electronic internally mounted device approved by the ~~[[RER]]~~ >>Department<< and meeting all certifications, tolerances and other technical requirements for taximeters specified in the most recent edition of the National Bureau of Standards Handbook H. 44 published by the U.S. Department of Commerce which automatically records and indicates a charge or fare measured by distance traveled, waiting time, or other traditionally compensable activities or times of taxicab service.
- (tt) *Trade name or doing business as or (d/b/a) name* means the county-approved name under which the for-hire license holder and the passenger service company may provide for-hire passenger motor vehicle transportation services, and which name shall not duplicate the name of any other license holder or passenger service company.

- (uu) *Two-way dispatch system* means a communication system utilizing a two-way radio, cellular telephone, computer, mobile phone application, text, e-mail, web-based reservation or other software-based technologies by which a dispatcher may communicate with the chauffeurs of all taxicabs during all hours of vehicle operation.
- (vv) *Waiting employment or awaiting employment* means that the vehicle and chauffeur are available and are in proper condition, location, attendance so as to be hired for service.
- (ww) *Paratransit passenger* means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one (1) or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such an impairment.
- (xx) *Accessible vehicle* means a vehicle that has been significantly modified and specially equipped with the installation of lifts or other equipment necessary for the transport of disabled persons who use wheelchairs or wheelchair conveyances.
- (yy) *Wheelchair* means those wheeled devices, usable indoors, designed for and used by persons with mobility impairments which do not exceed 30 inches in width and 48 inches in length, measured 2 inches above the ground, and do not weigh more than 600 pounds when occupied.
- (zz) *Violation* means: (i) having been found guilty of a citation issued pursuant to Chapter 31 or 8CC of the Code by an administrative hearing officer or judicial officer; or (ii) failing to pay or appeal a citation issued pursuant to Chapter 31 or 8CC of the Code within the established time; or (iii) paying the fine for a citation issued pursuant to Chapter 31 or 8CC of the Code.
- >>(aaa) Sedan means a two or four door taxicab, as defined herein, with a closed body and a closed trunk that is separated from the area of the vehicle in which the driver and passengers sit.
- (bbb) Sports Utility Vehicle or SUV means a taxicab, as defined herein, that is larger than a sedan, and in which the driver and passenger areas are not closed off from the cargo area or trunk of the vehicle.

(cc) Van means a taxicab, as defined herein, that is boxlike, larger than a sedan, and has two or more of the following: (i) three or more rows of seats; (ii) one or more sliding doors; or (iii) a rear door.<<

Section 2. Section 31-83 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 31-83. - Chauffeur's registration.

>>(a)<<Except as provided elsewhere in this article, it shall be unlawful for any person to drive a taxicab over any street in Miami-Dade County without first having obtained a chauffeur's registration from the ~~[[RER]]~~>>Department<< pursuant to Chapter 31, Article V of this Code. A chauffeur registered pursuant to this article shall not be required to take specified courses, and oral, written and physical examinations required by Article V.

>>(b) Effective October 1, 2022, every initial taxicab chauffeur applicant shall be required to complete a training program prescribed by the Department. Such program shall include, but not necessarily be limited to, training regarding Chapters 31 and 8CC of the Code, customer service, and any E-Request software programs or applications approved by the Department pursuant to section 31-85(h) of the Code. Any coursework, visual aids, and printed materials provided as a part of or used in the training program shall be made available in English, Spanish, and Creole. Each initial taxicab chauffeur applicant, and any renewal applicant who has never previously undergone the training program prescribed by the Department, including the previous program required prior to the adoption of Ordinance No. 16-43, shall be required to pass a written exam demonstrating his or her knowledge of the matters covered in the program, and such exam shall be offered in English, Spanish, and Creole.

(c) Effective October 1, 2022, existing taxicab chauffeurs shall have the option to enroll in the training program described in subsection (b) and shall thereafter have the option to re-enroll in the training program, but in no event shall such re-enrollment occur sooner than two years from the date of such chauffeur's most recent completion of the program.<<

Section 3. Section 31-87 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 31-87. – Rate Regulation.

- (A) The provisions of this section shall be the exclusive method for the establishment of taxicab 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.
- (B) It shall be unlawful for an operator or chauffeur to collect, require, charge, demand, request or accept any fare higher 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. It shall be unlawful to add a surcharge, fee, convenience fee, fare or any other form of compensation to the fare or rate for the use of a credit card or debit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to this subsection, to allow for an additional surcharge, fee, convenience fee, fare or any other form of compensation for the use of a credit or debit-card.
- (C) Except as otherwise provided herein, the Board of County Commissioners of Miami-Dade County, Florida, shall establish all maximum rates for taxicabs operating in Miami-Dade County. From and after the effective date of this article, maximum rates shall be established, altered, amended, revised, increased or decreased in accordance with the following procedures:
 - (1) The ~~[[PER]]~~ >> Department << shall >>, every two years, << ~~[[annually]]~~ investigate and prepare a report concerning the existing maximum rates. In the case of maximum taxicab rates, said investigation shall specify the relative changes in the consumer price index ("CPI") over the preceding year and shall quantify what rates would be if the currently approved uniform maximum 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 the Mayor. For ratemaking purposes, the ~~[[RER]]~~>>Department<< 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 ~~[[RER]]~~>>Department<< financial and operating report forms.

- (2) The ~~[[RER's]]~~>>Department's<< report, including proposed rate adjustments reflecting the CPI, shall be forwarded to the Board of County Commissioners ~~[[annually]]~~>>every two years<<.
- (3) A public hearing concerning the report regarding maximum rates shall be scheduled ~~[[annually]]~~>>every two years<<. At such hearing, all interested parties shall have an opportunity to be heard. The Board of County Commissioners shall consider the ~~[[RER's]]~~>>Department's<< report 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 maximum 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. 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) Other than for trips originating from Miami International Airport or the Port of Miami, operators may provide service at a rate below the maximum rate. The approved maximum rates, including flat fares, are the only rates that can be charged by operators transporting persons and their baggage from Miami International Airport or from the Port of Miami.
- >>(6) The Board of County Commissioners may authorize a separate and higher maximum rate and a separate and higher flat fare which shall only be applicable to SUVs and vans as

defined in section 31-81 of the Code. Such separate and higher maximum rate and fare shall not apply to SUVs and vans that are also accessible vehicles as defined in 31-81(xx) of the Code.<<

~~[[6) The County Commission shall adopt a resolution within ninety (90) days from the effective date of this ordinance establishing the maximum meter rates and flat fares, where applicable.]]~~

Section 4. 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 5. 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 6. 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