

# MEMORANDUM

Agenda Item No. 7(D)  
(Second Reading 5-5-20)  
April 20, 2020

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

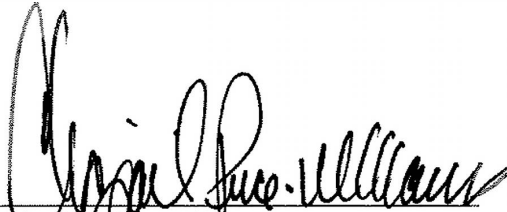
**DATE:**

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to  
ground transportation at  
Miami International Airport;  
amending section 31-115 of  
the Code; providing an  
exemption from passenger  
motor carrier requirements  
for demand ground transportation  
concessions with Small Business  
or Disadvantaged Business goals  
at Miami International Airport

Ordinance 20-36

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Audrey M. Edmonson.



Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** May 5, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Passenger Motor Carriers

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Jennifer Moon".

Jennifer Moon  
Deputy Mayor

Fis03520 200317

# Memorandum



**Date:** May 5, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a large, sweeping flourish at the end.

**Subject:** Social Equity Statement for Ordinances Relating to Passenger Motor Carriers (PMC)

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The proposed ordinance provides an exception from PMC requirements for demand ground transportation concessions with small business or disadvantaged business goals at Miami International Airport (MIA). If implemented, this ordinance will benefit demand ground transportation concessionaires, which historically have not been regulated as PMC under Chapter 31 of the Code of Miami-Dade County. The concessionaires will not have to incur expenses associated with obtaining a PMC certificate of transportation and complying with licensing and inspection requirements. The public will not be impacted since the demand ground transportation agreement already provides mechanisms by which the County can ensure that a concessionaire is providing safe, high quality transportation services.

A handwritten signature in black ink, appearing to read "Jennifer Moon". The signature is cursive and somewhat stylized, with a long, sweeping flourish at the end.

Jennifer Moon  
Deputy Mayor

03520 200317



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** May 5, 2020

**FROM:** Angail Price-Williams  
County Attorney

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

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(D)

5-5-20

ORDINANCE NO. \_\_\_\_\_ 20-36

ORDINANCE RELATING TO GROUND TRANSPORTATION AT MIAMI INTERNATIONAL AIRPORT; AMENDING SECTION 31-115 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AN EXEMPTION FROM PASSENGER MOTOR CARRIER REQUIREMENTS FOR DEMAND GROUND TRANSPORTATION CONCESSIONS WITH SMALL BUSINESS OR DISADVANTAGED BUSINESS GOALS AT MIAMI INTERNATIONAL AIRPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Miami-Dade County has historically contracted with third parties to provide demand ground transportation services from Miami International Airport via concession agreements which provide for a payment of a minimum annual guarantee and a percentage of gross revenues to the County; and

**WHEREAS**, historically, such demand ground transportation concessionaires have not been regulated as passenger motor carriers under chapter 31 of the Code of Miami-Dade County; and

**WHEREAS**, the concession agreements such concessionaires enter into with the County provide mechanisms by which the County can ensure that the concessionaire is providing safe, high quality transportation services; and

**WHEREAS**, such firms often utilized small or disadvantaged businesses as subcontractors or suppliers, pursuant to requirements for participation in such concession agreements; and

**WHEREAS**, such demand ground transportation concessions should remain exempt from regulation as passenger motor carriers,

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

**Section 1.** The whereas clauses above are findings of fact by this Board of County Commissioners that are expressly incorporated herein.

**Section 2.** Section 31-115 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 31-115. - Special provisions.**

(A) A passenger motor carrier that has the exclusive right to provide demand ground transportation services at Miami International Airport or the Port of Miami under a contract with Miami-Dade County shall comply with the requirements of this article. Notwithstanding the foregoing ~~>>and except as provided elsewhere in this article, or in connection to concessionaire agreements with Small Business Enterprises, or Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise participation goals.<<~~ a passenger motor carrier who has the exclusive right to provide demand ground transportation services at Miami International Airport under a contract with Miami-Dade County shall comply with the requirements of this article commencing with the expiration of the contract in place on the effective date of this ordinance. Notwithstanding anything to the contrary in this chapter, the following subsections shall not apply to a passenger motor carrier who has the exclusive right to provide demand ground transportation services at Miami International Airport or the Port of Miami under a contract with Miami-Dade County when providing exclusive demand service under the terms of said contract: 31-102 (jj), 31-103(j)(22) and (24), and 31-107 (e).

\* \* \*

<sup>1</sup> 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.

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**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:

May 5, 2020

Approved by County Attorney as  
to form and legal sufficiency:

ADW

Prepared by:

DM

David M. Murray

Prime Sponsor: Chairwoman Audrey M. Edmonson