

MEMORANDUM

Amended
Agenda Item No. 7(G)

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

DATE: (Second Reading 3-1-22)
January 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to licensing
and regulation of for-hire
limousines; amending sections
31-602 and 31-603 of the Code;
providing that there shall be no
limitation on the number of
luxury limousine sedan for-hire
licenses; prohibiting the leasing
of luxury limousine sedan for-
hire licenses; removing limitation
on the assignment or sale of a
limousine luxury sedan for-hire
license

Ordinance No. 22-28

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor
Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: March 1, 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 Luxury Limousine Sedan For-Hire Licenses

The proposed ordinance amends Chapter 31, Article VI of the Code of Miami-Dade County removing any limitation on the number of luxury limousine sedan for-hire licenses.

It is anticipated that this ordinance will generate a positive fiscal impact for the Department of Transportation and Public Works (DTPW) from revenues generated by new applicants obtaining luxury limousine sedan for-hire licenses and annual license renewals. At this time, it is difficult to quantify this impact because the number of new applicants cannot be determined. License fees generated are used to fund DTPW regulatory and enforcement activities.




Jimmy Morales
Chief Operations Officer

Memorandum



Date: March 1, 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 Limousines (#213057)

The proposed ordinance amends Chapter 31, Article VI of the Code of Miami-Dade County by providing that there shall be no limitation on the number of luxury limousine sedan for-hire licenses.

The establishment of an open-entry system for luxury sedan licenses will increase the availability of licensed luxury sedan transportation in Miami-Dade County, thus providing a lower threshold to entry for people seeking to become limousine operators and provide for increased competition and higher service standards for the public.

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

Jimmy Morales
Chief Operating Officer



MEMORANDUM
(Revised)

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

DATE: March 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(G)

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 Amended
Veto _____ Agenda Item No. 7(G)
Override _____ 3-1-22

ORDINANCE NO. O-22-28

ORDINANCE RELATING TO LICENSING AND REGULATION OF FOR-HIRE LIMOUSINES; AMENDING SECTIONS 31-602 AND 31-603 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THERE SHALL BE NO LIMITATION ON THE NUMBER OF LUXURY LIMOUSINE SEDAN FOR-HIRE LICENSES; PROHIBITING THE LEASING OF LUXURY LIMOUSINE SEDAN FOR-HIRE LICENSES; REMOVING LIMITATION ON THE ASSIGNMENT OR SALE OF A LIMOUSINE LUXURY SEDAN FOR-HIRE LICENSE; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County currently regulates for-hire limousines; and

WHEREAS, for-hire limousines regulated by the County include luxury limousine sedans, stretch limousines, super-stretch limousines, ancient limousines, antique limousines and collectible limousines; and

WHEREAS, there currently exists no limitation on the number of stretch limousine, super-stretch limousine, collectible limousine and antique limousine for-hire licenses that may be issued administratively; and

WHEREAS, luxury limousine licenses may only be issued by a lottery after this Board has authorized the issuance of additional licenses; and

WHEREAS, this Board believes that luxury limousine for-hire licenses should be treated the same as stretch limousine, super-stretch limousine, collectible limousine and antique limousine for-hire licenses regarding the issuance of additional licenses; and

WHEREAS, this Board wishes to amend the Code of Miami-Dade County, Florida to provide that there shall be no limitation on the number of luxury limousine sedan for-hire licenses that may be issued administratively; and

WHEREAS, Miami-Dade County's regulation of limousines is intended to, among other things, promote the free market, enhance the availability, efficiency and safety of transportation systems as well as encourage innovation and enhance residents' and consumers' transportation options; and

WHEREAS, this ordinance is also intended to, among other things, level the playing field notwithstanding the unique aspects of each form of transportation, and encourage competition under a responsible and fair regulatory regime,

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

Section 1. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Section 31-602 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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

* * *

(b) Out-of-County origin exception>> - Reciprocity<<. Nothing in this article shall be construed to prohibit discharge within Miami-Dade County of any passenger lawfully picked up in

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.

another County and lawfully transported into Miami-Dade County. Notwithstanding any provision to the contrary: (1) Any passenger lawfully picked up in another county, transported to, and discharged at any location within Miami-Dade County, may be picked up at the discharge location and returned to the county of origin as long as the transportation is part of a pre-arranged, round-trip fare pursuant to a written contract, the limousine has complied with all of the regulatory requirements of the other county and the county where the passenger is picked up has adopted a similar provision; and (2) A limousine from another county may pick up a passenger at either the Miami International Airport (MIA) or the Miami-Dade Seaport (Seaport) and transport said passenger directly to the limousine's county of origin as long as the transportation is part of a pre-arranged one-way continuous fare pursuant to a written contract, the passenger arrived at either the MIA or the Seaport, the limousine has complied with all of the regulatory requirements of the other county and the county where the passenger is picked up has adopted a similar provision. For purposes of this section, references to MIA shall include the Miami Intermodal Center. Pre-arranged means a written, electronic or telephone reservation made in advance by the person requesting service through the place of business of the for-hire license holder for the provision of limousine service for a specified period of time. Any limousine that picks up or discharges passengers at either the MIA or the Seaport shall meet the MIA and the Seaport limousine requirements. A copy of the contract shall be in the possession of the chauffeur at all times and shall be made available to enforcement personnel upon request.

* * *

- (n) No for-hire limousine luxury sedan license shall be assigned, sold, (either outright or under a conditional sales contract) or transferred without prior County approval. Any change in the ownership structure of a corporation or partnership where at least five (5) percent of the shares of said corporation or at least five (5) percent of the partnership interest is assigned, sold or transferred to another shall be deemed a sale for the purposes of this section. The Director

is authorized to approve assignments, sales, or transfers when requested by submission of an application (which discloses the information specified in and is signed and sworn to in accordance with the requirements of subsections (c) and (d) of this section) and payment of a transfer investigative and processing fee and after an investigation and determination, based on the criteria set forth in this section. An assignee, buyer, or transferee shall not begin operating the limousine luxury sedan license during the pendency of the application approval process. If the County approves an application to assign, sell, or transfer a limousine luxury sedan license, the assignor's, seller's, or transferor's limousine luxury sedan license shall be suspended until the County reissues the limousine luxury sedan licenses to the assignee, buyer, or transferee. Provided, however, that the County shall reissue the limousine luxury sedan licenses to the assignee, buyer, or transferee at a cost not to exceed the annual, limousine luxury sedan license renewal fee. ~~[[Any limousine luxury sedan license issued pursuant to Section 31-603(c)(ii)-(v) shall not be assigned, sold or transferred for a period of five (5) years from the date of issuance, except upon: (1) the sale of the luxury sedan license holder's business within the five-year period; (2) the sale of shares or the corporation or partnership as provided in this subsection; or (3) the transfer of all for-hire luxury sedan licenses by an individual to a person as defined in Section 31-601.]]~~ No transfer shall be approved that results in a license holder holding or controlling more than thirty (30) percent of the total number of luxury limousine sedan licenses issued by the County. Appeals of the Director's decision shall be made pursuant to the requirements of this Chapter.

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~~[(q) *Rules for existing for-hire limousine licenses.* Notwithstanding any provision to the contrary, any person who converts an existing for-hire limousine license after the date of adoption of this article pursuant to Section 31-603(c)(i) and is providing luxury limousine service may lease the luxury limousine sedan license to a person who meets the requirements of Section 31-602(c) and (d),~~

~~including payment of the application and investigatory fee, until such license is assigned, sold or transferred as provided in Section 31-602(n).]~~

Section 3. Section 31-603 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 31-603. - Luxury limousine sedan for-hire limousine licenses.

- >>(a) No limitation on number of luxury limousine sedan licenses. Effective six months from the effective date of this ordinance, there shall be no limitation on the number of luxury limousine sedan for-hire limousine licenses.
- (b) Notwithstanding the eligibility provisions of section 31-602(d)(6) of the Code, an applicant shall not be eligible for a luxury limousine sedan for-hire limousine license if he/she/it does not have a physical place of business located in Miami-Dade County.<<
- ~~[(a) *Rules governing the distribution of luxury limousine sedan for-hire licenses.*~~
- ~~(i) Upon the effective date of this article, the Director shall be authorized to issue the number of luxury limousine sedan for-hire licenses pursuant to subsections (c)(i), (ii), (iii) and (iv). In 2006, 2007 and 2008, the Director shall be authorized to issue forty two (42) luxury limousine sedan licenses each calendar year. The Director shall administratively issue such licenses pursuant to the provisions of this section.~~
- (b) ~~Method for distribution of new luxury limousine sedan for-hire licenses. Issuance of luxury limousine sedan for hire licenses shall be issued by the Director in accordance with the following procedures:~~
- ~~(i) Random selection or lottery for new issues. A random selection or lottery process shall be conducted as determined by the Director. The random selection or lottery process shall be conducted by an individual who shall not have~~

~~responsibility for the enforcement of this chapter. All fees and applications must be received by the RER no later than fifty (50) calendar days after the announcement of the lottery.~~

- ~~(ii) Separate lottery conducted by RER. If, due to revocation, cancellation, or lapse, there are ten (10) or more luxury sedan licenses which may be issued, the RER shall have authority to issue such licenses utilizing the procedures of this section. In such event, the applicable deadlines for submission of applications and for conduct of the lottery may be administratively determined by the Director.~~
- ~~(iii) Conditions for participating in random selection or lottery process. All applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Each application to participate in the random selection or lottery process shall be filed in accordance with Section 31-602 of this Chapter, including payment of the investigative and processing fee provided therein. In addition to the eligibility requirements found elsewhere in this Chapter, an applicant shall not be eligible to participate in the random selection or lottery process if he/she/it has, during the three (3) years prior to application, pled nolo contendere, pled guilty or been found guilty of a total of four (4) or more violations of any one or combination of the following sections of this Chapter: Section 31-602 (a); Section 31-603 (b); and/or Section 31-607(a). The RER shall disqualify applicants who do not meet the requirements of this Chapter from participation in the lottery. The Director's decision shall be final.~~
- ~~(iv) No luxury limousine sedan for hire license shall be issued until the applicant has met the provisions of Section 31-602 within forty five (45) days after the applicant has been notified of his or her selection. If the applicant believes he or she cannot meet the requirements within the 45 day period, the applicant may, prior to expiration of such 45 day period, request in writing, a reasonable extension from the~~

~~Director. The Director may grant such a reasonable extension that the Director finds is in the public interest.~~

- (e) ~~Conditions for initial issuance of luxury limousine sedan licenses:~~
- (i) ~~Each holder of a current and valid for hire license to operate a limousine shall, upon application, receive one luxury limousine sedan license for each such license held. Such application shall be filed no later than forty five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.~~
 - (ii) ~~Each lessee of a current and valid for hire limousine license as of January 1, 1999, shall, upon application and the submission of documentation requested by RER, receive one (1) luxury limousine sedan license for each for hire limousine license leased prior to January 1, 1999. Such application shall be filed no later than forty five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.~~
 - (iii) ~~Each person in whose name continuous intra Miami-Dade County luxury limousine service was offered prior to January 1, 1999 shall be issued one (1) luxury limousine sedan license for each for hire luxury limousine sedan operated if the applicant: (1) submits an application which is approved by the RER; (2) pays the applicable application investigative and processing fees; (3) provides proof of continuous, intra Miami Dade County luxury limousine sedan service, as required herein; and (4) enters into a settlement agreement with the County, which shall, among other things, include a promise that the applicant's future limousine operations will comply with the requirements of the Code and requires the payment of a five hundred dollar (\$500.00) per vehicle penalty for each year that a vehicle has been operated illegally. The settlement agreement may provide for payment of such penalty over a period of years. In order to demonstrate continuous, intra Miami Dade County luxury~~

~~limousine sedan service before January 1, 1999, the applicant shall submit, in addition to any other information required by the County, the following documents: (1) annual federal tax records relating to luxury limousine services showing the payment of taxes consistent with the provision of luxury limousine services as stated in the application; (2) a list and description of all vehicles operated, vehicle identification numbers and the years of operation; (3) annual revenues per vehicle; (4) evidence of automobile liability insurance as required by Florida Statutes for each vehicle operated; (5) the number of hours operated per year, per vehicle; (6) proof that each vehicle provided at least 240 intra Miami Dade County trips for the 12-month calendar period prior to January 1, 1999; (7) occupational licenses for each year the applicant provided for hire limousine service from a municipality in Miami Dade County, Miami Dade County, or in the absence of an occupational license from the preceding governmental entities, an occupational license from a municipality in Broward or Palm Beach Counties, or from Broward or Palm Beach Counties; (8) manifests for each trip provided by each vehicle; (9) Articles of Incorporation, if required by law; (10) fictitious name registrations, if required by law; (11) annual renewals of Articles of Incorporation and fictitious name registrations, if required by law; (12) the name, address and telephone number for all chauffeurs who drove each luxury limousine and the dates of employment; and (13) a notarized affidavit, signed under oath, that the submitted application and documents are true and genuine. The RER shall disqualify applicants who do not meet the requirements of this chapter.~~

- (iv) ~~After totaling the number of for hire luxury limousine sedan licenses issued pursuant to (c)(i), (ii) and (iii), twenty (20) percent of the total number of issued luxury limousine sedan licenses to be issued or 100 luxury limousine sedan licenses, whichever number is greater, shall be distributed through a random selection or lottery process to taxicab chauffeurs who as of January 1, 1999, were providing taxicab service in compliance with the~~

~~requirements of Chapter 31 of the Code. The applicant shall be required to furnish such documentation as shall be required by the RER.~~

- (v) ~~If, in the future, additional luxury limousine sedan for hire licenses are to be issued, all applicants must meet the requirements of Section 31-602 and Section 603 and, shall be distributed as follows:~~
 - (1) ~~Two thirds (2/3) to holders of a current and valid limousine for hire license; and~~
 - (2) ~~One third (1/3) to applicants who are not holders of current and valid limousine for hire license.~~
- (vi) ~~No lottery applicant may apply for more than ten (10) luxury limousine sedan licenses.~~
- (d) ~~*Renewals.* Additional rule for renewal of luxury limousine sedan for hire licenses. Failure to use a for hire license during any nine (9) month period shall be deemed abandonment and shall result in automatic revocation of the for hire license.~~
- (e) ~~*Leasing the for hire license.* A luxury limousine sedan license shall not be leased to another party.]]~~

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: March 1, 2022

Approved by County Attorney as
to form and legal sufficiency:

GBK

Prepared by:

D.P.C

Dale P. Clarke

Prime Sponsor: Commissioner Kionne L. McGhee