

# MEMORANDUM

TMPC  
Agenda Item No. 1(G)2

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

**DATE:** February 9, 2021

**FROM:** Geri Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Ordinance relating to use of Charter County Transportation System Surtax Funds for on-demand transportation services; amending section 29-124 of the Code; eliminating, by a two-thirds vote of the full commission membership, the requirement that on-demand trips originate from or end within a municipality or at certain transit and park-and-ride facilities; authorizing use of surtax funds for any trip within a certain distance regardless of the trip's origination or destination; deleting a definition

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Commissioner Raquel A. Regalado.



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Geri Bonzon-Keenan  
Successor County Attorney

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**MEMORANDUM**  
(Revised)

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

**DATE:** March 2, 2021

**FROM:**   
Gen Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and second reading  
(per Ordinance No. 02-116)
- 4 weeks notification to municipal officials required prior to public  
hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Manager's  
report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's  
present \_\_\_\_, 2/3 membership , 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP  
7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote  
requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote  
requirement per 2-116.1(4)(c)(2) \_\_\_\_) to approve
- Current information regarding funding source, index code and available  
balance, and available capacity (if debt is contemplated)

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS FOR ON-DEMAND TRANSPORTATION SERVICES; AMENDING SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ELIMINATING, BY A TWO-THIRDS VOTE OF THE FULL COMMISSION MEMBERSHIP, THE REQUIREMENT THAT ON-DEMAND TRIPS ORIGINATE FROM OR END WITHIN A MUNICIPALITY OR AT CERTAIN TRANSIT AND PARK-AND-RIDE FACILITIES; AUTHORIZING USE OF SURTAX FUNDS FOR ANY TRIP WITHIN A CERTAIN DISTANCE REGARDLESS OF THE TRIP'S ORIGATION OR DESTINATION; DELETING A DEFINITION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, section 212.055, Florida Statutes, provides that proceeds from the transportation sales surtax shall be applied to as many or as few of the uses enumerated in the statutes in whatever combination the county commission deems appropriate; and

**WHEREAS**, one of the enumerated uses is for the development, maintenance, and operation of on-demand transportation services; and

**WHEREAS**, section 212.055(1)(e), Florida Statutes, defines on-demand transportation services as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature; and

**WHEREAS**, on July 9, 2002, this Board adopted Ordinance No. 02-116 regarding the Charter County Transportation System Surtax; and

**WHEREAS**, Ordinance No. 02-116 requires that any amendment to the ordinance be subject to a two-thirds vote of the full Board membership; and

**WHEREAS**, amending section 29-124 of the Code to allow greater flexibility in the use of surtax funds for on-demand transportation services may augment and increase transportation solutions and mobility while ensuring equal treatment for the incorporated and unincorporated areas of Miami-Dade County; and

**WHEREAS**, the use of surtax funds for on-demand transportation services should be allowed not merely for trips to or from transit facilities but also for trips to other important locations such as clinics, pharmacies, grocery stores, and employment and educational centers,

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

**Section 1.** Section 29-124 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 29-124. Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.**

The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this section.

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<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations:

- (a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits) and to provide fare-free public transportation service on Metromover, including extensions.
- (b) Surtax proceeds may only be expended for the transportation and transit purposes specified in section 212.055(1)(d)1—4, Fla. Stats. (2010). The use of surtax proceeds for on-demand services as defined in section 212.055(1)(e), Florida Statutes, shall be limited to on-demand services where the ~~[[origination or destination of the trip is a South Dade Transitway bus shelter, a Metrorail station, or a public transit park and ride facility and the]]~~ trip is no greater than 5 miles in distance. ~~[[Park and ride facilities shall mean parking lots, garages, or other structures where the public can park their vehicles and board public transit, which includes but is not limited to buses and rail.]]~~

\* \* \*

- (h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:
  - (i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;
  - (ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation

services as defined in section 212.055(1)(e), Florida Statutes, as may be amended from time to time, or other transit-related infrastructure. The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation services where the trip is no greater than 5 miles in distance ~~[[and (1) where the origination or destination of the trip is solely within city boundaries; (2) where the origination of a trip is within city boundaries and the destination is the nearest Metrorail station or South Dade Transitway bus shelter; (3) where the origination of a trip is the Metrorail station or South Dade Transitway bus shelter closest to the city boundary of the city where the intended destination of the trip is located; or (4) where the origination or destination of the trip is a public transit park and ride facility]].~~ Each city that uses surtax proceeds for on-demand transportation services shall provide an annual report to the County describing the city's implementation of the on-demand transportation services ~~[[in accordance with this paragraph]].~~ Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii);

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**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

**Section 4.** This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

**Section 5.** This ordinance may only be amended or repealed by a two-thirds vote of the Board of County Commissioners. Any amendment or repeal of this ordinance shall further require a minimum of six weeks between first and second reading.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Bruce Libhaber

Prime Sponsor: Commissioner Sally A. Heyman  
Co-Sponsor: Commissioner Raquel A. Regalado