## Chapter 31 VEHICLES FOR HIRE [[1]](#BK_CD1B8C0C4C4403CB7767CF8916A72A13)

[ARTICLE I. - IN GENERAL](../level3/PTIIICOOR_CH31VEHI_ARTIINGE.docx)

[ARTICLE II. - LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx)

[ARTICLE III. - PASSENGER MOTOR CARRIERS](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx)

[ARTICLE IV. - SPECIAL TRANSPORTATION SERVICE CARRIERS](../level3/PTIIICOOR_CH31VEHI_ARTIVSPTRSECA.docx)

[ARTICLE V. - GENERAL REQUIREMENTS](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx)

[ARTICLE VI. - LICENSING AND REGULATION OF FOR-HIRE LIMOUSINES.](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx)

FOOTNOTE(S):

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Annotation—CAO 81-26. [(Back)](#BK_C73507081BD593635974646FEC78CC3C)

**Charter reference—** Authority of Board of County Commissioners to license and regulate taxis, jitneys, and other vehicles for hire in the unincorporated area of County, § 1.01(A)(3). [(Back)](#BK_C73507081BD593635974646FEC78CC3C)

**Cross reference—** Ambulances and nonemergency medical vehicles, Ch. 4; loud, unnecessary and excessive noises created by means of sounding horn on automobiles, § 21-28; traffic and motor vehicles, Ch. 30. [(Back)](#BK_C73507081BD593635974646FEC78CC3C)

### ARTICLE I. IN GENERAL

[Secs. 31-1—31-67. Reserved.](#BK_7791A134CAB6969FBA9A06EB4AA8C5B1)

[Sec. 31-68. Hotels, motels, etc.—Driver soliciting patronage of passengers for.](#BK_22CF76AAEF9338F51FBC303D8F187481)

[Sec. 31-69. Same—Driver diverting patronage to.](#BK_668609DAAD06A1891FD15D6F2420EB45)

[Sec. 31-70. Same—Paying for patronage secured.](#BK_F616BFFD1CB389051F3F46A1BEEA3A17)

[Sec. 31-71. Same—Accepting pay for patronage secured.](#BK_C09A2507E441A9E5A5DA01930059BF34)

[Sec. 31-72. Notice to passengers to be displayed.](#BK_282545F335E1866033F88BFA39116AC3)

[Sec. 31-73. Hospitals, convalescent homes, mortuaries included in above restrictions.](#BK_09FC8F7A37F58A533CF4208E519615BC)

[Sec. 31-74. Penalties for violating Sections 31-68—31-76.](#BK_D4277A3ECE28F42B7727DD5B16E12F12)

[Sec. 31-75. Applicability of Sections 31-68—31-75.](#BK_BB8A97B3262B2B677F6B85528297F501)

[Sec. 31-76. Prohibition against compensation for right to pick-up passengers.](#BK_308D509F91907EB58A4A85ADC1E67BF8)

[Secs. 31-77—31-80. Reserved.](#BK_6A87562EF352D4FFAEE69AF35EFDFABA)

Secs. 31-1—31-67. Reserved.

**Editor's note—**

Ord. No. 62-4, enacted Feb. 6, 1962, repealed §§ 31-1—31-67 of the Code. Previously these sections, providing for the licensing and regulation of vehicles for hire operating in the unincorporated areas of Miami-Dade County, were derived from Ord. No. 58-35, as amended. The Supreme Court of Florida, in Miami-Dade County v. Mercury Radio Service, et al., Fla. 1961, 134 So. 2d 791, declared said ordinance unconstitutional.

Sec. 31-68. Hotels, motels, etc.—Driver soliciting patronage of passengers for.

It shall be unlawful for the driver or operator of any taxicab or other passenger vehicle for hire, while engaged in such occupation within the incorporated or unincorporated areas of Miami-Dade County, to solicit the patronage of any passenger, prospective passenger, or other person in behalf of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment.

(Ord. No. 61-39, § 1, 9-19-61)

Sec. 31-69. Same—Driver diverting patronage to.

It shall be unlawful for the driver or operator of any taxicab or other passenger vehicle for hire, while engaged in such occupation within the incorporated or unincorporated areas of Miami-Dade County, to divert or attempt to divert a prospective patron from any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment.

(Ord. No. 61-39, § 2, 9-19-61)

Sec. 31-70. Same—Paying for patronage secured.

It shall be unlawful for the owner, manager or operator of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment, of any of the agents, servants or employees thereof, or any other person connected therewith, to pay or offer to pay to the driver or operator of any taxicab or other passenger vehicle for hire any money, compensation, reward, gratuity, or other thing of value, directly or indirectly, for soliciting any passenger, prospective passenger or other person to patronize the place of business of such person, or for diverting or attempting to divert any prospective patron, guest or customer from any other business establishment to that of such person.

(Ord. No. 61-39, § 3, 9-19-61)

Sec. 31-71. Same—Accepting pay for patronage secured.

It shall be unlawful for the driver or operator of any taxicab or other passenger vehicle for hire to receive, accept or agree to receive or accept, or solicit, from the owner, manager or operator of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment, or any of the agents, servants or employees thereof, or any other person connected therewith, directly or indirectly, any money, compensation, reward, gratuity, or other thing of value, for soliciting patrons, guests or customers for the place of business of such person, or for diverting or attempting to divert any prospective patron, guest or customer from another place of business to the place of business of such person.

(Ord. No. 61-39, § 4, 9-19-61)

Sec. 31-72. Notice to passengers to be displayed.

It shall be unlawful for any person to operate any taxicab or other passenger vehicle for the public transportation of passengers in the incorporated or unincorporated areas of Miami-Dade County without permanently displaying therein, in such position that it may be easily read by all passengers, a legibly printed notice in form and substance as follows: "It is unlawful for the driver of this vehicle to recommend or solicit patronage for any place of business."

(Ord. No. 61-39, § 5, 9-19-61)

Sec. 31-73. Hospitals, convalescent homes, mortuaries included in above restrictions.

It shall be unlawful for any person to pay, offer to pay, receive, accept, take, or solicit the payment of any money, compensation, gratuity or other thing of value (commonly known as "turkey money"), for the purpose of inducing, seeking to induce, soliciting, or causing any person to patronize, use, or to be taken to any hospital, convalescent home, mortuary, or place of business, or for the purpose of diverting or attempting to divert any person from the hospital, convalescent home, mortuary, or place of business of his choice to another such establishment or place of business.

(Ord. No. 61-39, § 6, 9-19-61)

Sec. 31-74. Penalties for violating Sections 31-68—31-76.

(a) A violation of this article shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of penalties in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code. Failure of a person providing passenger for hire service to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's passenger for-hire authority and all for-hire operations shall cease until such fine is paid in full.

(b) Any person who is found guilty on at least two (2) prior occasions within a three-year period of violating a provision of this article shall for the third such violation 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. Findings of guilt under the provisions of [Chapter 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code for violations of this article shall be counted for the purposes of establishing the prior record for this subsection.

(c) Notwithstanding the provisions of this article, the Consumer Services Department Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(d) For purposes of this article, the term "passenger vehicle for hire" shall mean any vehicle regulated by [Chapter 4](../level2/PTIIICOOR_CH4AMMETRVE.docx#PTIIICOOR_CH4AMMETRVE), article III, or [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Code and the terms "driver" or "operator" of a passenger vehicle for hire shall mean any driver or operator regulated by [Chapter 4](../level2/PTIIICOOR_CH4AMMETRVE.docx#PTIIICOOR_CH4AMMETRVE), article III or [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Code.

(Ord. No. 88-118, § 2, 12-6-88; Ord. No. 99-08, § 1, 1-21-99)

Sec. 31-75. Applicability of Sections 31-68—31-75.

The provisions of Sections [31-68](../level3/PTIIICOOR_CH31VEHI_ARTIINGE.docx#PTIIICOOR_CH31VEHI_ARTIINGE_S31-68HOMOETRISOPAPAFO) through [31-76](../level3/PTIIICOOR_CH31VEHI_ARTIINGE.docx#PTIIICOOR_CH31VEHI_ARTIINGE_S31-76PRAGCORIPIPA) shall be applicable to and effective in both the incorporated and unincorporated areas of Miami-Dade County, Florida. This article shall be enforced by authorized personnel of the Consumer Services Department, the police forces of the various municipalities in Miami-Dade County and by the Miami-Dade Police Department.

(Ord. No. 61-39, § 8, 9-19-61; Ord. No. 99-08, § 1, 1-21-99)

Sec. 31-76. Prohibition against compensation for right to pick-up passengers.

(a) It shall be unlawful for any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire or any other person directly or indirectly to provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide for-hire passenger service from any hotel, motel, apartment, restaurant, nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment, or public facility. The license, registration or certificate of any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire violating this provision shall be subject to suspension up to twelve (12) months for the first violation and shall be subject to revocation for repeat violations in accordance with the provisions of the Code.

(b) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire or any other person for the right to pick up passengers or provide for-hire passenger service from any hotel, motel, apartment, restaurant, nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment or public facility.

(Ord. No. 99-08, § 1, 1-21-99; Ord. No. 07-149, § 1, 10-2-07)

Secs. 31-77—31-80. Reserved.

### ARTICLE II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES [[2]](#BK_EED2465A1834E2CF7FBF161DB455784D)

[Sec. 31-81. Definitions.](#BK_17A7935B0F5FBC3B35F0CDBC27549DCD)

[Sec. 31-82. For-hire licenses.](#BK_0E11A060EE469A3BF7A6B185CE737BC1)

[Sec. 31-83. Chauffeur's registration.](#BK_D2E9744F1756D63B6164B4600EB4D380)

[Sec. 31-84. Duties of Consumer Services Department.](#BK_49A83EF3702C50F6EA6162532429AB8D)

[Sec. 31-85. Rules for operation.](#BK_1324633A3404E47CE729138ED2386F29)

[Sec. 31-86. Taximeters.](#BK_EB95161DC05BEDC354608DF834DC2BA6)

[Sec. 31-87. Rate regulation.](#BK_DCA30B712A5C2E9D88C3A0A1E54BEF91)

[Sec. 31-88. Insurance requirements.](#BK_B7E5246B2B768AE8D179ED79B211EDF0)

[Sec. 31-89. Vehicle standards.](#BK_DD1D47A1BB7F1EF0DFC836044206011B)

[Sec. 31-90. Enforcement of article.](#BK_1FD7D8B1660C46036BACCF4FD3A5CCDD)

[Sec. 31-91. Suspension and revocation proceedings.](#BK_A36D654BD262F593012EE4C8CF60C463)

[Sec. 31-92. Violations; penalties.](#BK_1B1ACA20EBC4B73BF37F9D68FBB74C7F)

[Sec. 31-93. Special provisions.](#BK_ACC1070279753D9EEB479EEAE236F5F2)

[Sec. 31-94. Seizure, impoundment and forfeiture.](#BK_7D156108C99664F312CBD8C9E207DA9B)

[Secs. 31-95—31-98. Reserved.](#BK_01DDAE86A9D9AA58087269957C05B082)

[Sec. 31-99. Advertisement of for-hire services.](#BK_39C2753355B3F99A6EB7CF91EF99881D)

[Sec. 31-100. Passenger service companies.](#BK_B800CC1460BB607AABB88626D8802AD4)

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 (¾) 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 (¾) 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.

(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 or corporation 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 owning at least five (5) percent of the shares of the corporation as well as the corporate officers and directors.

(d) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a for-hire passenger motor vehicle.

(e) *Chauffeur agreements* means the CSD approved form agreements entered into by the chauffeur and the passenger service company and the chauffeur and the for-hire license holder prior to the provision of any for-hire service.

(f) *Chauffeur registration* means a registration card issued by the CSD.

(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) *County Manager* means the chief executive officer and head of the administrative branch of county government as provided in [Article 3](../level2/PTICOAMCH_ART3EL.docx#PTICOAMCH_ART3EL) of the Home Rule Charter of Miami-Dade County.

(k) *CSD* means the Miami-Dade County Consumer Services Department

(l) *Director* means the CSD director or the director's designee.

(m) *Dispatch* means a communication via two-way radio or cellular telephone from a passenger service company to a taxi chauffeur to provide for-hire transportation to a passenger.

(n) Reserved.

(o) *Fares* or *rates* means the charges established pursuant to this article to be paid by passengers for the transportation services provided by a for-hire passenger motor vehicle.

(p) *For compensation* or *compensation* means for money, property, service or anything of value, including tips and commissions.

(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 with whom the passenger service company has entered into passenger service agreements.

(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 chauffeur-driven taxicab as defined herein which engages in the casual and nonrecurring 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 the Metro-Miami-Dade Transit Agency 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 Metro-Miami-Dade Transit Agency 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 CSD.

(x) *Passenger service agreement* means the CSD approved form agreement entered into by the for-hire license holder and the passenger service company prior to any for-hire operation.

(y) *MDTA* means the Miami-Dade Transit Agency.

(z) *Medallion* means a plate or decal issued by CSD 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 CSD a CSD 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 CSD* means uniformed enforcement personnel and any other individual authorized by the director.

(kk) *Place of business* means the specific Miami-Dade 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 CSD, which displays for-hire rates and such other data as the CSD 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, with at least three (3) doors, designed, constructed, reconstructed and equipped as required in this chapter to provide either street hail or prearranged taxicab service, which is equipped with a taximeter, unless authorized to exclusively operate at a flat rate, and where the route and destination are controlled by the passenger.

(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 CSD 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 or cellular telephone by which a dispatcher may communicate with the chauffeurs of all taxicabs during all hours of vehicle operation and in which each for-hire vehicle is equipped with a two-way radio or cellular telephone.

(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.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 82-11, § 2, 2-18-82; Ord. No. 87-12, §§ 1, 2, 3-17-87; Ord. No. 88-124, § 1, 12-20-88; Ord. No. 91-130, § 1, 11-5-91; Ord. No. 95-221, § 2, 12-5-95; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-139, § 1, 11-14-00; Ord. No. 03-45, § 1, 3-11-03)

Sec. 31-82. For-hire licenses.

(a) Prohibition against unauthorized operations. It shall be unlawful for any person to 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.

(b) Out-of-County origin exception. Nothing in this article shall be construed to prohibit:

(1) Discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County.

(2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a county adjacent to Miami-Dade County provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked-up within the ADA-defined area of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Miami-Dade County for-hire chauffeur's registration.

(c) Application procedures. Every initial application for a for-hire license, renewal application, amendment to a for-hire license or transfer of a for-hire license, shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with an investigative and processing fee which shall be nonrefundable. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice-president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by the CSD and shall contain all information required thereon, including:

(1) Sufficient information to identify the applicant, including but not limited to full legal name and trade name, date of birth, telephone number, business address and residence address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident agent, director, and stockholder. If the applicant is a partnership, the foregoing information shall be provided for each partner. As part of such application, the applicant shall also disclose the foregoing information for any person who has any interest (legal, equitable, beneficial or otherwise) in the license. Post office box addresses will not be accepted hereunder.

(a) Reserved.

(b) *Business location requirements for taxicab for-hire licensees.* All applicants who are applying for a taxicab for-hire license after the effective date of this ordinance or have been issued a taxicab for-hire license after the effective date of this ordinance shall have a place of business in Miami-Dade County, Florida. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in Miami-Dade County, Florida. Post office box addresses will not be accepted.

(2) The class or classes of transportation service which the applicant desires to furnish.

(3) A brief description of the kind(s) and type(s) of vehicles, seating capacity, seating arrangements, gross weight, mileage and number of vehicles proposed to be used.

(4) The names and addresses of at least three (3) residents of the County as references.

(5) The trade name under which the applicant intends to operate and a description, where applicable, of a distinctive uniform and decorative color scheme including placement of numbers and other markings.

(6) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.

(7) A record of all crimes to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or been convicted, whether or not adjudication has been withheld within the five (5) years preceding the date of the application. The applicant shall have his or her fingerprints and photograph taken by the Miami-Dade Police Department. In the case of a corporate or partnership applicant, this information shall be obtained from all corporate officers and directors or partners, as the case may be. In the case of corporations, the above information shall be obtained from stockholders who own, hold or control five (5) percent or more of the corporation's issued and outstanding stock.

(8) Two (2) credit references including at least one (1) bank where applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.

(9) Reserved.

(10) Reserved.

(11) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.

(12) Any additional information as the Director shall require to enforce the provisions of this article.

(13) The name of the passenger service company who shall act as the for-hire license holder's agent, where applicable.

(d) Investigation of for-hire license applicants. The director shall investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The director may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The director's decision to reject or to deny may be appealed in accordance with this chapter.

An applicant shall not be eligible for a for-hire license if he/she/it:

(1) Has misrepresented or concealed a material fact on his, her or its application;

(2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;

(3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;

(4) Has pled nolo contendere, pled guilty, been found guilty or been convicted of a felony within the last five (5) years, regardless of whether adjudication has been withheld, unless his or her civil or residency rights have been restored;

(5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;

(6) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;

(7) Has violated any condition, limitation, or restriction of a for-hire license imposed by the director or commission where the director deems the violation to be grounds for denial;

(8) Was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;

(9) Has as a stockholder, officer, director, or partner of a corporation or partnership committed an act or omission which would be cause for denying a for-hire license to the officer, director, stockholder, or partner as an individual;

(10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;

(11) Has failed to satisfy the residency and domicile requirements of this chapter;

(12) Does not have a place of business located in Miami-Dade County, Florida;

(13) Has any unsatisfied civil penalty or judgment pertaining to for-hire operation;

(14) Has had a for-hire license issued by Miami-Dade County revoked;

(15) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of whether adjudication is withheld) involving moral turpitude relating to sex; or

(16) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

Where the provisions of this article limit the total number of for-hire licenses to be issued for a specific category of for-hire transportation, the director shall not issue licenses in excess of such limit. Any for-hire licenses requiring approval by the commission shall be submitted to the commission with the written recommendation of the County Manager.

(e) Conditions for obtaining a for-hire license. No for-hire license shall be issued unless the applicant:

(1) Has paid an initial or annual license fee;

(2) Has provided an adequate management plan, where applicable, and has submitted a sworn statement that the applicant has executed a passenger service agreement;

(3) Has submitted proof of insurance required by this article;

(4) Has ensured that the for-hire passenger motor vehicle to be operated under the applicant's for-hire license has passed all required vehicle inspections. Failure of the applicant to meet all of the foregoing requirements within forty-five (45) days after notification of conditional approval shall cause the license not to be issued. If the applicant believes he, she or it cannot meet the foregoing requirements within the forty-five-day period, the applicant may, prior to expiration of such forty-five-day period, request in writing a reasonable extension from the director. If the request states good cause for an extension, the director may grant such a reasonable extension as the director finds is in the public interest.

(f) Vehicles authorized to operate under a for-hire license. The number of vehicles authorized to operate under a for-hire license are as follows: taxi for-hire license holders shall operate only one (1) vehicle per for-hire license.

(g) Issuance and replacement of for-hire license.

(1) *Issuance.* Each for-hire license shall be on a form developed by the CSD and shall be signed by the director. Each for-hire license shall, at a minimum, contain the name and the business address of the license holder, date of issuance, its expiration date and such additional terms, conditions, provisions and limitations as were imposed during the approval process.

(2) *Replacement.* The director may issue a replacement license to any license holder upon application, payment of a nonrefundable replacement fee and presentation of proof or a sworn affidavit that the license has been lost or stolen.

(h) Expiration of and renewal process for for-hire license. For-hire licenses may be issued for such periods as specified in the Implementing Order establishing the fees. The CSD may establish staggered license terms to ease administration of the renewal process. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual for-hire license together with payment of a license fee. As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by the CSD. The director shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the director that the applicant has failed to satisfy the requirements of subsections [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d) or (e). Renewal applications shall additionally include disclosure of all interests in the for-hire license (legal, beneficial, equitable or otherwise) and a sworn statement as to the number of months which each permitted for-hire vehicle operated during the preceding license year. Appeal of the denial of a renewal application shall be in accordance with this chapter.

(i) Grace period. License holders shall have a grace period of up to thirty (30) days after expiration of their license in which to renew same provided, however, that all operations shall cease on the date of license expiration and the license holder shall also pay a late fee over and above the annual license fee. All for-hire licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(j) Rules of operation. For-hire license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and [chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code. A for-hire license holder and her, his or its agents shall comply with the following regulations:

(1) Comply with applicable federal law, Florida law, and ordinances, rules and regulations of the County applicable to the operation of for-hire vehicles;

(2) Immediately report any change of address;

(3) Maintain all records pertaining to the for-hire operations of a vehicle at the place of business of the entity responsible for passenger services for one (1) year and make same available for inspection during the regular business hours of such entity. When requested by the CSD, the entity shall provide copies of the records;

(4) Where required by this article, enter into a passenger service agreement with a passenger service company to provide passenger services or directly perform passenger services as provided in [Section 31-100](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-100PASECO)

(5) Obtain the operating permit for each for-hire vehicle operated pursuant to authority of the for-hire license and pay all application and vehicle inspection fees;

(6) Not permit or authorize any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed therein;

(7) Not allow any person to operate a for-hire vehicle who is not a Miami-Dade County registered chauffeur and who has not entered into a chauffeur's agreement in accordance with this article;

(8) Not allow or permit any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage as required in this chapter;

(9) Register and have inspected by CSD all vehicles to be placed into service and all vehicles taken out of service;

(10) Not permit or authorize anyone to drive any for-hire vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors and all lighting devices are in good working order and the vehicle meets all other applicable vehicle standards as set forth in this chapter;

(11) Not allow or permit any person to operate a for-hire vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the chauffeur to begin or continue to drive the for-hire vehicle;

(12) Not refuse or neglect to transport to or from any place in the county, any orderly person requesting service. Every deaf or hard of hearing person, totally or partially blind person, or physically disabled person shall have the right to be accompanied by a service animal specially trained for the purpose without being required to pay an extra charge for the service animal;

(13) Each for-hire license holder shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for-hire vehicle. The written chauffeur's agreement:

(a) Shall provide for an express duration of the agreement;

(b) Shall only be terminated with at least ninety (90) days prior notice unless good cause be shown and only for the reasons stated therein;

(c) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective license holder's number and chauffeur's registration numbers;

(d) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for-hire vehicle authorized by a for-hire license. Such itemization shall separately list the amount of compensation that is attributable to the lease, insurance, dispatch and deposits, if any. It shall be unlawful for the for- hire license holder to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement. The Agreement shall specifically provide that the compensation to be paid by a chauffeur may be paid utilizing any of at least two of the following: (1) cash, (2) money order, (3) certified check, (4) cashier's check, (5) valid traveler's check, (6) valid bank credit card, or (7) valid personal check showing on its face the name and address of the chauffeur. The chauffeur shall be allowed to make payment as provided in the preceding sentence, and shall be provided with a written receipt which contains the name of the license holder or passenger service company, whichever is applicable, and the name of the driver, the for-hire license number, payment amount and form of payment utilized, date of payment and the period covered by the payment. Such receipt shall be itemized so as to separately list the amount of compensation that is attributable to the lease, insurance, dispatch, and deposits if any;

(e) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for-hire vehicle;

(f) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees.

(g) Shall be signed by both the chauffeur and the license holder; and

(h) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.

(i) Whenever money is deposited by a chauffeur as security for performance or advance payment of a lease, the license holder shall either:

(1) Hold the total amount of such money in a separate non-interest bearing account in a Florida banking institution for the benefit of each chauffeur. The license holder shall not commingle such money with any other funds of the license holder or pledge, or in any other way make use of such money until such money is actually due the license holder; or

(2) Hold the total amount of such money in a separate interest-bearing account in a Florida banking institution for the benefit of each chauffeur, in which case the chauffeur shall receive and collect interest in an amount of at least 75 percent of the annualized average interest rate payable on such account or interest at the rate of 5 percent per year, simple interest, whichever the license holder elects. The license holder shall not commingle such money with any other funds of the license holder, pledge, or in any other way make use of such money until such money is actually due the license holder;

(j) The license holder shall, within thirty (30) days of receipt of a security deposit, notify the chauffeur in writing of the manner in which the license holder is holding the deposit and the rate of interest, if any, which the chauffeur is to receive and the time of interest payments to the chauffeur. Such written notice shall:

(1) Be given in person or by mail to the chauffeur.

(2) State the name and address of the depository where the deposit is being held and whether the deposit is being held in a non-interest or interest-bearing account.

(3) Include a copy of the provisions of subsection (k).

(k) (1) Upon the termination of the lease, if the license holder does not intend to impose a claim on the deposit, the license holder shall have fifteen (15) days to return the deposit together with interest if the funds have been deposited in an interest bearing account, or the license holder shall have thirty (30) days to give the chauffeur written notice by certified mail to the chauffeur's last known mailing address of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The notice shall contain a statement in substantially the following form:

This is a notice of my intention to impose a claim in the amount of \_\_\_\_\_\_\_\_\_\_\_\_ upon your deposit, due to \_\_\_\_\_\_\_\_\_\_\_\_. It is sent to you as required by [sec. 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(j)(13)(k) of the Code of Miami-Dade County, Florida. You are hereby notified that you must object in writing to this deduction from your deposit within fifteen (15) days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to \_\_\_\_\_\_\_\_\_\_\_\_.

If the license holder fails to give the required notice within the 30-day period, he or she forfeits the right to impose a claim upon the security deposit.

(2) Unless the chauffeur objects in writing to the imposition of the license holder's claim or the amount thereof within fifteen (15) days after receipt of the license holder's notice of intention to impose a claim, the license holder may then deduct the amount of his or her claim and shall remit the balance of the deposit to the chauffeur within thirty (30) days after the date of the notice of intention to impose a claim for damages.

(3) If either party to the chauffeur agreement institutes an action in a court of competent jurisdiction to adjudicate the party's right to the security deposit and interest, if any, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney.

(4) In those cases where interest is required to be paid to the chauffeur, the license holder shall pay directly to the chauffeur, or credit the current lease payment, the interest due to the chauffeur at least annually.

(l) It shall be unlawful for any for-hire license holder to require that a chauffeur purchase a taxicab, lease a taxicab or finance the purchase of a taxicab as a condition of entering into a chauffeur's agreement.

(14) For-hire license holders who operate an accessible vehicle shall place an advertisement in the Yellow Pages of the Miami-Dade County Telephone Directory under the trade name under which the owner operates indicating that it is capable of providing service to wheelchair passengers and that such requests for service shall receive priority over all other service requests.

(15) Each license holder shall ensure that chauffeurs operating an accessible vehicle are certified in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair. Proof of certification shall be provided to the CSD.

(16) It shall be unlawful for any person to use, drive or operate an accessible vehicle without certification in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair.

(k) Responsibility for violations of chapter. The holder of a for-hire license shall be held responsible for any applicable violation of this article arising from the operation of the for-hire vehicle authorized under the holder's for-hire license and shall be subject to the penalties provided in this chapter for any such violation. In addition, his, her or its license shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a passenger service company or for-hire chauffeur for the same or related violations shall not relieve the for-hire license holder of responsibility under this article.

(l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.

(1) The director, by administrative decision, may require that at least fifty (50) percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to Sections [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(1) and [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.

(2) Licenses to be operated using accessible vehicles pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(l)(1), [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(1), [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(2), or [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(3) shall be issued upon payment of an amount that is ten thousand dollars ($10,000.00) less than the amounts stated in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(m), [31-93](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-93SPPR)(c)(2), or [31-93](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-93SPPR)(d), respectively, or five thousand dollars ($5,000.00), whichever amount is greater, payable in full within one hundred twenty (120) days after each lottery.

(3) It shall be a condition of all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(l)(1), [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(1), [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(2), or [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(3) that the vehicle operated under the authority of such license shall always be an accessible vehicle.

(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(l)(1) or [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab. Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31, 2011, shall be allowed to be operated for an additional one-year period.

(5) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire taxicab license which is required to be operated using an accessible vehicle pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(2) or [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(3) may convert that for-hire license into a license which may, except as provided herein, operate countywide upon payment of ten thousand dollars ($10,000.00) to the County by July 1, 2009. Notwithstanding the foregoing, a for-hire license holder who is unable to make a payment of ten thousand dollars ($10,000.00) to the County by July 1, 2009, may upon payment of a minimum of two thousand five hundred dollars ($2,500.00) by July 1, 2009, request from the CSD Director an additional period of time not to exceed eighteen (18) months within which to pay the remaining balance. For-hire licenses which are converted as provided in this subsection may not be operated countywide prior to July 1, 2009. Notwithstanding the foregoing, a for-hire license which has been converted into a for-hire license authorized to provide countywide service, as provided for in this subsection, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

(6) Notwithstanding any provision to the contrary, all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(l)(1), [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(1), [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(2), or [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(3) shall, by June 1, 2010, have a mobile two-way radio or electronic dispatch system, installed and operating properly, that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, three hundred sixty-five (365) days a year, and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger.

(m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of twenty-five thousand dollars ($25,000.00), payable in full within one hundred twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c). A sixty-day extension may be granted by the CSD Director provided good cause be shown.

(n) Existing taxicab for-hire license holders on the effective date of this ordinance shall receive one (1) medallion for each for-hire license upon payment of a one-time administrative fee established by administrative order.

(o) For-hire taxicab license lottery and auctions.

(1) In the year 2009 fifteen (15) for-hire taxicab licenses shall be operated using accessible vehicles and issued utilizing the criteria and procedure provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI). Notwithstanding any other provision of this chapter, taxicab licenses issued pursuant to this subsection, after January 1, 2009, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

(2) In addition to the for-hire licenses authorized by the preceding subsection, an additional five (5) South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued in the year 2009, pursuant to [Section 31-93](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-93SPPR)(d) utilizing the criteria and procedure provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)

(3) In addition to the for-hire licenses authorized by the preceding subsections, an additional five (5) underserved area for-hire taxicab licenses shall be issued in the year 2009, pursuant to [Section 31-93](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-93SPPR)(c), utilizing the criteria and procedure provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)

(4) All taxicab licenses issued pursuant to this section after January 1, 2009 shall have a mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. In addition, notwithstanding any provision to the contrary, all taxicab licenses issued pursuant to this section shall be issued upon payment of twenty-five thousand dollars ($25,000.00).

(5) In fiscal year 2010—2011, four (4) for-hire taxicab licenses shall be issued to chauffeurs with twenty (20) or more years of continuous service as a Miami-Dade County chauffeur pursuant to a lottery advertised and supervised by the Consumer Services Department utilizing the criteria and procedure provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI). Notwithstanding any provision to the contrary, all taxicab licenses issued pursuant to this section shall be issued upon payment of five thousand dollars ($5,000.00) payable in full within thirty (30) days after each lottery.

(6) In fiscal year 2010—2011, six (6) for-hire taxicab licenses shall be auctioned to the highest bidder pursuant to an open auction advertised and supervised by the Consumer Services Department utilizing the criteria and procedure provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI). The Clerk of the Circuit Court of Miami-Dade County shall sell each license to the highest and best bidder, who shall pay the amount bid by a cashier's check within thirty (30) days from the time of sale. Two (2) of the six (6) for-hire taxicab licenses shall be operated using accessible vehicles. A for-hire license issued pursuant to the preceding sentence as an accessible vehicle shall remain so classified despite any change in ownership of the for-hire license after its issuance. Participation in the auctions shall be limited to natural persons or corporations organized or qualified to do business under the laws of Florida where all of the shares of each corporation are held by a single natural person ("wholly-owned corporation"), and which satisfy the requirements and criteria provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). The minimum price for taxicab for-hire licenses which must operate accessible vehicles shall be one hundred thousand dollars ($100,000.00). The minimum price for the remaining taxicab for-hire licenses auctioned shall be one hundred forty thousand dollars ($140,000.00). Prior to participating in an auction, a prospective bidder shall provide the Clerk of the Circuit Court of Miami-Dade County with a letter from a registered bank or lending institution stating that the bidder has sufficient funds to pay the minimum price for a for-hire license required by this subsection (6). Each successful bidder shall provide the Consumer Services Department with a cashier's check in an amount equal to ten (10) percent of the total amount bid within two (2) business days of the sale which shall be nonrefundable. Any successful bidder shall provide the Consumer Services Department with a cashier's check for the remainder of the amount bid within thirty (30) days from the time of sale. In the event that the highest and best bidder does not provide the Consumer Services Department with a cashier's check in an amount equal to ten (10) percent of the total amount bid and/or does not provide the Consumer Services Department with a cashier's check for the remainder of the amount bid within thirty (30) days from the time of sale, or the highest and best bid for a for-hire license does not satisfy the minimum price required by this subsection (6), the Clerk of the Circuit Court of Miami-Dade County shall schedule another auction for the unsold for-hire license within sixty (60) days. Any successful bidder who does not satisfy the for-hire license requirements of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r) shall have ninety (90) days from the date of sale in which to apply for the transfer of such license to a natural person or corporation organized or qualified to do business under the laws of Florida where all of the shares of the corporation are held by a single natural person, and which satisfies the requirements and criteria provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). A for-hire license issued pursuant to the auctions provided for in this subsection may only be transferred, voluntarily or involuntarily, to a natural person or corporation organized or qualified to do business under the laws of Florida where all of the shares of the corporation are held by a single natural person, and which satisfies the requirements and criteria provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). As a condition of transferring a for-hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for-hire license which accrued prior to the transfer of the for-hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as provided herein.

(7) Each taxicab operated pursuant to a for-hire license issued pursuant to the lotteries and auctions provided for in subsections (o)(5) and (o)(6) after September 1, 2010:

(i) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. Notwithstanding the foregoing, mobile two-way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the issuance of the for-hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, 365 days a year;

(ii) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD. In addition, all taximeters shall be programmed with the approved special service rates.

(iii) Shall within twelve (12) months from the issuance of the for-hire license be equipped with an operable digital security camera system ("DSCS");

(a) In addition to the following minimum requirements as provided by this subsection, the CSD shall establish and issue regulations to govern the specifications, installation and maintenance of the security cameras and may, from time to time, revise such regulations.

(1) The camera must record sharp, undistorted original still images that are reliable for identification of all individuals seated in any position inside the taxicab and under all lighting conditions including darkness with a strong rear light source.

(2) The DSCS shall record images and shall display at the top of each image the time/date, taxicab number, trigger source, and recording unit serial number.

(3) Storage capacity shall be, at a minimum, 4,000 images.

(4) When memory storage capacity is reached, the DSCS shall overwrite the oldest images as new images are recorded in sequence.

(5) Images shall be recorded and stored in a recording unit, within the vehicle, separate from the mounted camera. No image shall be transmitted from the recording unit to any other electronic device via the internet or any other means.

(6) The manufacturing process for the camera and the camera itself shall be certified by the International Organization for Standardization.

(7) The camera head housing and brackets shall be tamper-proof and securely mounted to the right of the rear-view mirror. The installation shall provide unobstructed vision for the driver.

(8) The camera housing mounting brackets shall prevent any adjustment of camera aim except by certified installers.

(9) The recording unit housing and installation brackets must use tamperproof fasteners. The recording unit, and all cables, must be installed under the dash board and concealed from view.

(10) The DSCS shall contain a visual indication of system status readily visible to the chauffeur and enforcement personnel inspecting the vehicle from outside of the driver door.

(11) The DSCS and components shall be sufficiently shock-resistant to withstand typical vehicle movement and collisions.

(12) Image capture shall be linked to the following events: vehicle door openings and closings, meter engagement and activation of an emergency switch that is linked to the DSCS.

(13) Image access shall be provided only to law enforcement agencies.

(b) Notice of a digital security camera system and a privacy notice shall be prominently displayed within the taxicab, as required by regulations promulgated by CSD;

(iv) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:

(a) Provide for a printed receipt that shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD;

(b) Be linked to the taximeter and include a global positioning system;

(c) Display itemized fare information, provide for an ability to choose the payment form, and provide for the option of adding a gratuity;

(d) Provide for a passenger information module with touch screen capability;

(e) There shall be no additional charge added to the fare for the use of a credit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to [Section 31-87](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-87RARE), which regulates rates, to allow for an additional charge for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon the vehicle the type of credit cards accepted for payment. The specifications of said posting shall be prescribed by the CSD. The credit card payment process shall comply with the Payment Card Industry Data Security Standard or its equivalent; and

(f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;

(v) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with operable warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle.

(a) The warning light system shall consist of two devices.

(b) Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate.

(c) The device shall display flashing red lights which shine on the roadway under the vehicle.

(d) The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated.

Any vehicle which fails to comply with any of the requirements imposed by this subsection (o)(7)(i)—(v) shall be removed from service until such time as the vehicle is in compliance with said requirements.

(p) Rules governing the distribution of new for-hire licenses.

(1) The County Manager shall cause a study to be performed and completed to analyze the relative use of taxicab service by visitors and residents, the utilization of wheelchair accessible taxicabs, the geographic distribution of taxicabs in the County, the impact of additional for-hire taxicab licenses on existing taxicab chauffeurs, recommendations on the formula to be used to establish the number of for-hire taxicabs, and other matters related to taxicab use and need. The scope of service will be developed with industry input.

(2) *Public Hearing.* The commission shall hold a public hearing to consider the Mayor's report and the results of the study required by [Section 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI)(82)(p)(l) to determine the need for additional for-hire taxicab licenses no later December 2013. The commission by ordinance shall establish a formula for determining the number of for-hire taxicab licenses authorized after January 1, 2014. In reaching its decision, the commission shall consider the results of the study required by [Section 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI)(82)(p)(l), the recommendation of the Mayor and all evidence produced at the public hearing. The Mayor shall submit to the commission quarterly reports regarding the development of this formula, pursuant to the criteria provided for in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(p)(1) beginning three (3) months after the enactment of this ordinance.

(q) All additional for-hire licenses issued pursuant to a lottery to operate a taxicab which are authorized pursuant to this section shall be issued by the CSD in accordance with the following procedures:

(1) *Determination of eligibility to participate in distribution of new taxicab for-hire licenses.* Participation in the lottery or random selection process shall be limited to those chauffeurs: who for the five-year period immediately prior to application for participation in such lottery have held a valid Miami-Dade County taxicab chauffeur's registration; who are not holders of a Miami-Dade County for-hire taxicab license; who have not previously held a for-hire taxicab license; who do not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; and who meet the requirements of this section and [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c). Each chauffeur qualified to participate shall be allowed only one (1) entry in the random selection or lottery process. Provided, however, in no event shall such selection or process result in any chauffeur, corporation, partnership or any other entity in which such chauffeur has any interest being authorized to operate more than one (1) for-hire license.

(2) *Random selection or lottery.* Where required by this chapter, a random selection 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 CSD no later than fifty (50) calendar days after the announcement of a lottery.

(3) *Separate lottery conducted by CSD.* If, due to revocation, cancellation or lapse, the total number of valid for-hire taxicab licenses is less than the total number authorized, the CSD shall have authority to issue sufficient new licenses to bring the total issued up to the total authorized 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.

(4) *Conditions for participating in random selection or lottery process.* In addition to the requirements stated above, all applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Every application to participate in the random selection or lottery process shall be filed in accordance with [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c) of this chapter, including payment of the investigative and processing fee provided therein; list the chauffeur's registration number and include a sworn statement that (1) the applicant is the holder of a valid Miami-Dade County taxicab chauffeur's registration and (2) that during the five (5) years prior to application, the applicant has not had his or her Miami-Dade County taxicab chauffeur's registration suspended or revoked or has not been found guilty of more than five (5) violations of this chapter. The CSD shall disqualify applicants who do not meet the requirements of this section from participation in the lottery. The director's decision shall be final.

(5) *Condition of all new taxicab licenses.* It shall be a condition of all for-hire taxicab licenses distributed through the random selection process which are issued after the effective date of this ordinance that the taxicab operated under authority of such license shall be driven by the license holder one (1) out of two (2) shifts per day an average of five (5) days per week. Licenses issued pursuant to this section shall be issued in the chauffeur's individual name only. No new for-hire taxicab license shall be assigned, sold or transferred during the five-year period following the issuance of said license. Notwithstanding the foregoing, a new taxicab for-hire license may be transferred during the five-year period following issuance where the license is: transferred to a corporation as provided in subsection (r)(3); transferred involuntarily pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(r); or transferred due to the death or incompetency of the for-hire license holder, including an irreversible medical condition rendering the chauffeur unable to perform the duties of a chauffeur, such as loss of sight, paralysis, or a terminal illness. Notwithstanding the foregoing, a new taxicab for-hire license issued pursuant to the lottery to a driver who applied for and qualified for the lottery reserved for twenty-year drivers may be transferred, as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), between three (3) and (5) five years after the date of issuance if the driver is at least sixty-two (62) years of age at the time of transfer, and a new taxicab for-hire license issued pursuant to the lottery to a driver who applied for and qualified for the lottery reserved for twenty-five year drivers may be transferred, as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), between two (2) and (5) years after the date of issuance if the driver is at least sixty-two (62) years of age at the time of transfer. Where a new for-hire license is revoked during the aforementioned time periods immediately after the issuance of the license, the proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to Miami-Dade County.

(r) Transfer of a taxicab license. Transfer of a taxicab license may be accomplished by purchase, gift, bequest or operation of law, and is subject to the written approval of the CSD.

(1) *County approval required.* No for-hire taxicab license shall be assigned, sold (either outright or under a conditional sales contract) or transferred without prior approval of the director. No approval hereunder shall be granted unless it has been demonstrated that the assignee, purchaser (conditional or outright), or transferee meets all of the requirements of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI), including but not limited to payment of the required investigative and processing fee, and has submitted a written contract between the license holder and assignee, purchaser or transferee disclosing the terms and conditions of the proposed assignment, sale or transfer, including the amount of compensation which has been paid or is payable to the assignor, seller or transferor and any other consideration given or to be given to the assignor, seller or transferor in connection with the assignment, sale or transfer of the for-hire license. 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 purposes of this section. Failure to comply with this subsection will result in revocation of the for-hire license. Appeals of the director's decision shall be in accordance with the provisions of this chapter.

(2) *Unsatisfied judgments and outstanding tort liabilities.* An assignment, sale or transfer shall not be permitted if an unsatisfied judgment is on file with Miami-Dade County against the licensed assignor, seller or transferor and the CSD has been notified of said judgment. If an appeal is pending from an unsatisfied judgment, the CSD, in its discretion, may permit such assignment, sale or transfer provided the assignor, seller or transferor files a bond in sufficient amount to satisfy the judgment. An assignment, sale or transfer also may be permitted without filing such bond provided that all judgment creditors of unsatisfied judgments file written permission with the CSD. An assignment, sale or transfer shall not be permitted unless the assignee, purchaser or transferee files a bond with the Clerk of the Circuit and County Court to cover all outstanding tort liabilities of the assignor, seller or transferor in excess of the amount covered by the required commercial auto liability insurance policy.

(3) *Assignment, sale (conditional or outright) and transfer to chauffeurs.* Unless otherwise provided, from the effective date of this ordinance for-hire taxicab licenses may only be assigned, sold (conditional or outright) or transferred to a Miami-Dade County registered taxicab chauffeur who: (i) does not hold a Miami-Dade County for-hire taxicab license; (ii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; and (iii) meets the requirements provided in this subsection and [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI) ("driver-owner"). Provided, however, in no event shall an assignment, sale (conditional or outright) or transfer be approved if a chauffeur has any interest (legal, equitable or beneficial) in any other for-hire license. It shall be a condition of any license that the assignee, purchaser or transferee shall actually drive the taxicab authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week and that the transferee shall not enter into any agreement to operate a taxicab under authority of such license with any other person who has any interest or ownership in another for-hire license. Notwithstanding any provision to the contrary, any driver-owner who has been issued a for-hire license may elect to transfer the for-hire license to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are held by the driver-owner who purchased the for-hire license ("wholly-owned corporation"'), and which satisfies the requirements and criteria provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). All for-hire licenses issued to a driver-owner and transferred to a wholly-owned corporation as provided for in subsections (f)(3) and (r)(4) shall, regardless of the date of issuance, be transferred to the same wholly-owned corporation. As a condition of transferring a for-hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for-hire license which accrued prior to the transfer of the for-hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as provided herein. Each vehicle operated pursuant to a for-hire license issued to a driver-owner and transferred to a corporation as provided in subsections (r)(3) and (r)(4):

(i) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. Notwithstanding the foregoing, mobile two-way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the issuance of the for-hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, 365 days a year;

(ii) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD. In addition, all taximeters shall be programmed with the approved special service rates;

(iii) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable credit card processing system. For-hire license holders shall be required to install in all taxicabs a credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:

(a) Provide for a printed receipt that shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD;

(b) Be linked to the taximeter and include a Global Positioning System;

(c) Display itemized fare information, provide for an ability to choose the payment form, and provide for the option of adding a gratuity;

(d) Provide for a passenger information module with touch screen capability:

(e) There shall be no additional charge added to the fare for the use of a credit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to [Section 31-87](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-87RARE), which regulates rates, to allow for an additional charge for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon the vehicle the type of credit cards accepted for payment. The specifications of said posting shall be prescribed by the CSD. The credit card payment process shall comply with the Payment Card Industry Data Security Standard or its equivalent; and

(f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;

(iv) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with operable warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle.

(a) The warning light system shall consist of two devices.

(b) Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate.

(c) The device shall display flashing red lights which shine on the roadway under the vehicle.

(d) The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated.

Any vehicle which fails to comply with any of the requirements imposed by this subsection (r)(3)(i)—(iv) shall be removed from service until such time as the vehicle is in compliance with said requirements.

(4) *Purchase by driver-owner of second for-hire taxicab license.* Notwithstanding any provision to the contrary, a for-hire license holder who (i) is a registered chauffeur, (ii) holds only one (1) for-hire license in his or her name, (iii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire license except as provided in subsection (r)(3), and (iv) actually drives the taxicab authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week ("driver-owner") may purchase a second for-hire license provided that said for-hire license holder continues to drive one (1) of the two (2) taxicabs authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week. Failure to comply with the requirements of this subsection shall subject said for-hire taxicab license to suspension or revocation. Notwithstanding any provision to the contrary, any driver-owner who purchases a second for-hire license may elect to transfer the for-hire license to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are held by the driver-owner who purchased the for-hire license ("wholly-owned corporation"), and which satisfies the requirements and criteria provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). All for-hire licenses issued to a driver-owner and transferred to a wholly-owned corporation as provided for in subsections (r)(3) and (r)(4) shall, regardless of the date of issuance, be transferred to the same wholly-owned corporation. As a condition of transferring a for-hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for-hire license which accrued prior to the transfer of the for-hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as provided herein.

(5) *Gift of for-hire taxicab license.* Notwithstanding any provision to the contrary, a qualified taxicab for-hire license holder may transfer a for-hire license as a gift (i.e., without consideration) to any natural person. Any natural person who has been issued a for-hire license as a gift may elect to transfer the for-hire license(s) to a corporation organized or qualified to do business under the laws of Florida where all shares of the corporation are held by the same natural person who is the recipient of the gift ("wholly-owned corporation"), and which satisfies the requirements and criteria provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r). All for-hire licenses gifted from any qualified taxicab for-hire license holder to the same natural person and transferred to a wholly-owned corporation as provided in the preceding sentence shall, regardless of when the gift is made, be transferred to the same wholly-owned corporation. As a condition of transferring a for-hire license to a wholly-owned corporation as provided in this subsection, the wholly-owned corporation shall agree, in a form prepared by the Consumer Services Department, to be jointly and severally liable for all asserted and unasserted claims, liabilities, causes of action, and/or lawsuits arising out of or relating to the for-hire license which accrued prior to the transfer of the for-hire license ("assumption of liability"). The assumption of liability required in this subsection shall run to the benefit of, and be enforceable by, any third party who has an unsatisfied judgment, claim, cause of action or lawsuit against the prior owner(s) arising out of or relating to the for-hire license transferred as a gift. As used herein, a "qualified taxicab for-hire license holder" shall mean: (i) a natural person who holds a taxicab for-hire license in his or her name; (ii) a natural person who, as of the effective date of this ordinance, owns more than fifty (50) percent of the shares of a corporation which holds a taxicab for-hire license in its name; or (iii) a natural person who, as of the effective date of this ordinance, holds more than a fifty (50) percent interest in a partnership which holds a taxicab for-hire license in its name. Any recipient of a for-hire license as a gift who does not satisfy the for-hire license requirements of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(c), (d), (e), (f), (g), (h), (i), (j), (k) and (r) shall have ninety (90) days from the date of transfer in which to apply for the transfer of such license as provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(r)(3). Each vehicle operated pursuant to a for-hire license which has been transferred as a gift and subsequently transferred to a corporation as provided in subsection (r)(5):

(i) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. Notwithstanding the foregoing, mobile two-way radio or electronic dispatch systems required by the preceding sentence shall, within eighteen (18) months of the issuance of the for-hire license, be integrated with a global positioning dispatch system capable of determining the location of each taxicab utilizing the system twenty-four (24) hours a day, 365 days a year;

(ii) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable taximeter meeting the requirements described in this subsection. All customer receipts shall be generated by a taximeter or other electronic device, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD. In addition, all taximeters shall be programmed with the approved special service rates;

(iii) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with an operable credit card processing system. The credit card processing equipment shall allow the passenger to utilize the card in the rear compartment of the taxicab without handing the card to the chauffeur. Said equipment shall list tips, fare, tolls and port fees separately. In addition, said equipment shall have the ability to electronically authorize the transaction in a timely manner. The credit card processing equipment shall:

(a) Provide for a printed receipt that shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number, the chauffeur registration number, date and time of transaction and the telephone number for filing complaints with the CSD.

(b) Be linked to the taximeter and include a Global Positioning System.

(c) Display itemized fare information, provide for an ability to choose the payment form, and provide for the option of adding a gratuity;

(d) Provide for a passenger information module with touch screen capability;

(e) There shall be no additional charge added to the fare for the use of a credit card unless the County Commission has, to the extent permitted by Florida law, amended the fare schedule by resolution pursuant to [Section 31-87](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-87RARE), which regulates rates, to allow for an additional charge for the use of a credit card. No minimum charge may be imposed for the use of a credit card to pay a fare. A taxicab that accepts credit cards in payment of fares must post upon the vehicle the type of credit cards accepted for payment. The specifications of said posting shall be prescribed by the CSD. The credit card payment process shall comply with the Payment Card Industry Data Security Standard or its equivalent; and

(f) A taxicab equipped with a credit card processing system shall not be operated when the credit card processing system is not operational;

(iv) Shall within one hundred twenty (120) days from the issuance of the for-hire license be equipped with operating warning lights for the purpose of advising others and law enforcement agents that an emergency situation exists within the vehicle:

(a) The warning light system shall consist of two devices;

(b) Such devices shall be mounted one at the front center of the vehicle, either on top of the bumper or in front of or behind the grill. The second device shall be mounted on top of the rear bumper, to the left of the license plate;

(c) The device shall display flashing red lights which shine on the roadway under the vehicle; and

(d) The activation switch for said device shall be placed within close proximity of the operator of the vehicle and shall be silent when initiated.

Any vehicle which fails to comply with any of the requirements imposed by this subsection (r)(5)(i)—(iv) shall be removed from service until such time as the vehicle is in compliance with said requirements.

(6) *Leasing the for-hire taxi license to other for-hire taxi chauffeurs.* Leasing of the for-hire license to a Miami-Dade County registered chauffeur shall be permitted if the for-hire license holder complies with the provisions of this chapter.

(7) *Conditions of voluntary transfers.*

(i) Any for-hire taxicab for-hire license may only be transferred, sold or assigned in accordance with this section.

(ii) For purposes of the sale of a for-hire license, the following requirements must be satisfied: (i) all outstanding fines and penalties against the for-hire taxicab license and chauffeur's registration must be paid or satisfied and all pending administrative matters must be resolved; and (ii) when seller owns two (2) or more for-hire taxicab licenses, all outstanding items/proceedings as stated in (i) above shall be paid, satisfied or resolved.

(8) *Conditions of involuntary transfers.*

(i) An owner's interest in a for-hire taxicab license may be revoked pursuant to [section 31-91](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-91SUREPR). Upon a final order of revocation where all appellate proceedings, if any, have been concluded, the Clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) business days from the time of sale. The proceeds from the sale of such licenses, after deducting the expenses of the sale and all costs incurred by Miami-Dade County including, but not limited to, attorney's fees, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to the person whose interest in the for-hire license has been revoked, or to the County when the person cannot be located.

(ii) An owner's interest in a for-hire taxicab license may be transferred involuntarily by a court of law and disposed of by public or private sale in the same manner as personal property. However, upon such involuntary transfer, the license holder's license shall immediately be canceled and a new license issued to the purchaser or his, her or its vendee, provided that such purchaser or vendee satisfies the bond requirements of this section; except that if the involuntary transfer is by reason of a tort judgment against an involuntary transferor no bond need be provided with respect to the same judgment.

(iii) Any person holding a bona fide lien or security interest in a for-hire taxicab license in Miami-Dade County shall have the right to enforcement of a lien against that license within thirty (30) days after any final order of revocation where all appellate proceedings, if any, have been concluded and upon actual notice to any lienholder whose name is on file with CSD.

(iv) In order to perfect a lien or security interest in a for-hire taxicab license, the party which holds the pledge, lien or security interest, within thirty (30) days of the date of creation of the pledge, lien or security interest, shall record the same with the CSD, the Department of State UCC Bureau and the Clerk of the Circuit Court of Miami-Dade County and must (i) describe the collateral as a "Miami-Dade County for-hire taxicab license" and (ii) include the for-hire taxicab license number.

(v) Any foreclosure of a perfected lien in a for-hire taxicab license shall be in the Circuit Court of Miami-Dade County and the CSD shall be joined as an indispensable party. All holders of liens or security interests senior to the pledge, lien or security interest being foreclosed shall be joined and deemed necessary parties to the foreclosure.

(vi) Upon a judgment of foreclosure, the clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction, pursuant to chapter 45, Florida Statutes, to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) days from the time of sale. The proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance shall be paid as directed in the judgment of foreclosure.

(vii) The institution of foreclosure procedures or the judicial transfer of a license shall not prevent the CSD from suspending or imposing a civil penalty or taking other administrative action against the licensee of record at the time of the alleged violation. However, should the CSD obtain a revocation of the license against the previous licensee of record, the revocation shall be effective only to impair the qualifications of the individual licensee, partners, officers, directors, or stockholders of that licensee.

(viii) Any transferee license holder who does not satisfy the for-hire taxicab license requirements of [section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI) for a transfer shall have ninety (90) days from the date of judgment or sale in which to apply for transfer of such license to a Miami-Dade County registered taxicab chauffeur who satisfies the requirements of this section, except as provided in subsection (o)(6). The transferee may continue the operation of the taxicab during the pendency of the application only with prior approval of the CSD.

(9) Distribution from estate to a beneficiary.

(i) When a for-hire taxicab license or stock in a corporation owning a for-hire taxicab license is distributed from an estate to a beneficiary by a court of law, the transferee shall submit to the CSD the court order directing the County to transfer the for-hire license to the beneficiary. The court order shall condition the transfer upon the transferee complying with this article.

(ii) An executor or administrator may continue the operation of a taxicab only with prior approval of the CSD. The executor or administrator shall apply for such approval within sixty (60) days of his or her appointment, subject, however, to any further extension of time in the event of any possible will contest or other delay not caused by the executor or the administrator which will be granted in the discretion of the CSD for good cause shown.

(iii) Any beneficiary who does not satisfy the for-hire taxicab license requirements of [section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI) for a voluntary transfer shall have ninety (90) days in which to apply for CSD approval of the transfer of such license to a Miami-Dade County registered taxicab chauffeur who satisfies the requirements of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI), except as provided in subsection (o)(6). An extension may be granted by the CSD Director provided good cause be shown.

(10) Conditional sales agreements.

(i) Where an interest in a for-hire taxicab license is acquired through a conditional sales agreement the following shall apply: (i) the parties shall provide the CSD with a disclosure statement indicating the terms of the agreement within thirty (30) days of the execution of the agreement;

(ii) The seller shall be liable for any fines or penalties imposed against the taxicab license for violations occurring during the term of the agreement, unless they are paid by the purchaser; and

(iii) The seller shall notify the CSD in writing of any repossession by the seller of the taxicab within seventy-two (72) hours exclusive of weekends and holidays.

(s) As part of the annual renewal of a for-hire license, each operator shall certify on a form provided by the CSD the number of months during the preceding year that he or she operated and provided the service authorized by the for-hire license. Failure to so certify within the thirty-day grace period for renewal or failure to operate for at least five (5) months during the year period shall result in automatic revocation of the for-hire license. The foregoing notwithstanding, for for-hire licenses expiring January 31, 1991, or later, failure to operate for at least nine (9) months during the preceding year shall result in automatic revocation of such license. Operations within the thirty-day grace period provided in subsection (i) shall not be counted for purposes of determining compliance with the requirements of the two (2) preceding sentences.

(t) Reserved.

(u) It shall be unlawful to operate any vehicle as a for-hire motor vehicle without first having obtained a for-hire license specifically relating to said vehicle. The for-hire license shall, at all times, be displayed within the vehicle and shall be available for inspection by any police officer or authorized agent of the CSD.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 82-102, § 1, 10-19-82; Ord. No. 85-40, § 1, 6-6-85; Ord. No. 85-106, § 1, 12-17-85; Ord. No. 86-34, § 1, 5-6-86; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 88-34, § 1, 5-3-88; Ord. No. 88-70, § 1, 7-19-88; Ord. No. 88-98, § 1, 10-4-88; Ord. No. 88-115, § 2, 12-6-88; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 89-44, § 1, 5-23-89; Ord. No. 89-107, § 1, 11-7-89; Ord. No. 89-117, § 1, 11-21-89; Ord. No. 90-40, § 1, 5-1-90; Ord. No. 90-113, § 1, 10-16-90; Ord. No. 90-119, § 1, 11-6-90; Ord. No. 90-126, § 2, 11-27-90; Ord. No. 90-127, § 1, 11-27-90; Ord. No. 91-23, § 1, 2-19-91; Ord. No. 92-23, § 1, 4-7-92; Ord. No. 94-191, § 2, 10-7-94; Ord. No. 95-221, § 2, 12-5-95; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-68, § 1, 5-23-00; Ord. No. 00-139, § 1, 11-14-00; Ord. No. 01-67, § 1, 4-10-01; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03; Ord. No. 04-103, § 1, 5-11-04; Ord. No. 06-111, § 1, 7-6-06; Ord. of 11-28-06, § 1; Ord. No. 06-175, § 1, 11-28-06; Ord. No. 08-139, § 1, 12-2-08; Ord. No. 09-11, § 1, 2-17-09; Ord. No. 09-26, § 1, 4-7-09; Ord. No. 11-77, § 1, 10-4-11; Ord. No. 11-54, § 1, 7-19-11; Ord. No. 12-51, § 1, 7-3-12)

Sec. 31-83. Chauffeur's registration.

It shall be unlawful for any person to drive a taxicab or limousine over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article V of this Code. Effective January 1, 2000, every initial taxicab chauffeur shall be required to complete an apprentice program as prescribed by the CSD.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 84-36, § 1, 5-15-84; Ord. No. 85-106, § 2, 12-17-85; Ord. No. 86-34, § 2, 5-6-86; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 88-34, § 2, 5-3-88; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 89-3, § 1, 1-17-89; Ord. No. 89-107, § 1, 11-7-89; Ord. No. 90-48, § 1, 5-17-90; Ord. No. 92-6, § 1, 2-4-92; Ord. No. 94-15, § 3, 1-20-94; Ord. No. 98-105, § 1, 7-9-98)

Sec. 31-84. Duties of Consumer Services Department.

(a) In addition to the duties and responsibilities specified in this article, the CSD shall be charged with the following duties and responsibilities:

(1) Process, investigate and prepare all reports required by this article.

(2) Investigate and prepare reports on alleged violations of this article.

(3) Enforce the provisions of this article.

(4) Attempt to resolve complaints received from any source concerning the industry.

(5) Issue, deny, suspend and revoke all for-hire licenses, passenger service company registrations and chauffeurs' registrations pursuant to the provisions of this chapter, and maintain appropriate files regarding same.

(6) Prepare and conduct or cause to be conducted a training, orientation and apprentice program for chauffeurs and a training and orientation for for-hire license holders and passenger service companies.

(7) Develop and implement, in cooperation with the industry, service expansion and improvements.

(8) Provide technical assistance to the industry.

(9) Create and render technical assistance to a for-hire vehicle advisory group comprised of representatives from consumers, the industry, transportation-related interests, municipalities and public interest organizations.

(10) Develop a standardized reporting technique for operators after consultation with a for-hire vehicle advisory group.

(11) Assign an exclusive number to be displayed on each for-hire vehicle operating in Miami-Dade County.

(12) Provide a system to handle complaints of municipal officials relating to for-hire service within such municipalities and expedite the solution of same.

(13) Perform any other functions assigned by the County Manager.

(14) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.

(15) Prepare and implement, in coordination and after consultation with the industry, changes, amendments or modifications to administrative orders establishing fees pursuant to this article and provide the industry with at least ten (10) days notice prior to consideration of such changes, amendments or modifications by the Board of County Commissioners.

(16) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article.

(17) Develop and implement a Taxicab Driver Incentive Program. The Driver Incentive Program shall be subject to approval of the Board of County Commissioners by resolution. The incentive program shall be developed to reward, among other things:

(a) Driver courtesy and professionalism;

(b) Customer service;

(c) Knowledge of the community and historic landmarks;

(d) Cleanliness of the vehicle; and

(e) Professional attire.

(b) The Director may propose and the County Manager may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of the law.

(c) Except for the fees established by the County Manager and approved by the Commission for for-hire vehicles providing transportation of persons and their baggage from Miami International Airport and from the Port of Miami, whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by administrative order of the county manager and approved by the commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided therefor.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 82-114, § 1, 12-21-82; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 88-126, § 1, 12-20-88; Ord. No. 98-105, § 1, 7-9-98)

Sec. 31-85. Rules for operation.

(a) Each operator shall adopt and use, after approval by the CSD a uniform and decorative color scheme for all taxicabs licensed pursuant to this article which shall be yellow. The CSD shall refuse to approve any proposed color scheme which is not school bus yellow. License holders shall comply with the uniform color scheme at the time a new vehicle is placed into service. Failure to comply with this section shall be grounds for suspension of all for-hire licenses issued to the operator.

(b) Taxicabs using any designated public stand shall be faced in accordance with applicable traffic regulations. The chauffeur of the taxicab at the head of such file shall accept as a passenger any orderly person who agrees to pay the proper fare; provided, however, that any person shall have the right to select any taxicab regardless of its position in the file. Upon the departure of any taxicab from said file, all vehicles entitled to use the stand shall move forward. No number of taxicabs greater than the maximum allowed shall attempt to use any public vehicle stand. Each waiting taxicab must take a position to the rear of taxicabs already at the stand. All taxicabs parked at any designated public vehicle stand shall be considered to be waiting employment.

(c) Reserved.

(d) Every operator shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of for-hire motor vehicles.

(e) Unless otherwise provided in this article, every operator shall collect and file on a daily basis all manifests and trip sheets for each for-hire motor vehicle. The operator shall furnish the forms for each manifest to the chauffeur, which forms shall be approved by the County. Operators shall not destroy, mutilate, alter or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and copying by the CSD or any police agency during regular business hours and shall be retained for one (1) year.

(f) Reserved.

(g) Each operator shall maintain accurate records of all revenues, all associated expenses, capital expenditures, and other financial and operating information as may be required by the CSD. The CSD shall be granted access to these records for the purpose of inspection and copying same upon five (5) days' prior notice. All such records and information shall be confidential except that they will become public records for the purpose of rate hearings, revocation or suspension hearings, or, if required by the Board of County Commissioners, for the purpose of approving or disapproving applications for new for-hire licenses or transfers of for-hire licenses. Each operator shall annually furnish financial and operating information to the CSD on forms and in the manner prescribed by the CSD.

(h) Reserved.

(i) Any for-hire motor vehicle not waiting employment or actually transporting paying passengers shall prominently display an out-of-service or off-duty sign.

(j) (1) No passenger service company, for-hire license holder, chauffeur or any other person shall directly or indirectly provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide taxicab service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment, or public facility. The license or registration of any passenger service company, for-hire license holder or chauffeur violating this provision shall be subject to suspension for up to twelve (12) months for the first violation and shall be subject to revocation for repeat violations in accordance with the provisions of [Section 31-91](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-91SUREPR) or other appropriate enforcement action as provided in this article.

(2) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, for-hire license holder, chauffeur or any other person for the right to pick up passengers or provide taxicab service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment or public facility.

(k) Reserved.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 81-29, § 2, 11-17-81; Ord. No. 81-130, § 1, 12-1-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-139, § 1, 11-14-00; Ord. No. 07-149, § 1, 10-2-07)

Sec. 31-86. Taximeters.

(a) Each taxicab shall be equipped with a taximeter meeting the requirements described in this article. All customer receipts, whether handwritten or generated by a taximeter, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number and the telephone number for filing complaints with the CSD. It shall be a violation of this article for any operator or chauffeur to operate any taxicab unless and until its taximeter has been inspected and certified as operable and accurate by CSD and has affixed thereto a current valid taximeter certification label, sticker or decal.

(b) Each taxicab shall have its taximeter inspected before being placed in service and at least once every twelve (12) months thereafter. The CSD may require additional testing and inspection at any time. All taximeters passing inspection shall be sealed and a sticker placed thereon. The result of each taximeter test or inspection shall be recorded on forms provided by the CSD. A copy of the report will be provided to the operator. Taximeters with expired stickers or missing or broken seals shall be considered as failing inspection. The for-hire license of any taxicab whose taximeter fails inspection shall be automatically suspended without hearing until the taximeter has been repaired or replaced, and passed inspection.

(c) The face of every taximeter shall at all times be visible from the taxicab's passenger compartment and shall be illuminated so passengers may ascertain the amount of fare registered by said taximeter.

(d) No taxicab shall be operated unless the case of the taximeter installed therein has been sealed.

(e) The signal affixed to any taximeter shall under no circumstances indicate that the taxicab is vacant when in fact such taxicab is engaged by a passenger.

(f) The amount of fare collected from any passenger shall be that amount shown by the taximeter, unless the passenger is being transported at one (1) of the approved special service rates.

(g) It shall be a violation of this article for any person to tamper with, mutilate or break any taximeter or the seal thereon. Taximeters may be transferred from one (1) taxicab to another; provided, however, that a taxicab with a transferred taximeter shall not be used to transport passengers unless and until said taximeter has been inspected, tested and sealed by the CSD.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 98-105, § 1, 7-9-98)

Sec. 31-87. Rate regulation.

(A) The provisions of this section shall be the exclusive method for the establishment of for-hire motor vehicle 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 charge, demand, request or accept any fare other 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.

(C) Except as otherwise provided herein, the Board of County Commissioners of Miami-Dade County, Florida, shall establish all rates for taxicabs and for-hire vehicles operating in Miami-Dade County. From and after the effective date of this article, rates shall be established, altered, amended, revised, increased or decreased in accordance with the following procedures:

(1) The CSD, upon request of the Commission or the County Manager, shall investigate and prepare a report concerning the existing rates. In the case of taxicab rates, said investigation shall specify the relative changes in the consumer price index over the preceding two-year period and shall quantify what rates would be if the currently approved uniform 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 Manager. For ratemaking purposes, the CSD 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 CSD financial and operating report forms.

(2) The CSD's report shall be forwarded to the County Manager who shall prepare a recommendation to the Board of County Commissioners.

(3) A public hearing concerning rates shall be scheduled. At such hearing, all interested parties shall have an opportunity to be heard. The Board of County Commissioners shall consider the CSD's report, the County Manager's recommendation, and all evidence produced at the hearing and, by resolution, shall determine and set the appropriate rates as may be 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) Operators who desire to provide service at a rate other than that established under the preceding provisions of this section may request approval of such special rates by filing an application with the CSD. Within forty-five (45) days after receipt of the request, the CSD shall conduct an administrative hearing on the proposed rate, after written notice to the public and all operators, investigate the proposed rate and forward its analysis and recommendations to the County Manager. The CSD shall, among other things, consider:

(a) The effect of the proposed rate on increased public use of for-hire motor vehicles.

(b) The ability of the operator to provide the proposed service.

(c) The operator's ability to manage the proposed rates.

(d) All information contained in the rate request application.

(e) Improved transportation in Miami-Dade County.

(f) The economic impact on the industry and the general public.

(6) The Director shall be authorized to approve a per trip taxicab rate surcharge in addition to the existing rates then in effect. Such surcharge, which is to be a fixed amount, may be imposed upon the occurrence of an unforeseen change in petroleum market conditions which causes the price of regular unleaded gasoline to increase by 50 cents from the base price. The base price shall be the average price of regular unleaded gasoline in effect as of the most recent taximeter rate adjustment. Upon reaching the first benchmark dollar value a one dollar ($1.00) surcharge may be implemented. Following the initial surcharge, each additional increase of 50 cents of regular unleaded gasoline may trigger an increase in the dollar value of the surcharge by 50 cents. The average weekly price of regular unleaded gasoline must remain at or above a level, as described above, for three (3) consecutive weeks before a surcharge, or an increase in the surcharge, may be authorized by the Director. The fuel surcharge shall expire upon the effective date of any taximeter rate adjustments. The fuel surcharge may be decreased or removed, by the Director, should the average weekly price of regular unleaded gasoline remain at or below a level, as stated above, for three (3) consecutive weeks. The average price of regular unleaded gasoline shall be based on the retail prices listed for regular unleaded gasoline by the United States Department of Energy, Energy Information Administration. The surcharge may be added to the taximeter rate or flat fare rate and, if added, shall be reflected on the taximeter as an extra charge on vehicles so equipped. Notice of a surcharge approved pursuant to this section must be prominently displayed within the taxicab, as required by regulations promulgated by CSD.

The County Manager is authorized to approve proposed rates that result in lower fares being charged by operators. All other proposed rates must be reviewed and approved by the Commission.

Any approved special rates must be filed with the CSD and be posted in each for-hire motor vehicle of the operator for which said rate applies, and copies provided to anyone requesting same. All approved special rates may not be modified or altered without prior written approval of the County Manager, in the case of reductions, or the Commission, in the case of increases. An operator may eliminate special rate(s) by thirty (30) days' advance notice to the CSD and posting thirty (30) days' written notice of the changes in all vehicles.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 89-83, § 1, 9-12-89; Ord. No. 90-141, § 1, 12-6-90; Ord. No. 00-88, § 1, 7-6-00; Ord. No. 00-139, § 1, 11-14-00; Ord. No. 08-71, § 1, 6-3-08)

**Annotation—**CAO 76-2.

Sec. 31-88. Insurance requirements.

(a) No for-hire motor vehicle shall be permitted to operate without the license holder or entity providing passenger services having first obtained and filed with the CSD a certificate of insurance on forms provided by the CSD for each for-hire motor vehicle showing the federal vehicle identification number, a vehicle description and the for-hire license number, and shall list the for-hire license holder, each chauffeur the entity providing passenger services allows to operate the vehicle, the passenger service company, where applicable, and the owner of the vehicle as insureds under an automobile liability insurance policy with limits of liability no less than fifty thousand dollars ($50,000) per person, and one hundred thousand dollars ($100,000) per occurrence for bodily injury, and twenty thousand dollars ($20,000) per occurrence for property damage. Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all drivers who have a Miami-Dade County chauffeur's registration, regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage. Failure to provide current certificates of insurance or to maintain appropriate insurance coverage for each for-hire vehicle shall be grounds for revocation of that vehicle's for-hire license.

(b) Scope of insurance. The insurance required in this section shall be issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in the insurance policy or declaration shall permit binders, deductibles, self-insurance or any provision requiring the insured to reimburse the insurance company for claims.

(c) Each automobile liability insurance policy shall be endorsed to provide for thirty (30) days' notice by registered mail to the CSD of any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.

(d) Unless an operator furnishes the CSD with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in subsection (c) of this section, or upon a third notice of cancellation within twelve (12) months, the for-hire license shall be suspended forthwith by the Director and surrendered to the CSD pending a hearing to determine whether said for-hire license should be revoked. This automatic suspension requirement will not pertain to a for-hire motor vehicle when its insurer withdraws from Florida and cancels its policies, or when the policy is canceled through no fault of the operator.

(e) From and after one hundred twenty (120) days after the effective date of this section [June 2, 1989], all operators shall comply with the amended requirements of this section.

(f) Examination of Insurance Policy. The CSD reserves the right to require submission of a certified copy of or to examine the original policies of insurance including but not limited to endorsements, amendments, exclusions, riders, any additional contracts between the insured and the insurer and applications to confirm the existence of the required insured coverage.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 88-34, § 3, 5-3-88; Ord. No. 89-44, § 1, 5-23-89; Ord. No. 96-114, § 1, 7-16-96; Ord. No. 98-105, § 1, 7-9-98)

Annotation—CAO 85-9.

Sec. 31-89. Vehicle standards.

(a) In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, part 571 and Florida Statutes, the following vehicle standards apply to all for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:

(1) Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed; there shall be no audible air leaks in air brake system.

(2) License, permit or inspection decals, as applicable, shall be correctly displayed and be clearly visible from the outside of the vehicle;

(a) Chauffeur registration, operating permit number, rate card, passenger advisory and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the CSD.

(b) Vehicle signage and markings shall be as required by this article.

(3) Inside rear-view mirror and a mirror on each side of vehicle.

(4) A functioning speedometer and odometer indicating speed in miles per hour and a functioning odometer indicating distance in miles.

(5) Functioning windows, door handles and latches. The primary and secondary hood/trunk/rear access door latches shall be fully operable.

(6) A functioning interior light within the passenger compartment. If the light becomes defective, the operator must correct the defect on the very next day or remove the vehicle from service at that time.

(7) An operating air-conditioning system that provides cooled and heated air. If the air-conditioning system becomes inoperable, the vehicle must be removed from service until such system is repaired. Maximum output temperature will be based on a sliding scale chart which takes outside air temperature and relative humidity into account. Output temperature will be taken at center duct with controls set for maximum cooling.

(8) The vehicle exterior must be free of grime, oil or other substances and free from cracks, breaks, dents and damaged paint that detracts from the overall appearance of the vehicle and that could harm, injure, soil or impair the passenger or his personal belongings.

(9) Equipped with hubcaps or wheelcovers, on all four (4) wheels. If not on vehicle, the operator must put them on vehicle the next day.

(10) Bumpers/moldings/guards shall be installed/ replaced as originally manufactured except for moldings on side panel doors.

(11) The interior of the trunk, or rear portion of for-hire vehicles, shall be free from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein.

(12) The passenger compartment must be clean, free from torn upholstery or floor coverings, damaged or broken seats, and protruding sharp edges. All equipment in the interior of the vehicle shall be safely and adequately secured. There shall be no holes opening to the passenger compartment from the underbody.

(13) A horn which shall be audible.

(14) The driver's vision must be unobstructed on all four (4) sides.

(15) Safe tires no recaps shall be used. Maximum allowable treadwear shall be where tread is level with wear bar, or 2/32" when measured at three random places in tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges or exposed belts.

(16) Front-end and rear-end alignment shall be within allowable parameters as provided by test equipment readings for alignment.

(17) Wiper blades must be able to clean glass when wet and the rubber element shall not be torn, ripped, or loose.

(18) All lights shall be operable including 4-way flasher, turn and signal, clearance, warning, marker, brakes, taillight, license plate, backup and parking light. All lights must be of correct color and properly positioned as required by Florida Statutes and regulations. All dome lights must be operable with lens in place.

(19) Reflectors and lenses shall not be cracked or missing and must be of correct color and properly positioned.

(20) Headlights, low and high beam, shall be operable, and within test equipment allowable readings.

(21) Glass shall not be broken or cracked and chips must be capable of being ground out, leaving a smooth, clear finish.

(22) Doors shall be operable with all weather stripping and rubber seals.

(23) Vehicle steering and suspension shall be functional.

(24) Seatbelts for all persons transported shall be in place and functional, unless otherwise exempted by regulation.

(25) Accessible vehicles shall have posted the international symbol of accessibility for disabled persons in the manner prescribed by CSD and shall be equipped with the following:

Ramp or lift facility which is operated electrically, hydraulically or manually with sufficient capacity to safely and smoothly lift passengers into and out of the vehicle and is in compliance with the lift and ramp requirements of the Americans with Disabilities Act.

For each wheelchair passenger transported, four (4) points of securement of latching or locking to the vehicle and the wheelchair in which the passenger will ride. The latching or locking devices shall be designed to minimize any lateral, longitudinal, or vertical motion of the passenger conveyance within the vehicle.

For each wheelchair passenger being transported, there shall be sufficient restraining belts or straps designed to securely confine the passenger to the wheelchair in which he or she is transported. The restraining belts or straps shall be utilized.

(26) Vehicles, other than taxicabs, used to transport passengers shall not display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior or interior and shall not be equipped with a taximeter.

(b) Taxicabs shall meet the following additional standards:

(1) The taxicab number, fares or rates, trade name or business name and passenger service company's telephone number shall be permanently affixed to the exterior of the vehicle in accordance with instruction issued by the CSD.

(2) Vehicle exterior color scheme must be approved by the CSD.

(3) The top and tell-tale lights must be operable. Only taxis shall be equipped with a taximeter or top tell-tale light.

(4) Advertisement on behalf of third parties may be displayed on the outside or inside of a for-hire vehicle provided approval is given by the CSD and any display is installed pursuant to instructions of the CSD. In no event shall the top and tell-tale lights of a taxicab be obscured.

(5) Taxicabs operated under for-hire licenses issued through the lottery process provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI) shall have a mobile two-way radio, excluding CB radios, or a cellular telephone, installed and operating properly in compliance with applicable standards and requirements of the Federal Communications Commission (FCC).

(c) Reserved.

(d) The CSD shall conduct an annual taximeter inspection for each taxicab and shall inspect each vehicle for compliance with the foregoing standards, and any other requirement or prohibition contained in this article other than standards, requirements or prohibitions relating to taximeters, as provided below. The CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD, any police officer or any other authorized personnel may inspect any for-hire motor vehicle at any time, and may require the driver of said vehicle to stop the vehicle at any time, and to permit the inspection of the interior or exterior of the vehicle, and to produce any license, permit, or document required by this article. The results of each inspection and the date for the next inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards shall not be operated as a for-hire vehicle until such time as the vehicle satisfactorily passes a reinspection. The CSD shall charge a fee for such reinspection. Notwithstanding the foregoing, the quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old to determine compliance with the vehicle condition standards required by [Section 31-89](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST)(a)(3), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14), [Section 31-89](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST)(b)(1), (2), (3), (4) and (5) and [Section 31-89](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST)(c)(1), (2) and (3) shall commence on May 1, 1995 and the quarterly inspection of each such vehicle to determine compliance with the vehicle safety and mechanical standards required by [Section 31-89](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST)(a)(1), (2) and (4) shall be reduced to semi-annual inspection until July 1, 1998.

(e) Notwithstanding any other provision of this article, from and after ninety (90) days after the conduct of the lottery process, all taxicabs operated under for-hire licenses issued through the lottery process provided in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI) shall comply with the requirements of subsection (5) of subsection (b) of this section.

(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the CSD may inspect a for-hire vehicle at any time. Any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over eight (8) years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

(1) Twelve (12) through fifteen (15) model years of age as of the effective date of this ordinance, which is being used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until May 1, 1999;

(2) Nine (9) through eleven (11) model years of age on the effective date of this ordinance, which is being used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until May 1, 2000; and

(3) Six (6) through eight (8) model years of age on the effective date of this ordinance, which is being used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until December 31, 2000.

The grace period provided for in the preceding sentence shall not apply to taxicabs operated pursuant to the random selection process implemented after the adoption of this ordinance. Taxicabs shall minimally meet the following inspection schedule:

(1) Taxicabs 1 through 2 model years of age shall be inspected annually;

(2) Taxicabs 3-through 4 model years of age shall be inspected semi-annually;

(3) Taxicabs 5 model years of age or more shall be inspected quarterly.

(g) Telecommunication devices for taxis. Beginning January 1, 1999, all taxicabs shall have a mobile two-way radio, excluding CB radios, or a cellular telephone, installed and operating properly in compliance with applicable standards and requirements of the Federal Communications Commission and this chapter.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 89-44, § 1, 5-23-89; Ord. No. 90-74, § 1, 7-24-90; Ord. No. 94-15, § 3, 1-20-94; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-139, § 1, 11-14-00; Ord. No. 03-45, § 1, 3-11-03)

Sec. 31-90. Enforcement of article.

(a) This article shall be enforced by authorized personnel of the CSD, the police forces of the various municipalities in Miami-Dade County and by the Miami-Dade Police Department. When specifically authorized by the Director, this article may be enforced by personnel of the Seaport and Aviation Department against violations occurring within their respective boundaries. The CSD shall prepare and distribute to all authorized enforcement personnel an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.

(b) The CSD may employ a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. Unless otherwise provided, all other violations shall be processed under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(c) Deficiency reports and citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it. Notice given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whenever a corporation, partnership, or association violates any of the provisions of this article, such violation shall be deemed also to be that of the individual officers, directors, partners, or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for an individual.

(e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 94-15, § 3, 1-20-94; Ord. No. 98-105, § 1, 7-9-98)

Sec. 31-91. Suspension and revocation proceedings.

(a) Grounds for suspension or revocation. In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, for-hire licenses, passenger service company registrations, operating permits, and chauffeur registrations shall be subject to suspension or revocation by the director as follows:

(1) Upon the director's determination that:

(i) The license, registration or permit holder has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of the license, registration or permit as provided in this chapter;

(ii) The license, registration or permit was obtained by an application in which any material fact was omitted or falsely stated;

(iii) The license, registration or permit holder has failed to comply with or has violated any of the provisions of this chapter; or

(iv) The public interest will best be served by revocation or suspension of the license, registration or permit provided, however, that good cause be shown;

(v) The chauffeur has failed any drug test required by the Code or state or federal law; or

(vi) A taxicab renewal application does not comply with the requirement of this chapter;

(vii) Any for-hire motor vehicle has been operated in violation of any of the provisions of this chapter.

(b) Notice of suspension or revocation action. Except where this chapter provides for automatic suspension or revocation, the CSD shall provide notice of suspension or revocation to the violator by certified mail ten (10) days before the violator must comply with the director's decision.

(c) Appeals from decisions of director and administrative hearings.

(1) Right to appeal. Any for-hire license holder, passenger service company registration holder, and for-hire chauffeur shall have the right to appeal application denials, suspensions and revocations by the Director. The named party shall elect to either:

(a) Comply with the Director's decision in the manner indicated on the Notice of Director's Decision; or

(b) Request an administrative hearing before a hearing officer to appeal the decision of the Director.

(2) Filing the appeal. Appeal by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.

(3) Failure to appeal. Failure to appeal the decision of the Director within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the Director's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Director's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.

(4) Hearing officers. Hearing Officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.

(5) Scheduling and conduct of hearing.

(a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.

(b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include but not be limited to the following: place, date and time of the hearing; right of the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a director's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.

(c) The hearing officers shall call hearings on a monthly basis or upon the request of the CSD. No hearing shall be set sooner than fifteen (15) calendar days from the date of notice of the director's decision, unless otherwise prescribed by this chapter.

(d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the CSD.

(e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.

(f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(g) The Clerk of the Board of County Commissioners shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.

(h) Each case before a hearing officer shall be presented by the director or his or her designee.

(i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.

(j) Each party shall have the right: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.

(k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the director's decision the hearing officer must find that a preponderance of the evidence supports the director's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.

(l) If the director's decision is affirmed the named party may be held liable for the reasonable costs of the administrative hearing.

(m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the director's decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of the director. If the hearing officer affirms the decision of the director, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the director. If the hearing officer reverses the decision of the director and finds (1) the named party not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the director, the named party shall not be required to comply with the decision of the director, absent reversal of the hearing officer's findings pursuant to [Section 31-91](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-91SUREPR)(c)(6). If the decision of the hearing officer is to affirm, then the following shall be included in the decision:

(a) Decision of the Director.

(b) Administrative costs of the hearing.

(c) Date for compliance, if applicable.

(n) The hearing officer shall have the power to:

(a) Adopt procedures for the conduct of hearings;

(b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade County Sheriff's Department or by the hearing officer's staff;

(c) Subpoena evidence; and

(d) Take testimony under oath.

(6) Appeals.

(a) The named party or the county may appeal a final order of the hearing officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.

(b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to [section 31-91](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-91SUREPR)(c)(6), all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the director's decision.

(7) Nothing contained in this chapter shall prohibit Miami-Dade County from enforcing the Code by any other means authorized by law. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code. The words "action" and "decision" as used herein shall not include the filing of any action by the director in any court. The director may reconsider at any time any action or decision taken by the director and therefore may modify such an action or decision.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 98-105, § 1, 7-9-98)

Sec. 31-92. Violations; penalties.

(a) In addition to any other penalties provided by law, including but not limited to those provided in this article, a violation of any applicable provision of this article by a for-hire license holder, registered passenger service company or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's for-hire license, passenger service company registration, operating permit and chauffeur registration and all for-hire operations shall cease until such fine is paid in full. If a person commits five (5) violations of the same section of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked. Provided however, if a person commits three (3) violations of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(j)(12) or [31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY)(i)(4) or any combination thereof during any twelve-month period, such person's for-hire license, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked. Notwithstanding any provision to the contrary, if a person commits two (2) violations of [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY)(i)(23), such person's chauffeur's registration may be suspended for a period of up to six (6) months or revoked.

(b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. Citations shall be issued under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(c) Any person who is found guilty on at least two (2) prior occasions within a three-year period 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 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.

(d) Except for civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through the normal procedure.

(e) Anyone who engages a for-hire vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to a fine of five hundred dollars ($500.00) and/or imprisonment not to exceed ten (10) days.

(f) Any person who is found guilty of signing an application for issuance, renewal, modification, assignment, sale or transfer of a for-hire license, passenger service company registration, chauffeur registration or operating permit which falsely states any material fact shall be punished by a fine of one thousand dollars ($1,000.00) and imprisonment in the County Jail for thirty (30) days.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 89-44, § 1, 5-23-89; Ord. No. 90-74, § 1, 7-24-90; Ord. No. 94-15, § 3, 1-20-94; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 07-149, § 1, 10-2-07; Ord. No. 10-35, § 1, 6-3-10)

Sec. 31-93. Special provisions.

(a) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of for-hire motor vehicle transportation services in 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 for-hire transportation in Miami-Dade County. Regulations established by this article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.

(b) Any taxicab licensed pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI) of this article and meeting all standards set forth in [Section 31-89](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST) of this article shall be authorized to provide transportation of persons and their baggage from Miami International Airport and from the Port of Miami upon compliance with reasonable and nondiscriminatory terms, conditions and fees, as established by the County Manager. The transportation of persons and baggage from Miami International Airport or from the Port of Miami shall constitute an agreement by the operator that he will conform and cause the chauffeur driving such taxicab to conform to such terms, conditions, and fees.

(c) Underserved taxicab service area.

(1) An underserved taxicab service area is hereby established. For purposes of this subsection, an "underserved taxicab service area" means the economically disadvantaged area in Miami-Dade County that is bounded as follows:

1. on the north by a line commencing at N.W. 47th Avenue and N.W. 215th Street running east to N.E. 2nd Avenue;

2. on the east by a line commencing at N.W. 215th Street and running north to south along N.E. 2nd Avenue to N.W. 7th Street;

3. on the south by a line commencing at N.E. 2nd Avenue and running west along 7th Street to N.W. 42nd Avenue; and

4. on the west by a line commencing at N.W. 7th Street and N.W. 42nd Avenue north to N.W. 119th Street, west along N.W. 119th Street to N.W. 47th Avenue, north along 47th Avenue to N.W. 135th Street, west along 135th Street to N.W. 57th Avenue, north along 57th Avenue to N.W. 167th Street, east along N.W. 167th Street to N.W. 47th Avenue, north along 47th Avenue to N.W. 215th Street.

For purposes of this subsection, an "underserved area taxicab" means a taxicab where: (a) the for-hire license holder has entered into a passenger service company agreement with a passenger service company that has its principal place of business within the underserved taxicab service area; (b) an average minimum of seventy-five (75) percent of all pickups by the taxicab during each twenty-four hour period originate in the underserved taxicab service area; and (c) the for-hire license holder has applied for and been designated by the Director of CSD as an underserved area taxicab. Any for-hire license holder who seeks to be designated as an underserved area taxicab shall complete and submit a form provided by CSD documenting compliance with the provisions of this subsection for the three-month period preceding submission of the application. Each for-hire license holder authorized to operate as an underserved area taxicab shall on a semiannual basis submit on a form provided by CSD documentation demonstrating continuing compliance with the requirements of this subsection. Failure of the underserved area taxicab for-hire license holder to comply with any of the provisions of this subsection shall result in the suspension or revocation of authorization to operate as an underserved area taxicab. All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

(2) Underserved area for-hire taxicab licenses shall be issued through a separate lottery pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(3) to qualified chauffeurs who satisfy the criteria of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI) (q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only; and (ii) the chauffeur shall enter into a passenger service company agreement with a passenger service company which has its principal place of business in an underserved taxicab service area. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(q) of the Code. Any transfer of an underserved taxicab license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for an underserved taxicab area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars ($15,000.00).

(3) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than eight (8) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.

(4) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) may utilize a color scheme approved by the Director of CSD which does not satisfy the requirements of [Section 31-85](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-85RUOP)(a) pertaining to uniform color scheme.

(d) South Miami-Dade taxicab service area. A South Miami-Dade taxicab service area is hereby established. For purposes of this subsection, the South Miami-Dade taxicab service area means the area located south of S.W. 88 Street. South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued through a separate lottery, pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(o)(2), to qualified chauffeurs who satisfy the criteria of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(q) and enter into a binding agreement with the County that the chauffeur is restricted to picking up passengers in the South Miami-Dade taxicab service area only. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in [section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(q) of this Code. Any transfer of a South Miami-Dade taxicab service area license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for a South Miami-Dade taxicab service area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars ($15,000.00). All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four (24) hours a day.

(e) Notwithstanding the vehicle age limits required by Sections [31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(l)(4), [31-89](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST)(f) and [31-93](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-93SPPR)(c)(3) of the Code, any properly permitted and inspected taxicab scheduled for retirement on December 31, 2012, shall be allowed to be operated for an additional one-year period.

(f) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire taxicab license prior to September 3, 2012, which is required to be operated using a taxicab in the underserved taxicab service area pursuant to [Section 31-93](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-93SPPR)(c) or the South Miami taxicab service area pursuant to [Section 31-93](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-93SPPR)(d) may convert that for-hire license into a license which may be operated in both the designated underserved area and countywide (hereinafter "hybrid underserved taxicab license" or "hybrid underserved taxicab") as provided herein. An underserved taxicab license may be converted into a hybrid underserved taxicab license upon payment of five thousand dollars ($5,000.00). A hybrid underserved taxicab license may be operated countywide on alternating days as follows. All hybrid underserved taxicabs whose license number ends in an odd number (i.e., 1, 3, 5, 7, 9) are required to pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area, whichever is applicable, on odd-numbered days of the month. All hybrid underserved taxicabs whose license number ends in an even number (i.e., 0, 2, 4, 6, 8) are required to pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area, whichever is applicable, on even-numbered days of the month. To "pick up passengers exclusively in the designated underserved taxicab service area or South Miami taxicab service area" means that such taxicabs may discharge passengers at any location, but may only accept passengers in the designated underserved taxicab service area. No hybrid underserved taxicab operating pursuant to this section may provide transportation of persons and their baggage from Miami International Airport.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 81-116, § 1, 10-26-81; Ord. No. 83-2, § 1, 1-18-83; Ord. No. 84-17, § 1, 2-2-84; Ord. No. 85-40, § 2, 6-6-85; Ord. No. 88-70, § 1, 7-19-88; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 90-7, § 1, 2-6-90; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 99-71, § 1, 6-22-99; Ord. No. 01-177, § 1, 10-23-01; Ord. No. 04-103, § 1, 5-11-04; Ord. No. 07-60, § 1, 4-24-07; Ord. No. 11-11, § 1, 3-1-11; Ord. No. 11-102, § 1, 12-19-11; Ord. No. 12-65, § 1, 9-6-12; Ord. No. 12-68, § 1, 9-6-12)

Sec. 31-94. Seizure, impoundment and forfeiture.

(A) *Seizure.* Police officers or such other employees as may be designated by the County Manager are authorized to seize and impound any for-hire motor vehicle which such officer or employee has probable cause to believe is being operated in violated of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of Article II of [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Miami-Dade County Code. A vehicle seized in accordance with this subsection shall be removed to a designated secured facility.

(B) *Notice of seizure.*

(1) Within twenty-four (24) hours of a seizure, as described in [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(A), a police officer or other designated County employee shall make a diligent search and inquiry as to the owner's name and address and make a good faith effort to give a notice of seizure in writing to said vehicle owner of the fact of such seizure, the grounds for seizure, identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken. A copy of said notice of seizure shall also be given to the proprietor of such secured facility.

(2) Whenever an officer or designated employee seizes a vehicle under this section, and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, then and in that event the officer or designated employee shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Commissioner of the Miami-Dade Police Department.

(C) *Vehicle impoundment hearing.* Whenever the owner of record of a vehicle seized pursuant to this section makes a request of the CSD in person and in writing for a vehicle impoundment hearing within ten (10) days of seizure exclusive of Saturdays, Sundays and legal holidays, a magistrate, as provided in F.S. § 318.32, a County Court Judge or a Hearing Examiner, who shall not have responsibility for the enforcement of this article and who shall be designated by the CSD Director, shall conduct the hearing within twenty-four (24) hours or as soon as practicable, excluding Saturdays, Sundays and legal holidays. All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the Magistrate, County Court Judge or Hearing Examiner determines that there is no probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the Magistrate, County Court Judge or Hearing Examiner shall order the immediate return of the vehicle. If, after the hearing, the Magistrate, County Court Judge or Hearing Examiner determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the Magistrate, County Court Judge or Hearing Examiner shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle (1) posts with the court or CSD a cash bond in the amount of the maximum fine(s), plus any applicable towing and storage fees, or (2) pleads guilty or nolo contendere and pays in full any towing and storage fees plus the fine(s). Notwithstanding the foregoing, if, after the hearing, it is determined that there is probable cause to believe that the vehicle is subject to forfeiture proceedings pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(G), said vehicle shall not be released.

(D) *Hearing regarding Code violation charged in field enforcement report and/or complaint/arrest affidavit.* Within ten (10) days after a vehicle is seized and impounded pursuant to this section or as soon as practicable, the CSD and/or the Clerk's Office shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted regarding the Code violations charged in the field enforcement report the complaint/arrest affidavit or other charging instrument. The hearing shall be conducted within thirty (30) days after the vehicle was seized or as soon as practicable. The hearing shall be conducted by a magistrate, county court judge or hearing examiner. All interested persons shall be given a reasonable opportunity to be heard at the hearing.

(E) *Decisions at hearing.*

(1) If the Magistrate, County Court Judge or Hearing Examiner dismisses the Code violation(s) charged in the field enforcement report, complaint/arrest affidavit or other charging document and/or finds the person charged not guilty, the Magistrate, County Court Judge or hearing examiner shall issue an order for release of the seized vehicle without removal and storage fees.

(2) If the Magistrate, County Court Judge or Hearing Examiner finds a violation of the Code, the Magistrate, County Court Judge or Hearing Examiner shall assess a fine and/or jail sentence as provided in [Section 31-92](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-92VIPE) of the Code, and removal and storage fees. The fine(s), if any, and removal and storage fees must be paid in order to obtain an order for release of the seized vehicle. A Magistrate, County Court Judge or Hearing Examiner shall not issue an order releasing the vehicle where said vehicle is subject to forfeiture proceedings pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(G).

(3) If the owner does not obtain the vehicle by the date specified in the order of release, the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.

(4) A vehicle shall not be released from storage prior to the scheduled hearing specified in this subsection if the vehicle is subject to forfeiture pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(G) of the Code.

(5) Default hearing. If the owner of the seized vehicle fails to appear for the hearing specified in [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(D), a default hearing will be held. A Magistrate, County Court Judge, or Hearing Examiner shall make a determination pursuant to paragraph (1) or (2) of this subdivision (E). The CSD will inform the respondent of the default determination by certified mail, return receipt requested. The information mailed to the owner shall include the provisions of [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO) herein concerning abandoned vehicles. The respondent may comply with the default determination within seven (7) calendar days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a hearing de novo on the original complaint/arrest affidavit, field enforcement report or other charging document. Such hearing shall be schedule within ten (10) working days of the order vacating the default determination or as soon as practicable.

(F) *Appeals.* If a violation of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code is found, the assessed fine(s) together with removal and storage fees must be paid in order to appeal. However, if the vehicle is the subject of a forfeiture proceeding pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(G) of the Code, only the fine, if any, must be paid in order to appeal. If upon appeal the decision is reversed in whole or part, the appellant shall receive a refund of the relevant fine(s) and fees.

(G) *Forfeiture.*

(1) *Forfeiture.* In addition to the penalties set forth in Sections [31-91](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-91SUREPR) and [31-92](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-92VIPE) of the Code, any for-hire motor vehicle used to commit three (3) or more violations of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this ordinance shall be subject to forfeiture upon notice and judicial determination.

(2) *Determination by the CSD Director.* The Director of the CSD shall determine whether to pursue the remedy of forfeiture. Miami-Dade County shall not use the seized vehicle for any purpose until the rights to, interest in, and title to the seized property are perfected in accordance with this section. This section does not prohibit use or operation necessary for reasonable maintenance of seized vehicles. Reasonable efforts shall be made to maintain seized vehicles in such a manner as to minimize loss of value.

(3) Vehicles subject to forfeiture may be seized provided that the owner is notified at the time of the seizure or by certified mail, return receipt requested, that there is a right to an adversarial preliminary hearing after the seizure to determine whether probable cause exists to believe that such vehicle has been used to commit three (3) or more violations of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this ordinance. The CSD or other authorized law enforcement agencies shall make a diligent effort to notify the owner of the seizure. Notice provided by certified mail must be mailed within five (5) working days of the seizure and shall state that the owner may request an adversarial preliminary hearing within fifteen (15) days of receiving such notice. When a post-seizure adversarial preliminary hearing as provided herein is requested, it shall be held within ten (10) days after the request or as soon as practicable. If the court determines that the required probable cause exists, the court shall order the property restrained by the least restrictive means to protect against disposal, waste, or continued illegal use pending disposition of the forfeiture proceeding. If the court orders the release of the vehicle, all fines, if any, and towing and storage fees shall be paid prior to release.

(4) Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this section; however, such action may be maintained if forfeiture proceedings are not initiated within forty-five (45) days after the date of seizure. However, if good cause is shown, the court may extend the aforementioned prohibition to sixty (60) days.

(5) The court shall order the forfeiture of any other property of a claimant of a vehicle, excluding lienholders, up to the value of the vehicle subject to forfeiture under this section if the vehicle:

(a) Cannot be located;

(b) Has been transferred to, sold to, or deposited with, a third party;

(c) Has been placed beyond the jurisdiction of the court;

(d) Has been substantially diminished in value by any act or omission of the person in possession of the property; or

(e) Has been commingled with any property which cannot be divided without difficulty.

(6) Exceptions.

(a) No vehicle shall be forfeited under the provisions of this section if the owner of such vehicle establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such vehicle was being used or was likely to be used in violation of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code.

(b) No bona fide lienholder's interest shall be forfeited under the provisions of this section if such lienholder establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in violation of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code, that such use was without his or her expressed or implied consent, and that the lien had been perfected in the manner prescribed by law prior to such seizure.

(c) No vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles shall be forfeited under the provisions of this section if the company establishes by a preponderance of the evidence that it neither knew, nor should have known, that the vehicle was being used or was likely to be used in violation of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code. When a vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles is seized under this section, upon learning the address or phone number of said company, the CSD shall, as soon as practicable, inform said company that the vehicle has been seized.

(d) Any interest in, title to, or right to a vehicle titled or registered jointly by the use of the conjunctives "and," "and/or," or "or" held by a co-owner shall not be forfeited if the co-owner establishes by a preponderance of the evidence that such co-owner neither knew, nor had reason to know, after reasonable inquiry, that such property was used or was likely to be used in violation of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code. When the interests of each culpable co-owner are forfeited, any remaining co-owners shall be afforded the opportunity to purchase the forfeited interest in, title to, or right to the property from Miami-Dade County. If any remaining co-owner does not purchase such interest, Miami-Dade County may hold the property in co-ownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(7) Forfeiture proceedings.

(a) It is the policy of Miami-Dade County that the provisions of this section are adopted to deter and prevent the continued use of for-hire motor vehicles to violate [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code while protecting proprietary interests of innocent owners and lienholders and to authorize the use of the proceeds collected under this section as supplemental funding for enforcement purposes.

(b) The Florida Rules of Civil Procedure shall govern forfeiture proceedings under this section unless otherwise specified herein.

(c) Any trial on the ultimate issue of forfeiture shall be decided by a jury, unless such right is waived by the claimant of the vehicle through a written waiver or on the record before the court conducting the forfeiture proceeding.

(d) Miami-Dade County shall promptly proceed against the vehicle by filing a compliant in the circuit court.

(e) (i)  
The complaint shall be styled "in RE: FORFEITURE OF \_\_\_\_\_\_\_\_\_\_\_\_" (followed by the name or description of the vehicle). The complaint shall contain a brief jurisdictional statement, a description of the subject matter of the proceeding, and a statement of the facts sufficient to state a cause of action that would support a final judgment of forfeiture. The complaint must be accompanied by a verified supporting affidavit.

(ii) If no person entitled to notice requests an adversarial preliminary hearing, as provided in [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(G)(3), the court, upon receipt of the complaint, shall review the complaint and the verified supporting affidavit to determine whether there was probable cause for the seizure. Upon a finding of probable cause the court shall enter an order showing the probable cause finding.

(iii) The court shall require any claimant of a vehicle who desires to contest the forfeiture to file and serve upon the attorney representing Miami-Dade County any responsive pleadings and affirmative defenses within twenty (20) days after receipt of the complaint and probable cause finding.

(f) (i)  
Miami-Dade County shall serve notice of the forfeiture complaint by certified mail, return receipt requested, to each person having a security interest in the vehicle. Miami-Dade County shall also publish notice of the forfeiture complaint twice each week for two (2) consecutive weeks in a newspaper of general circulation in Miami-Dade County.

(ii) The notice shall, in addition to stating that which is required by [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(G)(3) describe the property; state the county, place, and date of seizure; state the governmental entity holding the seized property; and state the name of the court in which the complaint will be filed.

(iii) Miami-Dade County shall be obligated to make a diligent search and inquiry as to the owner of the vehicle, and if, after such diligent search and inquiry, Miami-Dade County is unable to ascertain any person entitled to notice, the actual notice requirements by mail shall not be applicable.

(g) When the claimant of the vehicle and Miami-Dade County agree to settle the forfeiture action prior to the conclusion of the forfeiture proceeding, the settlement agreement shall be reviewed, unless such review is waived by the claimant of the vehicle in writing, by the court or a mediator or arbitrator agreed upon by the claimant and Miami-Dade County.

(h) Upon clear and convincing evidence that the seized vehicle was used to commit a third of subsequent violation of [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code on at least three (3) separate occasions within a thirty-six-month period, where all of such violations were committed on or after the effective date of this section, the court shall order the seized property forfeited to Miami-Dade County. As used in this subsection, a "violation" occurs when a person or entity pleads guilty or nolo contendere or is convicted or found guilty of violating [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI)(a) of the Code using the vehicle subject to forfeiture. The final order of forfeiture by the court shall perfect in Miami-Dade County right, title and interest in and to such property, subject only to the rights and interests of bona fide lienholders, and shall relate back to the date of seizure.

(i) (i)  
The seized property shall be released immediately to the person entitled to possession of the property as determined by the court when the claimant prevails at the conclusion of the forfeiture proceeding, and Miami-Dade County decides not to appeal.

(ii) When the claimant of the vehicle prevails at the conclusion of the forfeiture proceeding, any decision to appeal must be made by the CSD Director. If the claimant prevails on appeal, Miami-Dade County shall immediately release the seized property to the person entitled to possession of the property as determined by the court.

(j) Disposition of forfeited property where no lien. When Miami-Dade County obtains a final judgment granting forfeiture of a vehicle, it may elect to:

(i) Retain the property for the County's use;

(ii) Sell the property at public auction or by sealed bid to the highest bidder; or

(iii) Salvage, trade, or transfer the vehicle to any public or nonprofit organization.

(k) Disposition of forfeited property where lien. If the forfeited vehicle is subject to a lien preserved by the court as provided in [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(G)(6)(b), Miami-Dade County shall:

(i) Sell the property with the proceeds being used towards satisfaction of any liens; or

(ii) Have the lien satisfied prior to taking any action authorized by [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(G)(7)(j).

(l) Priority of disbursement. The proceeds from the sale of a forfeited vehicle shall be disbursed in the following priority:

(i) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.

(ii) Payment of the cost incurred by Miami-Dade County in connection with the storage, maintenance, security, and forfeiture of such property.

(iii) Payment of court costs incurred in the forfeiture proceeding.

(iv) The remaining proceeds shall be deposited in an Enforcement Trust Fund hereby established by the Board of County Commissioners. Such proceeds and interest earned therefrom shall be used for enforcement of the provisions of [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Code.

(H) *Abandoned vehicles.*

(1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this subsection (H), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by a circuit court judge after a duly noticed hearing, without further hearing.

(2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:

(a) Has not removed the vehicle from storage within ten (10) days of obtaining an order of release pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(C), (e) or (G)(7)(i) herein; or

(b) Has not paid the fines, if any, and towing and storage fees within ten (10) days of a hearing determination of violation pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(E)(2) herein, or within ten (10) days after notice of a default determination of violation was mailed to the owner pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(E)(5) herein; or

(c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial of a motion to vacate a default determination pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO)(E)(5); or

(d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the CSD to the owner that the County will not pursue the remedy of forfeiture pursuant to [Section 31-94](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-94SEIMFO) herein.

(3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (H), the CSD shall mail to the owner a notice that the vehicle has been recovered by CSD as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Miami-Dade County and it will be sold at public auction or by bid after ten (10) days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.

(4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (H) was mailed, by paying the towing and storage fees due and any fine(s).

(5) In the event that an abandoned vehicle is not claimed within ten (10) days after the notice described in paragraph (3) of this subsection (H) was mailed, ownership of the abandoned vehicle shall vest in CSD after a duly noticed hearing and declaration of abandonment by a circuit court judge. The CSD may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

(Ord. No. 98-3, § 1, 1-13-98; Ord. No. 98-105, § 2, 7-9-98)

Secs. 31-95—31-98. Reserved.

Sec. 31-99. Advertisement of for-hire services.

(a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, Florida, which advertisement identifies for-hire transportation regulated by this article, unless the advertisement includes the for-hire license number or passenger service company number.

(b) For the purposes of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading where the heading describes or encompasses any for-hire transportation regulated under this article.

(c) No person shall advertise a rate or fare other than the rate or fare approved pursuant to [Section 31-87](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-87RARE)

(Ord. No. 98-105, § 1, 7-9-98)

**Editor's note—**

In order to avoid the duplication of [section 31-101](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-101TRPO), the section added by Ord. No. 98-105, § 1, adopted July 9, 1998, as [31-101](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-101TRPO) has been redesignated as [section 31-99](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-99ADFRESE)

Sec. 31-100. Passenger service companies.

(a) *Prohibition against unauthorized operations.* No person or entity shall provide taxicab passenger services on behalf of a for-hire license holder without such person or entity first obtaining a Miami-Dade County passenger service company registration and maintaining such registration current and valid in accordance with this article. A taxicab for-hire license holder may provide passenger services without obtaining a registration if he, she or it only provides said services for a taxicab(s) operated pursuant to a for-hire license(s) issued to said for-hire license holder and complies with all other requirements of this section.

(b) *Taxicab passenger services.* Taxicab passenger services provided by a passenger service company or for-hire license holder shall minimally include, but not be limited to, the following: providing for-hire vehicle color schemes and markings; providing two-way radio or cellular telephone dispatch services, maintenance and advertising of a telephone number for receiving all calls related to for-hire taxi services; handling passenger complaints and passenger lost and found; a properly listed telephone for receiving all calls relating to for-hire vehicle service.

(c) *Application procedures.* Every application for a passenger service company registration shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with a non-refundable investigative and processing fee. The application shall be on a form provided by the CSD and shall contain all information required thereon, including:

(1) Full legal name, mailing address and business telephone number, federal identification number of all partners of a partnership and of all directors, officers, resident agents and stockholders who hold five (5) percent or more of the issued and outstanding shares of the corporation. The applicant shall disclose the foregoing information for any person who has an interest (legal, equitable, beneficial or otherwise) in the registration. Post office addresses shall not be acceptable.

(2) The address of the place of business from which for-hire operations are conducted. Such place of business shall be in Miami-Dade County; shall be in compliance with applicable zoning requirements for its operations; and shall have a properly listed telephone number for receiving all calls relating to for-hire vehicle service.

(3) A record of all crimes of which any partner, director, officer or stockholder has pled nolo contendere, pled guilty, been found guilty or been convicted. The applicant shall have his or her fingerprints and photographs taken by the Metro-Miami-Dade Police Department. This information shall be obtained for all corporate officers and directors or partners, as the case may be. Stockholders who hold less than five (5) percent of the issued and outstanding shares of the corporation shall not be required to comply with the requirements of this subsection.

(4) A current, valid occupational license and a current fictitious name registration.

(5) Three (3) Miami-Dade County written credit references, including at least one (1) bank where the applicant has a current account and a certified financial statement.

(6) A written passenger service plan which shall include:

(i) A description of the services to be provided to passengers;

(ii) A description of the vehicle maintenance facilities and vehicle maintenance program, if applicable;

(iii) A description of the system for handling complaints, accidents and property left by a passenger in the for-hire vehicle;

(iv) A description of the quality assurance program which will be utilized to assure delivery of service to passengers;

(v) A description of the system for handling insurance requirements under this chapter;

(vi) A description of the radio or cellular telephone dispatch system, as required including procedure for receiving passenger calls, dispatching calls, and maintaining required records;

(vii) A copy of the passenger service agreement forms which it proposes to execute with for-hire license holders and chauffeurs;

(viii) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.

(d) *Investigation and eligibility of passenger service applicant.* The CSD shall investigate each application. The director may issue or refuse to issue such registration on such terms and conditions as the public interest may require. The director's decision to deny an application may be appealed in accordance with this chapter. An applicant shall not be eligible for a passenger service company registration if he/she/it:

(1) Has misrepresented or concealed a material fact on his/her/its application;

(2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;

(3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;

(4) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of a felony unless his or her civil or residency rights have been restored;

(5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;

(6) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;

(7) Violated any condition, limitation, or restriction of a passenger service company registration imposed by the director, or commission;

(8) Was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;

(9) If the person is a corporation or partnership, a stockholder, officer, director, or partner thereof and has committed an act or omission which would be cause for denying a passenger service company registration to the officer, director, stockholder, or partner as an individual;

(10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;

(11) Has any unsatisfied civil penalty or judgment relating to for-hire operations;

(12) Is not located in Miami-Dade County and/or its place of business is not in a properly zoned location;

(13) Has within the last five (5) years plead nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of whether adjudication is withheld) involving moral turpitude relating to sex; or

(14) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

(e) Conditions for obtaining a passenger service company registration. No passenger service company registration shall be issued or renewed unless the applicant:

(1) Has paid a registration fee;

(2) Has complied with the insurance requirements of this article for each vehicle it operates, if applicable;

(3) Has entered into a passenger service agreement with the for-hire license holder for each for-hire vehicle it operates;

(4) Has entered into a chauffeur's agreement with each chauffeur who operates or drives a for-hire vehicle for which the passenger service company provides passenger services;

(5) Maintains a quality assurance program including regular training for all affiliated chauffeurs;

(6) Provides a radio or cellular telephone dispatch system.

(f) *Issuance and replacement of passenger service company registration.*

(1) *Issuance.* Each passenger service company registration shall be on a form provided by the CSD and shall be signed by the director. Each registration shall, at minimum, contain the legal name of the applicant, any fictitious name to be utilized, the address and telephone number of the place of business, the registration expiration date, the class of passenger services authorized, and such additional terms, conditions, provisions and limitations as are imposed during the approval process.

(2) *Replacement.* The director shall issue a replacement registration to any registration holder upon application, payment of a non-refundable replacement fee and presentation of proof of or a sworn affidavit that the license has been lost or stolen.

(g) *Expiration of and renewal process for passenger service company registration.* Passenger service company registrations may be issued for such periods as specified in the administrative order establishing the fees. The CSD may establish staggered registration terms to ease the administration of the renewal process. Renewal shall be accomplished in the same manner as the initial application no less than thirty (30) days prior to expiration of the registration together with payment of a registration fee. No registration shall be renewed for an applicant who does not have at least one (1) current, valid passenger service agreement in effect. Registration holders shall have a grace period of up to thirty (30) days after expiration of their registration in which to renew same; provided, however, the registration holder within such thirty-day period shall also pay a non-refundable late fee over and above the annual registration fee. All registrations which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(h) *Rules pertaining to change in control of the passenger service company registration.* Passenger service company registrations shall not be sold, transferred, assigned or leased. Any change in control or ownership of a passenger service company registration shall immediately terminate the registration and a new passenger service company application shall be filed. The passenger service company may continue to operate provided that such application has been filed with the CSD within ten (10) days of the change in control or ownership. The application shall be filed in accordance with [Section 31-100](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-100PASECO)(c) and be accompanied by an investigatory and processing fee.

(i) *Requirement of a passenger service agreement with for-hire license holder.* Each passenger service company shall enter into a separate written passenger service agreement with the for-hire license holder for each vehicle operated in accordance with this chapter. The written passenger service agreement:

(1) Shall provide for an express duration for the agreement;

(2) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein;

(3) Shall state the full legal name and address (post office boxes shall not be acceptable), license and registration numbers;

(4) Shall state and itemize the compensation to be paid by the passenger service company for the right to operate a for-hire vehicle authorized by a for-hire license. It shall be unlawful for the license holder to receive any compensation from the passenger service company which is not specified in the existing passenger service agreement;

(5) Shall provide who shall be responsible for obtaining the required insurance for the for-hire vehicle;

(6) Shall provide that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees;

(7) Shall be signed by both the for-hire license holder and the passenger service company; and

(8) Shall include a sworn statement attesting to the truth if all representations made in the passenger service agreement.

(j) *Requirement for chauffeur's agreement.* Each passenger service company shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for-hire vehicle for which the passenger service company provides passenger services. Each passenger service company shall post a sign summarizing the chauffeur agreement requirements stated herein. This sign shall be posted in a conspicuous place at the point of payment by the chauffeur and shall be written in a legible manner and preapproved by the Department of Sustainability, Planning and Economic Enhancement or successor department (hereinafter "the Department"). The written chauffeur's agreement:

(1) Shall provide for an express duration for the agreement;

(2) Shall only be terminated with at least ninety (90) days prior notice unless good cause be shown and only for the reasons stated therein;

(3) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective passenger service company's and chauffeur's registration numbers;

(4) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for-hire vehicle authorized by a for-hire license. Such itemization shall separately list the amount of compensation that is attributable to the lease, insurance, dispatch, and deposits, if any. It shall be unlawful for the passenger service company to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement. The Agreement shall specifically provide that the compensation to be paid by a chauffeur may be paid utilizing any of at least two of the following: (1) cash, (2) money order, (3) certified check, (4) cashier's check, (5) valid traveler's check, (6) valid bank credit card, or (7) valid personal check showing on its face the name and address of the chauffeur. The chauffeur shall be allowed to make payment as provided in the preceding sentence, and shall be provided with a written receipt which contains the name of the license holder or passenger service company, whichever is applicable, and the driver, the for-hire license number, payment amount and form of payment utilized, date of payment and the period covered by the payment. Such receipt shall be itemized so as to separately list the amount of compensation that is attributable to the lease, insurance, dispatch, and deposits, if any;

(5) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for-hire vehicle;

(6) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees;

(7) Shall be signed by both the chauffeur and the passenger service company; and

(8) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.

(9) Whenever money is deposited by a chauffeur as security for performance or advance payment of a lease, the passenger service company shall either:

(a) Hold the total amount of such money in a separate non-interest-bearing account in a Florida banking institution for the benefit of each chauffeur. The passenger service company shall not commingle such money with any other funds of the passenger service company or pledge, or in any other way make use of such money until such money is actually due the passenger service company; or

(b) Hold the total amount of such money in a separate interest-bearing account in a Florida banking institution for the benefit of each chauffeur, in which case the chauffeur shall receive and collect interest in an amount of at least 75 percent of the annualized average interest rate payable on such account or interest at the rate of 5 percent per year, simple interest, whichever the passenger service company elects. The passenger service company shall not commingle such money with any other funds of the passenger service company, pledge, or in any other way make use of such money until such money is actually due the passenger service company.

(10) The passenger service company shall, within thirty (30) days of receipt of a security deposit, notify the chauffeur in writing of the manner in which the passenger service company is holding the deposit and the rate of interest, if any, which the chauffeur is to receive and the time of interest payments to the chauffeur. Such written notice shall:

(a) Be given in person or by mail to the chauffeur.

(b) State the name and address of the depository where the deposit is being held, and whether the deposit is being held in an interest-bearing or non-interest bearing account.

(c) Include a copy of the provisions of subsection (11).

(11) (a) Upon the termination of the lease, if the passenger service company does not intend to impose a claim on the deposit, the passenger service company shall have fifteen (15) days to return the deposit together with interest if otherwise required, or the passenger service company shall have thirty (30) days to give the chauffeur written notice by certified mail to the chauffeur's last known mailing address of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The notice shall contain a statement in substantially the following form:

This is a notice of my intention to impose a claim in the amount of \_\_\_\_\_\_\_\_\_\_\_\_ upon your deposit, due to \_\_\_\_\_\_\_\_\_\_\_\_. It is sent to you as required by [sec. 31-100](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-100PASECO)(j)(11) of the Code of Miami-Dade County, Florida. You are hereby notified that you must object in writing to this deduction from your deposit within fifteen (15) days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to \_\_\_\_\_\_\_\_\_\_\_\_.

If the passenger service company fails to give the required notice within the 30-day period, he or she forfeits the right to impose a claim upon the security deposit.

(b) Unless the chauffeur objects in writing to the imposition of the passenger service company's claim or the amount thereof within fifteen (15) days after receipt of the passenger service company's notice of intention to impose a claim, the passenger service company may then deduct the amount of his or her claim and shall remit the balance of the deposit to the chauffeur within thirty (30) days after the date of the notice of intention to impose a claim for damages.

(c) If either party to the chauffeur agreement institutes an action in a court of competent jurisdiction to adjudicate the party's right to the security deposit and interest, if any, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney.

(d) In those cases where interest is required to be paid to the chauffeur, the passenger service company shall pay directly to the chauffeur, or credit the current lease payment, the interest due to the chauffeur at least annually.

(12) It shall be unlawful for any passenger service company to require that a chauffeur purchase a taxicab. lease a taxicab or finance the purchase of a taxicab as a condition of entering into a chauffeur's agreement.

(k) *Rules of operation.* Passenger service companies must abide by all rules and regulations applicable to passenger service companies and shall be subject to the enforcement provisions in this chapter and [chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code. For the purposes of this subsection, the phrase "for-hire license holder" shall be substituted for the phrase "passenger service company" where this chapter authorizes a for-hire license holder to provide passenger services and said for-hire license holder does in fact provide passenger services. A passenger service company:

(1) Shall comply with all applicable federal. State of Florida and Miami-Dade County ordinances, laws, rules and regulations;

(2) Shall maintain for a one-year period and make available for inspection by police and enforcement personnel a copy of the passenger service agreement with any for-hire license holder and any chauffeur and a copy of the agreement between the for-hire license holder and chauffeur;

(3) Shall comply with all terms of both the passenger service agreement and the chauffeur agreement;

(4) Shall maintain a record of all requests for service for each passenger transport request received by telephone or made in writing which shall minimally include the following information: name of passenger requesting service, assigned vehicle number, date and time of service request and service provision, origin and destination of each trip, and whether the passenger requested an accessible vehicle. All records must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

(5) Shall maintain a log of all customer complaints;

(6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;

(7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;

(8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and

(9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(l) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.

(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03; Ord. No. 07-149, § 1, 10-2-07; Ord. No. 11-54, § 1, 7-19-11; Ord. No. 12-51, § 1, 7-3-12)

FOOTNOTE(S):

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**Editor's note—** Ch. 31, Art. II, §§ 31-81—31-93, was amended in its entirety by Ord. No. 81-85, § 3, adopted July 21, 1981. Prior to the enactment of said 81-85, Art. II had derived from Ord. No. 79-25, adopted March 20, 1979, which ordinance was held invalid. Section 2 of Ord. No. 81-85 reconfirmed the repeal (by Ord. No. 79-25) of earlier Ord. Nos. 75-35, 75-111, 77-42, 78-61—78-86, from which Art. II had derived prior to the passage of Ord. No. 79-25. Ord. No. 81-85, § 2, also repealed Ord. Nos. 79-60, 79-77, 79-116, 80-17, 80-74, 80-85 and 80-96, which were not codified. [(Back)](#BK_F9AEA03618E5149F4349A048C2D8C675)

**Charter reference—** Power and authority of Board of County Commissioners to license and regulate taxis, jitneys, limousines for hire, rental cars, etc., § 1.01(A)(3). [(Back)](#BK_F9AEA03618E5149F4349A048C2D8C675)

**Cross reference—** Ambulances and medical transportation vehicles, Ch. 4; regulation of ground transportation by aviation department, § 25-4; traffic and motor vehicles generally, Ch. 30; parking of taxicabs, buses in other than bus stop or taxicab stand, § 30-388.26; authority of bus operators to stop on roadway at bus stops, § 30-388.28. [(Back)](#BK_F9AEA03618E5149F4349A048C2D8C675)

### ARTICLE III. PASSENGER MOTOR CARRIERS [[3]](#BK_9DD1E2709E013D8331B03AFBB7CDB123)

[Sec. 31-101. Transportation policy.](#BK_2FDCD605741F9B0DCC45F007B3DE7A84)

[Sec. 31-102. Definitions.](#BK_2410B7045056D650793EC28AD8A00C2B)

[Sec. 31-103. Certificate of transportation.](#BK_5C12557F84EB87FA860B18C715C4DBF7)

[Sec. 31-104. Operating permits.](#BK_A837AEA4743FEF401D99D47039D516D8)

[Sec. 31-105. Chauffeur's registration.](#BK_C8B8B68CABEAB3D67AE14FFCDDB5E66F)

[Sec. 31-106. Financial responsibility or insurance requirements.](#BK_D6EEA135CF3AFF9A0AB71FB764BB181D)

[Sec. 31-107. Safety regulation.](#BK_3686A1DC52CB65FD668B96EB4C8D975F)

[Sec. 31-108. Rules for operation.](#BK_B9A4A33541FE4793C7DD52CE1D5E4788)

[Sec. 31-109. Rates and fares.](#BK_1DDB63CB280415832267418C62BB08C7)

[Sec. 31-110. Enforcement.](#BK_DF097DB9AE803AD9DA6CE0262AF3D72B)

[Sec. 31-111. Penalties.](#BK_C44400A494F696A8C8DC76A80FB93A1F)

[Sec. 31-112. Suspension or revocation proceedings.](#BK_DE30D4C111F1F253F4335FA66B4107AE)

[Sec. 31-113. Exclusions.](#BK_349F858FCA99154E47FBD8F8C2D31F1E)

[Sec. 31-114. Duties of the Consumer Services Department.](#BK_B3901F23187816A90356309421CFE92C)

[Sec. 31-115. Special provisions.](#BK_AE86010DB2732C6341A7F6B84E5852ED)

[Sec. 31-116. Seizure, impoundment and forfeiture.](#BK_53E790181CBF5BEBD5CB6FFFF0A8CBCC)

[Secs. 31-117—31-200. Reserved.](#BK_5F817254B1784F904AED41C89BACB313)

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

(1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.

(2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.

(3) Improvement of motor vehicle safety.

(4) Achievement of County, national and State energy conservation goals.

(5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.

(6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.

(7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

(8) Recognition that a strong, viable, private sector passenger motor carrier industry has a role in efforts to improve transportation mobility.

(Ord. No. 81-17, § 2, 2-17-81; Ord. No. 85-20, § 1, 4-16-85)

**Editor's note—**

See editor's note at [section 31-99](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-99ADFRESE)

Sec. 31-102. Definitions.

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

(a) *Certificate of transportation* means the holder thereof may engage in providing the transportation services described thereon.

(b) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a passenger motor vehicle.

(c) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.

(d) *Common carrier* means any motor carrier who holds his services out to the public.

(e) *Contract carrier* means any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contract with one (1) or more persons.

(f) *County Manager* means the chief executive officer and head of the administrative branch of the County Government as provided in [Article 3](../level2/PTICOAMCH_ART3EL.docx#PTICOAMCH_ART3EL) of the Home Rule Charter of Miami-Dade County, Florida.

(g) *Director* means the Miami-Dade County Consumer Services Department Director.

(h) *Fixed route* or *regular route service* means the transportation of persons by a common carrier for compensation on a regular route with a regular schedule between fixed terminals.

(i) *For compensation* means for money, property, service or anything else of value.

(j) *Jitney* means any motor vehicle having a maximum seating capacity of fifteen (15) or less, transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.

(k) *Operate* means providing transportation services for compensation utilizing a passenger motor vehicle.

(l) *Operator* means any person who has been issued a certificate in accordance with the provisions of this article.

(m) *CSD* means the Miami-Dade County Consumer Services Department.

(n) *Passenger motor carrier* or *motor carrier* means any person owning, controlling, operating or managing any motor vehicle used in the business of transportation of persons for compensation.

(o) *Passenger motor vehicle* or *motor vehicle* means any chauffeur-driven motor vehicle engaged in the transportation of persons and their accompanying baggage, if any, for compensation over the public streets, but excludes motor vehicles engaged solely in providing special transportation services for the Miami-Dade Transit Agency pursuant to a contract with Miami-Dade County. Motor vehicles used to provide special transportation service pursuant to a contract with Miami-Dade County are subject to regulations contained in Article IV of this chapter.

(p) *Permit* means an operating permit authorizing the holder thereof to utilize the motor vehicle described in said permit for the transportation of passengers as authorized by a certificate issued pursuant to this article.

(q) *Person* means any individual, corporation, firm, partnership, limited partnership, association or joint stock association.

(r) *Rates* or *fares* means the charges established pursuant to this article for the transportation services provided by an operator.

(s) *Registration* means a chauffeur's registration authorizing the holder thereof to operate passenger motor vehicles subject to the provisions of this article.

(t) *Special operations* means the transportation of persons in a motor vehicle to a common destination or series of destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminal or on a regular route.

(u) *Street* means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place located in the County and established for the use of vehicles.

(v) *Public interest* means a determination based on the following criteria, that transportation benefits will accrue to the community, transportation services, the public who presently or in the future utilize the passenger motor carrier industry to meet transportation needs, and adopted community development policy and that determination is consistent with the transportation policy statement contained in this article.

(w) *Charter service* means the transportation of a group of persons pursuant to a common purpose and traveling under a single contract involving the exclusive use of a motor vehicle.

(x) *Core transit* or *transit corridor* means the area one-fifth (1/5) of a mile on each side of the street on which high service level of fixed route or jitney service is being legally provided.

(y) *Limited certificate of transportation* means the holder thereof may engage in providing transportation services as described in a contract with the Miami-Dade Transit Agency for the provision of transportation services for so long as such contract is in effect.

(z) *Reserved.*

(aa) *Paratransit services* mean any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.

(bb) *The Americans with Disabilities Act of 1990* or *the ADA* means the civil rights act 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.

(cc) *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 of a mile on each side of each of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths of a mile around each Metrorail station.

(dd) *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 impairment.

(Ord. No. 81-17, § 3, 2-17-81; Ord. No. 85-20, § 1, 4-16-85; Ord. No. 87-11, § 1, 3-17-87; Ord. No. 90-67, § 1, 7-10-90; Ord. No. 91-130, § 1, 1-5-91; Ord. No. 95-42, § 1, 3-7-95; Ord. No. 95-221, § 3, 12-5-95; Ord. No. 02-1, § 1, 1-29-02)

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 use, drive or operate 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.

(b) *Out-of-county origin excepted.* Nothing in this article shall be construed to prohibit:

(1) Discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County including preticketed round trips originating outside Miami-Dade County which are completed within a single twelve-hour period.

(2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a county adjacent to Miami-Dade County, provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked up within the ADA-defined area of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Miami-Dade County for-hire chauffeur's registration.

(c) *Application contents.* Every application for a certificate shall be in writing, signed and sworn to by the applicant, and shall be filed with CSD. The statements contained in the application shall become a part of the certificate and may be modified only in accordance with this article. The application shall be on a form provided by CSD and shall contain all information required thereon, including but not limited to:

(1) Sufficient information to identify the applicant.

(2) The class of transportation service to be authorized under this article, routes, termini, schedules, etc., and a brief description of the kinds of and types of vehicles, seating capacity of the vehicles, seating arrangements, and size and gross weight thereof.

(3) The trade name under which the applicant intends to operate and a description of the proposed vehicle colors, numbers and markings.

(4) The applicant's management plan including but not limited to maintenance facilities, a system for handling complaints and accidents, a driver training program, insurance coverage, and a communication system.

(5) The applicant's proposed service standards, including but not limited to days and hours of operation, and passenger services to be provided.

(6) The applicant's proposed initial public fare and rate structure.

(7) A record of all present and prior transportation business activities of the applicant during the past five (5) years.

(8) A record of all crimes (excluding traffic) of which the applicant has been convicted within five (5) years preceding the date of the application. The applicant shall have his/her fingerprints and photograph taken by the Miami-Dade Police Department.

(9) Two (2) credit references including at least one (1) bank where the applicant maintains an active account.

(10) An investigative and processing fee which shall be nonrefundable.

(11) An agreement on the part of the applicant to conform to and abide by the provisions of this article and the laws of the State of Florida.

(12) The applicant's current financial statement. If the applicant has an existing certified financial statement, the most current certified financial statement is required.

(13) A factual statement indicating the anticipated market to be served and such other pertinent information as the applicant may desire to present to support his application.

(14) A factual statement supporting the economic feasibility of the services proposed to be provided, including estimated ridership, fare revenue, and operating expenses for the first year of operation.

(15) An operational plan for implementing the proposed services.

(16) A factual statement, if applying for jitney or fixed route authority, indicating the economic and ridership effect on any existing sixed route or jitney transportation service providers on the same transit corridor, route or portion thereof.

(17) A factual statement, if applying for jitney or fixed route authority, that the application is consistent with the criteria and factors contained in subsection (g) of this section.

(18) A public notice which shall contain a brief summary of the subject matter of the application including a brief description of the type of service proposed and the geographical area or route(s) to be served.

(19) For transfer applications only, a statement disclosing the terms and conditions of the proposed transfer, including amount of compensation which has been paid or is payable to the transferor and any other consideration given or to be given to the transferor in connection with the transfer of the certificate of transportation; in lieu of the requirements of this paragraph, the applicant for transfer of the certificate of transportation may submit a notarized copy of the purchase contract which contains all information requested by this paragraph.

(d) *Application review.* The Director shall review and investigate each application and shall reject any application that is not properly filed, incomplete or, where applicable, in conflict with criteria set forth in subsection (g) of this section. Such investigation shall include a Miami-Dade Police Department background check including, but not limited to, past business credit or financial standing and law enforcement records. Application rejection by the Director may be appealed in accordance with [Section 31-112](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-112SUREPR)(f) of the Code.

(e) *Hearing, notices and reports.*

(1) Upon the proper filing of an application under this article for a certificate to provide jitney or fixed route service, or for the transfer or modification thereof, and payment of the required fee, the Director shall give notice to the following: (a) The governing bodies of all affected municipalities within Miami-Dade County; (b) all jitney or fixed route certificate holders; (c) any other person, office or entity requesting notice.

(2) Any interested person affected by the proposed operation of jitney or fixed route service who wishes to intervene in the proceeding shall file with the Director and serve upon the applicant a formal protest within twenty (20) days after service of said notice. A person who has not filed a formal protest as provided in this section may not appear as a party in the proceeding. If no written protest is properly filed and served as herein provided, the Commission shall dispose of the application after a public hearing. If one (1) or more protests are properly filed and served as herein provided, the County Manager shall appoint a hearing officer and fix a time for an administrative hearing no later than twenty (20) days after the conclusion of the termination date for filing a protest, and shall serve notice of hearing upon the applicant and all persons who have filed a written protest. The County Manager, by regulations, shall establish the procedures for such hearings.

(3) The Director shall submit a report and recommendation on each application to the County Manager. The Director shall base the recommendation on the thoroughness of the application, the competence of the applicant, the criteria contained in subsection (g) where applicable and consideration of the findings of the hearing examiner. The County Manager may require any further investigation or additional information that he deems necessary and shall submit a written report and recommendation to the Commission.

(f) *Public hearings.* The Commission shall hold at least two (2) public hearings each year if required, to consider and take action upon pending certificate applications and transfer applications. The Clerk of the Board shall provide at least seven (7) days' advance notice of such public hearing. Additionally, if the application is for jitney or fixed route authority, CSD shall provide at least twenty (20) days' advance notice of such public hearings to all applicants and all jitney or fixed route certificate holders by certified mail. In reaching its determination, the Commission shall consider the application, the County Manager's report and recommendation, and matters presented at the public hearing.

(g) *Certification criteria and process.* The Commission, at the conclusion of the public hearing shall determine if the requested certificate of transportation is consistent with the following public interest criteria.

(1) That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate and is able to comply with this article and regulation of the Commission.

(2) That the transportation to be provided under the requested certificate is consistent with the public interest.

(3) That the proposed transportation service will improve the quality of transportation available to the public.

(4) That, if applying for jitney or fixed route authority, the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami-Dade Transportation Plan. In particular, it shall be deemed not in the public interest to authorize certificates of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at average frequencies of twenty-nine (29) minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry. The provisions of the preceding sentence shall not apply when the applicant is applying for a certificate of transportation to provide jitney or fixed route authority and the Commission finds: (1) that the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami-Dade Transportation Plan: (2) the route applied for has been operated by the applicant for at least five (5) years utilizing at least twelve (12) vehicles during 1997 which were issued permits by the CSD; (3) the fixed or jitney route traverses at least five (5) miles on either NW 7th Avenue or NE 2nd Avenue in Miami-Dade County; and (4) the applicant has held a certificate of transportation issued by Miami-Dade County for at least eight (8) years.

The Commission, after such public hearing, by resolution, may authorize or refuse to authorize the certificate as applied for, or may authorize a certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require.

The County Manager may prescribe rules and regulations consistent with the criteria set forth in subsection (g)(1), (2), (3) and (4) above, for the approval and issuance of emergency temporary certificate. No temporary certificate shall be issued unless the applicant has paid a temporary certificate fee.

(h) *Burden of proof.* In any proceeding under this section, the applicant shall have the burden of providing all of the prerequisites of the issuance of the certificate except that if a protestant objects on the ground that issuance will adversely affect the existing transportation system or impair essential transportation services being provided by the motor carrier industry then, on that issue, the protestant shall have the burden of proof.

(i) *Resolution of approval.* CSD shall issue the certificate as authorized by the resolution.

(j) *Further requirements.* No certificate shall be issued unless the applicant has:

(1) Paid an annual certificate fee for the right to operate passenger motor vehicles;

(2) Has presented proof of insurance as required by [Section 31-106](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-106FIREINRE); and

(3) Passed all required vehicle inspections.

Failure on the part of the applicant to complete this process within ninety (90) days after notification of approval shall cause the certificate not to be issued and the County's approval to be automatically revoked.

(k) *Form of certificate.* Each certificate shall be on a form developed by CSD and shall be signed by the Director. Each certificate shall contain, at a minimum, the name and address of the applicant, a statement of the transportation service authorized, the passenger capacity of the vehicles to which it applies, and such additional terms, conditions, provisions, and limitations as were authorized in the approval process. All operators holding certificates which are valid as of the effective date of this amendment shall be issued amended certificates which contain no limit on the number of vehicles authorized thereunder.

(l) *Renewal.* All certificates shall be renewed before April 1 of each year by payment of an annual certificate fee. All fees provided for in this section shall be in addition to any other license fees or charges and shall not be prorated for fractional parts of a year. All certificates which are not renewed shall automatically expire and all certificate transportation services rendered thereunder shall immediately cease as of April 1.

On or before March 31 of each year, each operator shall, on application for renewal, certify, on a form provided by CSD, the number of months during the preceding year that he operated and provided the service authorized by his certificate. Failure to certify or to operate for at least eight (8) months during the year period shall result in automatic expiration of the certificate.

(m) *Transfer of certificate.*

(1) No certificate issued pursuant to this article may be sold, assigned, transferred or its ownership structure changed or altered so as to result in a change or the possibility of a change in the control of said certificate to another until the proposed sale, assignment, transfer or change in control shall have been approved by the commission. Any transfer of shares or stock or interest of any person or certificate holder so as to cause a change in the directors, officer, shareholders or managers of such person or certificate holder shall be deemed a transfer or assignment as contemplated in this section and subject to the same rules and regulations as any other transfer or assignment.

(2) The Commission, in considering the proposed transfer of ownership or control of the certificate, by either direct or indirect means, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest or if said certificate, in whole or in part, is dormant within the meaning of this article.

(3) The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

(4) All such applications for approval of transfers shall be filed on forms provided by the Director and shall be accompanied by payment of a nonrefundable transfer investigative and processing fee. Applications for transfers shall be noticed for public hearing before the Commission in the manner provided by this article for new applicants for certificates and the formal approval of the Commission shall be a condition precedent to any such transfer.

(n) *Modification of certificate.* Every application for modification of a certificate shall be in writing, signed and sworn to by the operator and shall be filed together with a modification processing fee. The application shall be on a form provided by CSD, and shall be noticed for hearing before the Commission in the manner as provided for in this article for applications for a certificate and the formal approval of the Commission shall be a precedent to any modification. Modifications of a certificate shall include changes in service standards, route changes in service standards, route extensions, and similar items which enlarge operating authority.

(o) *Surrender or abandonment of certificate.* An operator may relinquish or abandon all or part of the operating authority provided in such certificate upon written notice to the Director thirty (30) days prior to the effective date of such action, and submission of his certificate. The Director shall, upon his authority, re-issue a certificate containing the residual operating authority unless, in his opinion, the requested changes or the residual authority are not in the public interest, in which case he may institute revocation or suspension procedures.

(p) *Limited certificate of transportation.* A passenger motor carrier proposing to provide transportation services pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services, may satisfy the passenger motor carrier certificate requirements by obtaining a limited certificate of transportation. A holder of a limited certificate of transportation must comply with all requirements of the Miami-Dade County Code pertaining to holders of a Certificate of Transportation. Provided, however, that the requirements of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(e) pertaining to hearings, notices, and administrative protest procedures and [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(f) pertaining to advance notice to certificate holders and applicants of the public hearing at which time the limited certificate of transportation is to be considered shall not apply. The limited certificate of transportation shall only authorize provision of transportation services pursuant to such contract for so long as such contract is in effect. A person who is issued a limited certificate of transportation shall not lease or otherwise assign the right to operate under such certificate to any other person.

(q) The amendments to [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(g)(4) contained in this section shall sunset on July 5, 1999. Notwithstanding the requirements of the prior sentence, any certificate of transportation issued pursuant to an application approved by the Commission prior to June 22, 1999 pursuant to [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(g)(4) as amended by this section shall remain in full force and effect so long as the certificate holder complies with all applicable provisions of the Code.

(Ord. No. 81-17, § 4, 2-17-81; Ord. No. 85-20, § 1, 4-16-85; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 90-67, § 2, 7-10-90; Ord. No. 90-126, § 3, 11-27-90; Ord. No. 95-42, § 2, 3-7-95; Ord. No. 95-221, § 3, 12-5-95; Ord. No. 98-123, § 1, 9-3-98; Ord. No. 99-72, § 1, 6-22-99; Ord. No. 02-1, § 1, 1-29-02; Ord. No. 06-21, § 2, 2-7-06)

Sec. 31-104. Operating permits.

(a) After a person has secured a certificate hereunder and before any motor vehicle shall be operated under authority of such certificate, such person shall make separate application to CSD for a permit for each motor vehicle to be operated pursuant to said certificate. Each permit application shall be in writing, verified by the certificate holder and shall contain the name and address of the applicant, the certificate number and the make, type, year of manufacture, serial number, State license plate number, and seating capacity of each motor vehicle for which a permit is desired. Upon payment of a permit fee, the CSD shall issue to the applicant a permit; provided that any vehicle so permitted complies with the minimum safety requirements set forth in this article, is the type of vehicle authorized by such certificate, and is insured according to [Section 31-106](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-106FIREINRE)

(b) Each permit issued hereunder shall expire April 1st of each year, and may be renewed upon payment of the fee prescribed in subsection (a) above. It shall be unlawful to operate any vehicle required to have an operating permit without such a current valid permit displayed within the vehicle.

(c) No permit shall be issued for the operation of any vehicle, the condition of which would interfere with or detract from the comfort, convenience or safety of the passengers transported therein. In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body or seating facilities become so damaged, deteriorated or unclean as to render said vehicle unfit for public use, CSD may suspend the permit therefor until such time as the condition is remedied; provided, however, that no such suspension shall be effective until the permit holder or vehicle driver has received actual notice of the particular conditions to be remedied.

(d) Each permit issued hereunder shall be separately numbered. The operating permit shall, at all times, be displayed within the vehicle and shall be available for inspection by any authorized personnel or police officer.

(e) Permits issued hereunder shall not be transferable or assignable.

(f) No certificate holder shall reconstruct, alter, modify, add to or otherwise change the body, seating capacity or seating arrangement after a permit has been issued pursuant to this section, unless and until the consent of the CSD shall first have been obtained.

(g) In the event a vehicle permitted pursuant to this section becomes inoperable and is removed from service due to mechanical breakdown or traffic accident, the certificate holder may secure a substitute operating permit for a substitute vehicle, provided such substitute vehicle meets the requirements of this section. Said substitute permit shall expire and the substitute vehicle shall be removed from service when the inoperable vehicle is repaired and returned to service or on the last day of the month in which the substitute permit is issued, whichever is earlier; provided that another substitute operating permit may be obtained for the next calendar month if the inoperable vehicle is not repaired upon the expiration of such substitute operating permit. A fee shall be charged for issuance of such substitute operating permits.

(Ord. No. 81-17, § 5, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88)

Sec. 31-105. Chauffeur's registration.

It shall be unlawful for any person to drive a passenger motor carrier vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article V of this Code.

(Ord. No. 81-17, § 6, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 90-134, § 1, 12-4-90; Ord. No. 91-47, § 1, 4-16-91; Ord. No. 91-125, § 1, 10-15-91; Ord. No. 92-26, § 2, 4-21-92; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-106. Financial responsibility or insurance requirements.

(a) No passenger motor carrier vehicle shall be permitted to operate without the operator having first obtained and filed with CSD a certificate of insurance on forms provided by CSD for each vehicle showing automobile liability insurance coverage with limits of liability no less than fifty thousand dollars ($50,000.00) for one (1) passenger and one hundred thousand dollars ($100,000.00) for all passengers for injuries or death arising out of any one (1) occurrence, and fifty thousand dollars ($50,000.00) for damage to property arising out of any one (1) occurrence. Any vehicle with a seating capacity in excess of fifteen (15) shall provide additional minimum limit for injury or death of ten thousand dollars ($10,000.00) per passenger seat of each vehicle.

(b) The insurance required in this section shall be written by an insurance company authorized to do business in the State of Florida.

(c) The certificate of insurance shall be endorsed to provide for thirty (30) days' notice by registered mail to CSD of any material change, cancellation or expiration. No policy will be accepted for a shorter period than six (6) months.

(d) Unless an operator has furnished CSD with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in paragraph (c) of this section, or upon a third notice of cancellation within twelve (12) months, the certificate shall be suspended forthwith by the Director and surrendered to CSD pending a hearing to determine whether the said certificate should be revoked.

(e) Operators may comply with these insurance requirements if found to be a qualified self-insurer with minimum limit required by paragraph (a) of this section by the State of Florida. An operator's failure to maintain the requirements of a qualified self-insurer shall be grounds for CSD to take the actions described in paragraph (d) above.

(Ord. No. 81-17, § 7, 2-17-81; Ord. No. 87-11, § 2, 3-17-87)

Sec. 31-107. Safety regulation.

(a) *Adoption; enforcement.* The Consumer Services Department (CSD) shall adopt and enforce all safety regulations of the United States Department of Transportation that are applicable to passenger motor carriers and passenger motor carrier vehicles, as required for operation in an urban area. Any operator applying for a certificate or permit requiring or authorizing the use of a specialized or unique vehicle, not contemplated in United States Department of Transportation regulations, shall submit, subject to approval by CSD, safety regulations for each specific type of vehicle as to equipment, operation, maintenance, seating capacity and inspection of such vehicles, consistent with the vehicle manufacturer specifications, which must be submitted by the operator. The CSD shall develop special standards to be applied to motor vehicles older than five (5) model years which are operated as passenger motor vehicles in order to assure that such vehicles are safe.

(b) *Vehicle age.* No vehicle older than fifteen (15) model years old shall be operated as a passenger motor carrier.

(c) *Inspection for compliance.* CSD shall provide for semi-annual inspection of each vehicle for compliance with the foregoing standards. The CSD shall provide for annual inspection of each vehicle between and including one (1) and two (2) model years old; CSD shall provide for semi-annual inspection of each vehicle between and including three (3) and four (4) model years old; CSD shall provide for quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old for compliance with the foregoing standards. CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD may also inspect any passenger motor vehicle at any time. The results of each inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards shall not be operated as a passenger motor vehicle until such time as the vehicle satisfactorily passes inspection. Notwithstanding the foregoing, the quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old to determine compliance with the foregoing vehicle condition standards shall commence on May 1, 1995 and the quarterly inspection of each such vehicle to determine compliance with the foregoing vehicle safety and mechanical standards shall be reduced to semi-annual inspection until July 1, 1998.

(Ord. No. 81-17, § 8, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 90-134, § 1, 12-4-90; Ord. No. 92-66, § 3, 7-7-92; Ord. No. 93-85, § 2, 9-7-93; Ord. No. 94-190, § 2, 10-7-94; Ord. No. 95-99, § 2, 6-6-95; Ord. No. 96-186, § 2, 12-17-96)

Sec. 31-108. Rules for operation.

(a) *Color scheme.* Each operator shall adopt and use, after approval by the CSD, a distinctive, uniform, and decorative color scheme for all passenger motor carrier vehicles certified pursuant to this article. The CSD shall refuse to approve any proposed color scheme which will infringe upon any color scheme already in use by another operator. No other color scheme shall be employed until approved by the CSD.

(b) *Disposal of personal property.* Personal property left by a passenger in any passenger motor vehicle shall, upon its discovery by or delivery to the chauffeur of said vehicle, be reported immediately to and deposited at the operator's office, where a record of the same shall be maintained and the property held for the owner for a period of six (6) months, at the end of which it shall become the property of the finder. The operator shall be responsible for chauffeur compliance with this section.

(c) *Compliance with other legislation.* Every operator shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of passenger motor vehicles.

(d) *Accessibility of service to the public; accessibility of records for regulatory purposes.* Each operator shall maintain and list with CSD a central place of business, where a listed telephone number is operative and where business records and daily manifests set forth herein are kept.

(e) *Records required.* Each operator shall maintain accurate records of all financial and operating information as may be required by CSD. CSD shall be granted access to these records for the purpose of inspection and/or copying same, upon five (5) days' prior notice. All such records and information shall be confidential except that they will become public records for the purpose of revocation or suspension hearings, or, if required by the Board of County Commissioners, for the purpose of approving or disapproving applications for new certificates or transfers of certificates. Each operator shall annually furnish financial and operating information to CSD on forms and in the manner prescribed by CSD.

(f) *Antidiscrimination.* No operator or chauffeur shall refuse or neglect to transport to and from any place in the County any orderly person requesting service regardless of race, sex, religion, national origin, age, marital status or handicap, who is willing and able to pay the prescribed fare.

(g) *Vehicle numbering system.* Each operator shall adopt a vehicle numbering system approved by CSD, which does not conflict with those in use by other operators.

(h) *Manifest or trip sheet required.* Every operator shall maintain a manifest or trip sheet on a form approved by CSD, which shall include, but not be limited to, the following information on each trip: Name of chauffeur, vehicle number, date, time, origin, destination, number of passengers, and rate of fare. Operators shall not destroy, mutilate, alter or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and/or copying by CSD or any police agency during regular business hours and shall be retained for three (3) years.

(i) [*Prohibitions for operators*.] No operator shall:

(1) Knowingly allow or permit any person to operate a passenger motor vehicle while his ability or alertness is so impaired, or is likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to operate the motor vehicle; or

(2) Permit or authorize any chauffeur or other person to operate any passenger motor vehicle without that vehicle's current valid certificate displayed therein; or

(3) Operate or permit or authorize anyone else to operate any passenger motor vehicle unless and until that person is issued a chauffeur's registration in accordance with [Section 31-105](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-105CHRE)

(j) [*Vehicle prohibitions.*] No operator shall allow vehicles permitted under this article to:

(1) Stop, stand, park or await employment at a marked taxicab stand.

(2) Display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior.

(3) Be equipped with a taximeter.

(4) Operate as a taxicab, as defined in the County Code.

(k) [*Separate phone numbers for jitney and taxi service.*] No operator shall use for the purpose of advertising or requesting services to be provided under this article telephone number(s) that is used to request or furnish taxicab services.

(Ord. No. 81-17, § 9, 2-17-81; Ord. No. 87-11, § 2, 3-17-87)

Sec. 31-109. Rates and fares.

(a) [*Applicability.*] The provisions of this section shall be the exclusive method for the establishment of passenger motor carrier rates through Miami-Dade County.

(b) *Rates and fares to be charged.* It shall be unlawful for any operator to charge, demand, request or accept any fare other than the rates and fares established pursuant to this article.

(c) *Methods of establishing rates.* Each operator may establish rates and fares under one (1) or both of the following categories:

(1) Rates and fares:

a. The operator's initial rate will be that rate or fare proposed in the application for certificate and will become effective upon issuance of the certificate.

b. An operator may change the rate or fare by filing a proposed rate or fare, thirty (30) days prior to its effective date, with CSD. The proposed rate or fare for jitney and fixed route service shall be posted within the passenger compartment section of each vehicle at least fifteen (15) days before it becomes effective.

c. The rate(s) or fare structure for jitney or fixed route service shall be clearly set forth as a schedule of charges based on service elements understandable by the public, posted within the passenger compartment and on the exterior located adjacent to the entrance of each vehicle.

d. Each operator shall post, in the business offices serving the public, a schedule of rates and fares and shall provide information of such rates and fares on request for service.

(2) Contract rates. Each operator may establish through written contract, rates and fares other than the public rates and fares. Such rates and fares shall become effective when the contract is filed with CSD.

(Ord. No. 81-17, § 10, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-110. Enforcement.

(a) This article shall be enforced by authorized personnel of CSD, and by the Miami-Dade Police Department, and may be enforced by another police agency within Miami-Dade County. CSD shall prepare and distribute to all authorized enforcement agencies an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.

(b) CSD shall develop a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. For more serious or repeated violations, CSD shall develop a citation form. Authorized personnel will issue citations as official notice of violations. Civil violations by chauffeurs shall be processed under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(c) Deficiency reports and/or citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it. Notice is given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whether a corporation, partnership or association violates any of the provisions of this article, such violation shall be deemed also to be that of the individual officers, directors, partners or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for the individual.

(e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(Ord. No. 81-17, § 17, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-111. Penalties.

(a) In addition to any other penalties provided by law, a fine not to exceed one hundred dollars ($100.00) may be imposed for each and every violation of the provisions of this article, provided that violations which result in fines pursuant to this section shall not be the basis for revocation or suspension proceedings except that five (5) or more violations resulting in fines within any twelve-month period shall constitute grounds for revocation or suspension proceedings.

(b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. In the case of chauffeurs, for civil violations a citation shall be issued under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(c) Except for chauffeurs receiving civil violations, each person issued a citation shall within ten (10) days either satisfy the citation by payment to CSD of the fine stated in subsection (a) hereof or by filing a written request for a hearing on the charges. Failure to do one (1) of the foregoing may result in revocation or suspension proceedings or penalties in accordance with subsection (f) hereof.

(d) Except for chauffeurs receiving civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through normal procedure.

(e) Anyone who engages a passenger motor vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to the penalty provided for in subsection (f) hereof.

(f) Violations of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR) shall be punishable by fines and/or imprisonment as follows: (1) the first such violation shall be punishable by fines of not less than two hundred fifty dollars ($250.00) or more than one thousand dollars ($1,000.00) and/or imprisonment not to exceed ten (10) days; (2) the second such violation shall be punishable by fines of not less than one thousand dollars ($1,000.00) or more than five thousand dollars ($5,000.00) and/or imprisonment not to exceed ten (10) days; and (3) the third and subsequent violation shall be punishable by fines of not less than five thousand dollars ($5,000.00) or more than ten thousand dollars ($10,000.00) and/or imprisonment not to exceed ten (10) days. Violations of revocation or suspension ordered under [Section 31-112](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-112SUREPR) shall be punishable by fines of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) and/or imprisonment not to exceed ten (10) days.

(Ord. No. 81-17, § 12, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 92-52, § 1, 6-2-92; Ord. No. 93-77, § 2, 7-29-93; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-112. Suspension or revocation proceedings.

(a) [*Criteria for consideration of proceedings.*] Except as otherwise specified, certificates, permits, and registrations (issued pursuant to this article) shall be subject to suspension or revocation by the Director as follows:

(1) *Certificates.* Upon notice and hearing as hereinafter specified when it shall appear that:

a. The holder thereof has failed or neglected to render the full service authorized by the certificate for a total period of eight (8) months during any calendar year; or

b. The holder thereof has been convicted of a felony or any criminal offense involving moral turpitude; or

c. The certificate was obtained by an application in which any material fact was omitted or falsely stated; or

d. The holder thereof has permitted his passenger motor carrier vehicle to be operated in violation of any law; or

e. The holder thereof has failed to comply with or has willfully violated any of the provisions of this article; or

f. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(2) *Permits.* Upon notice and hearing as hereinafter specified when it shall appear that:

a. The permit was obtained by an application in which any material fact was omitted or falsely stated; or

b. The holder thereof has failed to comply with any provisions of this article or any lawful order of the Director; or

c. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(3) *Registrations.* Upon notice and hearing as hereinafter specified when it shall appear that:

a. The chauffeur has failed to comply with or has willfully violated any of the provisions of this article; or

b. The chauffeur has pled guilty or nolo contendere to driving under the influence of alcoholic beverages, model glue or any substance controlled under Chapter 893, Florida Statutes, or has been convicted of same; or

c. The registration was obtained by an application in which any material fact was omitted or falsely stated; or

d. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(b) *Notice of hearing.* All hearings required by this section shall be preceded by a minimum of ten (10) days' notice. Said notice shall specify the Director's proposed action and the grounds upon which the action is predicated. The operator or chauffeur (as the case may be) may be represented by legal counsel and shall be entitled to present his defense to the proposed action. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice. All such hearings shall be conducted before a hearing examiner who shall not have responsibility for the enforcement of this article and who shall be designated by the Director, and insofar as is practicable in accordance with the rules of civil procedure governing the procedure in Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. All such hearings shall be reported and, at the request of any party, transcribed.

(c) *Finding, conclusion and recommendation.* Within a reasonable time after the conclusion of the hearing, the hearing examiner shall submit to the Director a statement of findings, conclusions and recommendations. If the hearing examiner affirms the Director's proposed action, the appellant shall pay the administrative costs of the hearing, unless such decision is reversed on subsequent appeal. The Director shall promptly notify all parties of his or her decision.

(d) *Powers.* The hearing examiner shall have the power to administer oaths, subpoena witnesses upon the written request of any interested party and may compel the production of records, books and papers. Should the hearing examiner, without good cause, refuse to subpoena witnesses or compel the production of books, records or papers, then any interested party may, without cost to the petitioner, petition the County Court to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing. Failure of any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of court and may be punishable as may any other contempt of court.

(e) *Penalties.* Suspensions pursuant to this section shall not exceed six (6) months. Three (3) or more suspensions within any twelve-month period may constitute grounds for revocation of the certificate, permit, or registration.

(f) *Appeals.* The Director's decision may be appealed to the County Manager within ten (10) days of the date of said decision. Such appeal shall not stay the Director's decision. Upon such an appeal, the County Manager shall consider the transcript of the hearing and all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The County Manager shall, within twenty (20) days, on the basis of the record established before the Director, either affirm, reverse or modify the Director's decision.

Appeals from the County Manager's decisions pursuant to this section shall be to the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, in accordance with the Florida Rules of Appellate Procedure.

(Ord. No. 81-17, § 13, 2-17-81; Ord. No. 88-118, § 2, 12-6-88)

Sec. 31-113. Exclusions.

The following passenger motor carriers and/or passenger motor vehicles are exempt from the requirements of this article:

(a) Ambulances and other vehicles required to be licensed under the provisions of Chapter 401, Florida Statutes.

(b) Motor vehicles used exclusively in transporting children to and from schools when regulated by a Florida Statute and/or a Miami-Dade County ordinance.

(c) For-hire vehicles with a seating not to exceed eight (8) passengers subject to the provisions of a Miami-Dade County or municipal ordinance.

(d) Motor vehicles used for the transportation of passengers between the vicinity of their respective residences and the vicinity of their respective places of work, when driven by a person traveling between his residence and his place of work in an arrangement commonly known as a "car pool" or a "van pool."

(e) A passenger motor carrier operating pursuant to a valid Interstate Commerce Commission certificate which is providing interstate transportation service within the jurisdiction of the Interstate Commerce Commission. As used in this subsection (e), "interstate transportation service" means the provision of transportation over a route through more than one (1) state. Said interstate transportation service must be substantial, actual and bona fide.

(f) Motor vehicles owned and operated by a governmental unit in a local public transportation system, commonly referred to as a "mass transit" when controlled by a Miami-Dade County ordinance.

(g) Federal, State, County and municipal vehicles when operated by a government employee providing transportation services without compensation.

(h) Motor vehicles used exclusively to provide transportation without compensation and purely incidental to a person's primary business and requiring the performance of substantial services in addition to transportation.

(i) Social service transportation of persons without compensation by private, nonprofit organization subject to State of Florida and/or federal government regulatory and safety standards.

(j) Motor vehicle providing special operations service, contract carrier service or charter service having an overall length in excess of thirty (30) feet or a rated seating capacity in excess of twenty-eight (28) persons.

(k) A passenger motor carrier under contract to Miami-Dade County pursuant to a State statute or County ordinance who has the exclusive right to provide demand ground transportation services at Miami International Airport, and is subject to the safety and insurance requirements of a County ordinance.

(l) Passenger motor carriers operating under authority of a municipal regulatory ordinance adopted prior to July 1, 1974, are exempt from the provisions of this article for those services provided in accordance with their municipal certificate(s).

(m) Motor vehicles owned, operated by or operated under contract with a municipality in a local public transportation system providing circulator service when authorized by an interlocal agreement with Miami-Dade County which has been approved by the Board. As used herein, "circulator service" means the provision of fixed route or semi-fixed route transportation service where at least seventy (70) percent of the route is within one (1) municipality. The interlocal agreement and any certificate of transportation, chauffeur's registration and permit issued to provide circulator service pursuant to an interlocal agreement shall require, among other things, that the municipality, operator, vehicles and chauffeurs comply with safety, mechanical and vehicular standards mandated by the Miami-Dade Transit Agency and the CSD, and any applicable State or Federal requirements. Notwithstanding any other provision of this article, the CSD may administratively issue certificates of transportation to municipalities providing circulator service or to operators under contract with a municipality providing circulator service pursuant to an interlocal agreement with Miami-Dade County. The provisions of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(e), (f) and (g)(4) shall not apply when the CSD administratively issues a certificate of transportation pursuant to this paragraph. Where a municipality intends to provide circulator service pursuant to a contract with a third party, said municipality shall give Miami-Dade County the opportunity to submit a bid or proposal to provide that transportation service.

(Ord. No. 81-17, § 14, 2-17-81; Ord. No. 95-139, § 1, 7-25-95; Ord. No. 97-127, § 1, 7-22-97)

Sec. 31-114. Duties of the Consumer Services Department.

(a) In addition to the duties and responsibilities specified in this article, CSD shall be charged with the following duties and responsibilities.

(1) Process, investigate and prepare all reports required by this article.

(2) Investigate and prepare reports on alleged violations of this article.

(3) Enforce the provisions of this article.

(4) Attempt to resolve complaints received from any source concerning the industry.

(5) Develop and implement, in cooperation with the industry, service expansion and improvements.

(6) Provide technical assistance to the industry.

(7) Create and render technical assistance to a passenger motor carrier advisory group comprised of representatives from consumers, the industry, transportation-related interests and public interest organizations. The role of the advisory group shall be to monitor the effectiveness of the article, improve communication between the County and parties interested in passenger motor carrier transportation, and help develop improved transportation services.

(8) Perform any other functions assigned by the County Manager.

(b) The Director may propose and the County Manager may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of law.

(c) Whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by administrative order of the County Manager approved by the Commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provides therefor.

(Ord. No. 81-17, § 15, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88)

Sec. 31-115. Special provisions.

(a) Notwithstanding anything to the contrary, the provisions of this article shall not be applicable within those municipalities which regulated passenger motor carrier transportation as of July 1, 1974, and such municipalities shall be exempt from this article.

(b) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of passenger motor carrier transportation services in 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 passenger motor carrier transportation in Miami-Dade County. Regulations established by this article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.

(c) Any person operating a passenger motor vehicle within Miami-Dade County on February 2, 1981, upon the authority of a valid certificate of public convenience and necessity or other valid permit issued by the Florida Public Service Commission or a valid certificate of public convenience and necessity issued by a municipality within Miami-Dade County regulating passenger motor vehicles, shall, upon proper proof of possession of such authority, be entitled to a Miami-Dade County certificate upon the payment of the fee required in this article, with all existing authority, limitation or restriction of the Public Service Commission or municipal certificate as of February 2, 1981, providing the County certificate shall be limited to the maximum number of vehicles operated in any one (1) month of the previous twelve (12) months prior to February 2, 1981. Holders of municipal certificates shall only be issued a certificate for each vehicle that is not also operating under authority of a Florida [Public] Service Commission certificate. No Miami-Dade County certificate shall be issued in accordance with this section unless same has been applied for no later than fifty (50) days after the effective date of the article, provided that on each certificate applied for, a separate and distinct vehicle meeting the requirements of this article is listed and a proper and timely application and fee is submitted in accordance with this section. A separate and identifiable motor vehicle cannot be used to apply for more than one (1) certificate under this section.

(d) Any person operating a passenger motor vehicle upon the effective date of Ordinance No. 81-17 must make application for a certificate within ten (10) days. Those persons who applied within the time period specified in the first sentence of this subsection (d) shall be issued a Miami-Dade County certificate for those operations specified in the application which have been continuously performed in accordance with the terms and conditions of Sections [31-106](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-106FIREINRE) and [31-108](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-108RUOP) of this article. The County certificate issued hereunder shall not limit the number of vehicles authorized.

(e) On the effective date of this article, the existing rate(s) of operators entitled to the issuance of certificate pursuant to subsection (b) of this section shall be that rate in effect on February 2, 1981, and said rate may only be changed in accordance with the provisions of this article.

(f) Each chauffeur authorized on the effective date of this article by a certificate holder to drive a passenger motor vehicle shall be issued by CSD, at no cost, a temporary ninety-day chauffeur registration upon proof of possession of a valid Florida chauffeur license. Upon expiration of the temporary registration, said chauffeur must fully comply with [Section 31-105](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-105CHRE)

(g) Any person operating a passenger motor vehicle designed for carrying ten (10) to twenty-eight (28) passengers, including driver, with an overall length of thirty (30) feet or less engaged solely in intercounty transportation or engaged in intracity transportation routes which intracity routes have been operated continuously from January 1, 1990 through July 1, 1990 in compliance with applicable safety rules and regulations promulgated under Section 316.70 Florida Statutes must make application for a certificate of transportation and pay a two hundred and twenty-five dollar ($225.00) application fee therefor to CSD by August 17, 1990. Those persons who apply and pay the required application fee by August 17, 1990 shall be issued a certificate of transportation for those operations which meet the requirements of the preceding sentence. Appeal of the CSD Director's decision on any application hereunder must be filed with the County Manager within ten (10) days of the issuance of the Director's decision. Such certificate shall be subject to the requirements of [Section 31-101](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-101TRPO); [31-102](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-102DE); [31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a), (b), (c)(1)—(3), (8) and (10), and (j) through (o); [31-104](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-104OPPE); [31-105](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-105CHRE); [31-106](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-106FIREINRE); [31-107](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-107SARE); [31-108](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-108RUOP); [31-110](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-110EN); [31-111](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-111PE); [31-112](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-112SUREPR) and [31-115](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-115SPPR). A certificate of transportation issued hereunder shall expire July 1, 2010, or ten (10) years after any change in ownership of any such passenger motor vehicle.

(h) Any private passenger motor carrier providing transportation pursuant to a contract with Miami-Dade County, acting on behalf of the Miami-Dade Transit Agency, shall not be allowed to provide transportation on any route on which Miami-Dade County Metrobus is providing service, when the expressed purpose of such contract is to incorporate private passenger motor carriers into Miami-Dade County's public transportation network.

(i) No person or business entity shall be awarded a contract by Miami-Dade County to provide transportation on more than twenty-five (25) percent of Jitney Transportation Network Service. No business entity shall be awarded a contract by Miami-Dade County to provide transportation on a Jitney Transportation Network Route, if a person with a controlling financial interest in that business entity has a controlling financial interest in another business entity or entities, which provide or have agreed to provide transportation on more than twenty-five (25) percent of the Jitney Transportation Network Service. In the event that an award of a Jitney Transportation Network Route to the lowest bidder would be in violation of this ordinance, such award shall be made to the next lowest bidder, if any award is made.

These terms used in the preceding paragraph shall have the meanings provided below:

*Coordinated jitney service contract* means a contract between the County and the operator of a passenger motor carrier to provide transportation on a Jitney Transportation Route, when the expressed aim of such contract is to incorporate private jitneys or other passenger motor carriers into the public transportation system of Miami-Dade County.

*Jitney Transportation Network Route* means such transportation route designated by the Miami-Dade Transit Agency on which passenger motor carriers will provide transportation pursuant to a coordinated jitney service contract.

*Jitney Transportation Network Service* means the total number of revenue miles on which private passenger motor carriers provide transportation, pursuant to a coordinated jitney service contract.

*Controlling financial interest* means the ownership, directly or indirectly, of ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.

The foregoing requirements may be waived by resolution of the County Commission (1) upon a finding that a waiver is in the best interest of Miami-Dade County, and (2) that there are not enough responsive bidders or proposers with whom the County can contract to provide the necessary transportation on Jitney Transportation Network Routes, unless the provisions of this ordinance are waived.

(j) Notwithstanding the vehicle age limit required by [Section 31-107](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-107SARE)(b) of the Code, any properly permitted and inspected passenger motor carrier scheduled for retirement on December 31, 2011, shall be allowed to be operated for an additional one-year period.

(Ord. No. 81-17, § 16, 2-17-81; Ord. No. 81-46, § 1, 4-19-81; Ord. No. 85-20, § 2, 4-16-85; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 90-78, § 1, 7-24-90; Ord. No. 93-116, § 1, 11-3-93; Ord. No. 93-117, § 1, 11-3-93; Ord. No. 11-11, § 1, 3-1-11; Ord. No. 11-102, § 1, 12-19-11)

Sec. 31-116. Seizure, impoundment and forfeiture.

(A) *Seizure.* Police officers or such other employees as may be designated by the County Manager are authorized to seize and impound any passenger motor vehicle which such officer or employee has probable cause to believe is being operated in violation of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a), [31-104](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-104OPPE), [31-105](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-105CHRE)(a), [31-106](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-106FIREINRE), [31-107](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-107SARE), [31-108](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-108RUOP), [31-109](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-109RAFA), [31-111](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-111PE)(b), or [31-111](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-111PE)(c) of Article III of [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Miami-Dade County Code. A vehicle seized in accordance with this subsection shall be removed to a designated secured facility.

(B) *Notice of seizure.*

(1) Within twenty-four (24) hours of a seizure, as described in [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(A), a police officer or other designated county employee shall make a diligent search and inquiry as to the owner's name and address and make a good faith effort to give a notice of seizure in writing to said vehicle owner of the fact of such seizure, the grounds for seizure, identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken. A copy of said notice of seizure shall also be given to the proprietor of such secured facility.

(2) Whenever an officer or designated employee seizes a vehicle under this section, and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, then and in that event the officer or designated employee shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Commissioner of the Miami-Dade Police Department.

(C) *Vehicle impoundment hearing.* Whenever the owner of record of a vehicle seized pursuant to this section makes a request of the CSD in person and in writing for a vehicle impoundment hearing within ten (10) days of seizure exclusive of Saturdays, Sundays and legal holidays, a magistrate, as provided in Section 318.32, Florida Statutes, a county court judge or a hearing examiner, who shall not have responsibility for the enforcement at this article and who shall be designated by the CSD Director, shall conduct the hearing within twenty-four (24) hours or as soon as practicable, excluding Saturdays, Sundays and legal holidays. All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the magistrate, county court judge or hearing examiner determines that there is no probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the magistrate, county court judge or hearing examiner shall order the immediate return of the vehicle. If, after the hearing, the magistrate, county court judge or hearing examiner determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the magistrate, county court judge or hearing examiner shall order the immediate return of the vehicle. If, after the hearing, the magistrate, County Court Judge or Hearing Examiner determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the Magistrate, County Court Judge or Hearing Examiner shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle (1) posts with the court or CSD a cash bond in the amount of the maximum fine(s), plus any applicable towing and storage fees, or (2) pleads guilty or nolo contendere and pays in full any towing and storage fees plus the fine(s). Notwithstanding the foregoing, if, after the hearing, it is determined that there is probable cause to believe that the vehicle is subject to forfeiture proceedings pursuant to [section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(G), said vehicle shall not be released.

(D) *Hearing regarding Code violation charged in field enforcement report and/or complaint/arrest affidavit.* Within ten (10) days after a vehicle is seized and impounded pursuant to this section or as soon as practicable, the CSD and/or the Clerk's Office shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted regarding the Code violations charged in the field enforcement report, the complaint/arrest affidavit or other charging instrument. The hearing shall be conducted within thirty (30) days after the vehicle was seized or as soon as practicable. The hearing shall be conducted by a magistrate, county court judge or hearing examiner. All interested persons shall be given a reasonable opportunity to be heard at the hearing.

(E) *Decisions at hearing.*

(1) If the magistrate, county court judge or hearing examiner dismisses the Code violation(s) charged in the field enforcement report, complaint/arrest affidavit or other charging document and/or finds the person charged not guilty, the magistrate, county court judge or hearing examiner shall issue an order for release of the seized vehicle without removal and storage fees.

(2) If the magistrate, county court judge or hearing examiner finds a violation of the Code, the magistrate, county court judge or hearing examiner shall assess a fine and/or jail sentence as provided in [Section 31-111](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-111PE)(f) of the Code, and removal and storage fees. The fine(s), if any, and removal and storage fees must be paid in order to obtain an order for release of the seized vehicle. A magistrate, county court judge or hearing examiner shall not issue an order releasing the vehicle where said vehicle is subject to forfeiture proceedings pursuant to [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(G).

(3) If the owner does not obtain the vehicle by the date specified in the order of release, the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.

(4) A vehicle shall not be released from storage prior to the scheduled hearing specified in this subsection if the vehicle is subject to forfeiture pursuant to [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(G) of the Code.

(5) Default hearing. If the owner of the seized vehicle fails to appear for the hearing specified in [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(D), a default hearing will be held. A magistrate, county court judge or hearing examiner shall make a determination pursuant to paragraph (1) or (2) of this subdivision (E). The CSD will inform the respondent of the default determination by certified mail, return receipt requested. The information mailed to the owner shall include the provisions of [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO) herein concerning abandoned vehicles. The respondent may comply with the default determination within seven calendar days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a hearing de novo on the original complaint/arrest affidavit, field enforcement report or other charging document. Such hearing shall be scheduled within ten (10) working days of the order vacating the default determination or as soon a practicable.

(F) *Appeals.* If found in violation of one (1) or more of the provisions referenced in [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(A), the assessed fine(s) together with removal and storage fees must be paid in order to appeal. However, if the vehicle is the subject of a forfeiture proceeding pursuant to [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(G) of the Code, only the fine, if any, must be paid in order to appeal. If upon appeal the decision is reversed in whole or part, the appellant shall receive a refund of the relevant fine(s) and fees.

(G) *Forfeiture.*

(1) *Forfeiture.* In addition to the penalties set forth in Sections [31-111](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-111PE) and [31-112](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-112SUREPR) of the Code, any passenger motor vehicle used to commit three (3) or more violations of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after August 6, 1993, shall be subject to forfeiture upon notice and judicial determination.

(2) *Determination by the CSD Director.* The Director of the CSD shall determine whether to pursue the remedy of forfeiture. Miami-Dade County shall not use the seized vehicle for any purpose until the rights to, interest in, and title to the seized property are perfected in accordance with this section. This section does not prohibit use or operation necessary for reasonable maintenance of seized vehicles. Reasonable efforts shall be made to maintain seized vehicles in such a manner as to minimize loss of value.

(3) Vehicles subject to forfeiture may be seized provided that the owner is notified at the time of the seizure or by certified mail, return receipt requested, that there is a right to an adversarial preliminary hearing after the seizure to determine whether probable cause exists to believe that such vehicle has been used to commit three (3) or more violations of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after August 6, 1993. The CSD or other authorized law enforcement agencies shall make a diligent effort to notify the owner of the seizure. Notice provided by certified mail must be mailed within five (5) working days of the seizure and shall state that the owner may request an adversarial preliminary hearing within fifteen (15) days of receiving such notice. When a post-seizure adversarial preliminary hearing as provided herein is requested, it shall be held within ten (10) days after the request or as soon as practicable. If the court determines that the required probable cause exists, the court shall order the property restrained by the least restrictive means to protect against disposal, waste, or continued illegal use pending disposition of the forfeiture proceeding. If the court orders the release of the vehicle, all fines, if any, and towing and storage fees shall be paid prior to release.

(4) Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this section; however, such action may be maintained if forfeiture proceedings are not initiated within forty-five (45) days after the date of seizure. However, if good cause is shown, the court may extend the aforementioned prohibition to sixty (60) days.

(5) The court shall order the forfeiture of any other property of a claimant of a vehicle, excluding lienholders, up to the value of the vehicle subject to forfeiture under this section if the vehicle:

(a) Cannot be located;

(b) Has been transferred to, sold to, or deposited with, a third party;

(c) Has been placed beyond the jurisdiction of the court;

(d) Has been substantially diminished in value by any act or omission of the person in possession of the property; or

(e) Has been commingled with any property which cannot be divided without difficulty.

(6) Exceptions:

(a) No vehicle shall be forfeited under the provisions of this section if the owner of such vehicle establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such vehicle was being used or was likely to be used in violation of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code.

(b) No bona fide lienholder's interest shall be forfeited under the provisions of this section if such lienholder establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in violation of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code, that such use was without his or her expressed or implied consent, and that the lien had been perfected in the manner prescribed by law prior to such seizure.

(c) No vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles shall be forfeited under the provisions of this section if the company establishes by a preponderance of the evidence that it neither knew, nor should have known, that the vehicle was being used or was likely to be used in violation of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code. When a vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles is seized under this section, upon learning the address or phone number of said company, the CSD shall, as soon as practicable, inform said company that the vehicle has been seized.

(d) Any interest in, title to, or right to a vehicle titled or registered jointly by the use of the conjunctives "and," "and/or," or "or" held by a co-owner shall not be forfeited if the co-owner establishes by a preponderance of the evidence that such co-owner neither knew, nor had reason to know, after reasonable inquiry, that such property was used or was likely to be used in violation of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code. When the interests of each culpable co-owner are forfeited, any remaining co-owners shall be afforded the opportunity to purchase the forfeited interest in, title to, or right to the property from Miami-Dade County. If any remaining co-owner does not purchase such interest, Miami-Dade County may hold the property in co-ownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(7) Forfeiture proceedings.

(a) It is the policy of Miami-Dade County that the provisions of this section are adopted to deter and prevent the continued use of passenger motor vehicles to violate [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code while protecting proprietary interests of innocent owners and lienholders and to authorize the use of the proceeds collected under this section as supplemental funding for enforcement purposes.

(b) The Florida Rules of Civil Procedure shall govern forfeiture proceedings under this section unless otherwise specified herein.

(c) Any trial on the ultimate issue of forfeiture shall be decided by a jury, unless such right is waived by the claimant of the vehicle through a written waiver or on the record before the court conducting the forfeiture proceeding.

(d) Miami-Dade County shall promptly proceed against the vehicle by filing a complaint in the circuit court.

(e) (i)  
The complaint shall be styled, "in RE: FORFEITURE OF \_\_\_\_\_\_\_\_\_\_\_\_" (followed by the name or description of the vehicle). The complaint shall contain a brief jurisdictional statement, a description of the subject matter of the proceeding, and a statement of the facts sufficient to state a cause of action that would support a final judgment of forfeiture. The complaint must be accompanied by a verified supporting affidavit.

(ii) If no person entitled to notice requests an adversarial preliminary hearing, as provided in [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(G)(3), the court, upon receipt of the complaint, shall review the complaint and the verified supporting affidavit to determine whether there was probable cause for the seizure. Upon a finding of probable cause, the court shall enter an order showing the probable cause finding.

(iii) The court shall require any claimant of a vehicle who desires to contest the forfeiture to file and serve upon the attorney representing Miami-Dade County any responsive pleadings and affirmative defenses within twenty (20) days after receipt of the complaint and probable cause finding.

(f) (i)  
Miami-Dade County shall serve notice of the forfeiture complaint by certified mail, return receipt requested, to each person having a security interest in the vehicle. Miami-Dade County shall also publish notice of the forfeiture complaint twice each week for two (2) consecutive weeks in a newspaper of general circulation in Miami-Dade County.

(ii) The notice shall, in addition to stating that which is required by [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(G)(3) describe the property; state the county, place, and date of seizure; state the governmental entity holding the seized property; and state the name of the court in which the complaint will be filed.

(iii) Miami-Dade County shall be obligated to make a diligent search and inquiry as to the owner of the vehicle, and if, after such diligent search and inquiry, Miami-Dade County is unable to ascertain any person entitled to notice, the actual notice requirements by mail shall not be applicable.

(g) When the claimant of the vehicle and Miami-Dade County agree to settle the forfeiture action prior to the conclusion of the forfeiture proceeding, the settlement agreement shall be reviewed, unless such review is waived by the claimant of the vehicle in writing, by the court or a mediator or arbitrator agreed upon by the claimant and Miami-Dade County.

(h) Upon clear and convincing evidence that the seized vehicle was used to commit a third or subsequent violation of [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after August 6, 1993, the court shall order the seized property forfeited to Miami-Dade County. As used in this subsection, a "violation" occurs when a person or entity pleads guilty or nolo contendere or is convicted or found guilty of violating [Section 31-103](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(a) of the Code using the vehicle subject to forfeiture. The final order of forfeiture by the court shall perfect in Miami-Dade County right, title, and interest in and to such property, subject only to the rights and interests of bona fide lienholders, and shall relate back to the date of seizure.

(i) (i)  
The seized property shall be released immediately to the person entitled to possession of the property as determined by the court when the claimant prevails at the conclusion of the forfeiture proceeding, and Miami-Dade County decides not to appeal.

(ii) When the claimant of the vehicle prevails at the conclusion of the forfeiture proceeding, any decision to appeal must be made by the CSD Director. If the claimant prevails on appeal, Miami-Dade County shall immediately release the seized property to the person entitled to possession of the property as determined by the court.

(j) Disposition of forfeited property where no lien. When Miami-Dade County obtains a final judgment granting forfeiture of a vehicle, it may elect to:

(i) Retain the property for the County's use;

(ii) Sell the property at public auction or by sealed bid to the highest bidder; or

(iii) Salvage, trade, or transfer the vehicle to any public or nonprofit organization.

(k) Disposition of forfeited property where lien. If the forfeited vehicle is subject to a lien preserved by the court as provided in [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(G)(6)(b), Miami-Dade County shall:

(i) Sell the property with the proceeds being used towards satisfaction of any liens; or

(ii) Have the lien satisfied prior to taking any action authorized by [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(G)(7)(j).

(l) Priority of disbursement. The proceeds from the sale of a forfeited vehicle shall be disbursed in the following priority:

(i) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.

(ii) Payment of the cost incurred by Miami-Dade County in connection with the storage, maintenance, security, and forfeiture of such property.

(iii) Payment of court costs incurred in the forfeiture proceeding.

(iv) The remaining proceeds shall be deposited in an Enforcement Trust Fund hereby established by the Board of County Commissioners. Such proceeds and interest earned therefrom shall be used for enforcement of the provisions of [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Code.

(H) *Abandoned vehicles.*

(1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this Section (H), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by a circuit court judge after a duly noticed hearing, without further hearing.

(2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:

(a) Has not removed the vehicle from storage within ten (10) days of obtaining an order of release pursuant to [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(C), (E) or (G)(7)(i) herein; or

(b) Has not paid the fines, if any, and towing and storage fees within ten (10) days of a hearing determination of violation pursuant to [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(E)(2) herein, or within ten (10) days after notice of a default determination of violation was mailed to the owner pursuant to [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(E)(5) herein; or

(c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial of a motion to vacate a default determination pursuant to [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO)(E)(5); or

(d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the CSD to the owner that the County will not pursue the remedy of forfeiture pursuant to [Section 31-116](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-116SEIMFO) herein.

(3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (H), the CSD shall mail to the owner a notice that the vehicle has been recovered by CSD as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Miami-Dade County and it will be sold at public auction or by bid after ten (10) days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.

(4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (H) was mailed, by paying the towing and storage fees due and any fine(s).

(5) In the event that an abandoned vehicle is not claimed within ten (10) days after the notice described in paragraph (3) of this subsection (H) was mailed, ownership of the abandoned vehicle shall vest in CSD after a duly noticed hearing and declaration of abandonment by a circuit court judge. The CSD may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

(Ord. No. 93-77, § 1, 7-29-93)

Secs. 31-117—31-200. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion. [(Back)](#BK_8C4885112B5E2D9B5CD493C3D160C044)

### ARTICLE IV. SPECIAL TRANSPORTATION SERVICE CARRIERS

[Sec. 31-201. Transportation policy.](#BK_79F8E16D9872FE2011536022C186A8D8)

[Sec. 31-202. Definitions.](#BK_8A8C121DF595265E8F9B1FAEF0D00E5C)

[Sec. 31-203. Special transportation services certificate of transportation.](#BK_4D27779566E49D380DF8E4807543FF36)

[Sec. 31-204. Operating permits.](#BK_98B7089EC6FABBAF780F9D558930430B)

[Sec. 31-205. Chauffeur's registration.](#BK_D908441F0FCFEA571D7C429AC0401404)

[Sec. 31-206. Financial responsibility and insurance requirements.](#BK_9495614F9F239323605DCB6ECBAFBFBC)

[Sec. 31-207. Safety regulations and inspection.](#BK_0A8215E1CA7534C6124AA5138A2DEB9F)

[Sec. 31-208. Rules for operation.](#BK_2EF7E7F223ED5E5747C272E268E91F1A)

[Sec. 31-209. Enforcement.](#BK_59143F514F82D6946A0FC1118AEFCEAD)

[Sec. 31-210. Penalties.](#BK_601541C4CB91AE46399FA5723F7828D2)

[Sec. 31-211. Suspension or revocation proceedings.](#BK_4311872A0322858F829EAF2B437825F2)

[Sec. 31-212. Duties of the consumer services department.](#BK_4F3CB0EBB54A2B3AC1AEEF92037D08D7)

[Sec. 31-213. Special provisions.](#BK_25EEF76A0E332FD32C5B47A7AB943812)

[Secs. 31-214—31-300. Reserved.](#BK_AE1E35E4877D6DDE77B342E29FD3723C)

Sec. 31-201. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission hereby enacts the following regulations pertaining to the operation of special transportation service carriers operating in Miami-Dade County pursuant to contracts with Miami-Dade County to provide Miami-Dade Transit Agency services.

(Ord. No. 91-130, § 2, 11-5-91)

Sec. 31-202. Definitions.

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

(a) *Special transportation services certificate of transportation* means the holder thereof may engage in providing the special transportation services described thereon and consistent with the terms and restrictions contained in the applicable Miami-Dade County contract relating thereto.

(b) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a special transportation services vehicle.

(c) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.

(d) *Common carrier* means any motor carrier who holds his services out to the public.

(e) *Special transportation services* means any transportation services provided by a motor carrier, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a written contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services or pursuant to a written contract with a broker which has a written contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.

(f) *County Manager* means the chief executive officer and head of the administrative branch of the County government as provided in Article III of the Home Rule Charter of Miami-Dade County, Florida.

(g) *Director* means the Miami-Dade County Consumer Services Department director.

(h) *For compensation* means for money, property, service or anything else of value.

(i) *Operate* means providing transportation services for compensation utilizing a special transportation services motor vehicle pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.

(j) *Operator* means any person who has been issued a special transportation services certificate of transportation in accordance with the provisions of this article.

(k) *CSD* means the Miami-Dade County Consumer Services Department.

(l) *Special transportation services motor carrier* or *motor carrier* means any person owning, controlling, operating or managing any motor vehicle used in the business of providing special transportation services for compensation pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.

(m) *Permit* means an operating permit authorizing the holder thereof to utilize the motor vehicle described in said permit to provide special transportation services to passengers as authorized by a special transportation services certificate issued pursuant to this article.

(n) *Person* means any individual, corporation, firm, partnership, limited partnership, association or joint stock association.

(o) *Registration* means a chauffeur's registration authorizing the holder thereof to operate passenger motor vehicles subject to the provisions of this article.

(p) *Street* means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place located in the County and established for the use of motor vehicle.

(q) *MDTA* means the Miami-Dade Transit Agency.

(r) *Special transportation services motor vehicle* means any chauffeur-driven motor vehicle engaged in providing special transportation services to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.

(s) *Sedan* means a special transportation services motor vehicle, not equipped with a taximeter, with at least four (4) doors and providing seating accommodations for not more than eight (8) persons, exclusive of driver.

(t) *Broker* means any person who has entered into a contract with Miami-Dade County to provide specified administrative services only related to the provision of transportation services, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services.

(u) *Service provider* means any person who has entered into a contract with a broker to provide transportation services, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services.

(v) *Paratransit services* means any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.

(w) *The Americans with Disabilities Act of 1990* or *the ADA* means the civil rights act 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.

(x) *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 of a mile on each side of each of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths of a mile around each Metrorail station.

(y) *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.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 92-101, § 1, 9-15-92; Ord. No. 95-221, § 4, 12-5-95)

Sec. 31-203. Special transportation services certificate of transportation.

(a) *Required.* From and after the effective date of this article, it shall be unlawful for any person to use, drive or operate or to cause or permit any other person to use, drive or operate any special transportation services motor vehicle for compensation upon the streets of Miami-Dade County without first obtaining a Miami-Dade County special transportation services certificate of transportation, a certificate issued pursuant to Article III of this chapter, a for hire license issued pursuant to Article II of this chapter, or a certificate issued pursuant to Article III of [Chapter 4](../level2/PTIIICOOR_CH4AMMETRVE.docx#PTIIICOOR_CH4AMMETRVE) of the Code of Miami-Dade County, and maintaining it current and valid, pursuant to the provisions of this article, unless specifically excluded from this article.

Nothing in this article shall be construed to prohibit:

(1) Discharge within Miami-Dade County of any passenger lawfully picked up in another County.

(2) Pick up of a paratransit passenger by a provider of pratransit services that is duly licensed and legally authorized to provide paratransit services in a County adjacent to Miami-Dade County, provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked up within the ADA-defined area of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Miami-Dade County for-hire chauffeur's registration.

(b) *Application contents.* Every application for a special transportation services certificate shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD. The statements contained in the application shall become a part of the certificate and may be modified only in accordance with this article. The application shall be on a form provided by CSD and shall contain all information required thereon, including but not limited to:

(1) Sufficient information to identify the applicant.

(2) The class of transportation service to be authorized under this article, routes, termini, schedules, etc., and a brief description of the kinds of and types of vehicles, seating capacity of the vehicles, seating arrangements, and size and gross weight thereof.

(3) The trade name under which the applicant intends to operate and a description of the proposed vehicle colors, numbers and markings.

(4) The applicant's management plan including but not limited to maintenance facilities, a system for handling complaints and accidents, a driver training program, insurance coverage, and a communication system.

(5) The applicant's proposed service standards, including but not limited to days and hours of operation, and passenger services to be provided.

(6) The applicant's proposed initial public fare and rate structure.

(7) A record of all present and prior transportation business activities of the applicant during the past five (5) years.

(8) A record of all crimes (excluding traffic) of which the applicant has been convicted within five (5) years preceding the date of the application. The applicant shall have his/her fingerprints and photograph taken by the Miami-Dade Police Department.

(9) Two (2) credit references including at least one (1) bank where the applicant maintains an active account.

(10) An investigative and processing fee which shall be nonrefundable.

(11) An agreement on the part of the applicant to conform to and abide by the provisions of this article and the laws of the State of Florida.

(12) The applicant's current financial statement. If the applicant has an existing certified financial statement, the most current certified financial statement is required.

(13) A factual statement indicating the anticipated market to be served and such other pertinent information as the applicant may desire to present to support his application.

(14) A factual statement supporting the economic feasibility of the services proposed to be provided, including estimated ridership, fare revenue, and operating expenses for the first year of operation.

(15) An operational plan for implementing the proposed services.

(16) A public notice which shall contain a brief summary of the subject matter of the applicant including a brief description of the type of service proposed and the geographical area to be served.

(c) *Application review.* The Director, or his or her designee, shall review and investigate each application submitted pursuant to this article. Such investigation shall include a Miami-Dade Police Department background check including, but not limited to, past business credit or financial standing and law enforcement records.

(d) *Certification criteria and process.* The Director shall determine if the requested certificate is consistent with the following public interest criteria.

(1) That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate.

(2) The transportation to be provided under the requested certificate is consistent with the public interest.

(3) That the proposed transportation service will improve the quality of transportation available to the public.

The Director may authorize or refuse to authorize the certificate applied for, or may authorize a certificate with such modifications or upon such terms and conditions as in his judgment the public interest may require. The Director shall not issue a special transportation services certificate to an applicant until such applicant is awarded a contract by Miami-Dade County to provide Miami-Dade Transit Agency services.

(e) *Further requirements.* No certificate shall be issued unless the applicant has:

(1) Paid an annual certificate fee for the right to operate special transportation services motor vehicles;

(2) Presented proof of insurance as required by [Section 31-206](../level3/PTIIICOOR_CH31VEHI_ARTIVSPTRSECA.docx#PTIIICOOR_CH31VEHI_ARTIVSPTRSECA_S31-206FIREINRE) of this article; and

(3) Passed all required vehicle inspections.

Failure on the part of the applicant to complete this process within ninety (90) days after notification of contract award shall cause the certificate not to be issued and the County's approval to be automatically revoked.

(f) *Form of certificate.* Each certificate shall be on a form developed by CSD and shall be signed by the Director. Each certificate shall contain, at a minimum, the name and address of the applicant, a statement of the transportation service authorized, the passenger capacity of the vehicles to which it applies, and such additional terms, conditions, provisions, and limitations as were authorized in the approval process.

(g) *Renewal.* All certificates shall be renewed before April 1 of each year by payment of an annual certificate fee. All fees provided for in this section shall be in addition to any other license fees or charges and shall not be prorated for fractional parts of a year. All certificates that are not renewed shall automatically expire and all certificate transportation services rendered thereunder shall immediately cease as of April 1.

(h) *Transfer of certificate.* No certificate issued pursuant to this article may be sold, assigned, transferred, leased, or its ownership structure changed or altered so as to result in a change or the possibility of a change in the control of said certificate to another.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 95-221, § 4, 12-5-95)

Sec. 31-204. Operating permits.

(a) After a person has secured a certificate or license hereunder and before any special transportation services motor vehicle shall be operated under authority of such certificate or license, such person shall make separate application to CSD for a permit for each motor vehicle to be operated pursuant to said certificate. Each permit application shall be in writing, verified by the certificate holder and shall contain the name and address of the applicant, the date and title of the contract pursuant to which such transportation services are authorized, the certificate number and the make, type, year of manufacture, serial number, State license plate number, VIN number, and seating capacity of each motor vehicle for which a permit is desired. Upon payment of a permit fee, the CSD shall issue to the applicant a permit provided that the vehicle for which the permit is sought complies with the minimum safety requirements and vehicle standards set forth in this article, provided that the vehicle to be permitted is the type of vehicle authorized by such certificate, and is insured according to [Section 31-206](../level3/PTIIICOOR_CH31VEHI_ARTIVSPTRSECA.docx#PTIIICOOR_CH31VEHI_ARTIVSPTRSECA_S31-206FIREINRE) of this article.

If the vehicle for which a permit is being sought is a motor vehicle that is specially designed, constructed, reconstructed, or equipped to provide nonemergency medical transportation services, such vehicle must meet each of the vehicle standards enumerated in [Section 4-49](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-49SAEHST) of the Code of Miami-Dade County. If the vehicle for which a permit is being sought is a sedan, such vehicle must meet each of the vehicle standards enumerated in [Section 31-89](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST) of the Code of Miami-Dade County. Finally, if the vehicle for which a permit is being sought pursuant to this section is a chauffeur-driven motor vehicle less than thirty-one (31) feet in length and with a rated seated capacity of less than twenty-nine (29) persons and more than eight (8) persons, exclusive of driver, such vehicle must meet each of the safety regulations enumerated, or adopted by reference, in Sections [31-107](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-107SARE) and [31-207](../level3/PTIIICOOR_CH31VEHI_ARTIVSPTRSECA.docx#PTIIICOOR_CH31VEHI_ARTIVSPTRSECA_S31-207SAREIN) of the Code of Miami-Dade County.

(b) Each permit issued hereunder shall expire April 1 of each year, and may be renewed upon payment of the fee prescribed in subsection (a) above. It shall be unlawful to operate any vehicle required to have an operating permit without such a current, valid permit displayed within the vehicle.

(c) No permit shall be issued for the operation of any vehicle, the condition of which would interfere with or detract from the comfort, convenience or safety of the passengers transported therein. In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body, lift, or seating facilities become so damaged, deteriorated or unclean as to render said vehicle unfit for public use, CSD may suspend the permit therefor until such time as the condition is remedied; provided, however, that no such suspension shall be effective until the permit holder or vehicle driver has received actual notice of the particular conditions to be remedied.

(d) Each permit issued hereunder shall be separately numbered. The operating permit shall, at all times, be displayed within the vehicle and shall be available for inspection by any authorized personnel or police officer.

(e) Permits issued hereunder shall not be transferable, leasable, or assignable.

(f) No certificate holder shall reconstruct, alter, modify, add to or otherwise change the body, seating capacity or seating arrangement after a permit has been issued pursuant to this section, unless and until the consent of the CSD shall first have been obtained.

(g) Either the Consumer Services Department or the MDTA may limit the maximum number of operating permits a certificate holder may obtain pursuant to this section.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 92-66, § 3, 7-7-92)

Sec. 31-205. Chauffeur's registration.

It shall be unlawful for any person to drive a special transportation service vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article V of this Code.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 92-26, § 3, 4-21-92; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-206. Financial responsibility and insurance requirements.

(a) No special transportation services motor vehicle shall be permitted to operate without the operator having first obtained and filed with CSD a certificate of insurance on forms provided by CSD for each vehicle showing automobile liability insurance coverage with limited liability no less than one hundred thousand dollars ($100,000.00) for one (1) passenger and three hundred thousand dollars ($300,000.00) for all passengers for injuries or death arising out of any one (1) occurrence, and fifty thousand dollars ($50,000.00) for damages to property arising out of any one (1) occurrence. Any vehicle with a seating capacity in excess of fifteen (15) shall provide additional minimum limit for injury or death of ten thousand dollars ($10,000.00) per passenger seat of each vehicle.

(b) The insurance required in this section shall be written by an insurance company authorized to do business in the State of Florida. Such company must be rated no less than "B" as to management, and no less than "Class V" as to financial strength, by the latest edition of Best's Insurance guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the Miami-Dade County Risk Management Division; or the company must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to do Business in Florida", issued by the State of Florida Department of Insurance and be a member of the Florida Guaranty Fund.

(c) The certificate of insurance shall be endorsed to provide for thirty (30) days notice by registered mail of any material change, cancellation or expiration. No policy will be accepted for a shorter period than six (6) months.

(Ord. No. 91-130, § 2, 11-5-91)

Sec. 31-207. Safety regulations and inspection.

(a) *Adoption; enforcement.* The Consumer Services Department (CSD) shall adopt and enforce all safety regulations of the United States Department of Transportation that are applicable to passenger motor carriers and passenger motor vehicle carriers, as required for operation in an urban area. Any operator applying for a certificate or permit requiring or authorizing the use of a specialized or unique vehicle, not contemplated in United States Department of Transportation regulations, shall submit, subject to approval by CSD, safety regulations for each specific type of vehicle as to equipment, operation, maintenance, seating capacity and inspection of such vehicles, consistent with the vehicle manufacturer specifications, which must be submitted by the operator. The CSD shall develop special standards to be applied to motor vehicles older than five (5) years which are operated as passenger motor vehicles in order to assure that such vehicles are safe.

(b) *Vehicle age.* No vehicle older than fifteen (15) model years shall be operated as a passenger motor carrier.

(c) *Inspection for compliance.* CSD shall provide for inspection of each vehicle as follows for compliance with the foregoing standards:

(1) If the vehicle is a motor vehicle that is specially designed, constructed, reconstructed, or equipped to provide nonemergency medical transportation services, such vehicle must be inspected in accordance with the requirements enumerated in [Section 4-49](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-49SAEHST)(b) of the Code of Miami-Dade County.

(2) If the vehicle is a sedan, such vehicle must be inspected in accordance with the requirements enumerated in [Section 31-89](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST)(d) of the Code of Miami-Dade County.

(3) Finally, if the vehicle is a chauffeur-driven motor vehicle less than thirty-one (31) feet in length and with a rated seated capacity of less than twenty-nine (29) persons and more than eight (8) persons, exclusive of driver, such vehicle must be inspected in accordance with the requirements enumerated in [Section 31-107](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-107SARE)(c) of the Code of Miami-Dade County.

CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD may also inspect any special transportation services motor vehicle at any time. The results of each inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards [shall not be operated as a special transportation service carrier] until such time as the vehicle satisfactorily passes inspection.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 92-66, § 3, 7-7-92)

Sec. 31-208. Rules for operation.

(a) *Color scheme.* Each operator shall adopt and use, after approval by the CSD, a distinctive, uniform, and decorative color scheme for all special transportation services motor carrier vehicles certified pursuant to this article. The CSD shall refuse to approve any proposed color scheme which will infringe upon any color scheme already in use by another operator. No other color scheme shall be employed until approved by the CSD.

(b) *Disposal of personal property.* Personal property left by a passenger in any special transportation services motor vehicle shall, upon its discovery by or delivery to the chauffeur of said vehicle, be reported immediately to and deposited at the operator's office, where a record of the same shall be maintained and the property held for the owner for a period of six (6) months, at the end of which it shall become the property of the finder. The operator shall be responsible for chauffeur compliance with this section.

(c) *Compliance with other legislation.* Every operator shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of passenger motor vehicles.

(d) *Accessibility of service to the public; accessibility of records for regulatory purposes.* Each operator shall maintain and list with CSD a central place of business, where a listed telephone number is operative and where business records and daily manifests set forth herein are kept.

(e) *Records required.* Each operator shall maintain accurate records of all financial and operating information as may be required by CSD. CSD shall be granted access to these records for the purpose of inspection and/or copying same, upon five (5) days' prior notice. All such records and information shall be confidential except that they will become public records for the purpose of revocation or suspension hearings, or, if required by the Board of County Commissioners, for the purpose of approving or disapproving applications for new certificates. Each operator shall annually furnish financial and operating information to CSD on forms and in the manner prescribed by CSD.

(f) *Antidiscrimination.* No operator or chauffeur shall refuse or neglect to transport to and from any place in the County any orderly person requesting service regardless of race, sex, religion, national origin, age, marital status or handicap, who is willing and able to pay the prescribed fare.

(g) *Vehicle numbering system.* Each operator shall adopt a vehicle numbering system approved by CSD, which does not conflict with those in use by other operators.

(h) *Manifest or trip sheet required.* Every operator shall maintain a manifest or trip sheet on a form approved by CSD, which shall include, but not be limited to, the following information on each trip: Name of chauffeur, vehicle number, date, time, origin, destination, number of passengers, and rate or fare. Operators shall not destroy, mutilate, alter or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and/or copying by CSD or any police agency during regular business hours and shall be retained for three (3) years.

(i) *Prohibitions for operators.* No operator shall:

(1) Knowingly allow or permit any person to operate a special transportation services motor vehicle while his ability or alertness is so impaired, or is likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to operate the motor vehicle; or

(2) Permit or authorize any chauffeur or other person to operate any special transportation services motor vehicle without that vehicle's current valid certificate displayed therein; or

(3) Operate or permit or authorize anyone else to operate any special transportation services motor vehicle unless and until that person is issued a chauffeur's registration in accordance with [Section 31-105](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-105CHRE)

(j) *Vehicle prohibitions.* No operator shall allow vehicles permitted under this article to:

(1) Stop, stand, park or await employment at a marked taxicab stand.

(2) Display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior.

(3) Be equipped with a taximeter.

(4) Operate as a taxicab, as defined in the County Code.

(k) [*Advertising restricted.*] No operator shall use for the purpose of advertising or requesting services to be provided under this article telephone number(s) that is used to request or furnish taxicab services.

(Ord. No. 91-130, § 2, 11-5-91)

Sec. 31-209. Enforcement.

(a) This article shall be enforced by authorized personnel of CSD, and by the Miami-Dade Police Department, and may be enforced by another police agency within Miami-Dade County. CSD shall prepare and distribute all authorized enforcement agencies an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.

(b) CSD shall develop a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. For more serious or repeated violations, CSD shall develop a citation form. Authorized personnel will issue citations as official notice of violations. Civil violations by chauffeurs shall be processed under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(c) Deficiency reports and/or citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it. Notice is given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whether a corporation, partnership or association violates any of the provisions of this article, such violation shall be deemed also to be that of the individual officers, directors, partners or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for the individual.

(e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-210. Penalties.

(a) In addition to any other penalties provided by law, a fine not to exceed five hundred dollars ($500.00) may be imposed for each and every violation of the provisions of this article, provided that violations which result in fines pursuant to this section shall not be the basis for revocation or suspension proceedings except that five (5) or more violations resulting in fines within any twelve-month period shall constitute grounds for revocation or suspension proceedings.

(b) Failure to correct items recorded on a deficiency report by the time deadline shall cause a citation to be issued for each such item. In the case of chauffeurs, for civil violations a citation shall be issued under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(c) Except for chauffeurs receiving civil violations, each person issued a citation shall within ten (10) days either satisfy the citation by payment to CSD of the fine stated in subsection (a) hereof or by filing a written request for a hearing on the charges. Failure to do one (1) of the foregoing may result in revocation or suspension proceedings or penalties in accordance with subsection (f) hereof.

(d) Except for chauffeurs receiving civil violations the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through normal procedures.

(e) Anyone who engages a passenger motor vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to the penalty provided for in subsection (f) hereof.

(f) Violations of [Section 31-203](../level3/PTIIICOOR_CH31VEHI_ARTIVSPTRSECA.docx#PTIIICOOR_CH31VEHI_ARTIVSPTRSECA_S31-203SPTRSECETR) or violation of revocation or suspension ordered under [Section 31-211](../level3/PTIIICOOR_CH31VEHI_ARTIVSPTRSECA.docx#PTIIICOOR_CH31VEHI_ARTIVSPTRSECA_S31-211SUREPR) shall be punishable by fines of not less than two hundred and fifty dollars ($250.00) or more than five hundred dollars ($500.00) and/or imprisonment not to exceed ten (10) days.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-211. Suspension or revocation proceedings.

(a) *Certificates; permits; registration.* Except as otherwise specified, certificates, permits, and registrations (issued pursuant to this article) shall be subject to suspension or revocation by the Director as follows:

(1) *Certificates.* Upon notice and hearing as hereinafter specified when it shall appear that:

a. The holder thereof has failed or neglected to render the full service authorized by the certified for a total period of eight (8) months during any calendar year; or

b. The holder thereof has been convicted of a felony or any criminal offense involving moral turpitude; or

c. The certificate was obtained by an application in which any material fact was omitted or falsely stated; or

d. The holder thereof has permitted his passenger motor carrier vehicle to be operated in violation of any law; or

e. The holder thereof has failed to comply with or has willfully violated any of the provisions of this article; or

f. The holder thereof is in default of its contractual obligations to Miami-Dade County pursuant to a contract to provide MDTA services; or

g. The contract between the holder thereof and Miami-Dade County to provide MDTA services expires or is terminated; or

h. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(2) *Permits.* Upon notice and hearing as hereinafter specified when it shall appear that:

a. The permit was obtained by an application in which any material fact was omitted or falsely stated; or

b. The holder thereof has failed to comply with any provisions of this article or any lawful order of the Director; or

c. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(3) *Registrations.* Upon notice and hearing as hereinafter specified when it shall appear that:

a. The chauffeur has failed to comply with or has willfully violated any of the provisions of this article; or

b. The chauffeur has pled guilty or nolo contendere to driving under the influence of alcoholic beverages, model glue or any substance controlled under Chapter 893, Florida Statutes, or has been convicted of same; or

c. The registration was obtained by an application in which any material fact was omitted or falsely stated; or

d. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(b) *Notice of hearing.* All hearings required by this section shall be preceded by a minimum of ten (10) days' notice. Said notice shall specify the Director's proposed action and the grounds upon which the action is predicated. The operator or chauffeur (as the case may be) may be represented by legal counsel and shall be entitled to present his defense to the proposed action. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice. All such hearings shall be conducted before hearing examiner who shall not have responsibility for the enforcement of this article and who shall be designated by the Director, and insofar as is practicable in accordance with the rules of civil procedure governing the procedure in Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. All such hearings shall be reported and, at the request of any party, transcribed.

(c) *Finding, conclusion and recommendation.* Within a reasonable time after the conclusion of the hearing, the hearing examiner shall submit to the Director a statement of findings, conclusions and recommendations. If the hearing examiner affirms the Director's proposed action, the appellant shall pay the administrative costs of the hearing, unless such decision is reversed on subsequent appeal. The Director shall promptly notify all parties of his or her decision.

(d) *Powers.* The hearing examiner shall have the power to administer oaths, subpoena witnesses upon the written request of any interested party and may compel the production of records, books and papers. Should the hearing examiner, without good cause, refuse to subpoena witnesses or compel the production of books, records or papers, then any interested party may, without cost to the petitioner, petition the County Court to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing. Failure of any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of court and may be punishable as may any other contempt of court.

(e) *Penalties.* Suspensions pursuant to this section shall not exceed six (6) months. Three (3) or more suspensions within any twelve-month period may constitute grounds for revocation of the certificate, permit, or registration.

(f) *Appeals.* The Director's decision may be appealed to the County Manager within ten (10) days of the date of said decision. Such appeal shall not stay the Director's decision. Upon such an appeal, the County Manager shall consider the transcript of the hearing and all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The County Manager shall, within twenty (20) days, on the basis of the record established before the Director, either affirm, reverse or modify the Director's decision.

(Ord. No. 91-130, § 2, 11-5-91)

Sec. 31-212. Duties of the consumer services department.

(a) In addition to the duties and responsibilities specified in this article, CSD shall be charged with the following duties and responsibilities.

(1) Process, investigate and prepare all reports required by this article.

(2) Investigate and prepare reports on alleged violations of this article.

(3) Enforce the provisions of this article.

(4) Attempt to resolve complaints received from any source concerning the industry.

(5) Develop and implement, in cooperation with the industry, service expansion and improvements.

(6) Provide technical assistance to the industry.

(7) Perform any other functions assigned by the County Manager.

(b) The Director may propose and the County Manager may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of law.

(c) Whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by administrative order of the County Manager approved by the Commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the costs of the services and regulations provided therefor.

(Ord. No. 91-130, § 2, 11-5-91)

Sec. 31-213. Special provisions.

Notwithstanding any provision to the contrary in this article, the County may enter into a contract with a broker which requires the broker to provide administrative services related to the provision of special transportation services. Such broker shall comply with all provisions of this article pertaining to the provision of special transportation services, including obtaining a certificate of transportation pursuant to this article; provided, however, the broker must contract with a service provider or service providers to provide such transportation and the broker may not be a service provider. A service provider is required to comply with all provisions of this article pertaining to the provision of special transportation services, including obtaining a certificate of transportation pursuant to this article or otherwise complying with [Section 31-203](../level3/PTIIICOOR_CH31VEHI_ARTIVSPTRSECA.docx#PTIIICOOR_CH31VEHI_ARTIVSPTRSECA_S31-203SPTRSECETR)(a); provided, however, a written contract in effect between the service provider and the broker shall satisfy the provisions of this article which would require a written contract between the County and the service provider. The special transportation services certificate of transportation issued to a service provider pursuant to this article shall be automatically revoked if MDTA determines that the service provider is in default of its contractual obligations to the broker or the contract between a service provider and the broker to provide special transportation services expires or is terminated.

(Ord. No. 92-101, § 2, 9-15-92)

Secs. 31-214—31-300. Reserved.

### ARTICLE V. GENERAL REQUIREMENTS

[Sec. 31-301. Applicability.](#BK_DA66FA8AFF715D9C28F7FBCAF020049C)

[Sec. 31-302. Definitions.](#BK_D85E24D65DDD5F53357D1A8249D0BF97)

[Sec. 31-303. Chauffeur's registration; all types.](#BK_5F5E9EE98748BA01E973957FE51EFAD2)

[Sec. 31-304. Chauffeur's registration—Additional taxicab requirements.](#BK_599604F22F14553FFE764AE39CC599B8)

[Sec. 31-305. Chauffeur's registration—Additional nonemergency medical transportation chauffeur provisions.](#BK_B8A8C78000EF3804A01CBAA771C7EFFB)

[Sec. 31-306. Chauffeur's registration—Additional private school bus chauffeur requirements.](#BK_95AF5F992DBD77A239993071C4D2E9E3)

[Sec. 31-307. Chauffeur's registration—Additional limousine chauffeur requirements.](#BK_04CABCAFC267EEC4C8AA26A944091004)

[Sec. 31-308. Chauffeur violations—All types.](#BK_CC03920107BAAA90C66C22E05BE0563C)

[Sec. 31-309. Chauffeur's registration—Additional passenger motor carrier requirements.](#BK_D355BCC8020EF29738B082275408658D)

[Secs. 31-310—31-600. Reserved.](#BK_FFC04267EC7053F7C8A156B32CF42964)

Sec. 31-301. Applicability.

All general requirements contained in this article are applicable to chauffeur applicants and chauffeurs for nonemergency medical transportation regulated under [Chapter 4](../level2/PTIIICOOR_CH4AMMETRVE.docx#PTIIICOOR_CH4AMMETRVE), Article III, private school buses regulated under [Chapter 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE), Section 371 and 372, taxicabs regulated under [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article II, Passenger Motor Carriers regulated under [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article III, and special transportation service regulated under [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article IV and limousines regulated under [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article VI.

(Ord. No. 94-15, § 5, 1-20-94; Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-302. Definitions.

For purposes of this article the following definitions shall apply:

(a) *CSD* means the Miami-Dade County Consumer Services Department.

(b) *For-hire company* means an entity which is registered with the Consumer Services Department, which shall minimally provide a color scheme, including the trade name, customer lost and found services and a system for handling customer complaints. A for-hire company may among other things also provide communication services, contract services to chauffeurs and contract services for for-hire license holders.

(c) *For-hire passenger motor vehicle* or *for-hire vehicle* means any of the following chauffeur-driven vehicles as defined in Chapters 4, 30 or 31 of the Code of Miami-Dade County:

(i) Taxicab

(ii) Limousine

(iii) Passenger motor carrier vehicle

(iv) Non-emergency medical transportation vehicle

(v) Private school bus

(vi) Special transportation service vehicle

which engages in the transportation of passengers and their accompanying property for compensation over the public streets of Miami-Dade County which complies with Section 319.23, Florida Statutes, as may be amended from time to time, but excluding ambulances, vehicles used exclusively for the 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, and rental or leased vehicles which rental or lease does not include a chauffeur; provided, however, that no vehicle excluded under this definition shall be used on a for-hire basis except as authorized by this chapter.

(d) *PTRD* means the Passenger Transportation Regulatory Division.

(e) *Solicit* means an appeal by bell, horn, whistle, words or gestures for immediate patronage of a for-hire vehicle by a chauffeur or his agent directed at individuals or groups while the person making the appeal is upon the public way or public property, or the vehicle is parked, stopped, standing or moving up the public way or public property.

(Ord. No. 94-15, § 5, 1-20-94)

Sec. 31-303. Chauffeur's registration; all types.

(a) It shall be unlawful for any person to drive any for-hire vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to this section.

(b) Initial application for a chauffeur's registration shall be on forms provided by the Department and shall be accompanied by a non-refundable payment of an application and processing fee. Application for renewal of chauffeur's registration shall be accompanied by a non-refundable payment of a renewal fee. Registration applications whether initial or for a renewal shall contain all information required by this chapter.

(c) The CSD and the Miami-Dade Police Department shall investigate each applicant and report all findings. The CSD, or any authorized agent, shall examine each applicant to determine his or her knowledge of the English language, Miami-Dade County geography, traffic regulations and chauffeur responsibilities as contained in this chapter.

(d) The CSD may issue a chauffeur's registration, for such periods as prescribed within the administrative order establishing the fees when it is shown that the initial or renewal applicant:

(1) Holds a current, valid State of Florida driver's license of the class required for the type of for-hire vehicle to be operated;

(2) Has taken a one (1) day course in one (1) location, as directed by CSD, which will ensure that the applicant is able to speak, read and write the English language sufficiently to perform the duties of a chauffeur; and passes the required CSD oral and written exam demonstrating his or her knowledge of the English language, Miami-Dade County geography, traffic regulations, defensive driving techniques and chauffeur responsibilities. Notwithstanding the foregoing, chauffeurs who have held a chauffeur's registration issued by Miami-Dade County for twenty or more years and have not violated a vehicle or chauffeur standard on two or more occasions within the preceding five (5) years, shall be exempt from the requirements of this paragraph (2). Further, chauffeurs who, as of the effective date of this ordinance, have held a chauffeur's registration issued by Miami-Dade County for twenty or more years shall be exempt from the requirements of this paragraph (2). The provisions of this paragraph (2) shall not apply to initial or renewal private school bus chauffeur applicants except as provided in [Section 31-306](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-306CHREDDPRSCBUCHRE). In addition, the provisions of this paragraph (2) shall not apply to initial or renewal fixed route or jitney service chauffeur applicants except as provided in [Section 31-309](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-309CHREDDPAMOCARE)

(3) Completes a physical examination within the most recent twelve-month period (including any drug test required by the CSD Director pursuant to authority of subsection (j)) by a licensed physician or advanced registered nurse practitioner showing the applicant to be free from any physical or mental defect and to be of sound health;

(4) Is eighteen (18) years of age or older;

(5) Certifies under oath that he or she is not a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;

(6) Certifies under oath that he or she is free from any physical or mental defect or disease that would constitute a direct threat to the property or safety of others or would impair his or her ability to drive a for-hire vehicle;

(7) Has attended a National Safety Council Defensive Driving Course or equivalent; provided, however, that renewal applicants shall only be required to take an additional defensive driving course approved by the CSD if, in the most recent two-year period, said renewal applicant has been found guilty, or pled guilty or nolo contendere to two (2) or more moving violations.

(e) No person shall be issued a chauffeur's registration who:

(1) Fails the physical examination or any drug test required by subsection (d)(3);

(2) Is an individual who is not duly authorized to work by the immigration laws or the Attorney General of the United States;

(3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;

(4) Falsifies his or her application, is found cheating on any exam, or has altered any chauffeur registration such an applicant shall not be eligible to re-apply for one (1) year;

(5) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of a felony, unless his or her civil or residency rights have been restored;

(6) Has pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, of any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, violent offense against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;

(7) Has been convicted of an offense involving moral turpitude not relating to sex crimes when, in the discretion of the CSD Director, approval of such registration would constitute a threat to health, welfare or safety of the public or property and therefore would not be in the public's interest;

(8) During the last five (5) years prior to application has had his or her driver's license suspended for or has pled nolo contendere, pled guilty or been found guilty or been convicted (regardless of whether adjudication has been withheld) of:

(i) Driving under the influence of drugs or intoxicating liquors (D.U.I.);

(ii) Three (3) or more traffic infractions resulting in accidents;

(ii) Fleeing the scene of any accident, or

(iv) Vehicular manslaughter or any death resulting from driving;

(9) During the last five (5) years prior to application has accumulated twenty-four (24) points provided, however, renewal applicants applying for renewal of a chauffeur's registration on or before five (5) years from the effective date of this ordinance shall not be issued a renewal registration, if he or she has accumulated twenty-four (24) points during the last three (3) years prior to such application; or

(10) A chauffeur registration shall be denied when a chauffeur has received in the most recent twelve (12) month period prior to application two (2) or more driver's license suspensions of any type on his or her State of Florida or other state record; or when the applicant has been determined by the State of Florida, or other State to be a habitual traffic offender in accordance with Section 322.264, Florida Statutes, as amended or other applicable State law.

(11) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted, regardless of whether adjudication has been withheld, of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

(f) The director of the CSD may issue a temporary chauffeur's registration valid for six (6) months only to any applicant, who otherwise qualifies, whose State of Florida application for restoration of civil or residency rights is pending. This temporary chauffeur registration process shall not be available to nor shall such chauffeur's registration be issued to any person who:

(1) Has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld) of:

a. Any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, trafficking in narcotics, or a violent offense against a law enforcement officer under Section 775.0823 Florida Statutes, or is a habitual felony offender or a habitual violent felony offender under Section 775.084 Florida Statutes; or

b. Any crime wherein a for-hire vehicle was employed; or

c. The crime of assault or battery on any county code enforcement personnel.

(2) Upon approval of a pending application for restoration of civil or residency rights, the temporary chauffeur shall have the privilege of applying for a chauffeur's registration. Upon denial of a pending application for restoration of civil or residency rights, the temporary chauffeur registration shall be automatically revoked. If, at the expiration of the temporary chauffeur's registration, the applicant can prove that his same application for restoration of civil or residency rights is still legitimately pending, the CSD director may further extend the temporary chauffeur's registration, upon application and non-refundable fee payment.

(g) Each chauffeur's registration (other than a temporary chauffeur's registration) shall expire on the chauffeur's birthday during the appropriate calendar year following issuance. Duplicate chauffeur's registrations may be issued in the same manner as required by [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY). The request must be sworn to and must state that the original has been lost or stolen.

(h) Chauffeurs shall have a grace period of up to thirty (30) days after expiration in which to renew same and maintain the continuity of the registration, provided, however, the chauffeur within such thirty-day period shall not drive a for-hire vehicle without a valid chauffeur registration and shall also pay a non-refundable penalty surcharge over and above the chauffeur's registration fee.

(i) Chauffeurs must abide by all rules and regulations applicable to chauffeurs and shall be subject to enforcement, violations and penalties contained in this chapter and [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. A chauffeur shall comply with the following regulations:

(1) At all times when operating a for-hire motor vehicle, a chauffeur shall display in such a vehicle a valid chauffeur's registration issued by the CSD for the class of transportation operated.

(2) No chauffeur shall solicit, as defined by this article, passengers or drive his or her vehicle back and forth in front of any place of public assemblage.

(3) No chauffeur shall smoke while transporting passengers or sleep or permit others to sleep inside the motor vehicle while parked at a public or private stand or stop.

(4) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person regardless of race, sex, religion, national origin, age or physical disability, who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate.

(5) Chauffeurs at all times shall maintain a neat appearance. Chauffeurs, other than private school bus chauffeurs, shall wear a collared shirt, dark trousers or skirt, and closed shoes.

(6) Chauffeurs shall maintain accurate trip sheets for at least one (1) year showing at least the following information: name of chauffeur, vehicle number, date, origin and destination of each trip, number of passengers, and fare for each trip. The total miles, trips and units accumulated during a chauffeur's shift shall be recorded. All information must be recorded legibly. Upon request of CSD, chauffeurs shall produce, in person, trip sheets required to be maintained by this section within one (1) business day of such request.

(7) No chauffeur shall collect fares or compensation for transportation services other than the established rates or charges for the type of service being provided, nor may any driver collect any additional payment for transporting any baggage which accompanies the passenger, provided, however, that this provision shall not apply to gratuities.

(8) The passenger shall be offered a receipt for the fare collected.

(9) Chauffeurs shall not operate any for-hire vehicle with any lighting devices that are not functioning properly. Likewise, no vehicle shall be driven unless the chauffeur shall have satisfied himself or herself that the brakes, steering mechanism, tires, horn, windshield wipers, and side and rearview mirrors are in good working order.

(10) A chauffeur shall not use abusive language or be discourteous to passengers or enforcement personnel or solicit gratuities.

(11) No chauffeur shall operate a motor vehicle while his or her ability or alertness is so impaired or so likely to become impaired, through fatigue, illness or any other cause, as to make it unsafe for him or her to begin or continue to operate the motor vehicle. However, in a case of grave emergency where the hazard to occupants of the vehicle or other users of the highway could be increased by compliance with this section, the driver may continue to operate the motor vehicle to the nearest place at which that hazard is removed.

(12) All chauffeurs shall notify the CSD upon each modification of his or her agreement with an operator or for-hire company. All chauffeurs shall notify the CSD of each change of address within ten (10) days of relocation.

(13) Chauffeurs shall select routes to trip destinations that are most economical to the passenger unless otherwise directed by or agreed to by the passenger.

(14) No chauffeur shall attempt to solicit or attempt to divert the patronage of any passenger, prospective passenger, or other person on behalf of any hotel, motel, apartment, restaurant, nightclub, bar or any other business establishment, or accept or receive from any business establishment any payment for such solicitation or diversion of passengers from or to any place of business.

(15) It shall be unlawful for any chauffeur to refuse to stop his or her vehicle for inspection by CSD authorized personnel or any police officer when such personnel witness a violation of the Code of Miami-Dade County pertaining to such vehicle or when the officer witnesses a violation of the requirements of law or the Code of Miami-Dade County pertaining to such vehicle; or to refuse to permit CSD authorized personnel or any police officer to conduct inspection of the vehicle.

(16) Each chauffeur shall prominently display an off-duty sign when not waiting employment or actually transporting paying passengers.

(17) Each chauffeur shall use the air conditioner unless otherwise requested by the passenger, where the vehicle standards mandated by the Code require that a vehicle be equipped with an air conditioner.

(18) No chauffeur shall display an altered chauffeur's registration when operating.

(19) No chauffeur shall refuse to sign and accept a violation notice.

(20) No chauffeur shall operate a vehicle without a currently valid operating permit and vehicle inspection displayed.

(21) No chauffeur shall operate a vehicle with a tampered or altered operating permit decal or vehicle inspection sticker.

(22) All chauffeurs who are authorized by state law to carry a firearm and intend to carry said firearm on their bodies or in their vehicles shall notify the CSD in writing on a form provided by the CSD.

(23) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person, including a service animal, who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate. As used in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), the term "service animal" shall mean any guide dog, signal dog, or other animal, as defined in 28 C.F.R. § 36.104, individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(j) The county manager, within one hundred eighty (180) days from the date of passage of this ordinance, shall prepare and submit directly to the commission a proposed administrative order which provides for drug and alcohol testing where (i) reasonable suspicion exists that a chauffeur applicant or registered chauffeur is abusing alcohol or misusing prescription drugs or illegal substances, or (ii) a registered chauffeur has been involved in a serious accident or repetitive accidents as defined in said administrative order. Such administrative order may also provide for the conduct of periodic recurring testing of such chauffeurs. A chauffeur who is determined to have used or to have been impaired by alcohol while operating or driving a for-hire motor vehicle shall have his or her registration revoked for two (2) years. A chauffeur who is determined to have used a controlled substance, except as permitted for medical purposes by law or regulation, shall have his or her registration revoked for two (2) years.

(k) Any chauffeur's registration shall be automatically revoked should the chauffeur plead nolo contendere, plead guilty, or be convicted of a felony or of any criminal offense involving moral turpitude or a crime involving the use of deadly weapons or trafficking in narcotics or should the State of Florida revoke or suspend the chauffeur's driver's or operator's license.

(l) Conviction of a crime. A chauffeur shall be required to notify the CSD in writing of a conviction of a crime within ten (10) business days of said occurrence. Failure to provide the required notice may result in the revocation or suspension of the chauffeur's registration.

(Ord. No. 94-15, § 5, 1-20-94; Ord. No. 94-128, § 1, 6-21-94; Ord. No. 94-139, § 2, 7-12-94; Ord. No. 00-73, § 1, 6-6-00; Ord. No. 09-26, § 1, 4-7-09; Ord. No. 09-44, § 1, 6-2-09; Ord. No. 10-35, § 2, 6-3-10; Ord. No. 12-51, § 1, 7-3-12)

Sec. 31-304. Chauffeur's registration—Additional taxicab requirements.

Each chauffeur shall:

(1) Only transport passengers or goods with a properly sealed and operating taximeter with the flag down if so equipped and meter running.

(2) When parked in a designated taxi stand remain adjacent and in attendance to his or her vehicle at all times. All doors on the vehicle are to be closed except when loading or unloading passengers.

(3) Only transport passengers or goods with a lit tell-tale light.

(4) Inquire of a disabled passenger whether he or she requires assistance from the chauffeur to or from the nearest accessible door both at the origin and destination of a trip.

(5) Not accept any other fare while en route to a dispatched call for an accessible vehicle.

(Ord. No. 94-15, § 5, 1-20-94; Ord. No. 03-45, § 1, 3-11-03; Ord. No. 12-51, § 1, 7-3-12)

Sec. 31-305. Chauffeur's registration—Additional nonemergency medical transportation chauffeur provisions.

Each chauffeur shall:

(1) Be trained in the correct use of special equipment required for wheelchair and stretcher transport.

(2) Notwithstanding any other provision of law, the county commission may by a majority vote of the members present authorize the issuance of a nonemergency medical transportation chauffeur's registration to an applicant who does not otherwise meet the requirements of [Section 4-45](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-45OBCHRE) (and [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article V of the Code) if the applicant can produce evidence sufficient to satisfy the county commission that the applicant: (1) has been paroled into the United States pursuant to 8 United States Code Section 1182(d)(5); (ii) is authorized to work in the United States; (iii) has been convicted of a felony; (iv) has been leading an exemplary life during the two (2) year period prior to application; and (v) is seeking a chauffeur's registration for the purpose of earning an honest livelihood. A chauffeur's registration issued pursuant to [Section 4-45](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-45OBCHRE) may be renewed (i) upon compliance with the requirements of [Section 4-45](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-45OBCHRE) (and [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article V of the Code) and with any conditions imposed by the commission, (ii) if the chauffeur's parole into the United States has not expired or been revoked and (iii) if said chauffeur is authorized to work in the United States at the time of renewal. Each chauffeur issued a chauffeur's registration pursuant to [Section 4-45](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-45OBCHRE) shall immediately notify the CSD if (a) his/her parole into the United States has expired or been revoked, or (b) he/she is no longer authorized to work in the United States. A chauffeur's registration issued pursuant to [Section 4-45](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-45OBCHRE) shall be revoked upon notice and hearing as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article V of the Code if the chauffeur is no longer authorized to work in the United States or said chauffeur's parole into the United States has expired or been revoked.

(Ord. No. 94-15, § 5, 1-20-94)

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

(a) Each chauffeur shall:

(1) Possess a license issued pursuant to the licensure requirements of Florida Statutes, Chapter 234 and Chapter 6A-3 of the Rules of the Department of Education, as may be amended from time to time.

(2) Possess a valid American Red Cross Standard First Aid and personal safety course card or its equivalent.

(b) (1) The language and testing requirements contained in [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY)(d)(2) shall 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 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 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY)(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](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-103CETR)(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 examination shall be administered in Spanish or Creole.

(Ord. No. 94-15, § 5, 1-20-94; Ord. No. 94-139, § 2, 7-12-94: Ord. No. 95-02, § 1, 1-17-95)

Sec. 31-307. Chauffeur's registration—Additional limousine chauffeur requirements.

Each chauffeur shall comply with the following regulations:

(1) No chauffeur shall solicit or pick up passengers other than by prearrangement through a person located at the limousine license holder's place of business.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-308. Chauffeur violations—All types.

(A) Non-civil violations of Sections [31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) and [31-305](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-305CHREDDNOMETRCHPR) by nonemergency medical transportation chauffeurs shall be punishable as provided in [Section 4-52](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-52ENPE) of the Code. Civil violations of [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) and [31-305](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-305CHREDDNOMETRCHPR) by nonemergency medical transportation chauffeurs shall be punishable as provided in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code and as provided in [Section 4-52](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-52ENPE) of the Code.

(B) Non-civil violations of Sections [31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) and [31-306](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-306CHREDDPRSCBUCHRE) by private school bus chauffeurs shall be punishable as provided in [Chapter 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE), Section 371 (P) and (Q) of the Code. Civil violations of Sections [31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) and [31-306](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-306CHREDDPRSCBUCHRE) by private school bus chauffeurs shall be punishable as provided in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code.

(C) Non-civil violations of Sections [31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) and [31-304](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-304CHREDDTARE) by taxicab chauffeurs shall be punishable as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article II of the Code. Civil violations of Sections [31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) and [31-304](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-304CHREDDTARE) by taxicab chauffeurs shall be punishable as provided in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code and as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article II of the Code.

(D) Non-civil violations of [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) by passenger motor carrier chauffeurs shall be punishable as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article III of the Code. Civil violations of [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) by passenger motor carrier chauffeurs shall be punishable as provided in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code and as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article III of the Code.

(E) Non-civil violations of [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) by special transportation services chauffeurs shall be punishable as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article IV of the Code. Civil violations of [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) by special transportation services chauffeurs shall be punishable as provided in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article IV of the Code.

(F) Non-civil violations of Sections [31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) and [31-307](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-307CHREDDLICHRE) by limousine chauffeurs shall be punishable as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article VI of the Code. Civil violations of Sections [31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY) and [31-307](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-307CHREDDLICHRE) by limousine chauffeurs shall be punishable as provided in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code and as provided in [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI), Article VI of the Code.

(Ord. No. 94-15, § 5, 1-20-94; Ord. No. 00-139, § 1, 11-14-00)

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

(a) The language and testing requirements contained in [Section 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY)(d)(2) shall 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 31-303](../level3/PTIIICOOR_CH31VEHI_ARTVGERE.docx#PTIIICOOR_CH31VEHI_ARTVGERE_S31-303CHREALTY)(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, said examination shall be administered in Spanish or Creole.

(Ord. No. 09-44, § 1, 6-2-09)

Secs. 31-310—31-600. Reserved.

### ARTICLE VI. LICENSING AND REGULATION OF FOR-HIRE LIMOUSINES.

[Sec. 31-601. Definitions.](#BK_4D82A50ED843F350E02C7B57B1585FD5)

[Sec. 31-602. For-hire limousine licenses.](#BK_2DAD59833EDE6867B4970F52C6752DB8)

[Sec. 31-603. Luxury limousine sedan for-hire limousine licenses.](#BK_6E12645EF64EB46AE654EF4989C1F7B8)

[Sec. 31-604. Establishing limousine rates.](#BK_2A013BC2CECF4906B1CF3D06673BF194)

[Sec. 31-605. Chauffeur's registration.](#BK_119286146E7F68EB9B6B9092B812DE10)

[Sec. 31-606. Duties of Consumer Services Department.](#BK_338A545B8F006505BB4023761CD847D2)

[Sec. 31-607. Operating permits.](#BK_CA1235B2B0E8F889C6C423117D51F0EC)

[Sec. 31-608. Insurance requirements.](#BK_2437BB0683333ABC9982D339F0C230F8)

[Sec. 31-609. Vehicle standards.](#BK_B588E70A7BED9CA48AF0CFFDDA45884E)

[Sec. 31-610. Enforcement of article.](#BK_9B6F1678F2DC9DD0B76835A0365C47F7)

[Sec. 31-611. Suspension and revocation proceedings.](#BK_0ECDD7AB34E7FB69D5FB0B834AC630EA)

[Sec. 31-612. Violations; penalties.](#BK_BBF76E55E466F028A5946D0EFD977D5F)

[Sec. 31-613. Special provisions.](#BK_791FCF503BA11AC50EBF7E9F89DA68A4)

[Sec. 31-614. Seizure, impoundment and forfeiture.](#BK_DCAE6AFC5087039222300CCD636F70DA)

[Sec. 31-615. Advertisement of for-hire services.](#BK_892C2D16359818A6DC0E3F0D7C3CE448)

Sec. 31-601. Definitions.

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

(a) *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.

(b) *Applicant* means an individual, partnership or corporation which applies for a for-hire license, permit, or chauffeur's registration, pursuant to the provisions of this article. "Applicant" shall also mean an individual, partnership or corporation which makes application, where applicable, to renew or transfer a for-hire license, permit or chauffeur's 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 the corporation as well as the corporate officers and directors.

(c) *Ancient limousine* means a luxury motor vehicle as defined in section 320.086(1), Florida Statutes.

(d) *Antique limousine* means an antique luxury motor vehicle as defined in section 320.086(2), Florida Statutes.

(e) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a for-hire passenger motor vehicle.

(f) *Chauffeur registration* means a registration card issued by the CSD.

(g) *Collectible limousine* means a luxury motor vehicle of the age of twenty (20) or more years from the date of manufacture, equipped with an engine and parts of the age of twenty (20) years or more from the date of manufacture.

(h) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.

(i) *County* means Miami-Dade County, Florida.

(j) *County Manager* means the chief executive officer and head of the administrative branch of county government as provided in [Article 3](../level2/PTICOAMCH_ART3EL.docx#PTICOAMCH_ART3EL) of the Home Rule Charter of Miami-Dade County.

(k) *CSD* means the Miami-Dade County Consumer Services Department.

(l) *Director* means the CSD director or the director's designee.

(m) *Fares* or *Rates* means the charges established pursuant to this article to be paid by passengers for the transportation services provided by a for-hire passenger motor vehicle.

(n) *For compensation* or *compensation* means for money, property, service, or anything of value, including tips and commissions.

(o) *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.

(p) *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.

(q) *For-hire passenger motor vehicle* or *limousine* means any chauffeur-driven limousine as defined herein which engages in pre-arranged transportation of persons and their accompanying property for compensation over the public streets, but excluding ambulances and nonemergency medical transportation vehicles; vehicles used exclusively for the 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 the Miami-Dade Transit Agency 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 Agency special transportation services pursuant to a contract with Miami-Dade County are subject to the regulations contained in Article IV of this chapter.

(r) *Good cause* shall mean delay caused by circumstances beyond the control of the applicant.

(s) *In service* means a for-hire vehicle which is displaying a valid, current operating permit or decal, as applicable, issued by the CSD.

(t) *Lease* of a limousine vehicle means a written agreement for the transfer from a lessor to a lessee of the right to possess and use a motor vehicle, meeting the requirements of Chapter 521, Florida Statutes, for a scheduled term exceeding four (4) months.

(u) *Limousine* means a "luxury limousine sedan," a "stretch limousine," a "super-stretch limousine," an "ancient limousine," an "antique limousine," or a "collectible limousine" and which provides service on a pre-arranged basis only, which is dispatched by its central business location.

(v) *Luxury limousine sedan or luxury sedan* means a luxury, non-metered vehicle of a wheelbase size smaller than a stretch limousine, as defined by CSD.

(w) *Operate* means to provide transportation services for compensation regulated by this article utilizing a for-hire passenger motor vehicle.

(x) *Operating permit* means the valid and current vehicle decal issued to the license holder which authorizes a specific, registered vehicle to operate for-hire and which may expire, be suspended or revoked.

(y) *Operator* means any person who has been issued a for-hire license.

(z) *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 CSD a CSD form removing the vehicle from service.

(aa) *Own* means a person who holds the legal title of a motor vehicle; or, in the event a motor vehicle is the subject of a security agreement or lease with an option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner.

(bb) *Pre-arranged* or *pre-arrange* means a written or telephone reservation made at least one hour in advance by the person requesting service at the place of business of the for-hire license holder for the provision of limousine service for a specified period of time.

(cc) *Passenger* means a person utilizing a for-hire limousine for the purpose of being transported to a destination, or a person who is awaiting the arrival of a prearranged for-hire limousine, and does not include the chauffeur.

(dd) *Person* means any natural person(s), firm, partnership, association, corporation, or other business entity.

(ee) *Personnel authorized by the CSD* means uniformed enforcement personnel and any other individual authorized by the director.

(ff) *Place of business* means the specific Miami-Dade County, Broward County 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.

(gg) *Solicit* means an appeal by bell, horn, whistle, words or gestures by a chauffeur or his or her agent directed at individuals or groups.

(hh) *Stage* means to stop, park, or otherwise place a limousine vehicle in the loading or curbside area of a hotel, restaurant, shopping center, public sports facility, museum, theater, performing arts center or transportation facility when the limousine vehicle is not engaged in a prearranged, round trip or one way fare. A curbside or loading area shall not include a parking lot.

(ii) *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.

(jj) *Stretch limousine* means a sedan cut and stretched a minimum of forty-two (42) inches beyond its standard basis, manufactured to carry between six to eight (6—8) persons, excluding the driver.

(kk) *Super-stretch limousine* means a luxury vehicle, as defined by CSD, stretched a minimum of one hundred twenty (120) inches beyond its standard basis and manufactured to carry nine (9) or more passengers, including the driver.

(ll) *Trade name* or *doing business as* or *(d/b/a) name* means the county-approved name under which the for-hire license holder may provide for-hire passenger motor vehicle transportation services, and which name shall not duplicate the name of any other license holder.

(Ord. No. 00-139, § 1, 11-14-00; Ord. No. 03-266, § 1, 12-8-03)

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

(a) *Prohibition against unauthorized operations.* It shall be unlawful for any person to 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 license and maintaining it current and valid pursuant to the provisions of this article.

(b) *Out-of County origin exception.* Nothing in this article shall be construed to prohibit discharge within Miami-Dade County of any passenger lawfully picked up in 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. Pre-arranged means a written or telephone reservation made at least one hour in advance by the person requesting service at 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.

(c) *Application procedures.* Every initial application for a for-hire license, renewal application, transfer, or amendment to a for-hire license shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with an investigative and processing fee which shall be nonrefundable. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice-president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by the CSD and shall contain all information required thereon, including:

(1) Sufficient information to identify the applicant, including but not limited to full legal name, and trade name, date of birth, telephone number, and residence address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident agent, director, and stockholder. If the applicant is a partnership, the foregoing information shall be provided for each partner. As part of such application, the applicant shall also disclose the foregoing information for any person who has any interest (legal, equitable, beneficial or otherwise) in the license. Post office box addresses will not be accepted hereunder. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in either Miami-Dade County, Broward County or Palm Beach County, Florida.

(2) The class or classes of transportation service which the applicant desires to furnish.

(i) Limousine service:

(a) Luxury limousine sedan;

(b) Stretch limousine;

(c) Super-stretch limousine;

(d) Ancient limousine;

(e) Antique limousine;

(f) Collectible limousine.

(3) A brief description of the kind(s) and type(s) of vehicles, seating capacity, seating arrangements, gross weight, mileage, and number of vehicles proposed to be used.

(4) The names and addresses of at least three (3) residents of the County as references.

(5) The trade name under which the applicant intends to operate and a description, where applicable, of a distinctive uniform and decorative color scheme including placement of numbers and other markings.

(6) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.

(7) A record of all crimes to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or been convicted, whether or not adjudication has been withheld within the five (5) years preceding the date of the application. The applicant shall have his or her fingerprints and photograph taken by the Miami-Dade Police Department. In the case of a corporate or partnership applicant, this information shall be obtained from all corporate officers and directors or partners, as the case may be. In the case of corporations, the above information shall be obtained from stockholders who own, hold or control five (5) percent or more of the corporation's issued and outstanding stock.

(8) Two (2) credit references including at least one bank where the applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.

(9) Where applicable, the contract disclosing the terms and conditions of the proposed transfer, including amount of compensation which has been paid or is payable to the transferor and any other consideration given or to be given to the transferor in connection with the transfer of the for-hire license.

(10) A limousine management service plan which shall include:

(a) Maintenance facilities and maintenance program for the upkeep of vehicles operating under the for-hire license.

(b) A system for handling complaints, accidents and property left by a passenger in the for-hire motor vehicle.

(c) A central place of business, with a properly listed telephone for receiving all calls relating to for-hire vehicle service and where the operator will maintain the business records and daily manifests as set forth in this article.

(d) A driver training program which the applicant will utilize to ensure quality service.

(e) A proposal for submission of appropriate insurance coverage as required by [section 31-608](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-608INRE) of this article.

(11) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.

(12) Any additional information as the Director shall require to enforce the provisions of this article.

(d) *Investigation of for-hire license applicants.* The director shall investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The director may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The director's decision to reject or to deny may be appealed in accordance with this chapter.

An applicant shall not be eligible for a for-hire license if he/she/it:

(1) Has misrepresented or concealed a material fact on his, her, or its application;

(2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;

(3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;

(4) Has pled nolo contendere, pled guilty, been found guilty or been convicted of a felony within the last five (5) years, regardless of whether adjudication has been withheld, unless his or her civil or residency rights have been restored;

(5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;

(6) Has pled nolo contendere, pled guilty, been found guilty, or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under § 775.0823, Florida Statutes, or is a habitual violent felony offender under § 775.084, Florida Statutes;

(7) Has violated any condition, limitation, or restriction of a for-hire license imposed by the director or commission where the director deems the violation to be grounds for denial;

(8) Was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;

(9) Has as a stockholder, officer, director, or partner of a corporation or partnership committed an act or omission which would be cause for denying a for-hire license to the officer, director, stockholder, or partner as an individual;

(10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;

(11) Does not have a place of business located in either Miami-Dade County, Broward County or Palm Beach County, Florida;

(12) Has any unsatisfied civil penalty or judgment pertaining to for-hire operation;

(13) Has had a for-hire license issued by Miami-Dade County revoked;

(14) Has within the last five (5) years plead nolo contendere, pled guilty, been found guilty, or been convicted of any misdemeanor, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex; or

(15) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

(e) *Conditions for obtaining a for-hire license.* No for-hire license shall be issued unless the applicant:

(1) Has paid an initial or annual license fee;

(2) Has provided an adequate management plan.

(3) Has submitted proof of insurance required by this article;

(4) Has ensured that the for-hire limousine to be operated under the applicant's for-hire license has passed all required vehicle inspections. Failure of the applicant to meet all of the foregoing requirements within forty-five (45) days after notification of conditional approval shall cause the license not to be issued. If the applicant believes he, she or it cannot meet the foregoing requirements within the forty-five-day period, the applicant may, prior to expiration of such forty-five-day period, request in writing a reasonable extension from the director. If the request states good cause for an extension, the director may grant such a reasonable extension as the director finds is in the public interest.

(f) *Vehicles authorized to operate under a for-hire license.*

(1) Except for luxury limousine sedans, limousines shall be solely owned or leased by the for-hire license holder. Under no circumstances shall a limousine license holder require a chauffeur to purchase or lease a limousine motor vehicle. This requirement shall become effective one (1) year after the adoption of this article when a new vehicle is placed into service as provided by [Section 31-609](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-609VEST)(b).

(2) The number of vehicles authorized to operate under for-hire license are as follows:

(a) Luxury limousine sedan for-hire license holders shall operate only one vehicle per for-hire license.

(b) Stretch, super-stretch, ancient, antique, or collectible limousine license holders may operate more than one vehicle per license, after each such vehicle has obtained a valid and current operating permit.

(g) *Issuance and replacement of for-hire license.*

(1) *Issuance.* Each for-hire license shall be on a form developed by the CSD and shall be signed by the director. Each for-hire license shall, at a minimum, contain the name and the business address of the license holder, date of issuance, its expiration date and such additional terms, conditions, provisions, and limitations as were imposed during the approval process.

(2) *Replacement.* The director may issue a replacement license to any license holder upon application, payment of a nonrefundable replacement fee and presentation of proof or a sworn affidavit that the license has been lost or stolen.

(h) *Expiration of and renewal process for for-hire license.* For-hire licenses may be issued for such periods as specified in the Administrative Order establishing the fees. The CSD may establish staggered license terms to ease administration of the renewal process. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual for-hire license together with payment of a license fee. As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by the CSD. The director shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the director that the applicant has failed to satisfy the requirements of subsection [31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(c), (d) or (e). Renewal applications shall additionally include disclosure of all interests in the for-hire license (legal, beneficial, equitable or otherwise) and a sworn statement as to the number of months which each permitted for-hire vehicle operated during the preceding license year. Appeal of the denial of a renewal application shall be in accordance with this chapter.

(i) *Grace period.* License holders shall have a grace period of up to thirty (30) days after expiration of their license in which to renew same provided, however, that all operations shall cease on the date of license expiration and the license holder shall also pay a late fee over and above the annual license fee. All for-hire licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(j) *Rules pertaining to change in control of the for-hire license.* Except as provided in [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(n), no for-hire license shall be assigned, transferred, or sold (either outright or under a conditional sales contract). Except as provided in [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(n), 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 and shall immediately terminate the license and a new for-hire license application shall be filed. The for-hire transportation service may continue to operate provided that such application has been filed with the CSD within thirty (30) days of the change in accordance with [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI) and be accompanied by an investigatory and processing fee.

(k) *Rules of operation.* For-hire license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and [chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code. A for-hire license holder shall comply with the following regulations:

(1) Every operator shall collect and file on a daily basis all manifests and trip sheets for each for-hire limousine. The operator shall furnish the forms for each manifest to the chauffeur, which forms shall be approved by the County. Operators shall not destroy, mutilate, alter, or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and copying by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

(2) Shall maintain a record of all requests for service for each passenger transport request received by telephone or made in writing or pursuant to a corporate charge account which shall minimally include the following information: name of passenger or corporation requesting service, assigned vehicle number, date and time of service request, service provision, including charge accounts, and origin and destination of each trip. All records must be made available for inspection and copying within one business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

(3) No for-hire license holder, chauffeur, or any other person shall directly or indirectly provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation, for the right to pick up passengers, or provide limousine service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment, or public facility. The license or registration of any for-hire license holder, or chauffeur violating this provision shall be subject to suspension for up to six (6) months and/or revocation in accordance with the provisions of [Section 31-612](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-612VIPE) or other appropriate enforcement action as provided in this chapter;

(4) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, for-hire license holder, chauffeur, or any other person for the right to pick up passengers or provide limousine service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment or public facility;

(5) Each operator shall maintain accurate records of all revenues, all associated expenses, capital expenditures, and other financial and operating information as may be required by the CSD. The revenue records shall include charge account contracts that reflect rates charged to all passengers. The CSD shall be granted access to these records for the purpose of inspection and copying same upon five (5) days prior notice. All such records and information shall be confidential except that they will become public records for the purpose of rate hearings, revocation or suspension hearings. Each operator shall annually furnish financial and operating information to the CSD on forms and in the manner prescribed by the CSD;

(6) Shall maintain a log of all customer complaints;

(7) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;

(8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year;

(9) Comply with applicable federal law, Florida law, and ordinances, rules and regulations of the County applicable to the operation of for-hire vehicles;

(10) Immediately report any change of address;

(11) Maintain all records pertaining to the for-hire operations of a vehicle at the place of business for one year and make same available for inspection during the regular business hours of the license holder. When requested by the CSD, the license holder shall provide copies of the records;

(12) Obtain the operating permit for each for-hire vehicle operated pursuant to authority of the for-hire license and pay all application and vehicle inspection fees;

(13) Not permit or authorize any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed therein;

(14) Not allow any person to operate a for-hire vehicle who is not a Miami-Dade County registered chauffeur;

(15) Not allow or permit any person to operate a for-hire vehicle without current, valid, and sufficient insurance coverage as required in this chapter;

(16) Register and have inspected by CSD all vehicles to be placed into service and all vehicles taken out of service;

(17) Not permit or authorize anyone to drive any for-hire vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors, and all lighting devices are in good working order, and the vehicle meets all other applicable vehicle standards as set forth in this chapter;

(18) Not allow or permit any person to operate a for-hire vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the chauffeur to begin or continue to drive the for-hire vehicle;

(19) Not refuse or neglect to transport or to dispatch to or from any place in the county any orderly person requesting service. Every deaf or hard of hearing person, totally or partially blind person, or physically disabled person shall have the right to be accompanied by a service animal specially trained for the purpose, without being required to pay an extra charge for the service animal;

(20) A limousine for-hire license holder shall be prohibited from leasing a for-hire license to another person or entity, or requiring that a chauffeur pay any amount of compensation for the right to operate the vehicle authorized by the for-hire license;

(21) A limousine for-hire license holder shall, except as provided herein, be prohibited from entering into a written agreement with an existing for-hire limousine license holder or passenger service company as defined in Article II. Notwithstanding the foregoing, a luxury sedan limousine license holder who has been issued three (3) or less luxury sedan limousine licenses may enter into a written agreement with an existing for-hire limousine license holder or passenger service company for the provision of the following services as stated in [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(c)(10). Under no circumstances shall an existing for-hire limousine license holder or passenger service company require a sedan limousine license holder to purchase any services or goods others than those stated in [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(c)(10);

(22) Not allow a driver to solicit or pick up passengers other than by prearrangement through a person located at the limousine license holder's place of business;

(23) Disclose to the customer if a vehicle substitution is necessary and provide the customer with an opportunity to cancel a contract based thereon;

(24) Not allow a driver to stage;

(25) A holder of a luxury limousine sedan license, or stretch limousine license, or super stretch limousine license shall provide limousine services with not more than ten (10) percent of the limousine service provided being paid for in cash;

(26) A holder of an ancient, antique or collectible limousine license shall provide limousine service with not more than fifty (50) percent of the limousine service provided being paid for in cash.

(l) *Responsibility for violations of chapter.* The holder of a for-hire license shall be held responsible for any applicable violation of this article arising from the operation of the for-hire vehicle authorized under the holder's for-hire license and shall be subject to the penalties provided in this chapter for any such violation. In addition, his, her, or its license shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related violations shall not relieve the for-hire license holder of responsibility under this article.

(m) As part of the annual renewal of a for-hire license, each operator shall certify on a form provided by the CSD the number of months during the preceding year that he, she, it operated and provided the service authorized by the for-hire license. Failure to operate for at least nine (9) months during the preceding year shall result in automatic revocation of such license. Operations within the thirty-day grace period provided in subsection (i) shall not be counted for purposes of determining compliance with the requirements of the two (2) preceding sentences.

(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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-603LULISEFRELILI)(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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-601DE). 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.

(o) It shall be unlawful to operate any vehicle as a for-hire motor vehicle without first having obtained a for-hire license and an operating permit specifically relating to said vehicle. The for-hire operating permit shall, at all times, be displayed within the vehicle and shall be available for inspection by any police officer or authorized agent of the CSD.

(p) *Conversion of super-stretch limousine certificates of transportation to a limousine for-hire license.* Within ninety (90) days after the date of enactment of this article, super-stretch limousine certificate of transportation license holders shall obtain a stretch or super-stretch limousine for-hire license and corresponding operating permit for each vehicle operated thereunder. Such permits shall be obtained pursuant to the provisions of this Chapter.

(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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-603LULISEFRELILI)(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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(n).

(Ord. No. 00-139, § 1, 11-14-00; Ord. No. 09-26, § 1, 4-7-09)

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

(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 CSD 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 CSD 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 CSD no later than fifty (50) calendar days after the announcement of the lottery.

(ii) Separate lottery conducted by CSD. If, due to revocation, cancellation, or lapse, there are ten (10) or more luxury sedan licenses which may be issued, the CSD 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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI) 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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI) (a); [Section 31-603](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-603LULISEFRELILI) (b); and/or [Section 31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a). The CSD 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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI) 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 CSD director. The CSD director may grant such a reasonable extension that the director finds is in the public interest.

(c) *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 CSD, 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 CSD; (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 CSD 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](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Code. The applicant shall be required to furnish such documentation as shall be required by the CSD.

(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](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI) 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.

(Ord. No. 00-139, § 1, 11-14-00; Ord. No. 06-110, § 1, 7-6-06)

Sec. 31-604. Establishing limousine rates.

Except as otherwise provided herein, the Commission shall establish minimum rates for luxury limousine sedan, stretch limousine, super-stretch limousines, antique limousines, ancient limousines and collectible limousines operating in Miami-Dade County. Such rates shall be established, altered, amended, revised, increased, or decreased in accordance with the following procedures:

(1) The CSD, at two-year intervals or upon request of the Commission or the County Manager, shall investigate and prepare a report concerning the existing rates for luxury sedans, ancient limousines, antique limousines, collectible limousines, stretch, and super stretch limousines. Said investigation shall specify the relative changes in the consumer price index over the preceding two-year period and shall quantify what the rates would be if the currently approved minimum limousine rates were adjusted for such change. Such investigation may also consider the financial records of the industry to determine revenues or expenses when requested by the Commission or County Manager.

(2) The CSD's report shall be forwarded to the County Manager who shall prepare a recommendation to the Board of County Commissioners.

(3) A public hearing concerning rates shall be scheduled at which time all interested parties shall have an opportunity to be heard. The Commission shall consider the CSD's report, the County Manager's recommendation, and all evidence produced at the hearing and, by resolution, shall determine and set the appropriate rates as may be in the public interest; provided, however, limousine minimum rates shall be no less than three and one-third (31/3) times the hourly rate of taxicabs.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-605. Chauffeur's registration.

It shall be unlawful for any person to drive a limousine over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of this Code. No later than January 1, 2002, initial limousine chauffeurs shall be required to complete an apprentice program as prescribed by the CSD.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-606. Duties of Consumer Services Department.

(a) In addition to the duties and responsibilities specified in this article, the CSD shall be charged with the following duties and responsibilities:

(1) Process, investigate, and prepare all reports required by this article.

(2) Investigate and prepare reports on alleged violations of this article.

(3) Enforce the provisions of this article.

(4) Attempt to resolve complaints received from any source concerning the industry.

(5) Issue, deny, suspend, and revoke all for-hire licenses and chauffeurs' registrations pursuant to the provisions of this chapter, and maintain appropriate files regarding same.

(6) Prepare and conduct or cause to be conducted a training and orientation program for chauffeurs and a training and orientation for for-hire license holders.

(7) Develop and implement, in cooperation with the industry, service expansion and improvements.

(8) Provide technical assistance to the industry.

(9) Create and render technical assistance to a for-hire vehicle advisory group comprised of representatives from consumers, the industry, transportation-related interests, municipalities, and public interest organizations.

(10) Develop a standardized reporting technique for operators after consultation with a for-hire vehicle advisory group.

(11) Assign an exclusive number to be displayed on each for-hire vehicle operating in Miami-Dade County.

(12) Provide a system to handle complaints of municipal officials relating to for-hire service within such municipalities and expedite the solution of same.

(13) Perform any other functions assigned by the County Manager.

(14) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.

(15) Prepare and implement, in coordination and after consultation with the industry, changes, amendments, or modifications to administrative orders establishing fees pursuant to this article and provide the industry with at least ten (10) days notice prior to consideration of such changes, amendments or modifications by the Board of County Commissioners.

(16) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article.

(b) The Director may propose and the County Manager may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of the law.

(c) Except for the fees established by the County Manager and approved by the Commission for for-hire vehicles providing transportation of persons and their baggage from Miami International Airport and from the Port of Miami, whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by administrative order of the County Manager and approved by the Commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided therefor.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-607. Operating permits.

(a) It shall be unlawful for any for-hire vehicle to be operated in Miami-Dade County without first obtaining a Miami-Dade County operating permit and maintaining such permit current and valid in accordance with this chapter.

(b) Before any for-hire vehicle shall be operated, the license holder shall make separate application to CSD for a permit for each motor vehicle to be operated under such for-hire license. Each application shall be accompanied by a permit fee, which shall be non-refundable. Each permit application shall be in writing on a form provided by the CSD. The application shall state the name and license number of the for-hire license holder and shall state the make, model year of manufacture, VIN number, and state license plate number of the vehicle to be operated. Such application shall be accompanied by proof that the for-hire license holder owns the vehicle. No permit shall be issued until the applicant has presented proof of the insurance coverage required by this article and the for-hire vehicle has passed all required vehicle inspections.

(c) Permits shall be separately numbered and shall identify the vehicle to which they apply. It shall be unlawful to operate a for-hire vehicle without a current, valid operating permit displayed within such vehicle.

(d) Each operating permit may be issued for up to a one (1) year period. The term of the permit shall be concurrent with the term of the for-hire license and may be renewed upon compliance with this section.

(e) Operating permits shall not be transferred, assigned, or leased.

(f) In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body or seating facilities become so damaged, deteriorated, or unclean as to render said vehicle unfit for public use, CSD may suspend the permit until such time as the condition is remedied; provided, that no such suspension shall be effective until the permit holder or vehicle driver has received notice of the particular conditions to be remedied.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-608. Insurance requirements.

(a) No for-hire motor vehicle shall be permitted to operate without the license holder having first obtained and filed with the CSD a certificate of insurance on forms provided by the CSD for each for-hire motor vehicle showing the federal vehicle identification number, a vehicle description, and the for-hire license number, and shall list the for-hire license holder, each chauffeur the license holder allows to operate the vehicle, and the owner of the vehicle as insureds under an automobile liability insurance policy with limits of liability no less than one hundred thousand dollars ($100,000.00) per person, and three hundred thousand dollars ($300,000.00) per occurrence for bodily injury, and fifty thousand dollars ($50,000.00) per occurrence for property damage. Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all drivers who have a Miami-Dade County chauffeur's registration, regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage. Failure to provide current certificates of insurance or to maintain appropriate insurance coverage for each for-hire vehicle shall be grounds for revocation of the for-hire license.

(b) Scope of Insurance. The insurance required in this section shall be issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in this insurance policy or declaration shall permit binders, deductibles, self insurance, or any provision requiring the insured to reimburse the insurance company for claims.

(c) Each automobile liability insurance policy shall be endorsed to provide for thirty (30) days' notice by registered mail to the CSD or any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.

(d) Unless an operator furnishes the CSD with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in subsection (c) of this section, or upon a third notice of cancellation within twelve (12) months, the for-hire license shall be suspended forthwith by the Director and surrendered to the CSD pending a hearing to determine whether said for-hire license should be revoked. This automatic suspension requirement will not pertain to a for-hire motor vehicle when its insurer withdraws from Florida and cancels its policies, or when the policy is canceled through no fault of the operator.

(e) Examination of Insurance Policy. The CSD reserves the right to require submission of a certified copy of or to examine the original policies of insurance including but not limited to endorsements, amendments, exclusions, riders, any additional contracts between the insured and the insurer and applications to confirm the existence of the required insured coverage.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-609. Vehicle standards.

(a) In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, part 571, and Florida Statutes, the following vehicle standards shall apply to all for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:

(1) Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed; there shall be no audible air leaks in air brake system.

(2) License, permit or inspection decals, as applicable, shall be correctly displayed and be clearly visible from the outside of the vehicle;

(a) Chauffeur registration, operating permit number, rate card, passenger advisory, and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the CSD.

(b) Exterior vehicle signage and markings shall be as required by the CSD.

(3) Inside rear-view mirror and a mirror on each side of vehicle.

(4) A functioning speedometer and odometer indicating speed in miles per hour and a functioning odometer indicating distance in miles.

(5) Functioning windows, door handles, and latches. The primary and secondary hood/trunk/rear access door latches shall be fully operable.

(6) A functioning interior light within the passenger compartment. If the light becomes defective, the operator must correct the defect on the very next day or remove the vehicle from service at that time.

(7) An operating air-conditioning system that provides cooled and heated air. If the air-conditioning system becomes inoperable, the vehicle must be removed from service until such system is repaired. Maximum output temperature will be based on a sliding scale chart which takes outside air temperature and relative humidity into account. Output temperature will be taken at center duct with controls set for maximum cooling.

(8) The vehicle exterior must be free of grime, oil, or other substances and free from cracks, breaks, dents and damaged paint that detracts from the overall appearance of the vehicle and that could harm, injure, soil, or impair the passenger or his or her personal belongings.

(9) Equipped with hubcaps or wheel covers, on all four (4) wheels. If not on the vehicle, the operator must put them on the vehicle the next day.

(10) Bumpers/mouldings/guards shall be installed/replaced as originally manufactured except for moldings on side panel doors.

(11) The interior of the trunk, or rear portion of for-hire vehicles, shall be free from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein.

(12) The passenger compartment must be clean, free from torn upholstery or floor coverings, damaged or broken seats, and protruding sharp edges. All equipment in the interior of the vehicle shall be safely and adequately secured. There shall be no holes opening to the passenger compartment from the underbody.

(13) A horn which shall be audible.

(14) The driver's vision must be unobstructed on all four (4) sides.

(15) Safe tires no recaps shall be used. Maximum allowable treadwear shall be where tread is level with wear bar, or 2/32 inches when measured at three random places in tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges or exposed belts.

(16) Front-end and rear-end alignment shall be within allowable parameters as provided by test equipment readings for alignment.

(17) Wiper blades must be able to clean glass when wet and the rubber element shall not be torn, ripped, or loose.

(18) All lights shall be operable including four-way flasher, turn and signal, clearance, warning, marker, brakes, taillight, license plate, backup, and parking light. All lights must be of correct color and properly positioned as required by Florida Statutes and regulations. All dome lights must be operable with lens in place.

(19) Reflectors and lenses shall not be cracked or missing and must be of correct color and properly positioned.

(20) Both low and high beam headlights shall be operable, and within test equipment allowable readings.

(21) Glass shall not be broken or cracked and chips must be capable of being ground out, leaving a smooth, clear finish.

(22) Doors shall be operable with all weather stripping and rubber seals.

(23) Vehicle steering and suspension shall be functional.

(24) Seat belts for all persons transported shall be in place and functional, unless otherwise exempted by regulation.

(25) Limousines shall not display the word(s) "taxicab," "taxi," or "cab" on the vehicle exterior or interior and shall not be equipped with a taximeter.

(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as follows; provided however, that the CSD may inspect a for-hire vehicle at any time:

(1) Luxury limousine sedans. No luxury limousine sedan initially placed into service shall be older than two (2) model years of age. No luxury limousine sedan that exceeds five (5) model years of age shall be inspected or operated.

(2) Stretch limousines. No stretch limousine initially placed into service shall be older than two (2) model years of age. No stretch limousine that exceeds five (5) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of forty-two (42) inches may be operated beyond five (5) model years as long as the vehicle meets the inspection requirements of the Code.

(3) Super-stretch limousines. No super-stretch limousine initially placed into service shall be older than two (2) model years of age. No super-stretch limousine that exceeds seven (7) model years of age shall be inspected or operated; provided, however, that a luxury sedan vehicle that is either a fifteen (15) or greater model year Rolls Royce, Packard or Mercedes-Benz that has been stretched a minimum of one hundred twenty (120) inches may be operated beyond seven (7) model years as long as the vehicle meets the inspection requirements of the Code.

(4) The limousine vehicle age requirements will be effective one year after adoption of this article. Notwithstanding the vehicle age limits required by [Section 31-609](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-609VEST)(b)(1), (2) and (3) of the Code, no luxury limousine sedan, stretch limousine or super-stretch limousine initially placed into service during 2011 or 2012 shall be older than three (3) model years of age.

(5) Ancient, antique, or collectible limousines are exempt from the vehicle age requirements of this article.

(6) Limousines shall minimally meet the following inspection schedule:

(i) Limousines one (1) through two (2) model years of age shall be inspected annually;

(ii) Limousines three (3) through four (4) model years of age shall be inspected semi-annually;

(iii) Limousines five (5) model years of age or more shall be inspected quarterly; provided, however, that ancient or antique limousines shall be inspected semi-annually.

(c) Inspection fees. The CSD shall charge non-refundable fees for inspection and re-inspection of any for-hire vehicle for compliance with the vehicle standards and requirements of this subsection. Inspection results shall be recorded and a copy provided. Any vehicle failing to meet any required vehicle safety standard shall not be operated until it passes a re-inspection.

(d) Display of information identifying vehicle number and company. The operating permit number, fares, or rates, for-hire license holder's name, and business telephone number shall be permanently displayed in the interior of the vehicle in accordance with instructions issued by the CSD.

(e) Telecommunication devices. Limousines shall be equipped with a two-way radio or cellular telephone.

(f) Vehicles operated pursuant to a luxury limousine sedan license shall be either entirely silver, black, navy or white.

(Ord. No. 00-139, § 1, 11-14-00; Ord. No. 11-77, § 2, 10-4-11; Ord. No. 12-66, § 1, 9-6-12)

Sec. 31-610. Enforcement of article.

(a) This article shall be enforced by authorized personnel of the CSD, the police forces of the various municipalities in Miami-Dade County, and by the Miami-Dade Police Department. When specifically authorized by the Director, this article may be enforced by personnel of the Seaport and Aviation Department when violations occur within their respective boundaries. The CSD shall prepare and distribute to all authorized enforcement personnel an enforcement manual outlining procedures for the detection, reporting, and issuance of citations or deficiency reports for violations of this article.

(b) The CSD may employ a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. Unless otherwise provided, all other violations shall be processed under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(c) Deficiency reports and citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept said report or citation. Notice given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whenever a corporation, partnership, or association violates any of the provisions of this article, such violation shall be deemed also to be that of the individual officers, directors, partners, or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for an individual.

(e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-611. Suspension and revocation proceedings.

(a) *Grounds for suspension or revocation.* In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, for-hire licenses, operating permits, and chauffeur registrations shall be subject to suspension or revocation by the Director as follows:

(1) Upon the Director's determination that:

(i) The license, registration, or permit holder has pled nolo contendere, pled guilty, been found guilty, or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of the license, registration, or permit as provided in this chapter;

(ii) The license, registration, or permit was obtained by an application in which any material fact was omitted or falsely stated;

(iii) The license, registration, or permit holder has failed to comply with or has violated any of the provisions of this chapter;

(iv) The public interest will best be served by revocation, or suspension of the license, registration, or permit; provided, however, that good cause be shown;

(v) The chauffeur has failed any drug test required by the Code or state or federal law; or

(vi) Any for-hire limousine has been operated in violation of any of the provisions of this chapter.

(b) *Notice of suspension or revocation action.* Except where this chapter provides for automatic suspension or revocation, the CSD shall provide notice of suspension or revocation to the violator by certified mail, ten (10) days before the violator must comply with the director's decision.

(c) *Appeals from decisions of Director and administrative hearings.*

(1) Right to appeal. Any for-hire license holder and for-hire chauffeur shall have the right to appeal application denials, suspensions, and revocations by the Director. The named party shall elect to either:

(a) Comply with the Director's decision in the manner indicated on the Notice of Director's decision; or

(b) Request an administrative hearing before a hearing officer to appeal the decision of the Director.

(2) Filing the appeal. Appeal by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.

(3) Failure to appeal. Failure to appeal the decision of the Director within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the Director's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Director's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.

(4) Hearing officers. Hearing Officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.

(5) Scheduling and conduct of hearing.

(a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.

(b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include but not be limited to the following: place, date, and time of the hearing; right of the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a director's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.

(c) The hearing officers shall call hearings on a monthly basis or upon the request of the CSD. No hearing shall be set sooner than fifteen (15) calendar days from the date of notice of the Director's decision, unless otherwise prescribed by this chapter.

(d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the CSD.

(e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.

(f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(g) The Clerk of the Board of County Commissioners shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.

(h) Each case before a hearing officer shall be presented by the director or his or her designee.

(i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.

(j) Each party shall have the following rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.

(k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the Director's decision the hearing officer must find that a preponderance of the evidence supports the Director's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.

(l) If the Director's decision is affirmed the named party may be held liable for the reasonable costs of the administrative hearing.

(m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the Director's decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of the Director. If the hearing officer affirms the decision of the Director, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the Director. If the hearing officer reverses the decision of the Director and finds (1) the named party not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the Director, the named party shall not be required to comply with the decision of the Director, absent reversal of the hearing officer's findings pursuant to [Section 31-611](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-611SUREPR)(c)(6). If the decision of the hearing officer is to affirm, then the following shall be included in the decision:

(a) Decision of the Director.

(b) Administrative costs of the hearing.

(c) Date for compliance, if applicable.

(n) The hearing officer shall have the power to:

(a) Adopt procedures for the conduct of hearings;

(b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade County Police Department or by the hearing officer's staff;

(c) Subpoena evidence; and

(d) Take testimony under oath.

(6) Appeals.

(a) The named party or the county may appeal a final order of the hearing officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.

(b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to [Section 31-611](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-611SUREPR)(c)(6), all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the director's decision.

(7) Nothing contained in this chapter shall prohibit Miami-Dade County from enforcing the Code by any other means authorized by law. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code. The words "action" and "decision" as used herein shall not include the filing of any action by the director in any court. The Director may reconsider at any time any action or decision taken by the Director and therefore may modify such an action or decision.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-612. Violations; penalties.

(a) In addition to any other penalties provided by law, including, but not limited, to those provided in this article, a violation of any applicable provision of this article by a for-hire license holder or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's for-hire license, operating permit, and chauffeur registration, and all for-hire operations shall cease until such fine is paid in full. If a person commits five (5) violations of the same section of this chapter during any twelve (12) month period, such person's for-hire license, operating permit, or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve (12) month period, such person's for-hire license, operating permit, or chauffeur's registration may be suspended for a period of up to six (6) months or revoked.

(b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. Citations shall be issued under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(c) Any person who is found guilty on at least two (2) prior occasions within a three (3) year period of advertising or providing for-hire transportation, driving, or operating a for-hire vehicle without having a valid, current for-hire license, operating permit, 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) and/or imprisonment not to exceed forty-five (45) days.

(d) Except for civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court, and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through the normal procedure.

(e) Anyone who engages a for-hire vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to a fine of five hundred dollars ($500,00) and/or imprisonment not to exceed ten (10) days.

(f) Any person who is found guilty of signing an application for issuance, renewal, modification, assignment, sale, or transfer of a for-hire license, chauffeur registration, or operating permit which falsely states any material fact shall be punished by a fine of one thousand dollars ($1,000.00) and/or imprisonment in the County Jail for thirty (30) days.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-613. Special provisions.

(a) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of for-hire motor vehicle transportation services in 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 for-hire transportation in Miami-Dade County. Regulations established by this article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.

(b) Notwithstanding anything to the contrary in this article, a stretch limousine license holder that has, as of October 1, 2003, been issued a current and valid permit to operate a vehicle that has been categorized by the automobile industry as a sports utility vehicle may continue to operate a sports utility vehicle pursuant to the for-hire license until October 1, 2006 provided that: 1) the stretch limousine license is maintained current and valid; 2) all permits issued pursuant to the for-hire license to operate a sports utility vehicle are continuously operated and maintained current and valid; 3) all sports utility vehicles operated pursuant to the for-hire license meet and comply with all other requirements for a luxury sedan, including, but not limited to, the vehicle standards, vehicle age requirements, inspection frequency and minimum rates for a luxury sedan; and 4) the permit is operated in compliance with the preceding provisions and all requirements of [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Code. Any change in ownership of the license holder or failure to comply with applicable requirements shall result in automatic revocation of the permit and removal of the sports utility vehicle from service under the stretch for-hire limousine license. A for-hire license holder operating a sports utility vehicle pursuant to this subsection (b) shall not at any time operate any more sports utility vehicles than the number authorized as of October 1, 2003.

(c) *Temporary limousine licenses.* Notwithstanding any other provision of this chapter, the County Manager may prescribe rules and regulations for the approval and issuance of temporary limousine licenses for Super Bowls, summits, political conventions and other major special events of national or international significance, such as nationally televised awards shows, where the event's organizers can demonstrate that the existing supply of limousines is not adequate to meet the needs of the event.

(d) Notwithstanding the vehicle age limits required by [Section 31-609](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-609VEST)(b) of the Code, any properly permitted and inspected luxury limousine sedan, stretch limousine, or super-stretch limousine scheduled for retirement on December 31, 2012, shall be allowed to be operated for an additional one-year period.

(Ord. No. 00-139, § 1, 11-14-00; Ord. No. 03-266, § 1, 12-8-03; Ord. No. 06-112, § 1, 7-6-06; Ord. No. 09-58, § 1, 6-30-09; Ord. No. 11-11, § 1, 3-1-11; Ord. No. 11-102, § 1, 12-19-11; Ord. No. 12-66, § 1, 9-6-12)

Sec. 31-614. Seizure, impoundment and forfeiture.

(a) *Seizure.* Police officers or such other employees as may be designated by the County Manager are authorized to seize and impound any for-hire motor vehicle which such officer or employee has probable cause to believe is being operated in violation of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of Article VI of [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Miami-Dade County Code. A vehicle seized in accordance with this subsection shall be removed to a designated secured facility.

(b) *Notice of Seizure.*

(1) Within twenty-four (24) hours of a seizure, as described in [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(a), a police officer or other designated county employee shall make a diligent search and inquiry as to the owner's name and address and make a good faith effort to give a notice of seizure in writing to said vehicle owner of the fact of such seizure, the grounds for seizure, identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken. A copy of said notice of seizure shall also be given to the proprietor of such secured facility.

(2) Whenever an officer or designated employee seizes a vehicle under this section, and does not know, and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, then and in that event the officer or designated employee shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Commissioner of the Miami-Dade Police Department.

(c) *Vehicle impoundment hearing.* Whenever the owner of record of a vehicle seized pursuant to this section makes a request of the CSD in person and in writing for a vehicle impoundment hearing within ten (10) days of seizure exclusive of Saturdays, Sundays and legal holidays, a magistrate, as provided in Section 318.32, Florida Statutes, a county court judge or a hearing examiner, who shall not have responsibility for the enforcement of this article and who shall be designated by the CSD Director, shall conduct the hearing within twenty-four (24) hours or as soon as practicable, excluding Saturdays, Sundays and legal holidays.

All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence shall not apply. If, after the hearing, the magistrate, county court judge or hearing examiner determines that there is no probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (a), the magistrate, county court judge or hearing examiner shall order the immediate return of the vehicle. If, after the hearing, the magistrate, county court judge or hearing examiner determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (a), the magistrate, county court judge or hearing examiner shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle (1) posts with the court or CSD a cash bond in the amount of the maximum fine(s), plus any applicable towing and storage fees, or (2) pleads guilty or nolo contendere and pays in full any towing and storage fees plus the fine(s). Notwithstanding the foregoing, if, after the hearing, it is determined that there is probable cause to believe that the vehicle is subject to forfeiture proceedings pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(g), said vehicle shall not be released.

(d) *Hearing regarding Code violation charged in field enforcement report and/or complaint/arrest affidavit.* Within ten (10) days after a vehicle is seized and impounded pursuant to this section or as soon as practicable, the CSD and/or the Clerk's Office shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted regarding the Code violations charged in the field enforcement report, the complaint/arrest affidavit or other charging instrument. The hearing shall be conducted within thirty (30) days after the vehicle was seized or as soon as practicable. The hearing shall be conducted by a magistrate, county court judge or hearing examiner. All interested persons shall be given a reasonable opportunity to be heard at the hearing.

(e) *Decisions at hearing.*

(1) If the magistrate, county court judge or hearing examiner dismisses the Code violation(s) charged in the field enforcement report, complaint/arrest affidavit or other charging document and/or finds the person charged not guilty, the magistrate, county court judge or hearing examiner shall issue an order for release of the seized vehicle without removal and storage fees.

(2) If the magistrate, county court judge or hearing examiner finds a violation of the Code, the magistrate, county court judge or hearing examiner shall assess a fine and/or jail sentence as provided in [Section 31-612](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-612VIPE) of the Code, and removal and storage fees. The fine(s), if any, and removal and storage fees must be paid in order to obtain an order for release of the seized vehicle. A magistrate, county court judge or hearing examiner shall not issue an order releasing the vehicle where said vehicle is subject to forfeiture proceedings pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(g).

(3) If the owner does not obtain the vehicle by the date specified in the order of release, the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.

(4) A vehicle shall not be released from storage prior to the scheduled hearing specified in this subsection if the vehicle is subject to forfeiture pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(g) of the Code.

(5) Default hearing. If the owner of the seized vehicle fails to appear for the hearing specified in [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(d), a default hearing will be held. A magistrate, county court judge or hearing examiner shall make a determination pursuant to paragraph (1) or (2) of this subsection (e). The CSD will inform the respondent of the default determination by certified mail, return receipt requested. The information mailed to the owner shall include the provision of [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO) herein concerning abandoned vehicles. The respondent may comply with the default determination within seven calendar days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a hearing de novo on the original complaint/arrest affidavit, field enforcement report or other charging document. Such hearing shall be scheduled within ten (10) working days of the order vacating the default determination or as soon as practicable.

(f) *Appeals.* If a violation of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code is found, the assessed fine(s) together with removal and storage must be paid in order to appeal. However, if the vehicle is the subject of a forfeiture proceeding pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(g) of the Code, only the fine, if any, must be paid in order to appeal. If upon appeal the decision is reversed in whole or part, the appellant shall receive a refund of the relevant fine(s) and fees.

(g) *Forfeiture.*

(1) Forfeiture. In addition to the penalties set forth in Sections [31-611](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-611SUREPR) and [31-612](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-612VIPE) of the Code, any for-hire motor vehicle used to commit three (3) or more violations of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this article shall be subject to forfeiture upon notice and judicial determination.

(2) Determination by the CSD Director. The Director of the CSD shall determine whether to pursue the remedy of forfeiture. Miami-Dade County shall not use the seized vehicle for any purpose until the rights to, interest in, and title to the seized property are perfected in accordance with this section. This section does not prohibit use or operation necessary for reasonable maintenance of seized vehicles. Reasonable efforts shall be made to maintain seized vehicles in such a manner as to minimize loss of value.

(3) Vehicles subject to forfeiture may be seized provided that the owner is notified at the time of the seizure or by certified mail, return receipt requested, that there is a right to an adversarial preliminary hearing after the seizure to determine whether probable cause exists to believe that such vehicle has been used to commit three (3) or more violations of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this article. The CSD or other authorized law enforcement agencies shall make a diligent effort to notify the owner of the seizure. Notice provided by certified mail must be mailed within five (5) working days of the seizure and shall state that the owner may request an adversarial preliminary hearing within fifteen (15) days of receiving such notice. When a post-seizure adversarial preliminary hearing as provided herein is requested, it shall be held within ten (10) days after the request or as soon as practicable. If the court determines that the required probable cause exists, the court shall order the property restrained by the least restrictive means to protect against disposal waste, or continued illegal use pending disposition of the forfeiture proceeding. If the court orders the release of the vehicle, all fines, if any, and towing and storage fees shall be paid prior to release.

(4) Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this section; however, such action may be maintained if forfeiture proceedings are not initiated within forty-five (45) days after the date of seizure. However, if good cause is shown, the court may extend the aforementioned period to sixty (60) days.

(5) The court shall order the forfeiture of any other property of a claimant of a vehicle, excluding lienholders, up to the value of the vehicle subject to forfeiture under this section if the vehicle:

(a) Cannot be located;

(b) Has been transferred to, sold to, or deposited with a third party;

(c) Has been placed beyond the jurisdiction of the court;

(d) Has been substantially diminished in value by any act or omission of the person in possession of the property; or

(e) Has been commingled with any property which cannot be divided without difficulty.

(6) Exceptions.

(a) No vehicle shall be forfeited under the provisions of this section if the owner of such vehicle establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such vehicle was being used or was likely to be used in violation of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code.

(b) No bona fide lienholder's interest shall be forfeited under the provisions of this section if such lienholder establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in violation of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code, that such use was without his or her expressed or implied consent, and that the lien had been perfected in the manner prescribed by law prior to such seizure.

(c) No vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles shall be forfeited under the provision of this section if the company establishes by a preponderance of the evidence that it neither knew, nor should have known, that the vehicle was being used or was likely to be used in violation of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code. When a vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles is seized under this section, upon learning the address or phone number of said company, the CSD shall, as soon as practicable, inform said company that the vehicle has been seized.

(d) Any interest in, title to, or right to a vehicle titled or registered jointly by the use of the conjunctives "and," "and/or," or "or" held by a co-owner shall not be forfeited if the co-owner establishes by a preponderance of the evidence that such co-owner neither knew, nor had reason to know, after reasonable inquiry, that such property was used or was likely to be used in violation of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code. When the interests of each culpable co-owner are forfeited, any remaining co-owners shall be afforded the opportunity to purchase the forfeited interest in, title to, or right to the property from Miami-Dade County. If any remaining co-owner does not purchase such interest, Miami-Dade County may hold the property in co-ownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(7) Forfeiture proceedings.

(a) It is the policy of Miami-Dade County that the provisions of this section are adopted to deter and prevent the continued use of for-hire motor vehicles to violate [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code while protecting proprietary interests of innocent owners and lienholders and to authorize the use of the proceeds collected under this section as supplemental funding for enforcement purposes.

(b) The Florida Rules of Civil Procedure shall govern forfeiture proceedings under this section unless otherwise specified herein.

(c) Any trial on the ultimate issue of forfeiture shall be decided by a jury, unless such right is waived by the claimant of the vehicle through a written waiver or on the record before the court conducting the forfeiture proceeding.

(d) Miami-Dade County shall promptly proceed against the vehicle by filing a complaint in the circuit court.

(e) (i) The complaint shall be styled, "in RE FORFEITURE OF." (followed by the name or description of the vehicle). The complaint shall contain a brief jurisdictional statement, a description of the subject matter of the proceeding, and a statement of the facts sufficient to state a cause of action that would support a final judgment of forfeiture. The complaint must be accompanied by a verified supporting affidavit.

(ii) If no person entitled to notice requests an adversarial preliminary hearing, as provided in [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(g)(3), the court, upon receipt of the complaint, shall review the complaint and the verified supporting affidavit to determine whether there was probable cause for the seizure. Upon a finding of probable cause, the court shall enter a probable cause order.

(iii) The court shall require any claimant of a vehicle who desires to contest the forfeiture to file and serve upon the attorney representing Miami-Dade County any responsive pleadings and affirmative defenses within twenty (20) days after receipt of the complaint and probable cause finding.

(f) (i) Miami-Dade County shall serve notice of the forfeiture complaint by certified mail, return receipt requested, to each person having a security interest in the vehicle. Miami-Dade County shall also publish notice of the forfeiture complaint twice each week for two (2) consecutive weeks in a newspaper of general circulation in Miami-Dade County.

(ii) The notice shall, in addition to stating that which is required by [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(g)(3) describe the property, state the county, place, and date of seizure; state the governmental entity holding the seized property, and state the name of the court in which the complaint will be filed.

(iii) Miami-Dade County shall be obligated to make a diligent search and inquiry as to the owner of the vehicle, and if, after such diligent search and inquiry, Miami-Dade County is unable to ascertain any person entitled to notice, the actual notice requirements by mail shall not be applicable.

(g) When the claimant of the vehicle and Miami-Dade County agree to settle the forfeiture action prior to the conclusion of the forfeiture proceeding, the settlement agreement shall be reviewed, unless such review is waived by the claimant of the vehicle in writing, by the court or a mediator or arbitrator agreed upon by the claimant and Miami-Dade County.

(h) Upon clear and convincing evidence that the seized vehicle was used to commit a third or subsequent violation of [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this article, the court shall order the seized property forfeited to Miami-Dade County. As used in this subsection, a "violation" occurs when a person or entity pleads guilty or nolo contendere or is convicted or found guilty (regardless of whether adjudication is withheld) of violating [Section 31-602](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI)(a) or [31-607](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-607OPPE)(a) of the Code using the vehicle subject to forfeiture. The final order of forfeiture by the court shall perfect in Miami-Dade County right, title, and interest in and to such property, subject only to the rights and interests of bona fide lienholders, and shall relate back to the date of seizure.

(i) (i) The seized property shall be released immediately to the person entitled to possession of the property as determined by the court when the claimant prevails at the conclusion of the forfeiture proceeding, and Miami-Dade County decides not to appeal.

(ii) When the claimant of the vehicle prevails at the conclusion of the forfeiture proceeding, any decision to appeal must be made by the CSD Director. If the claimant prevails on appeal, Miami-Dade County shall immediately release the seized property to the person entitled to possession of the property as determined by the court.

(j) Disposition of forfeited property where no lien. When Miami-Dade County obtains a final judgment granting forfeiture of a vehicle, it may elect to:

(i) Retain the property for the County's use;

(ii) Sell the property at public auction or by sealed bid to the highest bidder; or

(iii) Salvage, trade, or transfer the vehicle to any public or nonprofit organization.

(k) Disposition of forfeited property where lien. If the forfeited vehicle is subject to a lien preserved by the court as provided in [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(g)(6)(b) Miami-Dade County shall:

(i) Sell the property with the proceeds being used towards satisfaction of any liens; or

(ii) Have the lien satisfied prior to taking any action authorized by [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(g)(7)(j).

(l) Priority of disbursement. The proceeds from the sale of a forfeited vehicle shall be disbursed in the following priority:

(i) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.

(ii) Payment of the costs incurred by Miami-Dade County in connection with the storage, maintenance, security, and forfeiture of such property.

(iii) Payment of court costs incurred in the forfeiture proceeding.

(iv) The remaining proceeds shall be deposited in an Enforcement Trust Fund hereby established by the Board of County Commissioners. Such proceeds and interest earned therefrom shall be used for enforcement of the provisions of [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) of the Code.

(h) *Abandoned vehicles.*

(1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this subsection (h), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by a circuit court judge after a duly noticed hearing without further hearing.

(2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:

(a) Has not removed the vehicle from storage within ten (10) days of obtaining an order of release pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(c), (e) or (g)(7)(j) herein;

(b) Has not paid the fines, if any, and towing and storage fees within ten (10) days of a hearing determination of violation pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(e)(2) herein, or within ten (10) days after notice of a default determination of violation was mailed to the owner pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(e)(5) herein;

(c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial or a motion to vacate a default determination pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO)(e)(5);

(d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the CSD to the owner that the County will not pursue the remedy of forfeiture pursuant to [Section 31-614](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-614SEIMFO) herein.

(3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (h), the CSD shall mail to the owner a notice that the vehicle has been recovered by CSD as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Miami-Dade County and it will be sold at public auction or by bid after ten days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.

(4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (h) was mailed, by paying the towing and storage fees due and any fine(s).

(5) In the event that an abandoned vehicle is not claimed within ten (10) working days after the notice described in paragraph (3) of this subsection (h) was mailed, ownership of the abandoned vehicle shall vest in CSD after a duly noticed hearing and declaration of abandonment by a circuit court judge. The CSD may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

(Ord. No. 00-139, § 1, 11-14-00)

Sec. 31-615. Advertisement of for-hire services.

(a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated, displayed, distributed, or marketed within Miami-Dade County, Florida, which advertisement identifies for-hire transportation regulated by this article, unless the advertisement includes the for-hire license number of the limousine company.

(b) For the purposes of this section, an advertisement shall be defined to include any announcement, listing, display, entry, or other statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading where the heading describes or encompasses any for-hire transportation regulated under this article.

(c) No person shall advertise a rate or fare other than the rate or fare approved pursuant to [Section 31-604](../level3/PTIIICOOR_CH31VEHI_ARTVILIREFRELI.docx#PTIIICOOR_CH31VEHI_ARTVILIREFRELI_S31-604ESLIRA)

(d) No person shall advertise limousine service in a manner that is false, deceptive or misleading including, but not limited to, representing the limousine service as taxicab service or as demand response service.

(Ord. No. 00-139, § 1, 11-14-00)