



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

AGENDA

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

Monday, June 12, 2017
9:30AM

- I. CALL TO ORDER AND ROLL CALL
Bobbie Lindsay, Committee Chair
Julie Araskog, Committee Member
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS FROM CITIZENS
- IV. REGULAR AGENDA
 - A. Old Business
 - 1. Regulation of Vehicles for Hire, Including Internet-Based Ride Sharing Programs (Jay Boodheshwar, Deputy Town Manager)
 - 2. Potential Code Change to Modify Dates of Construction Season (John Page, Director of Planning, Zoning and Building)
 - 3. Further Consideration Regarding Banning of Plastic Bags (Jay Boodheshwar, Deputy Town Manager)
 - B. New Business
 - 1. Review of Pending Items for ORS Discussion at Future Meetings (Jay Boodheshwar, Deputy Town Manager)

V. ANY OTHER MATTERS

VI. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Disabled persons who need an accommodation in order to participate in the meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Memorandum

To: Bobbie Lindsay, Chair, Ordinances, Rules and Standards Committee
Julie Araskog, Committee Member, Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Cc: Thomas G. Bradford, Town Manager; Department Directors; Darrel Donatto, Deputy Fire-Rescue Chief, Veronica Close, Assistant Director of Planning, Building and Zoning; Nicholas Caristo, Police Captain; Bill Bucklew, Building Official; Paul Castro, Zoning Administrator; Ben Alma, Code Enforcement Manager; Gwen Peirce, Acting Town Clerk; John C. Randolph, Town Attorney

Date: 6/9/2017

Re: Agenda Items for the June 12, 2017, ORS Meeting

This memorandum and its attachments serve as the backup material associated with the agenda for your ORS meeting on June 12, 2017, at 9:30am. Below is the list of agenda items and related attachments, which provides background information for each matter.

Old Business

1. **Regulation of Vehicles for Hire, Including Internet-Based Ride Sharing Programs** (Jay Boodheshwar, Deputy Town Manager)

HB 221, which prohibits local municipalities and counties from regulating internet-based ride sharing programs (known as “transportation network companies”) was approved and signed into law by Governor Scott on May 9, 2017. In lieu of relying solely on the County’s vehicle for hire ordinance, a revision to the Town’s Code is recommended instead. Please see Old Business #1 for details regarding this item.

2. **Potential Code Change to Modify Dates of Construction Season** (John Page, Director of Planning, Zoning and Building)

Planning, Zoning and Building Director, John Page will provide an update (with potential ideas) on possible changes to the Code, relative to construction hours. Please see Old Business #2 for details regarding this item.

3. **Further Consideration Regarding Banning of Plastic Bags** (Jay Boodheshwar, Deputy Town Manager)

Resolution No. 03-2017 was approved earlier this year urging the State Legislature to ban the use of single-use plastic bags. A copy of the resolution was provided to the State subsequent to Council's approval. Since then, we have learned that the City of Coral Gables has approved a ban on plastic bags, prompting Committee Chair, Bobbie Lindsay, to request future discussion on the matter. Please see Old Business #3 for details regarding this item.

New Business

1. **Review of Pending Items for ORS Discussion at Future Meetings** (Jay Boodheshwar, Deputy Town Manager)

A schedule of the remaining pre-planned meetings for 2017 has been provided, along with a list of pending agenda items for Committee discussion at future meetings. Please see New Business #1 for details regarding this item.

Attachments

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: June 12, 2017

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Regulation of Vehicles for Hire, Including Internet-Based Ride Sharing Programs

Date: June 8, 2017

STAFF RECOMMENDATION

Staff recommends that the ORS Committee review the recommended changes to Chapter 130 of the Town Code and direct staff to prepare an ordinance for Town Council consideration.

GENERAL INFORMATION

Approximately one year ago the Palm Beach County Commission adopted an ordinance to impose new regulations relative to vehicles for hire, including internet-based ride sharing programs such as Uber and Lyft. Subsequent to the County's adoption, the ORS Committee reviewed the highlights of the new regulations and decided to recommend that the Town rely on the County's regulations and rescind its vehicle for hire ordinance.

Prior to Town Council consideration of approving the ORS recommendation, staff advised the committee of the State Legislature's intent to address regulations related to ride sharing programs during the 2016/2017 session. Staff also realized that a complete rescinding of our current ordinance would remove the limit on the number of vehicle for hire permits issued each year.

In preparation for the May 4, 2017, ORS meeting Town Attorney Skip Randolph's sent an email advising of the State's anticipated approval of HB 221 pertaining to "transportation network companies" (TNC). Subsequent to this meeting the State Legislature did indeed approve the exemption of TNCs from local regulation. See attached. In lieu of relying solely on the County's vehicle for hire ordinance as earlier contemplated, a revision to Chapter 130 – Vehicles for Hire of the Town Code is recommended instead. See attached.

Attachments

Cc: Thomas G. Bradford, Town Manager
John C. Randolph, Town Attorney

OLD BUSINESS #1

CHAPTER 2017-12

Committee Substitute for House Bill No. 221

An act relating to transportation network companies; creating s. 627.748, F.S.; defining terms; providing for construction; providing that a transportation network company (TNC) driver is not required to register certain vehicles as commercial motor vehicles or for-hire vehicles; requiring a TNC to designate and maintain an agent for service of process in this state; providing fare requirements; providing requirements for a TNC's digital network; providing for an electronic receipt, subject to certain requirements; providing automobile insurance requirements for a TNC and a TNC driver; providing requirements for specified proof of coverage for a TNC driver under certain circumstances; providing certain disclosure requirements for a TNC driver in the event of an accident; requiring a TNC to cause its insurer to issue certain payments directly to certain parties; requiring a TNC to make specified disclosures in writing to TNC drivers under certain circumstances; authorizing specified insurers to exclude certain coverage, subject to certain limitations; providing that the right to exclude coverage applies to any coverage included in an automobile insurance policy; providing applicability; providing for construction; providing that specified automobile insurers have a right of contribution against other insurers that provide automobile insurance to the same TNC drivers in satisfaction of certain coverage requirements under certain circumstances; requiring a TNC to provide specified information upon request by certain parties during a claims coverage investigation; requiring certain insurers to disclose specified information upon request by any other insurer involved in the particular claim; providing that TNC drivers are independent contractors if specified conditions are met; requiring a TNC to implement a zero-tolerance policy for drug or alcohol use, subject to certain requirements; providing TNC driver requirements; requiring a TNC to conduct a certain background check for a TNC driver after a specified period; requiring a TNC to submit an examination report prepared by a certified public accountant to the Department of Financial Services to verify certain compliance; requiring the department to impose specified fines for noncompliance; providing for disposition and use of moneys received; authorizing petition for an administrative proceeding; authorizing the department to seek injunctive relief under certain circumstances; authorizing the department to adopt rules; providing construction; prohibiting a TNC driver from accepting certain rides or soliciting or accepting street hails; prohibiting a TNC from altering presentation of information on its digital network to an enforcement official; requiring a TNC to adopt a policy of nondiscrimination with respect to riders and potential riders and to notify TNC drivers of such policy; requiring TNC drivers to comply with the nondiscrimination policy and certain applicable laws regarding nondiscrimination and accommodation of service animals; prohibiting a TNC from imposing additional charges for providing services to persons

who have physical disabilities; requiring a TNC that contracts with a governmental entity to provide paratransit services to comply with certain state and federal laws; requiring a TNC to reevaluate a decision to remove a TNC driver's authorization to access its digital network in certain instances; requiring a TNC to maintain specified records; providing legislative intent; specifying that TNCs, TNC drivers, and TNC vehicles are governed exclusively by state law; prohibiting local governmental entities and subdivisions from taking specified actions; providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 627.748, Florida Statutes, is created to read:

627.748 Transportation network companies.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Digital network” means any online-enabled technology application service, website, or system offered or used by a transportation network company which enables the prearrangement of rides with transportation network company drivers.

(b) “Prearranged ride” means the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the TNC driver transports the rider, and ending when the last rider exits from and is no longer occupying the TNC vehicle. The term does not include a taxicab, for-hire vehicle, or street hail service and does not include ridesharing as defined in s. 341.031, carpool as defined s. 450.28, or any other type of service in which the driver receives a fee that does not exceed the driver's cost to provide the ride.

(c) “Rider” means an individual who uses a digital network to connect with a TNC driver in order to obtain a prearranged ride in the TNC driver's TNC vehicle between points chosen by the rider. A person may use a digital network to request a prearranged ride on behalf of a rider.

(d) “Street hail” means an immediate arrangement on a street with a driver by a person using any method other than a digital network to seek immediate transportation.

(e) “Transportation network company” or “TNC” means an entity operating in this state pursuant to this section using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxicab association or for-hire vehicle owner. An individual, corporation, partnership, sole proprietorship, or other entity that arranges medical transportation for individuals qualifying for Medicaid

or Medicare pursuant to a contract with the state or a managed care organization is not a TNC. This section does not prohibit a TNC from providing prearranged rides to individuals who qualify for Medicaid or Medicare if it meets the requirements of this section.

(f) “Transportation network company driver” or “TNC driver” means an individual who:

1. Receives connections to potential riders and related services from a transportation network company; and

2. In return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider upon connection through a digital network.

(g) “Transportation network company vehicle” or “TNC vehicle” means a vehicle that is not a taxicab, jitney, limousine, or for-hire vehicle as defined in s. 320.01(15) and that is:

1. Used by a TNC driver to offer or provide a prearranged ride; and

2. Owned, leased, or otherwise authorized to be used by the TNC driver.

Notwithstanding any other provision of law, a vehicle that is let or rented to another for consideration may be used as a TNC vehicle.

(2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service. In addition, a TNC driver is not required to register the vehicle that the TNC driver uses to provide prearranged rides as a commercial motor vehicle or a for-hire vehicle.

(3) AGENT.—A TNC must designate and maintain an agent for service of process in this state.

(4) FARE TRANSPARENCY.—If a fare is collected from a rider, the TNC must disclose to the rider the fare or fare calculation method on its website or within the online-enabled technology application service before the beginning of the prearranged ride. If the fare is not disclosed to the rider before the beginning of the prearranged ride, the rider must have the option to receive an estimated fare before the beginning of the prearranged ride.

(5) IDENTIFICATION OF TNC VEHICLES AND DRIVERS.—The TNC’s digital network must display a photograph of the TNC driver and the license plate number of the TNC vehicle used for providing the prearranged ride before the rider enters the TNC driver’s vehicle.

(6) ELECTRONIC RECEIPT.—Within a reasonable period after the completion of a ride, a TNC shall transmit an electronic receipt to the rider on behalf of the TNC driver which lists:

(a) The origin and destination of the ride;

(b) The total time and distance of the ride; and

(c) The total fare paid.

(7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE REQUIREMENTS.—

(a) Beginning July 1, 2017, a TNC driver or a TNC on behalf of the TNC driver shall maintain primary automobile insurance that:

1. Recognizes that the TNC driver is a TNC driver or otherwise uses a vehicle to transport riders for compensation; and

2. Covers the TNC driver while the TNC driver is logged on to the digital network of the TNC or while the TNC driver is engaged in a prearranged ride.

(b) The following automobile insurance requirements apply while a participating TNC driver is logged on to the digital network but is not engaged in a prearranged ride:

1. Automobile insurance that provides:

a. A primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;

b. Personal injury protection benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405; and

c. Uninsured and underinsured vehicle coverage as required by s. 627.727.

2. The coverage requirements of this paragraph may be satisfied by any of the following:

a. Automobile insurance maintained by the TNC driver;

b. Automobile insurance maintained by the TNC; or

c. A combination of sub-subparagraphs a. and b.

(c) The following automobile insurance requirements apply while a TNC driver is engaged in a prearranged ride:

1. Automobile insurance that provides:

a. A primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage;

b. Personal injury protection benefits that meet the minimum coverage amounts required of a limousine under ss. 627.730-627.7405; and

c. Uninsured and underinsured vehicle coverage as required by s. 627.727.

2. The coverage requirements of this paragraph may be satisfied by any of the following:

a. Automobile insurance maintained by the TNC driver;

b. Automobile insurance maintained by the TNC; or

c. A combination of sub-subparagraphs a. and b.

(d) If the TNC driver's insurance under paragraph (b) or paragraph (c) has lapsed or does not provide the required coverage, the insurance maintained by the TNC must provide the coverage required under this subsection, beginning with the first dollar of a claim, and have the duty to defend such claim.

(e) Coverage under an automobile insurance policy maintained by the TNC must not be dependent on a personal automobile insurer first denying a claim, and a personal automobile insurance policy is not required to first deny a claim.

(f) Insurance required under this subsection must be provided by an insurer authorized to do business in this state which is a member of the Florida Insurance Guaranty Association or an eligible surplus lines insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation of the Financial Services Commission.

(g) Insurance satisfying the requirements under this subsection is deemed to satisfy the financial responsibility requirement for a motor vehicle under chapter 324 and the security required under s. 627.733 for any period when the TNC driver is logged onto the digital network or engaged in a prearranged ride.

(h) A TNC driver shall carry proof of coverage satisfying paragraphs (b) and (c) with him or her at all times during his or her use of a TNC vehicle in connection with a digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to any party directly involved in the accident or the party's designated representative, automobile insurers, and investigating police officers. Proof of financial responsibility may be presented through an electronic device, such as a digital phone application, under s. 316.646. Upon request, a TNC driver shall also disclose to any party directly involved in the accident or the party's designated representative, automobile insurers, and investigating police officers whether he or she was logged on to a digital network or was engaged in a prearranged ride at the time of the accident.

(i) If a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its

insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

(8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE; EXCLUSIONS.—

(a) Before a TNC driver is allowed to accept a request for a prearranged ride on the digital network, the TNC must disclose in writing to the TNC driver:

1. The insurance coverage, including the types of coverage and the limits for each coverage, which the TNC provides while the TNC driver uses a TNC vehicle in connection with the TNC's digital network.

2. That the TNC driver's own automobile insurance policy might not provide any coverage while the TNC driver is logged on to the digital network or is engaged in a prearranged ride, depending on the terms of the TNC driver's own automobile insurance policy.

3. That the provision of rides for compensation which are not prearranged rides subjects the driver to the coverage requirements imposed under s. 324.032(1) and that failure to meet such coverage requirements subjects the TNC driver to penalties provided in s. 324.221, up to and including a misdemeanor of the second degree.

(b)1. An insurer that provides an automobile liability insurance policy under part XI of chapter 627 may exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle while driving that vehicle for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. Exclusions imposed under this subsection are limited to coverage while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including, but not limited to:

- a. Liability coverage for bodily injury and property damage;
- b. Uninsured and underinsured motorist coverage;
- c. Medical payments coverage;
- d. Comprehensive physical damage coverage;
- e. Collision physical damage coverage; and
- f. Personal injury protection.

2. The exclusions described in subparagraph 1. apply notwithstanding any requirement under chapter 324. These exclusions do not affect or

diminish coverage otherwise available for permissive drivers or resident relatives under the personal automobile insurance policy of the TNC driver or owner of the TNC vehicle who are not occupying the TNC vehicle at the time of loss. This section does not require that a personal automobile insurance policy provide coverage while the TNC driver is logged on to a digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport riders for compensation.

3. This section must not be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride.

4. This section does not preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle by contract or endorsement.

(c)1. An automobile insurer that excludes the coverage described in subparagraph (b)1. does not have a duty to defend or indemnify any claim expressly excluded thereunder. This section does not invalidate or limit an exclusion contained in a policy, including a policy in use or approved for use in this state before July 1, 2017, which excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

2. An automobile insurer that defends or indemnifies a claim against a TNC driver which is excluded under the terms of its policy has a right of contribution against other insurers that provide automobile insurance to the same TNC driver in satisfaction of the coverage requirements of subsection (7) at the time of loss.

(d) In a claims coverage investigation, a TNC shall immediately provide, upon request by a directly involved party or any insurer of the TNC driver, if applicable, the precise times that the TNC driver logged on and off the digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. An insurer providing coverage under subsection (7) shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverages, exclusions, and limits provided under any automobile insurance maintained in order to satisfy the requirements of subsection (7).

(9) LIMITATION ON TRANSPORTATION NETWORK COMPANIES. A TNC driver is an independent contractor and not an employee of the TNC if all of the following conditions are met:

(a) The TNC does not unilaterally prescribe specific hours during which the TNC driver must be logged on to the TNC's digital network.

(b) The TNC does not prohibit the TNC driver from using digital networks from other TNCs.

(c) The TNC does not restrict the TNC driver from engaging in any other occupation or business.

(d) The TNC and TNC driver agree in writing that the TNC driver is an independent contractor with respect to the TNC.

(10) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—

(a) The TNC shall implement a zero-tolerance policy regarding a TNC driver's activities while accessing the TNC's digital network. The zero-tolerance policy must address the use of drugs or alcohol while a TNC driver is providing a prearranged ride or is logged on to the digital network.

(b) The TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a TNC driver who a rider reasonably suspects was under the influence of drugs or alcohol during the course of the ride.

(c) Upon receipt of a rider's complaint alleging a violation of the zero-tolerance policy, the TNC shall suspend a TNC driver's ability to accept any ride request through the TNC's digital network as soon as possible and shall conduct an investigation into the reported incident. The suspension must last the duration of the investigation.

(11) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—

(a) Before an individual is authorized to accept a ride request through a digital network:

1. The individual must submit an application to the TNC which includes information regarding his or her address, age, driver license, motor vehicle registration, and other information required by the TNC;

2. The TNC must conduct, or have a third party conduct, a local and national criminal background check that includes:

a. A search of the Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation of any records through primary source search; and

b. A search of the National Sex Offender Public Website maintained by the United States Department of Justice; and

3. The TNC must obtain and review, or have a third party obtain and review, a driving history research report for the applicant.

(b) The TNC shall conduct the background check required under paragraph (a) for a TNC driver every 3 years.

(c) The TNC may not authorize an individual to act as a TNC driver on its digital network if the driving history research report conducted when the

individual first seeks access to the digital network reveals that the individual has had more than three moving violations in the prior 3-year period.

(d) The TNC may not authorize an individual to act as a TNC driver on its digital network if the background check conducted when the individual first seeks access to the digital network or any subsequent background check required under paragraph (b) reveals that the individual:

1. Has been convicted, within the past 5 years, of:
 - a. A felony;
 - b. A misdemeanor for driving under the influence of drugs or alcohol, for reckless driving, for hit and run, or for fleeing or attempting to elude a law enforcement officer; or
 - c. A misdemeanor for a violent offense or sexual battery, or a crime of lewdness or indecent exposure under chapter 800;
2. Has been convicted, within the past 3 years, of driving with a suspended or revoked license;
3. Is a match in the National Sex Offender Public Website maintained by the United States Department of Justice;
4. Does not possess a valid driver license; or
5. Does not possess proof of registration for the motor vehicle used to provide prearranged rides.

(e) No later than January 1 of every other year beginning in 2019, a TNC shall submit to the Department of Financial Services an examination report prepared by an independent certified public accountant for the sole purpose of verifying that the TNC has maintained compliance with subsection (8) and this subsection on a continual basis for either the preceding 2 years or for the timeframe that the TNC has been operating in this state if that timeframe is less than 2 years. The report shall expressly state whether the TNC was compliant or noncompliant. The report must be prepared in accordance with applicable attestation standards established by the American Institute of Certified Public Accountants. The TNC shall bear all costs associated with the preparation and submission of the report.

(f) The Department of Financial Services, within 30 days after receipt of the report required under paragraph (e), shall impose a fine of \$10,000 if the report includes a finding that the TNC has been noncompliant with subsection (8), this subsection, or both. A TNC that has been found to be noncompliant shall submit another examination report prepared by an independent certified public accountant to the department no later than January 1 of the following year. This subsequent report shall evaluate the records of the TNC for the timeframe since the independent certified public

accountant last reviewed the records of the TNC to determine whether the TNC has been compliant with subsection (8), this subsection, or both on a continual basis. The department, within 30 days after receipt of the subsequent report required by this paragraph, shall impose a fine of \$20,000 if the subsequent report includes a finding that the TNC has been noncompliant with subsection (8), this subsection, or both. Failure to timely submit any report required under this paragraph shall result in the imposition of an additional fine of \$10,000 for noncompliance. Any fine imposed by the department shall be payable within 21 days after receipt of notice from the department. The moneys so received may be deposited by the department for use in defraying the expenses of the department in the discharge of its administrative and regulatory duties under this subsection. The payment of the fine shall be stayed by the filing of a petition for an administrative proceeding pursuant to chapter 120 with the department's agency clerk. Failure to timely petition will waive any rights to an administrative hearing. The department may, pursuant to the Florida Rules of Civil Procedure, seek injunctive relief against a TNC that fails to comply with the requirements of paragraph (e) and this paragraph. The department may adopt rules to implement paragraph (e) and this paragraph.

(g) Unless otherwise explicitly provided, this subsection does not extinguish any claim otherwise available under common law or any other statute.

(12) PROHIBITED CONDUCT.—

(a) A TNC driver may not accept a ride for compensation other than by a rider arranged through a digital network.

(b) A TNC driver may not solicit or accept street hails.

(c) A TNC may not alter the presentation of information on its digital network to an enforcement official for the purpose of thwarting or interfering with the official's enforcement or oversight of the TNC.

(13) NONDISCRIMINATION; ACCESSIBILITY.—

(a) A TNC shall adopt a policy of nondiscrimination with respect to riders and potential riders and shall notify TNC drivers of such policy.

(b) A TNC driver shall comply with the TNC's nondiscrimination policy.

(c) A TNC driver shall comply with all applicable laws regarding nondiscrimination against riders and potential riders.

(d) A TNC driver shall comply with all applicable laws relating to accommodation of service animals.

(e) A TNC may not impose additional charges for providing services to a person who has a physical disability because of the person's disability.

(f) A TNC that contracts with a governmental entity to provide paratransit services must comply with all applicable state and federal laws related to individuals with disabilities.

(g) A TNC shall reevaluate any decision to remove a TNC driver's authorization to access its digital network due to a low quality rating by riders if the TNC driver alleges that the low quality rating was because of a characteristic identified in the company's nondiscrimination policy and there is a plausible basis for such allegation.

(14) RECORDS.—A TNC shall maintain the following records:

(a) Individual ride records for at least 1 year after the date on which each ride is provided; and

(b) Individual records of TNC drivers for at least 1 year after the date on which the TNC driver's relationship with the TNC ends.

(15) PREEMPTION.—

(a) It is the intent of the Legislature to provide for uniformity of laws governing TNCs, TNC drivers, and TNC vehicles throughout the state. TNCs, TNC drivers, and TNC vehicles are governed exclusively by state law, including in any locality or other jurisdiction that enacted a law or created rules governing TNCs, TNC drivers, or TNC vehicles before July 1, 2017. A county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:

1. Impose a tax on, or require a license for, a TNC, a TNC driver, or a TNC vehicle if such tax or license relates to providing prearranged rides;

2. Subject a TNC, a TNC driver, or a TNC vehicle to any rate, entry, operation, or other requirement of the county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision; or

3. Require a TNC or a TNC driver to obtain a business license or any other type of similar authorization to operate within the local governmental entity's jurisdiction.

(b) This subsection does not prohibit an airport or seaport from charging reasonable pickup fees consistent with any pickup fees charged to taxicab companies at that airport or seaport for their use of the airport's or seaport's facilities or prohibit the airport or seaport from designating locations for staging, pickup, and other similar operations at the airport or seaport.

Section 2. This act shall take effect July 1, 2017.

Approved by the Governor May 9, 2017.

Filed in Office Secretary of State May 9, 2017.

Chapter 130 - VEHICLES FOR HIRE^[1]

Footnotes:

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Cross reference— Businesses, ch. 22; streets, sidewalks and other public places, ch. 106; traffic and vehicles, ch. 118; buses and commercial vehicles limited to state highways, § 118-13; marking of commercial vehicles, § 118-14; commercial vehicle stopping on ocean boulevard, § 118-90.

ARTICLE I. - IN GENERAL

Secs. 130-1—130-30. - Reserved.

ARTICLE II. - TAXICABS AND LIMOUSINES^[2]

Footnotes:

--- (2) ---

Editor's note— Ord. No. 13-2012, § 1, adopted August 14, 2012, amended article II in its entirety to read as herein set out. Formerly, article II, division 1—3, pertained to similar subject matter and derived from the Code of 1982, §§ 10-317—10-324, 10-326—10-329, 10-331, 10-332; Ord. No. 14-03, §§ 1—6, adopted September 9, 2003; Ord. No. 26-08, § 1, adopted October 13, 2008, and Ord. No. 25-2011, §§ 1—11, adopted October 11, 2011.

DIVISION 1. - GENERALLY

Sec. 130-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Certificate of public convenience and necessity means the formal written authority granted by the town under this article for the holder to engage in the taxicab business or limousine business in the town. The granting of a certificate shall infer that the certificate holder will be granted one or more taxicab or limousine permits.~~

~~Chauffeur's permit means the written authority given by the town, pursuant to the provisions of this article, or to any person to drive or operate a permitted taxicab or limousine upon the public streets of the town.~~

Cruising, for purposes of this article, is the practice of driving about the public streets of the town with a taxicab so as to solicit passengers or to bring the presence of the taxicab to the attention of prospective passengers. A taxicab driving along the streets in the town for any purpose other than transporting a passenger, going to a definite destination by the most direct route in response to a call for a taxicab for a prospective passenger or returning by the most direct route to the taxicab's home terminus after discharging a passenger or going to or from the said terminus to the driver's home base by the most direct route shall be prima facie evidence of cruising. Prima facie evidence of cruising can also be established by a police officer or other designated town official who directly observes a taxicab pass the same traffic control point, landmark, structure or other marker three or more times during a period of one hour or less.

Highway means any of the streets, boulevards, avenues, drives or alleys located in the town.

Limousine means a chauffeur-driven non-metered vehicle for hire, including, but not limited to, modified-for-the-purpose luxury limousines or full size luxury sedans providing seating accommodations for not more than 16 persons, including the driver, and which rates are determined on an hourly, daily, weekly or monthly rental of the vehicle and the chauffeur or a combination of rental and mileage charges.

Off-street stand means a taxicab or limousine stand located upon private property within the town, providing off-street parking space for taxicabs or limousines.

On-street stand means a public place in the town that has been designated by the town manager as reserved exclusively for the use of taxicabs or limousines.

Permit means the formal written authority granted by the town under this article ~~to the holder of a certificate of public convenience necessary~~ to operate each taxicab or limousine under the terms and provisions of this article.

Prearranged charter means a written or telephone reservation made for a taxicab or limousine, which may or may not hold a permit within the town, made in advance by the person requesting service at the place of business of the vehicle for hire for the provision of service from the caller's location to a destination inside or outside the corporate limits of the town. Such reservation shall be documented in written form by the business. The written documentation designated herein shall be made available immediately upon the request of authorized code enforcement or law enforcement personnel of the town. The advance requirement does not apply to companies with authorized vehicle for hire contracts with Palm Beach International Airport when said vehicles are responding to requests for travel between Palm Beach International Airport and a location within the town.

Taxicab means a chauffeur driven motorized vehicle equipped with a taxi meter engaged in the transportation of passengers for compensation and where the route or destination is controlled by the passenger and which are licensed by Palm Beach County. Except when responding as a prearranged charter, the operation of taxicabs in the town is permitted only from 9:00 p.m. to 4:00 a.m. of the following day. Taxicabs permitted by the town may operate outside the hours specified herein when operating on the private property of a hotel for the benefit of hotel guests with the express permission of the hotel operator.

[Vehicle for Hire as defined in 320.01\(15\), F.S. specifically excluding Transportation Network Companies as defined in 627.748, F.S.](#)

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Cross reference— Definitions generally, § 1-2.

~~Sec. 130-32. — Rates; schedule to be filed with town.~~

- ~~(a) All persons holding certificates or permits shall file with the town annually a schedule of maximum taxicab fares and rates to be charged by such persons under a certificate of public convenience and necessity with the town, and this schedule shall at all times be on file with the town. This schedule shall be subject to review by the town from time to time for the purposes of determining whether the rates and fees are reasonable and competitive with other prevailing rates within the county.~~
- ~~(b) Each certificate holder shall also maintain a currently updated schedule of rates for public inspection at their designated offices. Each permit holder shall maintain on board his permitted vehicle a currently updated schedule of rates and produce the schedule on demand of passengers or of prospective passengers. Failure of the certificate holder or permit holder to maintain a schedule of rates, fares and charges at the locations designated herein shall be grounds for revocation of the certificate or permit.~~

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

~~Sec. 130-33. — Amounts; receipt to be filed; regulations.~~

- ~~(a) *Schedule of maximum rates.* Rates on file with the town and in other places enumerated herein shall be the maximum rates to be charged passengers by any certificate holder under this article. The schedule of fares shall be posted in the interior and exterior of every taxicab in such a manner as to be visible to passengers at all times. All taxicabs shall be equipped with a meter which accurately registers the rates and fares posted. All taxicabs are required to use the meter to determine all fares. The meter must be plainly visible to allow the easy viewing of the meter rate display by the passenger.~~
- ~~(b) *Receipts.* Certificate holders operating taxicabs or limousines under this article are required to deliver to the passenger or passengers of each such vehicle, upon request, a receipt for each fare collected from such passenger or passengers. Such receipts shall show the point of origin, termination of the trip, the day and approximate hour of the trip, and the amount of fare charged and collected therefor.~~
- ~~(c) *Exemptions.* The terms and provisions of this section shall not be deemed or held to apply to established and authorized bus lines within the town.~~
- ~~(d) *List of drivers.* Holders of certificates of public convenience and necessity shall file with the town, on an annual basis, by September 1 of each year, a list of all drivers employed by the holder. In addition, it shall be the responsibility of holders of certificates of public convenience to report, in writing, to the town, any changes which occur to said lists of drivers when the change occurs. In the event the holder of a certificate of public convenience and necessity fails to file a current list of all drivers employed by the holder as provided in this section, the holder of the certificate of public convenience and necessity shall pay to the town a cash penalty for each event of noncompliance. The amount of the cash penalty enumerated herein shall be~~

~~established by resolution of the town council and may be amended from time to time by resolution of the town council. No certificate shall be renewed unless full payment has been made to the town of the penalties due pursuant to this section.~~

~~(e) Requirement for credit card reader on board. No later than January 1, 2016, all taxicabs permitted in the town shall have a credit card reader on board and passengers shall be allowed to pay their fare by credit card.~~

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec 130-32 – Requirement for Palm Beach County permit

It is a requirement for all vehicles for hire that are permitted in the Town of Palm Beach, along with their drivers, to comply with Palm Beach County’s Code, Chapter 19, Article IX.

Sec. 130-34. - Taxi stands.

The town's public safety director or his or her designee is authorized to establish on-street stands in such places upon the streets of the town as is deemed necessary for the use of taxicabs operated in the town. No taxi stand shall be created without taking into consideration the need for such stand by a taxi and the convenience to the general public. The public safety director or his or her designee shall prescribe the number of taxicabs that shall occupy such stands. No stand shall be created in front of any place of business where such stands would tend to create a traffic hazard. Taxi stands may only be occupied by taxis licensed by the town during the hours such taxis may legally operate in the town. The creation of taxi stands shall be subject to review and approval of the town council, upon appeal, or upon written request of any person or entity. The issuance of a ~~certificate of public convenience and necessity permit~~ shall not entitle the holder to an on-street stand.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-35. - Article provisions not deemed franchise.

Nothing contained in this article shall be construed as a franchise or to give any vested rights to any operator of taxicabs or limousines, and the right to amend or repeal this article is expressly reserved.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-36. - Penalties.

Any person who shall violate any of the terms, provisions or conditions of this article shall be punished as provided in section 2-439. In addition thereto, the town council may, after hearing, but within its discretion, revoke any ~~certificates of convenience and necessity or~~ permits issued under this article.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Secs. 130-37—130-60. - Reserved.

~~DIVISION 2. — CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PERMIT~~

~~Sec. 130-61. — Required; permits under common ownership of certificate holder; revocation.~~

~~It shall be unlawful for any person to operate any motor vehicle for hire in the town other than as otherwise authorized by law, or for any person to engage in the business of operating taxicabs or limousines on the highways of the town, or to operate any taxicab or limousine for the transportation of persons for compensation on any highway in the town without first having obtained from the town a certificate of public convenience and necessity and permits as provided in this division. It shall be unlawful and a violation of this article for a certificate holder to employ a taxicab or limousine operator not qualified under this article. Further, the certificate of title to all vehicles for which permits are granted shall be under the common ownership of the applicant for the certificate of public convenience and necessity. This section shall not apply to prearranged charters.~~

~~(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)~~

~~Sec. 130-62. — Contents of application.~~

~~(a) An application for a certificate of public convenience and necessity and a permit or permits thereunder shall be filed with the town manager upon forms provided by the town, and the application shall be verified under oath and shall furnish the following information:~~

- ~~(1) A copy of the applicant's Palm Beach County permit.~~
- ~~(2) The name and address of the applicant and the names and addresses of its officers, directors and stockholders holding more than ten percent of the stock of the company, if any.~~
- ~~(3) The name of the applicant's business, business location, business mailing address, business email address and business phone number.~~
- ~~(4) The trade name under which the business will operate and the telephone number which will be used by customers to contact the business for service.~~
- ~~(5) An agreement on the part of the applicant to conform with and abide by all ordinances of the town whether such ordinances may have been theretofore enacted or may thereafter be enacted, and by the laws of the state and the United States.~~
- ~~(6) A copy of the current Florida vehicle registration for each vehicle to be permitted.~~
- ~~(7) A list of the names and addresses and telephone numbers of all persons who would be driving vehicles under the permits if granted.~~
- ~~(8) Such further information as the town council or town manager may require.~~
- ~~(9) Completed and certified vehicle inspection checklist.~~

- ~~(b) The applicant shall submit as attachments to the application such documents as shall show compliance with the following terms and conditions:~~
- ~~(1) Insurance certification providing that the applicant has met the insurance requirements of this article.~~
 - ~~(2) An affidavit sworn to by the applicant that no person, officer or stockholder making application for permit has neither pled guilty to nor been convicted, within the past five years, or has pending charges for any of the following:~~
 - ~~a. Any crime designated as a felony;~~
 - ~~b. Any offense related to driving a motor vehicle under the influence or while intoxicated;~~
 - ~~c. Any crime involving the sale or possession of controlled substances as defined by F.S. § 893.03, the Florida RICO Act;~~
 - ~~d. Exposure of the sexual organs; and~~
 - ~~e. Any crime defined under F.S. ch. 796 relating to prostitution.~~
- ~~(c) In the event it is determined by review of the town that an applicant for a certificate of public convenience and necessity and a permit or permits thereunder have by virtue of a permit received from Palm Beach County met all of the requirements for the contents of application with the town the town may rely upon the county permit in granting a certificate of public convenience and necessity or a permit or permits hereunder. Any information required by the town which is not included within the requirements for the county permit shall be provided as required in this section.~~

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-63. - Approval of application; denial.

It has been determined by the town council that the maximum number of permits necessary to provide for the public convenience and necessity in the town is 50 limousine permits and 25 taxicab permits. The ~~initial~~ 25 taxicab permits will be issued by way of a random selection process in a manner to be determined by the town. Taxicab permits are only valid for use in the town from 9:00 p.m. to 4:00 a.m. the following day. Taxicabs permitted by the town may operate outside the hours specified herein when operating on the private property of a hotel for the benefit of hotel guests with the express permission of the hotel operator. If the town finds that the applicant ~~favorably meets the criteria stated in section 130-62~~ has a valid, current Palm Beach County vehicle for hire permit, including a County issued vehicle decal and, the vehicle complies with all other requirements set herein, the application shall be approved and ~~a certificate of public convenience granted along with~~ the permits applied for ~~thereunder, granted~~, subject, however, to the availability therefor. If it is found that the applicant does not ~~favorably meet the criteria stated in section 130-62~~ comply by not having a valid County issued permit, or by not conforming to vehicle standards as set forth in 130-106, the application shall be denied. A denial may be conditional, and the applicant will be given an opportunity to provide further information or take other action which will result in the approval of the application, or final, and no further action will be taken or permitted under the application.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-64. - Permit fee.

(a) Upon issuance of permits, the permittee shall pay a permit fee for each taxicab or limousine permit ~~as follows:~~

~~(1) For each certificate of public convenience;~~

~~(2) For each taxicab or limousine permit.~~

The amount of the permit fees enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. The above referenced permits shall be valid for a period of one year, to terminate on September 30 of each year.

(b) There shall be no proration as to the fee for permits, and the fee shall remain as set forth by resolution of the town council regardless of the date upon which a permit is issued during any one year.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 17-2013, § 1, 10-8-13; Ord. No. 10-2014, § 1, 9-9-14)

~~Sec. 130-65. - Ineligible recipients.~~

~~No permit will be issued to any person or to any business or company who has or whose officers or stockholders have been convicted within the past five years of or have pending charges for any of the following:~~

~~(1) Any crime designated as a felony;~~

~~(2) Any offense related to driving a motor vehicle under the influence or while intoxicated;~~

~~(3) Any crime involving the sale or possession of controlled substances as defined by F.S. § 893.03, the Florida RICO Act;~~

~~(4) Exposure of the sexual organs; and~~

~~(5) Any crime defined under F.S. ch. 796, relating to prostitution.~~

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-66. - Appeal upon denial of permit.

If a permit is denied to an applicant by the town, any person having had a permit denied may appeal to the town council by filing notice thereof with the town clerk within 30 days from the time of such denial.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-67. - Town council to determine the number of certificates of public convenience and permits available.

The town council may address upon its own initiative the number of ~~certificates of public convenience and~~ permits that may be issued within the town based upon a consideration of public convenience and necessity. Any determination to increase or decrease the number of permits ~~or certificates of public convenience~~ in effect during any one year shall be made at a public hearing of the town council. Notice of such hearing shall be given to persons to whom ~~m-certificates of public convenience and necessity have been theretofore issued~~ currently hold permits. Notice shall also be given to the general public by publishing a notice of such hearing in a local newspaper of general circulation at least seven days prior to a hearing. The town council, in determining whether to grant additional permits or decrease permits available, shall make its decision based upon the following factors:

- (1) Public demand for taxicab and limousine service.
- (2) Whether the public has been adequately served by existing permitted taxicab and limousine service.
- (3) The effect on traffic congestion and safety of existing vehicular and pedestrian traffic.
- (4) Such other factors as the town council finds to be relevant.

A maximum of five taxicab permits shall be allotted for any one entity ~~to which a certificate of public convenience is issued~~.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-68. - Annual renewal of permit.

~~Certificates and P~~permits for limousines may be renewed as a matter of right upon application duly filed with the town. ~~Certificates and permits for taxicabs may be renewed upon application duly filed with the town.~~ Renewal of ~~certificates or~~ permits shall be made as of October 1 of each year, the cost thereof to be as set forth in this article. Failure of any person holding a certificate or permit under this article to renew the same as provided in this section by November 1 of each year shall operate as automatic revocation of such ~~certificate or~~ permit, and it shall thereafter be unlawful to operate taxicabs ~~or limousines~~ covered thereby. In the event a ~~certificate and applicable permits are~~is not renewed as of October 10 a late penalty for ~~certificate or~~ permit renewal shall be paid to the town. The amount of the late penalty for ~~certificate or~~ permit renewal enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. No ~~certificate or~~ permit shall be renewed unless full payment has been made to the town of the penalties due pursuant to this section.

Permits for taxicabs are valid for a period of one year from issuance, with no renewal provisions. Applicants which have held a permit for a one year period shall, ~~to renew said permit,~~ make application ~~pursuant to the provisions of this section and shall be selected~~ pursuant to the provisions of section 130-63.

Permits previously revoked shall not be renewed.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-69. - Inspection of vehicles.

Each taxicab or limousine ~~operated under terms of this article and under a certificate and permit shall be certified by a qualified mechanic, as defined by the town, upon application for an initial certificate and permit, and upon annual renewal of same, as to the safety of such vehicles driven under the certificate or permit. Evidence of compliance with this section will be noted on the application and on the application for the renewal. Such evidence may be a current Palm Beach County permit indicating that the vehicle in question has passed the required county mechanical and safety inspection. In addition thereto, the vehicle is required to submit to and pass an inspection by the town as to the general appearance of the vehicle. The appearance shall be required to be neat and clean, and the vehicle shall not contain more than two signs visible on the outside of the vehicle, which signs shall not be in excess of a total of 100 square inches. It shall be unlawful for any vehicle operating under this article to be driven upon the streets of the town that does not have affixed thereto a valid and current insignia sticker issued by the town and placed on the lower left-hand side of the rear window of the vehicle.~~ Permits shall be withheld for any vehicle which has not complied with the inspection process described herein. In addition, there shall be a penalty per vehicle for noncompliance. The amount of the penalty per vehicle for noncompliance enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. No ~~certificate or~~ permit shall be renewed unless full payment has been made to the town of the penalties due pursuant to this section. ~~The town may rely upon evidence of inspections conducted and approved by Palm Beach County to determine compliance with this section, except additional requirements of the town not otherwise required by the county shall also be met.~~

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-70. - Sale, assignment or transfer.

~~Except for certificates of public convenience~~Permits for the operation of taxicabs authorized by this division ~~which may not be sold, assigned, mortgaged, leased or otherwise transferred, certificates of convenience and necessity and~~Permits for the operation of limousines relating thereto issued prior to October 11, 2011 authorized by this division, may be sold, assigned, mortgaged, leased or otherwise transferred; however, all applications for transfers of ~~certificates or~~ permits must be verified and contain all of the same information required under the terms of this article for original application. The application for transfer must state the date the transfer is to take place, the amount of consideration therefor, and whether the transfer is by sale, gift, inheritance or otherwise, together with the reason for the transfer. If the transfer is approved by the office of the town manager, the transfer of ~~either a certificate or~~ a permit shall be accompanied by a fee per permit. The amount of the transfer fee per permit enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

~~Sec. 130-71.—Automobile liability insurance requirement.~~

~~No certificate of public convenience and necessity or permit shall be issued or continued in operation unless there is in full force and effect an insurance policy for each vehicle authorized in~~

~~the amount of \$1,000,000.00 combined single limit each accident with an umbrella or excess coverage of \$1,000,000.00 for limousines and \$125,000.00 for personal injury or accident; and \$300,000.00 per occurrence; and \$50,000.00 property or \$300,000.00 combined single limit for taxicabs. The town shall be endorsed as an additional insured under the liability insurance required herein. The policy shall comply with all requirements of the state. The policy shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Satisfactory evidence of the required policy in the form of a certificate of insurance acceptable to the town shall be filed with the required application for a certificate of public convenience and shall have as insurer thereon an insurance company authorized to do business in the state. A copy of the certificate of insurance required under this section shall be filed with the required application for a certificate of public convenience and necessity or permit and at any time before expiration of the policy should the certificate of insurance indicate that the policy expires prior to the cessation of the validity of the certificate of public convenience and necessity or permit issued by the town. Evidence of renewal of the policy shall be filed with the town prior to the respective expiration dates. Failure to maintain and renew the policy shall automatically revoke the certificate of public convenience and necessity or permit issued under this section. All insurance policies provided under this section shall be subject to review and approval of the town.~~

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 17-2012, § 1, 11-15-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-72. - Suspension and revocation.

- (a) ~~Certificates or p~~Permits issued under the provisions of this division may be revoked or suspended if the holder thereof has:
- (1) Violated any provisions of this article.
 - (2) Violated any of the ordinances of the town, including this article, or laws of the state, or the United States the violation of which reflect unfavorably on the fitness of the holder to offer public transportation.
 - (3) Failed to render adequate, prompt and courteous service to the public to such an extent as to warrant discipline by the town council.
 - (4) Had their Palm Beach County Vehicle for Hire permit suspended or revoked.
 - (5) Operated a vehicle for hire in the town during a time when the vehicle's County permit was inactive.
 - ~~(4) Pled guilty to or been convicted of within the past five years or currently has pending any charges for crimes designated and listed under subsection 130-97(5).~~
 - ~~(5) Been convicted of three moving traffic violations under the laws of the state during any 12-month period.~~
 - ~~(6) Found guilty of three or more violations set forth in division 4 of this chapter.~~

- (b) Any person violating any provision of this article or any person found to have obtained a ~~certificate of public convenience or~~ permit by way of misrepresentation or concealment shall be subject to having his ~~certificate or~~ permit revoked.
- (c) Prior to suspension or revocation, the holder shall be notified at least seven days prior to the proposed action to be taken and shall have an opportunity to be heard. A hearing on suspension or revocation shall take place at a regularly scheduled meeting of the town council or at a special meeting called for that purpose.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Secs. 130-73—130-95. - Reserved.

~~DIVISION 3.—CHAUFFEUR'S PERMIT~~

~~Sec. 130-96.—Required.~~

~~Operators of vehicles permitted under this article shall have first obtained from the town a chauffeur's permit as set forth in this division. Any person being 18 years of age or older may make application to the town for a chauffeur's permit.~~

~~(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)~~

~~Sec. 130-97.—Application.~~

~~The application for a chauffeur's permit shall include the following:~~

- ~~(1) Proof that the applicant holds a valid Class A, B, C or D state driver's license.~~
- ~~(2) A photograph of the applicant taken by the town.~~
- ~~(3) The applicant's fingerprints procured by the town.~~
- ~~(4) The name, address and phone number of the taxicab or limousine company for which the applicant is working or proposes to work.~~
- ~~(5) An affidavit sworn to by the applicant that the applicant has not pled guilty to nor been convicted of, within the past five years, nor does the applicant have any charges currently pending for any of the following:~~
 - ~~a. Any crime designated as a felony;~~
 - ~~b. Any offense related to driving a motor vehicle under the influence or while intoxicated;~~
 - ~~c. Any crime involving the sale or possession of controlled substances as defined by F.S. § 893.03, the Florida RICO Act;~~
 - ~~d. Driving while intoxicated or under the influence of alcohol or other drugs;~~
 - ~~e. Exposure of the sexual organs; and~~

~~f. — Any crime defined under F.S. ch. 796, relating to prostitutes;~~

~~and that he has not been found guilty of more than three moving traffic violations under the laws of the state within the immediately preceding 12 months prior to the date of application.~~

~~(6) A fee per permit shall accompany the application. The amount of the permit fee enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.~~

~~(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)~~

~~Sec. 130-98. — Conviction of certain crimes.~~

~~If at the time of application for chauffeur's permit it is determined that the applicant has pled guilty to or has been convicted of any of the crimes listed in subsection 130-97(5), within the five years preceding the application, has been found guilty of three moving traffic violations under the laws of the state within the immediately preceding 12 months, or has charges currently pending against him for any of the offenses listed in subsection 130-97(5), the applicant shall not be issued a chauffeur's permit. Additionally, any person issued a chauffeur's permit by the town who subsequently pleads guilty to or is convicted of any of the above referenced offenses during the time the chauffeur's permit is in effect shall have his permit revoked. Any person having been denied a chauffeur's permit under this section may appeal the denial to the town council in the same manner as set forth in section 130-66 for denial of certificates of public convenience or permits. Revocation shall occur as set forth in section 130-99.~~

~~(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)~~

~~Sec. 130-99. — Suspension and revocation.~~

~~(a) A chauffeur's permit issued under the provisions of this division may be revoked or suspended if the holder thereof has:~~

~~(1) Violated any provisions of this article.~~

~~(2) Violated any of the ordinances of the town, including this article or laws of the state, or the United States the violation of which reflect unfavorably on the fitness of the holder to offer public transportation.~~

~~(3) Failed to render adequate, prompt and courteous service to the public to such an extent as to warrant discipline by town council.~~

~~(4) Pled guilty to or been convicted of within the past five years or currently has pending any charges for crimes designated and listed under subsection 130-97(5).~~

~~(5) Been convicted of three moving traffic violations under the laws of the state during any 12-month period.~~

~~(b) Any person violating any provision of this article or any person found to have obtained a chauffeur's permit by way of misrepresentation or concealment shall be subject to having his chauffeur's permit revoked.~~

~~(c) Prior to suspension or revocation, the holder shall be notified at least seven days prior to the proposed action to be taken and shall have an opportunity to be heard. A hearing on suspension or revocation shall take place at a regularly scheduled meeting of the town council or at a special meeting called for that purpose.~~

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Secs. 130-100—130-104. - Reserved.

DIVISION 4. - OPERATIONAL CRITERIA

Sec. 130-105. - Certain acts prohibited.

- (a) No driver shall solicit passengers for a taxicab except when sitting in the driver's seat of such taxicab. The driver of any such taxicab shall remain in the driver's compartment at all times when such vehicle is upon the public street.
- (b) No driver shall solicit passengers or attract their attention by calling or using a horn, bell, whistle or other signal device for calling out for passengers.
- (c) Drivers of taxicabs shall not receive or discharge passengers in the roadways, but shall pull up to the right hand sidewalk as nearly as possible. In the absence of a sidewalk, the driver should pull over to the extreme right hand side of the road and there receive and discharge passengers, except upon one-way streets, where passengers may be discharged on either the right or left hand sidewalk or side of the road in the absence of a sidewalk.
- (d) No driver shall park or stand in any legal parking space within the town unless specifically designated as a taxi stand. Temporary taxi stands may be designated by the town for this purpose.
- (e) No person shall engage in unnecessary repetitive driving, also known as cruising, as defined herein while operating a taxicab and no owner of a taxicab shall permit another to engage in cruising while operating a motor vehicle under his or her care, custody and control after notice.
- (f) No taxicabs permitted hereunder shall have affixed thereto any sign, placard or poster other than signs properly displayed on the vehicle designating the name of the taxicab company and telephone number. In all cases, the markings shall be lettered professionally, maintained in good condition, and not allowed to be dilapidated.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

Sec. 130-106. - Condition of vehicle.

All vehicles shall be kept in a clean condition. Minimum standards of cleanliness include, but are not limited to:

- (1) The interior of the vehicle (including the trunk) shall be kept free from all waste paper, cans, garbage or any other item not intrinsic to the vehicle or to the conduct of operating a taxicab;
- (2) The interior of the vehicle (including the trunk) shall be kept free from all dirt, grease, oil, adhesive resin or any other item which can be transferred onto the person, clothing or possessions of a passenger by incidental contact.
- (3) The interior of the vehicle shall be kept free of any material which a reasonable person would find noxious or unpleasant.
- (4) The exterior of the vehicle shall be kept free from all dirt, grease, oil, or any other substance besides water, which can be transferred onto the person, clothing or possessions of a passenger by incidental contact.
- (5) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, dents, breaks, rust, or other body damage that detracts from the overall appearance of the vehicle or could result in harm or injury to the passenger or his/her personal belongings.

(Ord. No. 13-2012, § 1, 8-14-12; Ord. No. 10-2014, § 1, 9-9-14)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2017

To: ORS Committee Members

Via: Jay Boodheshwar, Deputy Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Town Code Construction Requirements

Date: June 1, 2017

STAFF RECOMMENDATION

Staff recommends that the Committee review potential revisions to Town Code regulating construction activity on the Island, and to determine if any of the revisions are worthy of recommendation to the Town Council.

GENERAL INFORMATION

During the most recent ORS meeting on May 4, staff provided feedback obtained from building contractors that regularly work on the Island with their thoughts/reactions to the possibility of enacting further work hour restrictions. The feedback was unfavorable. Contractors felt that the existing collection of local Code requirements (work hours, project timetables, noise, parking, inspections, etc.) are already highly-regulated and that any further restriction of permissible work hours would cause construction prices to climb and start-to-finish timetables to expand.

Committee members expressed appreciation for the feedback that was collected. No immediate recommendations were made, but the Committee did ask Staff to continue the exploration of potential Code changes that might bring some relief to the “construction-weary” mindset of many local residents. PZB staff has considered a variety of potential Code changes including tighter work hour controls and more severe on-street parking restrictions. Tempting as such changes may be to those that are weary of disruption, construction activity on the Island is a constant reality that cannot be legally banned. Any changes to the Code must be reasonable to the general public, contractors, and to residents building new homes. In furtherance of the ORS directive, Staff has identified several potential Code changes outlined below for consideration:

Permissible Work Activities during Off-Season Saturdays. Town Code identifies/regulates various construction activities from the months December – April, during which no work is allowed on Saturdays or Sundays. During the May – November timeframe, however, Saturday work is allowed (no Sunday work). Some residents would like to see the more restrictive December – April rules enacted year-round. The Code could be amended to continue allowing

Saturday work during the off-season, but to limit such work to non-obtrusive activities. Examples would include prohibiting concrete pours, use of loud heavy-equipment, and/or materials delivery. Going further, all on-street construction parking could be prohibited on Saturdays. If enacted, these changes would allow contractors to continue Saturday construction projects May – November, but offer noise and traffic congestion relief to Town residents.

Allow Quiet, Interior Work During Extended Hours if No Disturbances Result. As reported to ORS in May, the feedback obtained from contractors included their idea for a Code change that would allow for quiet, interior work (floor and wall finishes) to be done during extended work hours if there was no detriment to neighbors. Although it could prove difficult to enforce, such a change could be adopted provided all on-street parking of construction vehicles was prohibited. If favored by the Committee, specifics about time of year and hours of operation would become necessary.

If either of these alternatives is favored by the Committee, staff will prepare draft Ordinance language that could then be further reviewed at ORS, or sent directly to the Town Council. Specificity would be helpful to Staff.

Please note that changes to the Town's "Right-of-Way Manual" were approved by the Town Council in May. Changes include tighter 3-Strike Parking Rule restrictions. Among those changes include the need for an on-site traffic monitor at each site, higher fines, and automatic revocation of on-street parking permits if certain violations are found to exist at construction sites.

cc: Tom Bradford, Town Manager
Skip Randolph, Town Attorney
Bill Bucklew, Building Official

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: June 12, 2017

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Further Consideration regarding Banning of Plastic Bags

Date: June 8, 2017

STAFF RECOMMENDATION

Staff requests direction from the ORS committee regarding the matter of a potential ban on single-use plastic bags.

GENERAL INFORMATION

At the recommendation of ORS, Resolution No. 03-2017 (attached) was approved by Town Council on January 20, 2017, urging the State Legislature to repeal Section 403.7033 of the Florida State Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of single-use plastic bags. A copy of the resolution was provided to the State subsequent to Council's approval.

Since then, we have learned that the City of Coral Gables has approved a ban on plastic bags, prompting Committee Chair, Bobbie Lindsay, to request future discussion on the matter. An article pertaining to said ban is attached.

cc: Thomas G. Bradford, Town Manager
John C. Randolph, Town Attorney

RESOLUTION NO. 03-2017

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, STRONGLY ENCOURAGING THE STATE LEGISLATURE TO REPEAL SECTION 403.7033, FLORIDA STATUTES, SO THAT LOCAL GOVERNMENTS ARE NO LONGER PREEMPTED FROM ENACTING APPROPRIATE LEGISLATION RELATING TO THE REGULATION OF PLASTIC BAGS.

WHEREAS, the Town Council of the Town of Palm Beach is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of the Town of Palm Beach and the State of Florida; and

WHEREAS, plastic bags are detrimental because they do not fully degrade in our oceans or land environment and they introduce unsafe chemicals into our environment; and

WHEREAS, plastic bags create the potential for death of (land) and marine animals through entanglement and ingestion; and

WHEREAS, the expansive usage of single-use shopping bags and their typical disposal rates creates an impediment to the Town's waste reduction and recycling goals while creating unsightly litter; and

WHEREAS, single-use plastic bags are difficult to recycle and frequently contaminate material that is processed through the Town's curbside recycling and composting programs; and

WHEREAS, reusable bags are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, Council acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes their proactive efforts; and

WHEREAS, it is in the public interest for the Council to encourage and enable the location of a viable reusable bag manufacturing operation in the State of Florida; and

WHEREAS, it is in the public interest for the Florida Legislature to provide statewide deregulation of the proliferation of single-use shopping bags; and

WHEREAS, the Florida Legislature under "The Energy, Climate Change, and Economic Security Act of 2008", enacted House Bill 7135, creating Section 403.7033, Florida Statutes; and

WHEREAS, Section 403.7033 requires the Florida Department of Environmental Protection (DEP) to perform an analysis and submit a report to the Legislature by February 1, 2010 regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments; and

WHEREAS, the statute also provides that until such time that the Legislature adopts the recommendations of DEP, no local or state government may enact any regulation or tax on the use of such retail bags; and

WHEREAS, the DEP analysis determined a need for new or different regulations of bags used by customers to carry products from retail establishments and recommends the implementation of new standards requiring the prohibition of plastic carryout bags encourages the use of reusable bags to the benefit of the State's environment; and

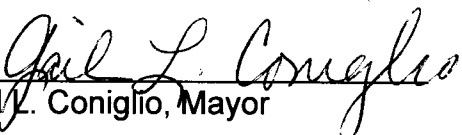
WHEREAS, the Town Council supports the efforts to repeal Section 403.7033, Florida Statutes, so that local government can enact appropriate legislation relating to the regulation of plastic bags.

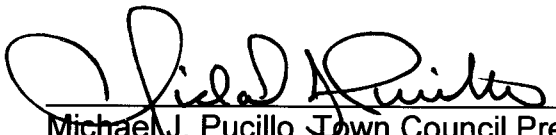
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA:

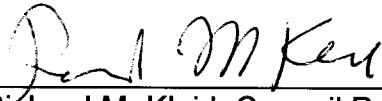
Section 1. The Mayor and Town Council support efforts to repeal Section 403.7033, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags.

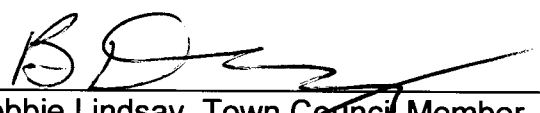
Section 2. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of January, 2017.

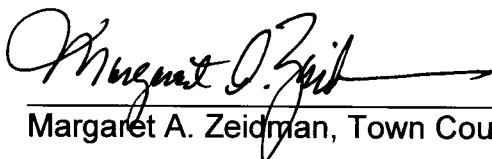

Gail L. Coniglio, Mayor


Michael J. Pucillo, Town Council President


Richard M. Kleid, Council President Pro Tem


Bobbie Lindsay, Town Council Member


Danielle H. Moore, Town Council Member


Margaret A. Zeidman, Town Council Member


Susan A. Owens, MMC, Town Clerk



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Eric Risberg - AP

CORAL GABLES

MAY 09, 2017 4:24 PM

Coral Gables approves Florida's first plastic bag ban

BY LANCE DIXON

ldixon@miamiherald.com

The Coral Gables ban on plastic bags is now official.

Commissioners unanimously approved the ordinance Tuesday, making the Gables the first city in Florida to ban the use of single-use, carryout plastic bags.

The ordinance prohibits the use of plastic bags by retailers in Coral Gables and at city special events. Violators will be fined from \$50 to \$500, but before the vote, the ordinance was amended to delay the levying of fines against retailers for the first year. The version that won preliminary approval in March had the fines taking effect in six months.

ADVERTISING



The enforcement and fines for special events will start immediately. Special event organizers could have their permits revoked if they are found in violation of the ban.

OLD BUSINESS #3

Initially, retail violators will receive warnings. After the year-long window ends, fines will be issued starting at \$50 and increasing to \$500 after a third violation.

The ordinance does provide for exceptions including: plastic bags that the shopper provides, plastic bags without handles, bags used to hold prescription medicines at a pharmacy or veterinarian's office, dry cleaning bags, pet waste bags, yard waste or trash bags and newspaper bags.

The item also encourages businesses to promote the use of reusable bags and gives retailers the option to provide reusable compostable or paper bags for free or at a fee determined by the business owner.

Commissioner Frank Quesada said he hopes to see a gradual reduction in those exempted items once full enforcement begins.

"I want to make sure that we come and we revisit this ordinance to see which ones we can knock off," Quesada said.

Deputy City Attorney Miriam Ramos also clarified that the ban would not apply to smaller special events or private events like a child's birthday party or a family reunion. Residents are also free to continue use of the plastic bags they may have in their own homes.

As with the first reading, the majority of speakers at Tuesday's meeting were in favor of the ban.

"I want to thank you for standing up for what these local municipalities want and need in our own communities," said Rachel Silverstein, executive director of the Miami Waterkeeper organization.

“

THIS WAS NOT AN EASY PROCESS AND WE CERTAINLY GOT PLENTY OF CALLS FROM OUR BUSINESSES. MOST ARE MIGRATING AWAY FROM PLASTIC BAGS BUT THEY WANT TO DO SO ... ON THEIR OWN TERMS.

Mark Trowbridge, president, Coral Gables Chamber of Commerce

Chamber of Commerce president Mark Trowbridge, who initially expressed concern from businesses, said that many merchants have become more supportive since the initial vote.

"This was not an easy process and we certainly got plenty of calls from our businesses," Trowbridge said. "Most are migrating away from plastic bags but they want to do so, kind of, on their own terms."

The ban follows a court ruling upholding the city's Styrofoam ban in a lawsuit brought by the Florida Retail Federation. The federation sued the city last July on behalf of its members including Super Progreso, a company that owns a 7-Eleven franchise in the Gables, months after the commission gave final approval to the Styrofoam ban. The federation has appealed the judge's decision to the Third District Court of Appeal, where the case is still pending.



Rich Pedroncelli - AP

City Attorney Craig Leen noted that the appeals court could rule against the city but he expects the city to prevail.

“If the city does not prevail, the city will still at least have the benefit of having plastic bags reduced in the city for a year’s time,” Leen said.

Across the state, local governments are pre-empted from regulating plastic bags. A state statute required the Department of Environmental Protection to conduct a study by Feb. 1, 2010, on the need for new or modified regulation of containers, wrappings and disposable plastic bags. It also prohibited municipalities from regulating those products until the report’s recommendations were approved.

“The Legislature was given the report in 2010 and, to date, none of the recommendations contained therein have been adopted,” Miami-Dade Circuit Judge Jorge Cueto wrote in his ruling in the Styrofoam case.

Cueto ruled, in response to the federation’s argument that the plastic bag statute pre-empted the Gables ban, that the previous lack of action put local municipalities in an “indefinite limbo.” Citing the judge’s ruling, the Gables chose to move forward with the plastic bag ban.

As with the Styrofoam ban the city plans to conduct an educational campaign for residents and the business community.

City staff members noted that municipalities across the state are considering similar regulations and several have approved resolutions in support of plastic bag bans.

Lance Dixon: 305-376-3708, @LDixon_3

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OLD BUSINESS #3



By IBM — Many Chief Operating Officers (COOs) are connecting every possible Internet of Things (IoT) device using today's digital technologies.

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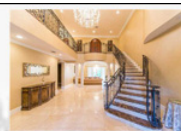
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TOWN OF PALM BEACH

Information for ORS Committee Meeting on: June 12, 2017

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Pending Items for ORS Discussion at Future Meetings

Date: June 8, 2017

STAFF RECOMMENDATION

Staff requests that ORS committee members review the list of pending items to come before ORS at a future meeting.

GENERAL INFORMATION

The following dates include the remaining pre-scheduled ORS meetings for 2017. The meeting dates are subject to change and/or cancellation as deemed necessary by the committee. Meetings are on Thursdays and would begin at 9:30AM in Council Chambers.

- July 2017 – NO MEETING
- August 2017 – NO MEETING
- September 7, 2017
- October 5, 2017
- November 2, 2017
- December 7, 2017

The pending list of agenda items scheduled for review by ORS at a future meeting include the following:

1. Further Review of Chapter 66 (Old Business – PZB)
2. Review of Drone Ordinance for Conflicts with New FAA Regulations and Permitting Requirements (Old Business – John C. Randolph)
3. Potential Code Change to Address Advertising Signage on Vehicles (Old Business – PD)
4. Potential Amendment of Town Code, Relative Charitable Solicitation Permits (New Business – TCO)
5. Potential Amendment of Town Code, Relative to Special Events on Public Property and Temporary Animal Permits (New Business – TCO)
6. Potential Amendments to the Town Code to clarify language pertaining to requirements for Board and Commission applicants (New Business – TMO) *
7. Establishment of procedures regarding the selection of chairs/vice-chairs for boards, commissions and committees (New Business – TMO) *

8. Potential Code amendments regarding ARCOM notifications to increase the geographic region and expand general notifications for neighbors on certain types of projects (New Business – PZB) *

* Pending approval to study by Town Council.

cc: Thomas G. Bradford, Town Manager
Department Directors
John C. Randolph, Town Attorney