

MEMORANDUM

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: Agenda Item No. 7(I)
(Second Reading: 2-6-24)
December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to vehicles for-hire; amending sections 31-82, 31-92, 31-103, 31-111, 31-602, and 31-612 of the Code; prohibiting the solicitation of for-hire taxicab services, passenger motor carrier services, and limousine services without a for-hire license; revising penalties relating to repeat violators of for-hire transportation regulations; making technical and conforming changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Anthony Rodríguez.



Geri Bonzon-Keenan
County Attorney


GBK/uw

Memorandum



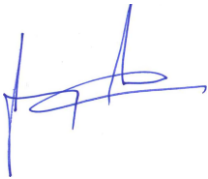
Date: February 6, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Fiscal Impact Statement for Ordinance Relating to For-Hire Motor Vehicles – Amending sections of the Code relating to solicitation of for-hire transportation services and repeat violators

The proposed ordinance may have a positive fiscal impact by allowing the issuance of citations for solicitation of for-hire services to operators without the proper County licenses and expanding the criteria for the issuance of citations to repeat violators of for-hire regulations. Implementation of the ordinance will not result in additional staffing needs or future operational costs.




Jimmy Morales
Chief Operations Officer

Memorandum



Date: February 6, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to For-Hire Motor Vehicles – Amending sections of the Code relating to Solicitation of For-Hire Transportation Services and Repeat Violators

The proposed ordinance amends County Code provisions to prohibit the solicitation of for-hire transportation services by operators without the proper County licenses and revises penalties relating to repeat violators of for-hire transportation regulations. These amendments will help the Department of Transportation and Public Works (DTPW) in its efforts to curtail unlicensed transportation providers and to ensure that visitors and residents who utilize for-hire transportation are transported in vehicles that are licensed, safe, insured, and operated by licensed, trained chauffeurs.

A handwritten signature in blue ink, appearing to be "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 6, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(I)

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(I)
2-6-24

ORDINANCE NO. _____

ORDINANCE RELATING TO VEHICLES FOR-HIRE; AMENDING SECTIONS 31-82, 31-92, 31-103, 31-111, 31-602, AND 31-612 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE SOLICITATION OF FOR-HIRE TAXICAB SERVICES, PASSENGER MOTOR CARRIER SERVICES, AND LIMOUSINE SERVICES WITHOUT A FOR-HIRE LICENSE; REVISING PENALTIES RELATING TO REPEAT VIOLATORS OF FOR-HIRE TRANSPORTATION REGULATIONS; MAKING TECHNICAL AND CONFORMING CHANGES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, sections 31-82, 31-103, and 31-602 of the Code of Miami-Dade County, Florida (the “Code”) currently provide that it is unlawful for any person to use, drive or operate, or cause or permit any other person to use, drive or operate, any for-hire motor vehicle, passenger motor carrier vehicle, or for-hire limousine vehicle, respectively, without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid; and

WHEREAS, said Code provisions also prohibit any person from advertising in any newspaper, airwave transmission, telephone directory or other medium accessible to the public, that the person offers such for-hire services without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid; and

WHEREAS, this Board wishes to amend these Code provisions to also prohibit the solicitation of such for-hire ground transportation services, except as otherwise permitted under the Code; and

WHEREAS, the Board further wishes to revise the penalties relating to repeat violators of the County’s for-hire transportation regulations by amending sections 31-92, 31-111, and 31-612 of the Code,

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

Section 1. Section 31-82 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 31-82. - For-hire licenses.

(a) Prohibition against unauthorized operations. It shall be unlawful for any person to >>do any of the following<<[[~~use, drive or operate, or to advertise in any newspaper, airwave transmission, telephone directory or other medium accessible to the public that it offers for hire services, or to cause or permit any other person to use, drive or operate any for-hire motor 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>>:

(1) use, drive or operate, or cause or permit any other person to use, drive or operate, any for-hire motor vehicle upon the streets of Miami-Dade County; or

(2) advertise in any newspaper, airwave transmission, telephone directory, or other medium accessible to the public that the person offers for-hire services; or

(3) solicit, as defined in this Chapter, or facilitate the solicitation of passengers for the provision of for-hire transportation services<<.

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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.

Section 2. Section 31-92 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 31-92. - Violations; penalties.

* * *

(c) Any person who ~~[[is found guilty]]~~ >>has, << on at least two ~~[[2]]~~ prior occasions within a three-year period>>: (1) paid a fine for a citation issued for; (2) been found guilty by an administrative hearing officer or judicial officer of; or (3) failed to pay or appeal, within the prescribed time, a citation issued for<< ~~[[of]]~~ advertising or providing for-hire transportation, passenger services, or driving or operating a for-hire vehicle without having a valid, current for-hire license, passenger service company registration, operating permit, driver certification, vehicle 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 (\$10,000.00) ~~[[and/or imprisonment not to exceed forty five (45) days]]~~.

* * *

Section 3. Section 31-103 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 31-103. - Certificate of transportation.

(a) *Required.* From and after the effective date of this article, it shall be unlawful for any person to >>do any of the following<<~~[[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 passenger motor carrier services, or to cause or permit any other person to use, drive or operate any passenger motor carrier vehicle for compensation upon the streets of Miami-Dade County]]~~ without first obtaining a Miami-Dade County certificate and maintaining it current and valid, pursuant to the provisions of this article, unless specifically excluded from this article>>:

- (1) use, drive or operate, or cause or permit any other person to use, drive or operate, any passenger motor carrier vehicle for compensation upon the streets of Miami-Dade County; or
- (2) advertise in any newspaper, airwave transmission, telephone directory, or other medium accessible to the public, that the person offers for-hire passenger motor carrier services; or
- (3) solicit, as defined in this Chapter, or facilitate the solicitation of passengers for the provision of for-hire passenger motor carrier services<<.

* * *

Section 4. Section 31-111 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 31-111. - Violations; penalties.

* * *

- (c) Any person who ~~[[is found guilty]]~~ >>has,<< on at least two prior occasions within a three year period>>: (1) paid a fine for a citation issued for; (2) been found guilty by an administrative hearing officer or judicial officer of; or (3) failed to pay or appeal, within the prescribed time, a citation issued for<<[[øf]] advertising or providing for-hire transportation, passenger services, or driving or operating a for-hire vehicle without having a valid, current for-hire license, passenger service company registration, operating permit, driver certification, vehicle 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 (\$10,000.00)[~~-and/or imprisonment not to exceed forty five (45) days~~].

* * *

Section 5. Section 31-602 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

(a) *Prohibition against unauthorized operations.* It shall be unlawful for any person to >>do any of the following<<[[~~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 >>limousine<< license and maintaining it current and valid pursuant to the provisions of this article >>:

(1) use, drive or operate, or cause or permit any other person to use, drive or operate, any for-hire limousine vehicle upon the streets of Miami-Dade County; or

(2) advertise in any newspaper, airwaves transmission, telephone directory, or other medium accessible to the public, that the person offers for-hire limousine services; or

(3) solicit, as defined in this Chapter, or facilitate the solicitation of passengers for the provision of for-hire limousine services<<.

* * *

Section 6. Section 31-612 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 31-612. Violations; penalties.

* * *

(c) Any person who [[~~is found guilty~~]] >>has,<< on at least two [[~~(2)~~]] prior occasions within a three [[~~(3)~~]] year period>>: (1) paid a fine for a citation issued for; (2) been found guilty by an administrative hearing officer or judicial officer of; or (3)

failed to pay or appeal, within the prescribed time, a citation issued for~~[[€]]~~ advertising or providing for-hire transportation, passenger services, or driving or operating a for-hire vehicle without having a valid, current for-hire license, passenger service company registration, operating permit, driver certification, vehicle certification or chauffeur's registration as required by this chapter>>₁<< shall be punishable by fines of greater than five thousand dollars (\$5,000.00) but less than ten thousand dollars (\$10,000.00) ~~[[and/or imprisonment not to exceed forty five (45) days]]~~.

* * *

Section 7. 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 8. 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 9. 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: Vice Chairman Anthony Rodriguez