

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: (Public Hearing 4-5-22)
March 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to vehicles for
hire; amending sections 31-306,
31-309, and 31-310 of the Code;
revising eligibility requirements
for initial and renewal school
bus, fixed route and jitney, and
special transportation service
chauffeur applicants; making
technical and conforming
changes

Ordinance No. 22-34

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jean Monestime and Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: April 5, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Eligibility Requirements for For-Hire Chauffeurs – File No. 220483

The proposed ordinance eliminates the County Code provision requiring private school bus, jitney, and Special Transportation Service (STS) drivers who are not proficient in English to take an oral test demonstrating their ability to communicate with emergency personnel in English. The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

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

Jimmy Morales
Chief Operations Officer

Memorandum



Date: April 5, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Eligibility Requirements for For-Hire
Chauffeurs – File No. 220483

The proposed ordinance eliminates the County Code provision requiring private school bus, jitney, and Special Transportation Service (STS) drivers who are not proficient in English to take an oral test demonstrating their ability to communicate with emergency personnel in English. For-hire transportation providers have recently indicated that there is a shortage of professional drivers in the labor market. Approval of this ordinance will increase the availability of licensed for-hire chauffeurs who are only proficient in Spanish or Haitian Creole. However, approval of this amendment may have an unintended consequence – an increase in complaints from riders who only speak English as their chauffeurs may only be able to communicate in Spanish or Creole.

A blue ink signature, likely of Jimmy Morales, written over a horizontal line.

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: April 5, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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. 5(A)

4-5-22

ORDINANCE NO. 22-34

ORDINANCE RELATING TO VEHICLES FOR HIRE;
AMENDING SECTIONS 31-306, 31-309, AND 31-310 OF THE
CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING
ELIGIBILITY REQUIREMENTS FOR INITIAL AND
RENEWAL SCHOOL BUS, FIXED ROUTE AND JITNEY, AND
SPECIAL TRANSPORTATION SERVICE CHAUFFEUR
APPLICANTS; MAKING TECHNICAL AND CONFORMING
CHANGES; PROVIDING SEVERABILITY, INCLUSION IN
THE CODE, AND AN EFFECTIVE DATE

WHEREAS, sections 31-306, 31-309, and 31-310 of the Code of Miami-Dade County, Florida, provide an exception to the language testing requirements contained in section 31-303(d)(2) of the Code; and

WHEREAS, presently, sections 31-306, 31-309, and 31-310 of the Code allow school bus, fixed route and jitney, and special transportation service chauffeur's registration applicants whose primary language is not English to take certain portions of the registration examination in Spanish or Creole; and

WHEREAS, the aforementioned sections of the Code still require school bus, fixed route and jitney, and special transportation service chauffeur's registration applicants to take an oral examination demonstrating the applicant's ability to communicate with emergency personnel in English; and

WHEREAS, eliminating the aforementioned oral examination may result in more individuals obtaining and retaining certain chauffeur's registrations; and

WHEREAS, the County is multi-cultural and residents, first responders, and medical personnel are often able to communicate effectively in multiple languages; and

WHEREAS, this Board desires to further amend the aforementioned testing requirements to explicitly provide that, regardless of an applicant's primary language, the examination for school bus, fixed route and jitney, and special transportation service chauffeur's registration applicants shall be offered in English, Spanish, and Creole,

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

Section 1. Section 31-306 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 31-306. - Chauffeur's registration—Additional private school bus chauffeur requirements.

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(b) (1) The language ~~[[and]]~~ testing requirements contained in ~~[[Section]]~~ >>section<< 31-303(d)(2) shall >>not<< apply to initial private school bus chauffeur applicants >>.<< ~~[[;~~ except that said requirements shall not apply to private school bus chauffeur applicants whose primary language is other than English and who transport students who are fluent in the language spoken by the applicant. An initial applicant whose primary language is other than English and who transports students who are fluent in the language spoken by the applicant shall be issued a separate chauffeur registration; such an applicant shall be required to take and pass a separate examination which demonstrates the applicant's ability to communicate in English with emergency personnel in those situations described in this paragraph which pose immediate danger to the health and welfare of the student(s). Such examination shall only test

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.

~~the applicant's ability (1) to notify emergency personnel 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 and describe the nature of the emergency.]]~~

- (2) Each initial private school bus chauffeur applicant shall take the one-day course and pass the oral and written exam required in ~~[[Section]]~~ >>section<< 31-303(d)(2) demonstrating the applicant's knowledge of Miami-Dade County, traffic regulations, defensive driving techniques and chauffeur responsibilities. Each renewal private school bus chauffeur applicant who, in the most recent two-year period, has been found guilty or pled guilty or nolo contendere to two (2) or more moving violations shall be also be required to take the one-day course and pass the oral and written exam required in ~~[[Section—31-103(d)(2)]]~~ >>section 31-303(d)(2)<< demonstrating the applicant's knowledge of Miami-Dade County traffic regulations, defensive driving techniques and chauffeur responsibilities. ~~[[For separate chauffeur registration applicants whose primary language is other than English and who transport students who are fluent in the language spoken by the applicant, said]]~~ >>The<< examination >>required by this subsection<< shall be ~~[[administered in]]~~ >>offered in English,<< Spanish or Creole.

Section 2. Section 31-309 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 31-309. - Chauffeur's registration—Additional passenger motor carrier requirements.

- (a) The language ~~[[and]]~~ testing requirements contained in ~~[[Section]]~~ >>section<< 31-303(d)(2) shall >>not<< apply to initial and renewal fixed route or jitney service chauffeur applicants>>.<< ~~[[, except that said requirements shall not apply to fixed route or jitney service chauffeur applicants whose primary language is other than English. An initial or renewal applicant whose primary language is other than English 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 fixed route or jitney service chauffeur applicant shall take the one-day course and pass the oral and written exam required in ~~[[Section]]~~ >>section<< 31-303(d)(2) demonstrating the applicant's knowledge of Miami-Dade County traffic regulations, defensive driving techniques and chauffeur responsibilities~~[[. For chauffeur registration applicants whose primary language is other than English]],>>and<<~~ said examination shall be ~~[[administered]]~~ >>offered in English<<, Spanish or Creole.

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Section 3. Section 31-310 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 31-310. - Chauffeur's registration—Additional special transportation service requirements.

- (a) The language ~~[[and]]~~ testing requirements contained in ~~[[Section]]~~ >>section<<31-303(d)(2) shall >>not<< 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]]~~ >>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]],~~ >>and<< said examination shall be offered in English, Spanish or Creole.

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.

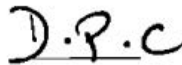
PASSED AND ADOPTED:

April 5, 2022

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Dale P. Clarke
Annery Pulgar Alfonso

Co-Prime Sponsors: Commissioner Jean Monestime
Commissioner Rebeca Sosa